

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, November 30, 2017, 2:30 p.m.

The Public Advocate (Ms. James)

Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Member Ferreras-Copeland, Koo, Mendez, and Palma.

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

**The 47 Council Members marked present includes Council Member Adrienne E. Adams. Although not part of the opening Roll Call for Attendance, Council Member Adams was ceremonially sworn-in at a later point during the Meeting and was then duly marked present. She was also able to subsequently cast a vote during the Roll Call on General Orders and during the voice-vote Resolutions Calendar.*

INVOCATION

The Invocation was delivered by Rev. Dr. Joshua Hollmann, Pastor, Christ Lutheran Church, 33-57 58th Street, Woodside Queens, N.Y. 11377-2216.

A word of prayer and a word of peace for our City and for our Council.
 All might and merciful God, yesterday, tomorrow and even today your steadfast love remains.
 This afternoon we ask you to continue to bless our City
 and inspire those who govern and serve New Yorkers,
 especially our City Council to do what is right, honorable, just and compassionate.
 We thank you limitless God for the ability to imagine
 what could be better and for opportunities to put into practice
 the realities of your mercy and your justice for all.
 During this season of hope and the giving of happiness in Jesus,
 let us not grow weary in doing good or neglect
 the ease of gratitude and the authenticity of charity.
 Enlighten us with your grace that we may welcome others as you welcome us.
 In the name of the Father, and the Son and the Holy Spirit.
 Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged the victims of the November 24, 2017 attack at a Sufi mosque in the Egyptian Sinai peninsula where over 300 people were killed. She expressed her mourning for those who had lost their lives in a house of worship which is supposed to be a place of peace.

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ADOPTION OF MINUTES

Council Member Vacca moved that the Minutes of the Stated Meeting of October 17, 2017 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES[M-561](#)

Communication from the Board of Elections - Submitting the Certification of Election of Adrienne E. Adams, as the new Council Member of the 28th Councilmanic District, Queens.

(For text of the certification, please refer to the following link at the New York City Council website at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3268421&GUID=C4587EEE-B194-481A-9385-A30DAA881FEA&Options=ID|Text|&Search=561>

Received, Ordered, Printed & Filed.

Adrienne E. Adams takes her Oath of Office as Council Member for the 28th District

At this point, the newly elected Adrienne E. Adams was escorted into the Chambers by the Majority Leader (Council Member Van Bramer), the Minority Leader (Council Member Matteo), and Council Members Koslowitz, Miller, and Richards.

The City Clerk and Clerk of the Council (Mr. McSweeney) administered the formal ceremonial oath of office to Adrienne E. Adams as the duly sworn Council Member representing the residents of the 28th Council District in Queens.

Council Member Adams was welcomed with applause and cheers by those assembled in the Chambers.

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During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) requested that the balcony be cleared after several disruptions despite several admonitions to the gallery by the Public Advocate (Ms. James). Once order was restored, the Meeting resumed.

REPORTS OF THE STANDING COMMITTEES**Report of the Committee on Aging**

Report for Int. No. 1278-A

Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the creation of an online public searchable database of social adult day cares registered in the city.

The Committee on Aging, to which the annexed proposed amended local law was referred on September 28, 2016 (Minutes, page 3202), respectfully

REPORTS:**INTRODUCTION**

On November 29, 2017, the Aging Committee, chaired by Council Member Margaret Chin, will consider Proposed Int. No. 1278-A, a Local Law in relation to the creation of an online public searchable database of social adult day cares registered in the city; Resolution 1225, a Resolution calling upon the New York State legislature to significantly increase funding for the New York State Long Term Care Ombudsman; and Proposed Res. No. 1226-A, a Resolution calling upon the New York State Legislature to pass and the Governor to sign A. 2743, in relation to violations of safety in adult care facilities. This is the second hearing on these items. The first hearing was held on April 26, 2017, at which the Committee heard testimony from the Department for the Aging (DFTA) and other interested stakeholders.

Social Adult Day Care

Social Adult Day Care (SADC) is a form of Adult Day Services (ADS), which provides functionally impaired individuals, such as those suffering from Alzheimer's, dementia, or other chronic health conditions, with socialization, supervision, monitoring, personal care, and nutrition in a protective setting during part of the day.¹ SADC programs are intended to offer a cost effective alternative to in-patient services while allowing the individual receiving services to maintain a higher quality of life.

SADC programs serve a particularly vulnerable segment of the population of older adults by providing them a secure environment where participants can receive care designed to help them achieve optimal levels of physical and mental cognitive functioning.² Caring for a functionally impaired family member often places a great burden and stress on loved ones and social adult day care programs can provide caregivers with much needed respite, as well as an opportunity to continue working.³

While properly managed SADC programs provide an essential service, the lack of regulation and oversight of these programs has created an opportunity for unscrupulous providers to open programs that may endanger the welfare of vulnerable seniors, threaten the funding of senior centers, and lead to fraudulent Medicaid practices.⁴ For example, the 2011 Medicaid redesign made it easier for SADCs to contract with Managed

¹ New York State Office for the Aging, Social Adult Day Services Program (SADS), available at <https://aging.ny.gov/NYSOFA/Programs/CaregiverSvcs/SADS.cfm>.

² *Id.*

³ *Id.*

⁴ New York State Office of Medicaid Inspector General: Social Adult Day Care Certification. Available at: <https://www.omig.ny.gov/sadc-certification>

Long Term Care (MLTCs) plans, which led to numerous “pop-up” SADCs entering the market especially in New York City.⁵

Previously, only SADC programs that receive funding from the New York State Office for the Aging (NYSOFA) or local area agencies on aging, such as DFTA, were required to comply with the minimum requirements for SADCs set forth in regulations promulgated by NYSOFA, known as Title 9 NYCRR 6654.20 (the “Regulations”).⁶ The Regulations require SADC programs to adhere to service standards that include participant eligibility requirements, admission and discharge instructions, and the development of a service plan for each consumer.⁷ Programs must provide socialization services, supervision and monitoring, personal care, and nutrition.⁸ Allowable optional services include maintenance and enhancement of daily living skills, transportation between the home and the program, caregiver assistance, and case coordination.⁹

On May 8, 2015, the New York State Department of Health (NYSDOH), along with the Office of Medicaid Inspector General (OMIG), and NYSOFA established a new certification process for SADC providers who contract with MLTCs, but do not receive public funding, requiring these SADCs to also meet the standards and requirements of the Regulations.¹⁰ This policy made it the responsibility of the MLTCs to ensure that SADCs under contract have completed the certification. It further requires MLTCs to only admit patients to a SADC if an individual has a clinical or functional need for community based long-term care services (CBLTCS).¹¹

Furthermore, in May 2014, Council Member Margaret Chin introduced Int. No. 358, which sought to regulate those social adult day care programs that did not receive funding from the state or city.¹² Subsequently, Int. No. 358 was amended to require all SADC programs operating in New York City, regardless of their funding source, to register with DFTA, to place primary responsibility of regulation of SADC programs with DFTA, and to expand the role of the SADC ombudsperson provided for in the legislation.¹³ The bill became law on January 17, 2015, as Local Law 9 of 2015 (Local Law 9).

As enacted, Local Law 9 requires all SADCs that do not receive grant funding pursuant to the State Elder Law to meet the standards and requirements under the Regulations.¹⁴ DFTA was required to adopt rules establishing civil penalties between \$250 and \$500 per day for SADCs and specify those violations subject to penalty.¹⁵ The law required that such rules be adopted 12 months after the law’s enactment.¹⁶ As of the date of this hearing, DFTA has not proposed any rules concerning SADCs.

Furthermore, all SADCs operating in the city are mandated to register with DFTA.¹⁷ This requirement took effect on July 17, 2015.¹⁸ All current (as of that date) SADCs were required to register with DFTA no later than November 1, 2015, and programs established after November 1, 2015 must register with DFTA

⁵ Matthew Katz, *Adult Daycare Center in Stevenson Scandal ‘Blitzed’ Bronx for New Members*, DNAinfo, Apr. 4, 2013, available at <http://www.dnainfo.com/new-york/20130404/morris-heights/adult-daycare-center-stevenson-scandal-blitzed-bronx-for-new-members>; Ken Lovett, *Four Men Accused Of Bribing Assemblyman Barred From Participating In Medicaid Program*, N.Y. DAILY NEWS, Apr. 22, 2013, available at <http://www.nydailynews.com/blogs/dailypolitics/2013/04/four-men-accused-of-bribing-assemblyman-barred-from-participating-in-medicaid->

⁶ N.Y.C Department for the Aging, *New York City Social Adult Day Care*, available at: http://www.nyc.gov/html/dfta/html/community/social_adult_day_care.shtml

⁷ 9 NYCRR 6654.20

⁸ *Id.*

⁹ *Id.*

¹⁰ NY State Department of Health, *Division of Long Term Care: MLTC Policy 15.01: Social Adult Day Care and Managed Long Term Care: Implementation of New Social Adult Day Care Certification Process (May 8,2015)* available at: https://www.health.ny.gov/health_care/medicaid/redesign/docs/mltc_policy_15.01_social_adult_day_care.pdf

¹¹ *Id.*

¹² Council of the City of New York, *Int. No. 358 (April 18, 2017)*, available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=3413746&GUID=EAC6B7ED-0CE1-4A7F-BE71-86D74D9109C8>

¹³ *Id.*

¹⁴ N.Y.C. Administrative Code §21-204(a)(1).

¹⁵ *Id.* at §21-204(c)(1).

¹⁶ Local Law 9/2015, §4(i).

¹⁷ N.Y.C. Administrative Code §21-204(b)(1).

¹⁸ Local Law 9/2015, §4.

within two weeks of establishment.¹⁹ DFTA’s prescribed registration form requires each SADC to provide, at a minimum²⁰:

- The program’s name, tax ID number, site address, phone number, days and hours of operation, and year of establishment;
- Certification that the program site is compliance with the Americans with Disabilities Act (ADA);
- Whether or not the program has certified with the New York State Office of the Medicaid Inspector General, and if not, an explanation of the failure to certify;
- The name, title, phone number, and email address of its director;
- Information about its corporate structure, including the entity type and corporate address; and
- The name, address, and phone number of each MLTC, which with the program has a formal agreement.

Any entity that operates as a SADC without registering is subject to a civil penalty of \$250 to \$1,000 per day.²¹ The responsibility is on the SADC to provide updated registration information as changes occur.²²

Local Law 9 authorizes DFTA and employees of another agency designated by the Mayor to issue notices of violation for failure to register or follow program standards.²³ Since no such agency was designated within 30 days after the law was enacted, the Department of Consumer Affairs was automatically authorized to issue such notices along with DFTA.²⁴ According to DFTA’s testimony at a hearing of the Aging Committee in February 2017, entitled “Oversight - Social Adult Day Care Follow-Up,” the Department of Consumer Affairs has not issued any notices of violation.²⁵

Finally, Local Law 9 established an ombudsperson at DFTA responsible for establishing a system to receive comments and complaints with respect to any SADC. The ombudsperson is responsible for requesting a list once a year of certified SADCs operating within the city from the NYDOH, investigating complaints, and reporting information known to DFTA that a SADC may be in violation of the provisions of Local Law 9. Upon finding that there has been such a violation, DFTA must notify the SADC and reimbursing MLTC of the violation and request that the MLTC respond to the ombudsperson about if and how such violations will be addressed.²⁶ The ombudsperson may also, at their discretion, forward the results of the investigation and the response from the MLTC to appropriate governmental entities.²⁷ All SADCs must prominently post a sign onsite with information on how to contact the ombudsperson, and that a person may contact the ombudsperson if they have a comment or complaint regarding the SADC.²⁸ Individuals seeking to make a compliant or comment regarding any SADC in the City may do so by calling 311 or entering a complaint through DFTA’s online portal.²⁹

To assist DFTA with their oversight of SADCs, Council Member Chin introduced Int. No. 1278, on September 28, 2016, which would require DFTA to issue a performance summary card to all SADCs operating in the City. The SADCs would be required to post the performance summary card at or near the entrance with

¹⁹ N.Y.C. Department for the Aging, NYC Social Adult Day Care, http://www.nyc.gov/html/dfta/html/community/social_adult_day_care.shtml (last accessed April 18,2017)

²⁰ N.Y.C. Department for the Aging, Social Adult Day Care (SADC) Registration Form, http://www.nyc.gov/html/dfta/html/social_adult_dc/SocialAdultDCRegForm.shtml (last accessed April 18,2017)

²¹ N.Y.C. Administrative Code §21-204(b)(1).

²² *Id.* at §21-204(c)(2).

²³ *Id.* at §21-204(b)(2).

²⁴ Local Law 9/2015, §3.

²⁵ City Council Aging Committee Hearing, “Oversight- *Social Adult Day Care Follow-Up*,” February 7, 2017. Available at: <http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=529707&GUID=9D29CB4A-50FF-4774-9A22-341BB6C60464&Options=&Search=>

²⁶ N.Y.C. Administrative Code §21-204(d)(1).

²⁷ *Id.* at §21-204(d)(1)(iii)(B). These include: the Department of Investigation, the State Department of Health, or any other office, agency, or entity responsible for the prevention, detection, and investigation of fraud and abuse related to the Medicaid program.

²⁸ *Id.* at §21-204(d)(2).

²⁹ N.Y.C. Department for the Aging, Social Adult Day Care (SADC) Inquiry Form. Available at: http://www.nyc.gov/html/dfta/html/social_adult_dc/SADCInquiryForm.shtml

information about SADCs compliance with the Regulations, as well as any rules promulgated by the department. The summary cards would also include information related to penalties imposed on a social adult day care and provide a comparison for other SADCs in the area.

Int. No. 1278 was amended and became Proposed Int. No. 1278-A which would require DFTA to create an online searchable database of social adult day cares registered in the city. The database will be searchable by name, borough, and zip code. It will include all relevant information reported by SADCs to DFTA pursuant to subdivision b of section 21-204. It will also include notices of violations issued, if any, and the adjudication results of such violations. The database will further allow individuals to submit complaints to the SADC ombudsman electronically.

Long Term Care Ombudsman

Long-term care ombudsman program (LTCOP) is a federal advocacy program dedicated to protecting people living in long-term care facilities.³⁰ The New York State Long-Term Care ombudsman has been in existence since 1972, the federal Older Americans Act, required each state to establish an office of the State Long Term Care Ombudsperson and to employ qualified, full-time person to serve as the State ombudsman.³¹ In New York State, there is a State Ombudsman and 15 Regional Ombudsman coordinators, who support and train more than 1,000 certified Ombudsmen who are first line of contact with residents and long-term care facilities.³² They serve as an advocate and resource for people who live in nursing homes, adult homes and licensed residential care facilities. They also help residents and families understand and exercise their rights to quality care and service and inform governmental agencies, providers and the public about issues and concerns affecting residents of long-term care facilities, their work is done entirely free of charge.³³ Resolution No. 1225 calls upon the State to increase the funding for the long-term care ombudsman, which is severely underfunded.

Adult Care Facilities

Adult care facilities are adult homes, enriched housing, and assisted living programs that provide temporary or long-term, non-medical residential care services to adults who are unable to live independently, but who do not require a nursing home.³⁴ The long-term residential care industry in New York State has had a long history of poor care, including complaints of inadequate care, inadequate monitoring, inappropriate medication management, and neglect.³⁵

Proposed Res. No. 1226-A asks the State to pass and the Governor to sign legislation that would increase the penalties for safety violations in adult care facilities.

ANALYSIS OF PROPOSED INT. NO. 1278-A

Proposed Int. No. 1278-A- A Local Law to amend the administrative code of the city of New York, in relation to the creation of an online public searchable database of social adult day cares registered in the city

Section one of Proposed Int. No. 1278-A amends section 21-204 of the administrative code to add subdivision e.

³⁰ New York State Office for the Aging. New York State Long-Term Care Ombudsman Program (LTCOP) available at: <https://aging.ny.gov/NYSOFA/Programs/CommunityBased/LTCOP.cfm> (last accessed April 19, 2017)

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ N.Y.S Department of Health. Assisted Living. https://www.health.ny.gov/facilities/assisted_living/ (last accessed Nov. 27, 2017).

³⁵ *Id.*

New subdivision e relates to an online public searchable database of social adult day cares. DFTA shall create and maintain an online searchable database of social adult day cares registered with DFTA pursuant to subdivision b of section 21-204. The public shall be able to search for social adult day cares by the name under which the social adult day care was registered, by the name under which it does business, by borough, and by zip code. The database shall include the following information reported to the department pursuant to such subdivision:

- (i) the name, address, telephone number, and website, if any, of the social adult day care;
- (ii) the corporate structure and ownership of the social adult day care;
- (iii) the days and hours of operation of the social adult day care;
- (iv) the year the social adult day care was established; and
- (v) the name, address and telephone number of any managed long term care company with which the social adult day care has a formal agreement.

The database would have to include any other relevant information reported to DFTA pursuant to subdivision b.

Proposed Int. No 1278-A further adds that, if applicable, the database shall indicate the number of notices of violation issued and the outcome of any adjudication conducted pursuant to subdivision c of 21-204. The database shall also include the year and nature of the notice of violation and the adjudication, but that the database may not contain any personally identifying information about a complainant.

Proposed Int. No 1278-A would further add that the database shall allow an individual to submit complaints electronically about a social adult day care to the ombudsperson.

Section two indicates that this local law would take effect 180 days after it becomes law, except that DFTA shall take any steps necessary to implement the local law, including the promulgation of rules, prior to such date.

ANALYSIS OF RES. NO. 1225

Res. No. 1225 - Resolution calling upon the New York State Legislature to significantly increase funding for the New York State Long-Term Care Ombudsman Program

Res. No. 1225 would state that the long-term residential care industry in New York State has had a long history of providing poor care; and that numerous studies have shown that the same problems identified over the last few decades are still causing harm to residents in long-term care facilities today, such as inadequate care and monitoring, inappropriate medication management and neglect.

The resolution would also state that residential care facilities include nursing homes, which provide continuous medical or skilled nursing care and related services above the level of room and board. The resolution would further state that residential care facilities also include adult care facilities (such as adult homes, enriched housing and assisted living programs), which provide non-medical residential care services to adults who are substantially unable to live independently. Res. No. 1225 would cite the fact that, according to the Kaiser Family Foundation, New York State has the highest number of nursing home residents in the country, with 105,131 residents out of a total of 1,347,983.

The resolution would then explain that, according to the New York State Department of Health (“DOH”), nearly 50 percent (250 of 531) of all licensed adult care facilities and nearly 30 percent (175 of 628) of all nursing homes in New York State are located within New York City. The resolution would also state that an investigative series by The New York Times in 2002 uncovered widespread abuse, inhumane conditions and suspicious deaths in adult homes in New York City.

Res. No. 1225 would also state that the New York Times series detailed numerous instances of squalid and vermin-ridden rooms, assault of residents by workers, suicides of mentally ill residents due to lack of supervision and treatment, forcible treatment and surgical operations for Medicare and Medicaid fees and misappropriation of residents’ funds. The resolution would then state that the New York State Office of the

Attorney General brought criminal charges against nine employees of a New York City nursing home in 2006 after a hidden camera investigation revealed chronic patient neglect and falsification of patient records. The resolution would further state that the hidden camera revealed that a patient developed dangerous pressure sores because the home failed to regularly attend to the patient and also showed that the patient often received no assistance in eating and often went without any food or drink entirely.

Res. No. 1225 would explain that a class action was brought in 2013 against New York State on behalf of individuals with serious mental illness residing in 23 adult homes in New York City for failure to provide services to residents in the most integrated setting appropriate to their needs. The resolution would then explain that the 1978 amendments to the Older Americans Act required every state to operate a Long-Term Care Ombudsman Program (“LTCOP”) that advocates for the health, safety, welfare and rights of residents of nursing homes, adult homes and other similar adult care facilities. The resolution would further explain that, in New York State, the LTCOP is administratively housed within the New York State Office for the Aging (“NYSOFA”) and provides services through a network of 36 local programs.

The resolution would then explain that, according to the NYSOFA, each local ombudsman program has a designated ombudsman coordinator who recruits, trains and supervises a corps of trained volunteers (currently more than 1,000 statewide) that provide a regular presence in nursing homes and adult care facilities. The resolution would then state that, under Title VII of the Older Americans Act, LTCOP responsibilities include identifying and resolving complaints made by or on behalf of residents, providing information to residents about long-term care services, representing residents’ interests before governmental agencies, seeking administrative, legal and other remedies to protect residents, and recommending changes to laws and policies on behalf of residents.

Res. No. 1225 would then state that, while New York State has the largest nursing home population in the country, its LTCOP is severely underfunded and understaffed compared to other states’ LTCOPs. The resolution would then cite the fact that, according to the U.S. Department of Health & Human Services (“HHS”), California, has the second largest nursing home population in the country (97,970 residents) after New York State. The resolution would further state that California, despite being second, far surpassed New York State in terms of LTCOP staffing, complaints handled and funding every single year from 2007-2013.

The resolution would further state that, according to HHS, California’s LTCOP closed nearly 20 times as many cases in 2013 as did New York State’s LTCOP, with 30,964 closed cases compared with only 1,606 closed in New York State. The resolution would also state that according to HHS, California gave \$3,788,210 to its LTCOP in 2013, while New York State gave only \$229,236 - less than one-tenth of the amount California provided. The resolution would explain that, according to the Long Term Care Community Coalition, New York State’s LTCOP is the fifth lowest in the nation in terms of percentage of state funding it receives and 16th lowest in the actual dollars it receives.

Res. No. 1225 would further explain that, according to the Long Term Care Community Coalition, given New York State’s size (nearly 20 million residents) and the fact that it has the largest nursing home population in the country, these figures indicate a serious lack of support by the State in ensuring that long-term care residents have meaningful access to LTCOP services.

The resolution would then argue that in order to fulfill its mandate to advocate for and protect nursing home and adult care facility residents, state support for New York State’s LTCOP should rise at least to the level that California provides. The resolution would further argue that increased financial support for the LTCOP will help to improve the quality of care and quality of life for the large number of long-term care residents in New York City, and would therefore state that the Council of the City of New York calls upon the New York State Legislature to significantly increase funding for the New York State Long-Term Care Ombudsman Program.

ANALYSIS OF PROPOSED RES. NO. 1226-A

Proposed Res. No. 1226-A - Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2743, in relation to violations of safety conditions in adult care facilities

Proposed Res. No. 1226-A would state that the long-term residential care industry in New York State has had a long history of poor care, and numerous studies have shown that the same problems identified over the last few decades are still causing harm to residents in adult care facilities today, such as inadequate care and monitoring, inappropriate medication management, and neglect.

The resolution would further state that adult care facilities, such as adult homes, enriched housing and assisted living programs, provide temporary or long-term, non-medical residential care services to adults who are substantially unable to live independently but who do not require a nursing home.

Proposed Res. No. 1226-A would cite data from the New York State Department of Health (“DOH”), showing that nearly 50 percent of all licensed adult care facilities in New York State (250 of 531) are located within New York City. The proposed resolution would further explain that an investigative series by The New York Times in 2002 uncovered widespread abuse, inhumane conditions and suspicious deaths in adult homes in New York City.

The resolution would further state that the New York Times series detailed numerous instances of squalid and vermin-ridden rooms, assault of residents by workers, suicides of mentally ill residents due to lack of supervision and treatment, forcible treatment and surgical operations for Medicare and Medicaid fees and misappropriation of residents’ funds.

Proposed Res. No. 1226-A would further explain that the New York State Office of the Attorney General filed a lawsuit in 2002 against the former operators of a Brooklyn adult home for failing to provide for the health, safety and welfare of the residents, while forcing residents to live in deplorable condition. The resolution would further state that the lawsuit detailed numerous occasions where common areas and residents’ rooms were infested with mice, cockroaches and flies and showed how operators diverted payments made by residents for room and board to entities the operators owned, while neglecting to pay for utilities and upkeep of the adult home.

The resolution would further explain that a class action was brought in 2013 against New York State on behalf of individuals with serious mental illness residing in 23 adult homes in New York City for failure to provide services to residents in the most integrated setting appropriate to their needs.

The resolution would further cite that Title 1 of Article 7 of the Social Services Law (“SSL”) provides DOH with oversight and enforcement authority over adult care facilities in New York State. The resolution would further indicate that, according to a 2011 study of DOH inspection reports by the Long Term Care Community Coalition (“LTCCC”), although DOH identified regulatory violations in more than 5,000 inspections of adult care facilities between 2002 and 2010, only eight percent of those inspections led to enforcement actions.

Proposed Res. No. 1226-A would further state that Title 1 of Article 7 of the SSL permits DOH to assess civil penalties of up to \$1,000 per day, but not per violation, for regulatory violations that adult care facilities commit. The resolution would further note that under this penalty scheme, a facility with one violation and a facility with many violations are subject to the same penalty cap of \$1,000 per day. The resolution would further explain that the maximum penalty per day has not been raised since the law’s inception in 1977.

The resolution would note that pursuant to Title 1 of Article 7 of the SSL, DOH is prohibited from imposing penalties if a facility either has corrected a violation within 30 days of receiving notice of the violation or is acting in accordance with a plan to correct the violation, unless the violation endangered or resulted in harm to residents. The resolution would further note that, according to MFY Legal Services, the current framework provides no incentive for facilities to comply with DOH regulations and instead allows facilities to repeatedly violate the regulations with impunity.

Proposed Res. No. 1226-A would further state that, according to the 2011 LTCCC study, even in the case of endangerment violations, only 74 percent of such violations led to the imposition of penalties by DOH between 2006 and 2010. The resolution would further state that A.2743, introduced by Assembly Member Richard N. Gottfried and currently pending in the New York State Assembly, seeks to amend the SSL by strengthening DOH enforcement of applicable standards governing adult care facilities.

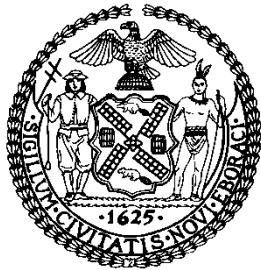
The resolution would further state that the bill permits DOH to assess penalties per violation, in addition to the existing daily penalties. The resolution would further note that the bill increases the maximum penalty for a violation from \$1,000 to \$5,000. Proposed Res. No. 1226-A would further state that the bill grants DOH

discretion to issue a reduced penalty for a violation if a facility either corrects the violation within 30 days or is acting in accordance with a plan to correct the violation.

The resolution would further explain that the bill also provides that rectifying a violation does not preclude the assessment of a penalty if the violation, although corrected, was a violation in the same category as a violation that DOH cited at the previous facility inspection. The resolution would further state that the bill prohibits hospitals, residential health care facilities and other adult care facilities from making referrals for admissions to any adult care facility that currently has its operating certificate revoked, suspended or denied by DOH; has been placed on DOH's "Do Not Refer" list; or is subject to civil penalties for violating DOH regulations. Proposed Res. No. 1226-A would further state the bill prohibits any new admissions to an adult care facility facing an enforcement action if DOH finds that a condition exists that is dangerous to the health, safety or welfare of any resident. The resolution would further indicate that the bill eliminates an SSL provision that permits facilities receiving DOH's highest rating to undergo inspections only once every 18 months instead of annually, reserving the 18-month inspection schedule for facilities that DOH finds in compliance with applicable statutes and regulations in the most recent inspection.

Proposed Res. No. 1226-A would assert that the bill provides a strong incentive for adult care facilities to comply with DOH regulations and correct violations promptly. The resolution would attest that the bill would help to protect the health, safety and quality of life of the large number of vulnerable residents in adult care facilities in New York City and would therefore provide that the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.2743, in relation to violations of safety conditions in adult care facilities.

(The following is the text of the Fiscal Impact Statement for Int. No.1278-A:)



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

**PROPOSED INTRO. NO: 1278-A
COMMITTEE: Aging**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the creation of an online public searchable database of social adult day cares registered in the city

SPONSORS: Council Members Chin, Koo, Menchaca, Salamanca, Treyger, Barron, Palma, Richards, Vacca, Vallone, Kallos and Rosenthal

SUMMARY OF LEGISLATION: This bill would require the Department for the Aging (DFTA) to create an online public searchable database of all social adult day cares (SADCs) registered with the Department. If applicable, the database would also indicate the number of notices of violation issued to the SADC and the outcome of any adjudication conducted pursuant to subdivision c of Section 21-204 of the Administrative Code. The year and nature of the notice of violation and the adjudication would be posted, but cannot contain personally identifying information about a complainant. The bill would also allow an individual to electronically submit complaints about an SADC to the SADC ombudsperson through the database.

EFFECTIVE DATE: 180 days after enactment into law, except that DFTA shall take such steps as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DFTA is in the process of redesigning its website and the SADC searchable database would be included as a component of the work related to the overall redesign.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

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

ESTIMATE PREPARED BY: Dohini Sompura, Unit Head

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 28, 2016 as Intro. No. 1278 and was referred to the Committee on Aging (Committee). The Committee considered the legislation at a hearing on April 26, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1278-A, will be voted on by the Committee at a hearing on November 29, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1278-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

(For text of Res. Nos. 1225 and 1226-A, please see the Reports of the Committee on Aging for Res. Nos. 1225 and 1226-A printed, respectively, in the voice-vote Resolutions Calendar section of these Minutes; for text of Int. No. 1278-A, please see below)

Accordingly, this Committee recommends the adoption of Int. No. 1278-A and Res. Nos. 1225 and 1226-A.

(The following is the text of Int. No. 1278-A:)

Int. No. 1278-A

By Council Members Chin, Koo, Menchaca, Salamanca, Treyger, Barron, Palma, Richards, Vacca, Vallone, Kallos and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an online public searchable database of social adult day cares registered in the city

Be it enacted by the Council as follows:

Section 1. Section 21-204 of the administrative code of the city of New York is amended to add new subdivision e to read as follows:

e. Online public searchable database of social adult day cares. 1. The department shall create and maintain an online public searchable database of social adult day cares registered with the department pursuant with subdivision b of this section, which the public shall be able to search by the name under which the social adult day care registered, by the name under which the social adult day care is doing business, by borough, and by zip code. The database shall include the following information reported to the department pursuant to such subdivision: (i) the name, address, telephone number, and website, if any, of the social adult day care; (ii) the corporate structure and ownership of the social adult day care; (iii) the days and hours of operation of the social adult day care; (iv) the year the social adult day care was established; and (v) the name, address and telephone number of any managed long term care company with which the social adult day care has a formal agreement. The database shall further include any other relevant information reported to the department pursuant to this section.

2. If applicable, the database shall indicate the number of notices of violation issued and the outcome of any adjudication conducted pursuant to subdivision c. The year and nature of the notice of violation and the adjudication shall be posted, but may not contain personally identifying information about a complainant.

3. The database shall allow an individual to submit complaints electronically about a social adult day care to the ombudsperson.

§ 2. This local law takes effect 180 days after it becomes law, except that the department shall take such steps as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

MARGARET S. CHIN, Chairperson; KAREN KOSLOWITZ, CHAIM M. DEUTSCH, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, November 29, 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 Civil Rights

Report for Int. No. 1650-A

Report of the Committee on Civil Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting conversion therapy.

The Committee on Civil Rights, to which the annexed proposed amended local law was referred on June 21, 2017 (Minutes, page 2205), respectfully

REPORTS:

I. Introduction

On November 29, 2017, the Committee on Civil Rights, chaired by Council Member Darlene Mealy, held a vote on Proposed Introduction No. 1650-A (“Int. 1650-A”), a Local Law to amend the administrative code of the city of New York, in relation to prohibiting conversion therapy, Resolution No. 614-2015 (“Res. 614,”)

calling on the New York State Legislature to pass and the Governor to sign into law A.4558B/S.61B, which would prohibit discrimination on the basis of gender expression or identity and expand the State's hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity, and Resolution No. 1287-2016 ("Res. 1287,") calling on the United States Congress to pass and the President to sign H.R.2282/S.1006, the Equality Act, which would amend the Civil Rights Act of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing. Int. 1650-A, Res. 614, and Res. 1287 were originally heard at a hearing of this committee on June 19, 2017, at which the Committee received testimony from representatives of the New York City Commission of Human Rights, and various advocates, stakeholders, and members of the public. On November 29, 2017, the Committee passed Int. 1650-A, Res. 614, and Res. 1287 by a vote of three in the affirmative, zero in the negative, and one abstention.

II. Int. No. 1650-A

Background

In December 2014, a 17 year-old transgender girl named Leelah Alcorn committed suicide after her parents forced her to undergo conversion therapy.¹ In her suicide post, Leelah wrote that the therapists she saw reinforced the notion that being transgender was "wrong," and that this, compounded by her parent's negative reactions to her gender identity, made her feel isolated, hopeless, and alone, resigned to living her life "like a man in drag."² Leelah's is not the only reported case of conversion therapy having profoundly negative consequences on an individual—multiple accounts of LGBTQ persons who have been forced to undergo conversion therapy have emphasized similar, destructive outcomes including: suicidal ideation and tendencies,³ fear of intimacy and physical affection,⁴ anger, self-loathing,⁵ isolation, anxiety, and depression. One survivor of conversion therapy even stated, "we were no longer people at the end of the program."⁶

Conversion therapy, also known as "reparative therapy," "Ex-Gay therapy," or "Sexual Orientation Change Efforts," is a set of practices intending to change a person's sexuality or gender identity to fit heterosexual or cisgender standards and expectations.⁷ In the past, these practices have included measures such as institutionalization, castration, and electroconvulsive shock therapy, though today "the techniques most commonly used include a variety of behavioral, cognitive, psychoanalytic and other practices that try to change or reduce same-sex attraction or alter a person's gender identity."⁸ In 2009, the American Psychological Association ("APA") conducted a comprehensive study on these practices and concluded that they were not scientifically supported and that, in fact, "valid research indicate[s] that it is unlikely that individuals will be able to reduce same-sex attractions or increase other-sex attractions through [conversion therapy]."⁹ The evidence not only shows that conversion therapy does not achieve its stated goals, but also causes significant medical, psychological and other harms to LGBTQ people.¹⁰ In that same report, the APA concluded that the

¹ *Obama Calls for End to 'Conversion' Therapies for Gay and Transgender Youth*, N.Y. Times, Apr. 8, 2015, https://www.nytimes.com/2015/04/09/us/politics/obama-to-call-for-end-to-conversion-therapies-for-gay-and-transgender-youth.html?_r=1.

² *Leelah Alcorn's Suicide: Conversion Therapy is Child Abuse*, TIME, Jan. 8, 2015, <http://time.com/3655718/leelah-alcorn-suicide-transgender-therapy/>.

³ *Leelah Alcorn's Suicide: Conversion Therapy is Child Abuse*, TIME, Jan. 8, 2015, <http://time.com/3655718/leelah-alcorn-suicide-transgender-therapy/>.

⁴ *Conversion therapy is "torture": LGBT survivors are fighting to ban "pray the gay away" camps*, Salon, Mar. 21, 2017, <http://www.salon.com/2017/03/21/conversion-therapy-is-torture-lgbt-survivors-are-fighting-to-ban-pray-the-gay-away-camps/>.

⁵ *Straight Talk: How Mathew Shurka and His Conversion Therapist Renounced the 'Gay Cure'*, Huffington Post, Feb. 2, 2016, http://www.huffingtonpost.com/2013/06/25/mathew-shurka-conversion-therapy_n_3466943.html.

⁶ *A Survivor of Gay Conversion Therapy Shares His Chilling Story*, Huffington Post, Nov. 17, 2016, http://www.huffingtonpost.com/entry/realities-of-conversion-therapy_us_582b6cf2e4b01d8a014aea66.

⁷ *Id.*

⁸ *#BornPerfect: The Facts About Conversion Therapy*, National Center for Lesbian Rights, <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/>.

⁹ *Id.*

¹⁰ *The Lies and Dangers of Efforts to change Sexual Orientation or Gender Identity*, Human Rights Campaign, <http://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy>.

reported risks of the practice include: “depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources.”¹¹

While conversion therapy has been largely discredited as ineffective and dangerous by all of the nation’s leading professional medical and mental health associations, including the American Medical Association, the American Psychological Association, the American Counseling Association and the American Psychiatric Association,¹² certain groups¹³ continue to endorse the practice and even encourage their members to consider additional conversion therapy techniques, including hypnosis, sex therapies and psychotropic medication.¹⁴ These groups, often religious in nature, offer conversion therapy in one-on-one and group therapy settings, including “boot camps” and “retreats,” to adults and minors alike.¹⁵

After Leelah’s tragic suicide, in April 2015, then-President Obama condemned the practice and called for an end to conversion and similar therapies aimed at “repairing” gay, lesbian, and transgender youth.¹⁶ In April 2017, Senator Patty Murray introduced S.928, the Therapeutic Fraud Prevention Act of 2017, a bill that would “prohibit, as an unfair or deceptive act or practice, commercial sexual orientation conversion therapy.”¹⁷ Further, many states and municipalities have passed legislation banning the practice.¹⁸ These states and municipalities have used multiple approaches to target and restrict conversion therapy practices: they have banned state-licensed mental health professionals from engaging in these practices, banned insurance providers from covering such therapy, and a New Jersey Superior Court has ruled that conversion therapy constitutes consumer fraud, in violation of state consumer fraud protections.¹⁹

In February 2016, Governor Cuomo announced a series of regulations prohibiting public and private health insurers from covering conversion therapy practices in New York State and prohibiting facilities under the jurisdiction of the New York State Office of Mental Health from providing conversion therapy to minors.²⁰ While these regulations significantly restrict the practice of conversion therapy, they do not prohibit mental health professionals from practicing conversion therapy on minors in every instance, and do not cover adults.²¹

¹¹ #BornPerfect: The Facts About Conversion Therapy, National Center for Lesbian Rights, <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/>.

¹² Governor Cuomo Announces Executive Actions banning Coverage of Conversion Therapy, New York State Governor’s Press Office, Feb. 6, 2016, <https://www.governor.ny.gov/news/governor-cuomo-announces-executive-actions-banning-coverage-conversion-therapy>.

¹³ See e.g. the National Association for Research & Therapy of Homosexuality (NARTH).

¹⁴ #BornPerfect: The Facts About Conversion Therapy, National Center for Lesbian Rights, <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/>.

¹⁵ See e.g. HuffPost, Newsweek, ABC ‘20/20’ Reports Expose Abuse, Torture of Gay Youths And Troubled Teens, March 12, 2017, http://www.huffingtonpost.com/entry/cover-up-in-alabama-newsweek-abc-2020-reports-expose_us_58c35449e4b0c3276fb78505.

¹⁶ Obama Calls for End to ‘Conversion’ Therapies for Gay and Transgender Youth, N.Y. Times, Apr. 8, 2015, https://www.nytimes.com/2015/04/09/us/politics/obama-to-call-for-end-to-conversion-therapies-for-gay-and-transgender-youth.html?_r=1.

¹⁷ S.928, Therapeutic Fraud Prevention Act of 2017, 115th Congress, Apr. 25, 2017, <https://www.congress.gov/bill/115th-congress/senate-bill/928/text>.

¹⁸ See Movement Advancement Project, Conversion Therapy Laws, http://www.lgbtmap.org/equality-maps/conversion_therapy. See also Washington Blade, Pittsburgh votes to ban ‘conversion’ therapy, December 16, 2016,

<http://www.washingtonblade.com/2016/12/16/pittsburgh-votes-ban-conversion-therapy/>. The States jurisdictions that have prohibited conversion therapy include the District of Columbia and the following states: California, Oregon, Nevada, New Jersey, Connecticut, New Mexico, Illinois, and Vermont. The following municipalities have passed similar legislation: Cincinnati, Seattle, and five South Florida cities/towns (Miami Beach, West Palm Beach, Bay Harbor Islands, Wilton Manors, North Bay Village, and Miami).

¹⁹ N.J. gay conversion therapy group to close following fraud conviction, NJ.com, Dec. 18, 2015,

http://www.nj.com/politics/index.ssf/2015/12/nj-gay-to-straight-conversion-therapy-practice_agr.html. The legislation prohibiting conversion therapy passed in Illinois did so both by prohibiting state-licensed mental health professionals from engaging in this practice, and by making advertising or offering conversion therapy services unlawful under its Consumer Fraud and Deceptive Business Practices Act. See Illinois General Assembly, Public Act 099-0411, <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0411>.

²⁰ Governor Cuomo Announces Executive Actions banning Coverage of Conversion Therapy, New York State Governor’s Press Office, Feb. 6, 2016, <https://www.governor.ny.gov/news/governor-cuomo-announces-executive-actions-banning-coverage-conversion-therapy>.

²¹ Rhode Island’s House of Representatives unanimously approved a bill which would do the same, and Massachusetts legislators have heard similar bills. See R.I. House OKs ban of ‘conversion therapy’ for LGBTQ youth, Providence Journal, May 30, 2017, <http://www.providencejournal.com/news/20170530/ri-house-oks-ban-of-conversion-therapy-for-lgbtq-youth>; see also Mass.

By prohibiting any person in New York City from offering or performing conversion therapy for a fee, New York City would not only protect consumers from fraudulent practices, but also protect its LGBTQ community and all New Yorkers, not just minors, from the potentially dangerous consequences of conversion therapy.

Analysis of Legislation

Section 1 of Int. 1650-A amends chapter 5 of Title 20 of the administrative code, which consists of laws regulating unfair trade practices, including the City’s Consumer Protection Law, adding a new subchapter 19 to prohibit charging consumers for conversion therapy services. Services that provide assistance to a person undergoing gender transition, or counseling that provides acceptance, support and understanding of a person’s sexual orientation, or facilitates a person’s coping, identity exploration and development are not prohibited, as long as such services do not seek to change a person’s sexual orientation or gender identity. Each instance a person is found to have provided conversion therapy services for a fee would result in a penalty of up to \$1,000 for the first violation, \$5,000 for the second violation, and \$10,000 for each subsequent violation. Multiple violations with regards to the same consumer would be considered a single violation. The earlier version of this bill that was heard in Committee, Preconsidered Int. No. ____, would have created a penalty of \$1,000 for each violation, and did not expressly limit multiple violations with regards to the same consumer to a single violation.

Int. 1650-A would take effect 120 days after it becomes law.

III. Res. No. 614 and Res. No. 1287

Background

The 1964 Civil Rights Act (“Civil Rights Act”) and the Fair Housing Act (“FHA”) do not explicitly protect homosexual or transgender individuals from discrimination in employment, housing, or public accommodations. While some federal courts have held that homosexual workers are protected from job discrimination by the Civil Rights Act, others have reached the opposite conclusion.²² In April 2017, a federal judge ruled, for the first time, that the FHA protects LGBT individuals.²³ Although the Supreme Court found laws prohibiting same-sex marriage to be unconstitutional, “many other protections, including those related to employment and housing, have not been extended at all levels to gay people,” and gay rights advocates have expressed concern about the potential rollback of protections under President Trump’s administration.²⁴

While several municipalities in New York have passed ordinances or laws prohibiting harassment or discrimination on the basis of a person’s gender identity or expression, many municipalities do not guarantee these protections, and there is no statewide ban on discrimination or harassment for individuals not employed by the state.²⁵ In October 2015, Governor Cuomo introduced regulations, through the New York State Human Rights Law, affirming that all transgender individuals are protected from discrimination under the law. The state human rights law’s text, however, still does not explicitly protect transgender individuals;²⁶ these protections are therefore vulnerable should a subsequent governor wish to rescind them.

Legislators hear testimony on proposed ‘conversion therapy’ ban, Telegram.com, June 7, 2017, <http://www.telegram.com/news/20170607/mass-legislators-hear-testimony-on-proposed-conversion-therapy-ban>.

²² *Civil Rights Act Protects Gay Workers, Court Rules*, New York Times, Apr. 4, 2017, <https://www.nytimes.com/2017/04/04/us/civil-rights-act-gay-workers-appeals-court.html>.

²³ *Federal fair housing law protects LGBT couples, court rules for first time*, The Washington Post, Apr. 6, 2017, https://www.washingtonpost.com/news/morning-mix/wp/2017/04/06/federal-fair-housing-law-protects-lgbt-couples-court-rules-for-first-time/?utm_term=.aaeae5804236.

²⁴ *Civil Rights Act Protects Gay Workers, Court Rules*, New York Times, Apr. 4, 2017, <https://www.nytimes.com/2017/04/04/us/civil-rights-act-gay-workers-appeals-court.html>.

²⁵ *Governor Cuomo Introduces Regulations to Protect Transgender New Yorkers from Unlawful Discrimination*, New York State Governor’s Press Office, Feb. 6, 2016, <https://www.governor.ny.gov/news/governor-cuomo-introduces-regulations-protect-transgender-new-yorkers-unlawful-discrimination>.

²⁶ See N.Y. Exec. Law § 296 (McKinney).

Meanwhile, the number of reported hate crimes against lesbian, gay, bisexual and transgender individuals has been steadily increasing.²⁷ Of 5,462 “single-bias incidents” (hate-crime incidents with one motivation) in the FBI’s 2014 hate crime statistics database, 1,115, about one fifth, were motivated by bias against a sexual orientation or gender identity.²⁸ In New York City, by April 2017, the NYPD had already investigated 17 anti-gay hate crimes, up from 15 in 2016.²⁹ Despite this, New York State’s hate crime statute currently does not include gender identity or expression in its list of protected categories.

A.4558B/S.61B would explicitly prohibit discrimination on the basis of gender expression or identity, and expand New York’s hate crimes statute to include offenses committed against someone on the basis of their gender expression or identity.

Analysis of Legislation

Res. 614

Res. 614 notes that, according to the New York State Department of Health, approximately 300,000 individuals living in the State of New York self-identify as transgender.

The Resolution also states that, according to a 2011 report by the National Gay and Lesbian Taskforce, and the National Center for Transgender Equality, 90% of those surveyed had experienced discrimination at work for reasons related to their gender identity or expression, and 24% had lost their jobs, 19% had been refused an apartment, and 11% had been evicted for the same reason.

Res. 614 declares that A.4558B/S.61B, if passed, would amend the Executive Law, Civil Rights Law, and Education Law to prohibit discrimination on the basis of gender identity or expression in housing, employment, public accommodation, and other areas.

Res. 614 also notes that 14% of victims or survivors of hate violence in the United States in 2009 were transgender men and women, and that if passed, A.4558B/S.61B would amend the Penal Law to include gender identity or expression in the list of categories that are currently protected under the state’s hate crimes statute.

Finally, Res. 614 calls on the New York State Legislature to pass and the Governor to sign into law A.4558B/S.61B.

Res. No. 1287

Res. 1287 notes that the lesbian, gay, bisexual, and transgender community are not included as protected classes in the Civil Rights Act or FHA, and that according to the ACLU, 29 states permit workplace discrimination on the basis of sexual orientation, 38 states permit workplace discrimination on the basis of gender identity, 29 states permit housing discrimination on the basis of sexual orientation, 38 states permit housing discrimination on the basis gender identity, 29 states permit discrimination in places of public accommodation on the basis of sexual orientation, and 32 states permit discrimination in places of public accommodation on the basis of gender identity.

Res. 1287 states that, despite the progressive laws of some states and the progressive policies of some corporations, LGBT individuals throughout the United States still suffer employment and housing discrimination, and are denied the equal use of public accommodations.

Res. 1287 also notes that H.R.2282/S.1006, also known as The Equality Act, would amend the Civil Rights Act and the Fair Housing Act to include sexual orientation and gender identity among the prohibited categories of discrimination or segregation in employment, places of public accommodation and housing.

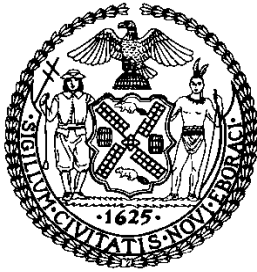
²⁷ *New York Attorney General Discusses Increase in Hate Crimes Against LGBTQ Community*, Human Rights Campaign, Nov. 18, 2016, <http://www.hrc.org/blog/new-york-attorney-general-discusses-increase-in-hate-crimes-against-lgbtq-c>.

²⁸ *Hate Crimes Against LGBT People Are Sadly Common*, FiveThirtyEight, June 14, 2016, <https://fivethirtyeight.com/features/hate-crimes-against-lgbt-people-are-sadly-common/>.

²⁹ *Man Punched on C Train in Apparent Anti-Gay Attack*, CBS New York, Apr. 2, 2017, <http://newyork.cbslocal.com/2017/04/02/c-train-assault/>.

Res. 1287 recommends that, to cover the full spectrum of sexual orientations, The Equality Act should define sexual orientation as an immutable, enduring, emotional, romantic, or sexual attraction to other people. Finally, Res. 1287 calls on the United States Congress to pass and the President to sign H.R.2282/S.1006.

(The following is the text of the Fiscal Impact Statement for Int. No. 1650-A:)



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

**PROPOSED INTRO. NO.: 1650-A
COMMITTEE: Civil Rights**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting conversion therapy.

Sponsor: By The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Salamanca, Jr., Constantinides, Rosenthal, Rodriguez and Kallos

SUMMARY OF LEGISLATION: Proposed Int. No. 1650-A would prohibit any person from charging consumers for services intended to change a person’s sexual orientation or gender identity.

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

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 because, although civil penalties are authorized pursuant to the legislation, full compliance with the law is anticipated.

IMPACT ON EXPENDITURES: It is estimated that this proposed legislation would have no impact on expenditures and that existing resources could be used to implement the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Consumer Affairs

ESTIMATE PREPARED BY: Sheila D. Johnson, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Rebecca Chasan, Counsel
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was considered by the Committee on Civil Rights as a Preconsidered Introduction on June 19, 2017 and the bill was laid over. The legislation was subsequently introduced to the full Council on June 21, 2017 and referred to the Committee on Civil Rights. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 1650-A, will be voted on by the Committee on November 29, 2017. Upon successful vote by the Committee, Proposed Intro. 1650-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

(For text of Res. Nos. 614 and 1287, please see the Reports of the Committee on Civil Rights for Res. Nos. 614 and 1287 printed, respectively, in the voice-vote Resolutions Calendar of these Minutes; for text of Int. No. 1650-A, please see below)

Accordingly, this Committee recommends the adoption of Int. No. 1650-A, and Res. Nos. 614 and 1287.

(The following is the text of Int. No. 1650-A:)

Int. No. 1650-A

By The Speaker (Council Member Mark-Viverito), Council Members Dromm, Levin, Salamanca, Constantinides, Rosenthal, Rodriguez, Kallos, Menchaca, Mendez and Garodnick

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting conversion therapy

Be it enacted by the Council as follows:

Section 1. Chapter 5 of Title 20 of the administrative code of the city of New York is amended by adding a new subchapter 19 to read as follows:

*Subchapter 19
Conversion Therapy Prohibition*

§ 20-824 Definitions. For the purposes of this subchapter, the term “conversion therapy” means any services, offered or provided to consumers for a fee, that seek to change a person’s sexual orientation or seek to change a person’s gender identity to conform to the sex of such individual that was recorded at birth.

§ 20-825 Prohibited conduct. It is unlawful for any person to offer or provide conversion therapy services. This prohibition does not proscribe services that provide assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person’s sexual orientation or facilitates a person’s coping, social support, and identity exploration and development, including sexual-

orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such services do not seek to change an individual's sexual orientation or gender identity.

§ 20-826 Enforcement. Any person who violates section 20-825 of this subchapter or any of the regulations promulgated thereunder is liable for a civil penalty not to exceed \$1,000 for the first violation, \$5,000 for the second violation, and \$10,000 for each subsequent violation. A proceeding to recover any such civil penalty shall be commenced by the service of a notice of violation returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings. For the purposes of this section, each instance a person is found to have violated section 20-825 shall be considered a separate violation, except that multiple violations of section 20-825 with regards to the same consumer shall be considered a single violation.

§ 20-827 Rules and regulations. The department may promulgate such rules and regulations as it deems necessary to implement and enforce the provisions of this subchapter.

§2. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer affairs may take any actions necessary prior to such effective date for the implementation of this local law, including, but not limited to, the adoption of any necessary rules.

DANIEL DROMM, *Acting Chairperson*; MATHIEU EUGENE, RAFAEL SALAMANCA, Jr.: Committee on Civil Rights, November 29, 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 Economic Development

Report for Int. No. 1400

Report of the Committee on Economic Development in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the participation of minority- and women-owned business enterprises in construction projects related to properties receiving tax benefits in accordance with the industrial and commercial abatement program.

The Committee on Education, to which the annexed proposed local law was referred on December 6, 2017 (Minutes, page 4113), respectfully

REPORTS:

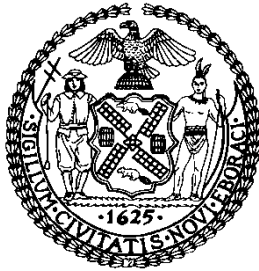
I. INTRODUCTION

On November 29, 2017, the Committee on Economic Development, chaired by Council Member Daniel R. Garodnick, will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 1400, in relation to the participation of minority- and women-owned business enterprises in construction projects receiving benefits under the Industrial and Commercial Abatement (ICAP) program. The Committee previously held a hearing on this bill on September 13, 2017, and received testimony from the Mayor's Office of Minority and Women-Owned Enterprises, the New York City Department of Small Business Services, trade groups, advocacy organizations and 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://legistar.council.nyc.gov/>.

II. PROPOSED INT. NO. 1400

Proposed Int. No. 1400 would amend Local Law 67 of 2008, governing participation of minority- and women-owned business enterprises (M/WBEs) in construction projects receiving benefits under the Industrial and Commercial Abatement (ICAP) program. It would: 1) lower the project cost threshold requiring ICAP applicants to directly solicit M/WBEs to work on the project from \$1.5 million to \$750,000; 2) require applicants to inform the Department of Small Business Services (SBS) after it has received a final ICAP award of contracting and subcontracting opportunities at the applicable site as they arise; and 3) require all applicants to submit certifications of compliance with M/WBE program requirements to SBS, in addition to the Department of Finance, along with the final application for benefits.

(The following is the text of the Fiscal Impact Statement for Int. No. 1400:)



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

INTRO. NO: 1400
COMMITTEE: Economic Development

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the participation of minority- and women-owned business enterprises in construction projects related to properties receiving tax benefits in accordance with the industrial and commercial abatement program

SPONSORS: Council Members Rosenthal, Chin, Kallos and Constantinides

SUMMARY OF LEGISLATION: Intro. No. 1400 would address participation of M/WBEs in construction projects receiving benefits under the Industrial and Commercial Abatement (ICAP) program. The legislation would lower the project cost threshold requiring ICAP applications to directly solicit M/WBEs to work on the project from \$1.5 million to \$750,000. Additionally, the legislation would require applicants to inform the Department of Small Business Services (SBS) after they have received a final ICAP award of contracting and subcontracting opportunities at the applicable construction site as they arise. SBS would be required to make information about such opportunities available on its website. Finally, the legislation would require all ICAP applicants to submit certifications of compliance with M/WBE program requirements to SBS (in addition to the Department of Finance), along with the final application for benefits.

EFFECTIVE DATE: This local law takes effect 120 days after enactment and shall apply only to applicants that file preliminary applications for benefits with the Department of Finance after the effective date of this local law, except that the Department of Small Business Services and the Department of Finance shall take such actions as may be necessary to implement this local law, including the promulgation of rules, prior to 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 anticipated that there would be no impact on revenues as a result of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1400 on December 6, 2016 and was referred to the Committee on Economic Development (Committee). The Committee, along with the Committees on Small Business and Contracts, considered the legislation at a hearing on September 13, 2017, and the legislation was laid over. The Committee will consider the legislation for a second time on November 29, 2017. Upon successful vote by the Committee, Intro. No. 1400 will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1400:)

Int. No. 1400

By Council Members Rosenthal, Chin, Kallos, Constantinides, Menchaca, Miller, Koslowitz and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to the participation of minority-and women-owned business enterprises in construction projects related to properties receiving tax benefits in accordance with the industrial and commercial abatement program

Be it enacted by the Council as follows:

Section 1. Subdivisions d and e of section 11-278 of the administrative code of the city of New York, as added by local law 67 of 2008, are amended to read as follows:

d. For construction projects [between seven hundred fifty thousand dollars and one million five hundred thousand dollars] *under \$750,000* in cost, the applicant shall certify that it accessed the directory. The applicant shall file such certification with the department *and the division* in conjunction with the final application for benefits along with a report of whether or not efforts were made by the applicant to include minority- and women-owned business enterprises in the construction work on property for which benefits are sought in accordance with this part, and if so, what such efforts were.

e. For construction projects [one million five hundred thousand dollars] *\$750,000* in cost and over, the applicant must comply with the following requirements in order to obtain benefits under this part:

1. Subsequent to filing a preliminary application for benefits, the applicant shall inform the division of contracting and subcontracting opportunities at construction sites where the applicant will be performing construction work subject to benefits pursuant to this part. The division shall make information on such contracting and subcontracting opportunities available to the general public by posting such opportunities on its website.

2. The applicant shall review the directory to identify minority- or women-owned business enterprises that may be qualified to perform contracting or subcontracting work on construction projects subject to benefits pursuant to this part.

3. For each subcontract on the project, the applicant shall solicit or arrange for the solicitation of bids from at least three of such minority- or women-owned enterprises to perform such subcontracting work.

4. The applicant shall maintain records demonstrating its compliance with the provisions of this subdivision.

5. When filing a final application for benefits with the department, the applicant shall certify that it has complied with and will continue to comply with the provisions of this subdivision. The certification shall also include: (i) the name and contact information of every minority- or women-owned business enterprise that the applicant solicited bids from pursuant to the provisions of paragraph three of this subdivision and (ii) whether any such minority- or women-owned firm was awarded a subcontract. *The applicant shall also file such certification with the division at the time of filing the final application for benefits.*

6. *An applicant awarded benefits pursuant to this part shall timely inform the division of contracting and subcontracting opportunities that may become available after the date such benefits are awarded at construction sites where the applicant will be performing construction work subject to such benefits. The division shall make information about such opportunities available to the public on its website.*

§2. This local law takes effect 120 days after enactment and shall apply only to applicants that file preliminary applications for benefits with the department of finance after the effective date of this local law, except that the department of small business services and the department of finance shall take such actions as may be necessary to implement this local law, including the promulgation of rules, prior to such effective date.

DANIEL R. GARODNICK, *Chairperson*; VINCENT J. GENTILE, KAREN KOSLOWITZ, DONOVAN J. RICHARDS, INEZ D. BARRON, I. DANEEK MILLER: Committee on Economic Development, November 29, 2017. *Other Council Members Attending: Council Member Vacca.*

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. 461-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 information regarding summer meals.

The Committee on Education, to which the annexed proposed amended local law was referred on August 21, 2014 (Minutes, page 3152), respectfully

REPORTS:

Introduction

On November 29, 2017, the Committee on Education, chaired by Council Member Daniel Dromm, will vote on Proposed Int. No. 461-A, sponsored by Council Member Vacca (by request of the Manhattan Borough President). A hearing was previously held on this bill on October 30, 2017. At that hearing, representatives from the Department of Education (DOE), unions, parents, advocates, and other members of the public were invited to testify.

Background

In 2015, the DOE announced the start of an annual free summer meals program for New York City (NYC) children and youth.¹ The program offers breakfast and lunch during weekdays at specific locations in the City, which can be found using a mobile app.² Some locations also offer meals on Saturdays and Sundays.³ Notably, children 18 and under do not have to attend DOE schools in order to be eligible.⁴

Proposed Int. No. 461-A - Bill Analysis

Since its initial hearing, the bill has received some amendments, including clarifying where information must be posted. Section one of Proposed Int. No. 461-A would provide the following definitions: "summer meal" would mean any meal distributed by the DOE, or any city agency collaborating with the DOE, to children following the end of the current school year and prior to the beginning of the next school year.

Section one of the bill would require the DOE, beginning on June 1, 2018, and by June 1st each year thereafter, to post and distribute information about the availability of summer meals, including where and when such meals are available and eligibility requirements for such meals. The information would be required to be posted on DOE's website, the website of any city agency collaborating with DOE to provide meals, the 311 customer service center's website, and also distributed to council members, borough presidents, community boards, community education councils, parent associations, and parent teacher associations.

Section two of the bill would provide that the law would take effect immediately.

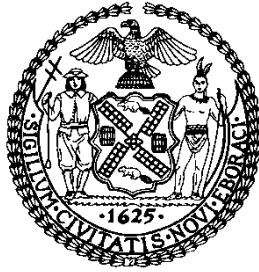
(The following is the text of the Fiscal Impact Statement for Int. No. 461-A:)

¹ See DOE Website, *DOE Announces Start of Annual Free Summer Meals Program for All NYC Children and Youth*, Jun. 24, 2015, available at <http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2014-2015/Free+Summer+Meals.htm> (last visited Oct. 26, 2017).

² *Id.*

³ DOE Website, *Find a Summer Meals Program*, available at <http://www1.nyc.gov/nyc-resources/service/4061/find-a-summer-meals-program> (last visited Oct. 26, 2017).

⁴ *Id.*



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

PROPOSED INTRO. NO.: 461-A
COMMITTEE: Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to information regarding summer meals.

SPONSORS: Council Members Vacca, Barron, Constantinides, Eugene, Johnson, Koo, Mendez, Cohen, Rodriguez, Rosenthal, Menchaca, Rose, Kallos and the Public Advocate (Ms. James) (by request of the Manhattan Borough President)

SUMMARY OF LEGISLATION: Proposed Intro. 461-A would require the Department of Education (DOE) to post and distribute by June 1st of each year (with the first posting and distribution to be done no later than June 1, 2018) information about the availability of the upcoming summer meal program. Information would include where and when summer meals are available, as well as eligibility requirements for such meals. Intro. 461-A would require DOE to post the information on DOE’s website, the website of any city agency collaborating with DOE to provide meals, and the 311 website; and to distribute the information to council members, borough presidents, community boards, community education councils, parent associations, and parent teacher associations.

EFFECTIVE DATE: This local law would take effect immediately

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 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 as DOE can use existing resources.

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: Dohini Sompura, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on August 21, 2014 as Int. No. 461 and was referred to the Committee on Education (Committee). The legislation was considered by the Committee at a hearing on October 30, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 461-A, will be voted on by the Committee on November 29, 2017. Upon successful vote by the Committee, Proposed Intro. No. 461-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 27, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 461-A:)

Int. No. 461-A

By Council Members Vacca, Barron, Constantinides, Eugene, Johnson, Koo, Mendez, Cohen, Rodriguez, Rosenthal, Menchaca, Rose, Kallos, Chin, King, Deutsch, Treyger and the Public Advocate (Ms. James) (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to information regarding summer meals

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 17 to read as follows:

Chapter 17. Distribution of information regarding summer meals

§ 21-979 Distribution of information regarding summer meals. a. For the purposes of this section, the term "summer meal" means any meal provided to children by the department, or by any city agency collaborating with the department, following the end of the current school year and prior to the beginning of the next school year.

b. No later than June 1, 2018, and annually thereafter no later than June 1, the department shall make available information regarding summer meals including, but not limited to, locations where such meals will be available, the times and dates during which such meals will be available and any guidelines regarding eligibility for such meals. Such information shall be:

1. posted on the department's website, the website of any city agency collaborating with the department and the website of the 311 customer service center; and

2. distributed to council members, borough presidents, community boards, community education councils, parent associations and parent teacher associations.

§ 2. This local law takes effect immediately.

DANIEL DROMM, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ; MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, ANDY L. KING, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, HELEN K. ROSENTHAL, MARK TREYGER; BEN KALLOS, RAFAEL SALAMANCA, Jr.; Committee on Education, November 29 , 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 Environmental Protection

Report for Int. No. 1300-A

Report of the Committee on Environmental Protection 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 public access to noise mitigation plans.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on October 13, 2016 (Minutes, page 3352), respectfully

REPORTS:

I. INTRODUCTION

On November 29, 2017, the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 1300-A, which requires collection and posting of noise mitigation plans from construction sites, and Proposed Int. No. 1465-A, which requires use of cleaner heating oil for in-city power plants. The Committee previously held a hearing on Int. No. 1300 on September 25, 2017, and received testimony from the New York City Department of Environmental Protection, advocacy organizations and interested members of the public. The Committee also previously held a hearing on Int. No. 1465 on April 24, 2017, and received testimony from the Mayor's Office of Sustainability and representatives from energy companies and advocacy groups. More information about these bills is available with the materials for the hearings, which can be accessed online at <http://legistar.council.nyc.gov/>.

II. PROPOSED INT. NO. 1300-A

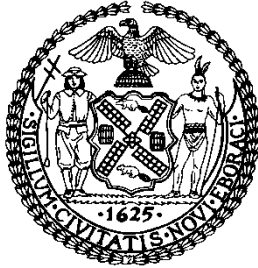
Proposed Int. No. 1300-A would require the Department of Environmental Protection (DEP) to collect all noise mitigation plans from construction sites and make those plans publicly available on the DEP website. The bill would also require the conspicuous posting of noise mitigation plans on the exterior of construction sites.

III. PROPOSED INT. NO. 1465-A

Proposed Int. No. 1465-A would accelerate the timeline for such plants to shift from using higher grade fuel oil (e.g. fuel oil grade number 6 or 4) to lower grade fuel oil (fuel oil grade number 2). Currently, power plants can burn fuel oil grade number 6 until 2020 and fuel oil grade number 4 until 2030. Under this bill, plant owners would have the option of either (1) continuing to burn fuel oil grade number 6 until 2021, but

switching immediately thereafter to fuel oil grade number 2 or (2) switching from fuel oil grade number 4 to fuel oil grade number 2 by 2025 (instead of 2030).

(The following is the text of the Fiscal Impact Statement for Int. No. 1300-A:)



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

PROPOSED INTRO. NO. 1300-A

COMMITTEE: ENVIRONMENTAL PROTECTION

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to public access to noise mitigation plans

SPONSORS: Council Members Garodnick, Palma, Richards, Rosenthal, Vacca, Gentile, Chin, Rodriguez, Menchaca, Kallos and Constantinides

SUMMARY OF LEGISLATION: Proposed Intro. No. 1300-A would require the Department of Environmental Protection (DEP) to collect all noise mitigation plans from construction sites and make those plans publicly available on the DEP website. Further, this legislation would require the conspicuous posting of noise mitigation plans on the exterior of construction sites.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, except that the commissioner of DEP may take all actions necessary for its implementation, including the promulgation of rules, prior to 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 anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

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

ESTIMATE REVIEWED BY: Rebecca Chasan, Counsel, Finance Division
Cirilhien Francisco, Unit Head, Finance Division
Nathan Toth, Director, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1300 on October 13, 2016 and was referred to the Committee on Environmental Protection (Committee). The Committee considered the legislation at a hearing on September 25, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1300-A will be considered by the Committee on November 29, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1300-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

(For text of Int. No. 1465-A, please see the Report of the Committee on Environmental Protection for Int. No. 1465-A printed in these Minutes; for text of Int. No. 1300-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1300-A and 1465-A.

(The following is the text of Int. No. 1300-A:)

Int. No. 1300-A

By Council Members Garodnick, Palma, Richards, Rosenthal, Vacca, Gentile, Chin, Rodriguez, Menchaca, Kallos and Constantinides

A Local Law to amend the administrative code of the city of New York, in relation to public access to noise mitigation plans

Be it enacted by the Council as follows:

Section 1. Section 24-219 of title 24 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

(d) The commissioner shall ensure that all noise mitigation plans submitted in accordance with subdivision (e) of section 24-220 and all approved alternative noise mitigation plans submitted in accordance with section 24-221 to the department after the effective date of the local law that added this subdivision are made publicly available on the city's website.

§ 2. Section 24-220 of title 24 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

§ 24-220 Noise mitigation plan. (a) Each person, corporation or other business entity performing construction work in the city shall adopt and implement a noise mitigation plan for each construction site in accordance with the provisions of this subchapter and such rules whenever any one or more of the construction devices or activities listed above or in the department's rules are employed or performed at the site.

(b) Such plan shall be adopted prior to the commencement of construction at the site or, with respect to emergency work, as defined in the department's rules, within three days thereafter, and shall apply to all work at the site throughout the construction process. The plan shall provide in detail the noise mitigation strategies, methods, procedures and technology, as prescribed in the rules of the department or specifically approved by the commissioner in accordance with section 24-221 of this code, for each device or activity employed or performed at the site. Each permit holder or other person in charge of such construction site will be accountable for compliance with such rules and shall ensure that each person performing construction work at the site shall be aware of the plan and shall be responsible for complying with those provisions that affect his or her work.

(c) A copy of the plan shall be kept at the construction site and shall be [made available for inspection upon the request of] *displayed in a conspicuous manner on the exterior of the construction site and made accessible for inspection by the public and persons authorized to enforce the provisions of this code provided that where there are no exterior structures on the construction site such plan need only be kept at the site and made accessible for inspection by the public and persons authorized to enforce the provisions of this code.*

(d) The plan shall be amended whenever additional devices or activities unforeseen at the commencement of construction are employed at the site or at the direction of the commissioner in accordance with section 24-223 of this subchapter.

(e) [A] *The plan [need not] shall be filed with [or approved by] the department [prior to] no later than 30 days after the commencement of construction if it conforms in all respects to the rules of the department with respect to construction devices and activities employed or performed at the construction site. A plan that deviates in any respect from such rules or an alternative noise mitigation plan required to be certified in conjunction with [a] an undue hardship application pursuant to paragraph (5) of subdivision (e) of section 24-223 shall be subject to the prior approval of the commissioner in accordance with section 24-221 of this code.*

(f) This section shall not apply to construction work in connection with the alteration or repair of an existing one or two family owner-occupied dwelling classified in occupancy group J-3 or a convent or rectory.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, DONOVAN J. RICHARDS, RORY I. LANCMAN, ERIC A. ULRICH; Committee on Environmental Protection, November 29, 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. 1465-A

Report of the Committee on Environmental Protection 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 phasing out the use of residual fuel oil and fuel oil grade no. 4 in boilers in in-city power plants

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on February 1, 2017 (Minutes, page 349), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Environmental Protection for Int. No. 1300-A printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1465-A:)

Int. No. 1465-A

By Council Members Torres, Constantinides, Salamanca, Richards, Mendez, Rosenthal, Chin, Johnson, Koslowitz, Espinal, Kallos, Rodriguez, Cornegy, Williams, Levine, Gentile, Cohen, Menchaca, Van Bramer, Deutsch, Vacca, Rose, Treyger, Vallone, Gibson, Barron, Crowley and Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to phasing out the use of residual fuel oil and fuel oil grade no. 4 in boilers in in-city power plants

Be it enacted by the Council as follows:

Section 1. Section 24-168 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

§ 24-168 Use of proper fuel in fuel burning equipment. (a) No person shall cause or permit the use of a kind or grade of fuel in fuel burning equipment that is not designed to burn that kind or grade of fuel. Nothing in this subdivision shall be construed to prohibit the use of bioheating fuel equipment that is adapted for such use.

(b) No person shall cause or permit the burning of refuse material in fuel burning equipment unless the equipment is designed to burn refuse material.

(c) [No] *Except as provided in subdivision (f) of this section, no person shall cause or permit a boiler to burn residual fuel oil on or after January 1, 2020.*

(d) [No] *Except as provided in subdivision (f) of this section, no person shall cause or permit a boiler to burn fuel oil grade no. 4 on or after January 1, 2030, or for a boiler used to generate electricity and/or steam in an electric, steam, or combined electric and steam generation facility, on or after January 1, 2025.*

(e) No person shall cause or permit the use of a kind or grade of fuel in a diesel powered generator other than ultra low sulfur diesel.

(f) *Notwithstanding any other provision of this section, at the election of the owner or operator of a boiler used to generate electricity and/or steam in an electric, steam, or combined electric and steam generation facility, residual fuel oil may be burned in such boiler until December 31, 2021, if such owner or operator notifies the department of such election on or before June 30, 2019, in a form and manner established by the department, and provided further that on and after January 1, 2022, no person shall cause or permit such boiler to burn residual fuel oil or fuel oil grade no. 4.*

§ 2. This local law takes effect immediately.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, DONOVAN J. RICHARDS, RORY I. LANCMAN, ERIC A. ULRICH; Committee on Environmental Protection, November 29, 2017.

Laid Over by the Council.

Report of the Committee on Finance

Report for Int. No. 799-B

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the commercial rent tax.

The Committee on Finance, to which the annexed proposed amended local law was referred on May 27 2015 (Minutes, page 1977), respectfully

REPORTS:

I. Introduction

On November 30, 2017, the Committee on Finance, chaired by Council Member Julissa Ferreras-Copeland, will hold a hearing on two bills:

- Proposed Introduction (Int.) No. 799-B (Garodnick): A Local Law to amend the administrative code of the city of New York, in relation to the commercial rent tax; and
- Proposed Int. No. 1376-A (Rosenthal): A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to issue an annual report on the commercial rent tax.

This is the second hearing on both bills, which were both amended after introduction. The first hearing was held on February 13, 2017, at which the Committee heard testimony from representatives from the New York City Department of Finance (DOF), the Manhattan Borough President, the Independent Budget Office (IBO) and other interested parties.

II. Background

Commercial Rent Tax (CRT)

The Commercial Rent Tax (CRT) is an assessment currently charged to certain tenants who occupy or use a property for commercial activity south of 96th Street in the borough of Manhattan. The City was initially authorized to impose the CRT by Chapter 257 of the Laws of 1963, which authorized it to impose a tax “on persons occupying premises in such city for the purpose of carrying on or exercising any trade, business, profession, vocation or commercial activity, measured by the rent paid for the use or occupancy of such premises.”¹ The CRT was designed to address the need for revenue at a time when the City was nearing its constitutional limits on property taxes.² The City sought to capture the growth in the value of commercial properties by taxing the rents that underlay the market values of the properties otherwise subject to property tax limits.³ Pursuant to this law, the City enacted Local Law 38 of 1963 to impose the CRT.

¹ Ch. 257 of the Laws of 1963

² New York City Independent Budget Office, *Analysis of the Mayor's Preliminary Budget: IBO's Reestimate of the Mayor's Preliminary Budget for 1999 and Financial Plan through 2002* (March 23, 1998), available at <http://www.ibo.nyc.ny.us/iboreports/march98rep.html> [hereinafter IBO, 1999 Preliminary Budget Analysis]

³ Id.

Under the current law, a tenant is subject to the CRT if they rent space below 96th Street for any trade, business, profession, or commercial activity, pay an annual or annualized gross rent of at least \$250,000,⁴ and do not meet any of the exemption criteria in the statute.⁵ A tenant, for the purposes of the CRT, is an individual who pays rent as a lessee, sub-lessee, or concessionaire (this includes tenant-shareholders in co-ops).⁶ Additionally, tenants must pay the CRT if they occupy space in buildings owned by spouses or parents; occupy space in buildings owned jointly with another individual who is not one's spouse or domestic partner; occupy space in buildings owned by corporations where the individual is an officer or shareholder; a corporation occupying space in a building that is owned by a subsidiary corporation or by a parent corporation; or are a corporation occupying space in a building owned by an officer or shareholder of the corporation.⁷

As currently constituted, the CRT is set at a rate of 6% of the base rent.⁸ However, all taxpayers are granted a 35% base rent reduction, which reduces the effective tax rate to 3.9%.⁹ Tenants whose annualized base rent is between \$250,000 and \$300,000 (before the 35% reduction) are further entitled to a tax credit.¹⁰

There are several categories of tenants exempted from the CRT. These are:¹¹

- Tenants whose annualized base rent is less than \$250,000 (before applying the 35% reduction and the NYC Commercial Revitalization Program special reduction);
- Tenants who rent the premises for 14 days or less during the tax year;
- Tenants who use at least 75% of the floor space to rent to others for residential purposes (not including hotel operators);
- Tenants renting property for certain theatrical productions, for the first 52 weeks after the production begins;
- Tenants who are a governmental body or a nonprofit religious, charitable, or educational organization;
- Tenants who are located in the "World Trade Center" area; and
- Tenants occupying a property that is located in the Commercial Revitalization Program abatement zone and is being used for retail sales purposes.

Legislative History

The State Law authorizing the imposition of the CRT provided that the local law could contain exemptions and exclusions in addition to any authorized by the enabling legislation.¹² Since September 1995, all leased commercial space in Manhattan north of 96th Street and in the boroughs of the Bronx, Brooklyn, Queens and Staten Island have been exempt from the tax.¹³ In 1998, the Giuliani Administration's Financial Plan (through 2002) proposed to eliminate the CRT for all commercial tenants over three years, beginning in 2000.¹⁴ This would have been accomplished by lowering the effective rate by 1/3 in each of the first two years and completely eliminating the tax in the third.¹⁵ The Giuliani Administration included another proposal to

⁴ New York City Department of Finance, "Commercial Rent Tax (CRT)," <http://www1.nyc.gov/site/finance/taxes/business-commercial-rent-tax-crt.page> (last accessed Nov. 28, 2017)

⁵ See *infra* note 10.

⁶ New York City Department of Finance, *supra* note 4.

⁷ *Id.*

⁸ "Base rent" is calculated as the rent paid by a tenant for each location minus the rent received or due from a subtenant. In cases when the base rent is for less than one year (or for less than three months on a quarterly return), it must be annualized over the entire period of the return. If a tenant rents more than one location in the same property, all such locations must be aggregated to determine the base rent.

Id.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² N.Y. Unconsol. Law § 9447(5)

¹³ Thomas J. Lueck, "NEW YORK CITY'S BUDGET: TAXES: Commercial Renters to Get a Break," New York Times (June 15, 1995), <http://www.nytimes.com/1995/06/15/nyregion/new-york-city-s-budget-taxes-commercial-renters-to-get-a-break.html>

¹⁴ New York City Independent Budget Office, 1999 Preliminary Budget Analysis, *supra* note 2.

¹⁵ *Id.*

eliminate the tax by 2004 in its Fiscal Year 2002 Executive Budget.¹⁶ As neither of these proposals was adopted, much of the legislative efforts have sought to exempt different categories of businesses from the CRT.

The Council has extended exemptions to the CRT on several occasions, as well as directing the provision of tax credits to tenants with certain annual rents. An exemption was extended to commercial tenants in Manhattan with base rents of \$99,999 or less beginning in June 1997 with the enactment of Local Law 63.¹⁷ At the same time, a sliding scale tax credit was implemented that gave commercial tenants subject to the tax with rents between \$100,00 and \$139,999 a credit ranging from 80 percent of the tax imposed (for base rents between \$100,000 and \$109,999) and 20 percent of the tax (for rents between \$130,000 and \$139,000).¹⁸

In February 2001, the Council enacted Local Law 6 of 2001, which extended the exemption by increasing the annual rent threshold above which a tenant is subject to the commercial rent tax from \$99,999 to \$149,999.¹⁹ It would also provide commercial tenants subject to the tax with annual rents between \$150,000 and \$189,999 with a new sliding scale credit from 80 percent to 20 percent of the tax imposed.²⁰ Later that year, the Council enacted Local Law 38 of 2001, which further extended the exemption by increasing the annual rent threshold above which a tenant is subject to the commercial rent tax from \$149,999 to \$249,999.²¹ Local Law 38 also provided commercial tenants subject to the tax with annual rents between \$250,000 and \$300,000 with a partial credit on a new sliding scale, and exempted certain tenants with annual base rents of less than \$200,000 from filing commercial rent tax returns.²²

As Lower Manhattan rebuilt following the September 11th terrorist attacks, State law made additional changes to the CRT to benefit commercial tenants located in that area. Chapter 2 of the Laws of 2005 added a 5-year exemption from the CRT for new and renewed leases with a term of at least 5 years for leases of property located in the New York City Liberty Zone.²³ Furthermore, this law added an exemption to the CRT for any tenant located in the “World Trade Center Area.”²⁴

CRT Statistical Information

In tax year (TY) 2016,²⁵ there were 7,705 taxpayers liable to pay the CRT, with a total liability of \$778.7 million.²⁶ Annual liability has grown at an average rate of 5.25% since 2005.

¹⁶ New York City Independent Budget Office, *Considering Tax Cuts: Current Proposals by the Mayor and the City Council* (May 2001), available at <http://www.ibo.nyc.ny.us/iboreports/taxprograms.pdf> [hereinafter IBO, *Considering Tax Cuts*]

¹⁷ L.L. 63/1997

¹⁸ Id.

¹⁹ L.L. 6/2001

²⁰ Id.

²¹ L.L. 38/2001

²² Id.

²³ Ch. 2 of the Laws of 2005

²⁴ Id. The area in Manhattan bounded by Church Street on the east starting at the intersection of Liberty Street and Church Street; running northerly along the center line of Church Street to the intersection of Church Street and Vesey Street; running westerly along the center line of Vesey Street to the intersection of Vesey Street and West Broadway; running northerly along the center line of West Broadway to the intersection of West Broadway and Barclay Street; running westerly along the center line of Barclay Street to the intersection of Barclay Street and Washington Street; running southerly along the center line of Washington Street to the intersection of Washington Street and Vesey Street; running westerly along the center line of Vesey Street to the intersection of Vesey Street and West Street; running southerly along the center line of West Street to the intersection of West Street and Liberty Street; running easterly along the center line of Liberty Street to the intersection of Liberty Street and Washington Street; running southerly along the center line of Washington Street to the intersection of Washington Street and Albany Street; running easterly along the center line of Albany Street to the intersection of Albany Street and Greenwich Street; running northerly along the center line of Greenwich Street to Liberty Street; and running easterly along the center line of Liberty Street to the intersection of Liberty Street and Church Street.

²⁵ The CRT tax year starts on June 1 and ends on May 31 of the following year.

²⁶ City of New York, Department of Finance, Division of Tax Policy, *Statistical Profile of the New York City Commercial Rent Tax: Tax Year 2016* (September 2016), available at http://www1.nyc.gov/assets/finance/downloads/pdf/reports/reports_crt/2016_crt_report.pdf

Table 1. Historical Revenues

<i>Fiscal Year</i>	<i>Actual Revenue</i>	<i>Change</i>
2005	\$444,637,169	-
2006	\$476,941,728	7.27%
2007	\$512,237,969	7.40%
2008	\$544,567,537	6.31%
2009	\$582,606,583	6.99%
2010	\$594,158,025	1.98%
2011	\$600,994,507	1.15%
2012	\$629,535,813	4.75%
2013	\$663,690,428	5.43%
2014	\$710,402,302	7.04%
2015	\$734,821,939	3.44%
2016	\$778,713,297	5.97%

Source: Comprehensive Annual Financial Report of the Comptroller

According to the DOF's Statistical Profile of the NYC Commercial Rent Tax for Tax Year 2016, average liability per taxpayer has increased, on average, 2.8 percent per year from TY 2004 to TY 2016.

There were 3,451 premises in TY 2016 paying a base rent between \$250,000 and \$500,000, with a total liability of \$45.9 million, or 6% of the total CRT liability. Premises with rents under \$500,000 represented 31% of the total number of premises liable for the CRT in TY 2016. Table 2 shows the distribution of liability and premises by various base rent ranges.

Table 2. Distribution of Premises by Base Rent Range

<i>Base Rent Range*</i>	<i>Premises</i>	<i>% of Total</i>	<i>Liability (000)</i>	<i>% of Total</i>	<i>Median Liability</i>
\$ 250,000 - \$ 274,999	347	3.2	\$1,504	0.2	\$3,376
\$ 275,000 - \$ 299,999	388	3.5	3,499	0.5	9,266
\$ 300,000 - \$ 349,999	700	6.4	8,664	1.1	12,475
\$ 350,000 - \$ 399,999	876	8.0	12,506	1.7	14,383
\$ 400,000 - \$ 449,999	598	5.4	9,813	1.3	16,474
\$ 450,000 - \$ 499,999	542	4.9	9,917	1.3	18,326
\$ 500,000 - \$ 549,999	446	4.1	9,083	1.2	20,385
\$ 550,000 - \$ 599,999	437	4.0	9,704	1.3	22,261
\$ 600,000 - \$ 699,999	722	6.6	18,164	2.4	25,202
\$ 700,000 - \$ 799,999	541	4.9	15,707	2.1	29,173
\$ 800,000 - \$ 899,999	497	4.5	16,266	2.2	32,619

\$ 900,000 - \$ 999,999	343	3.1	12,646	1.7	36,891
\$ 1,000,000 - \$ 1,499,999	1,496	13.6	71,320	9.5	48,062
\$ 1,500,000 - \$ 1,999,999	729	6.6	48,896	6.5	66,238
\$ 2,000,000 - \$ 2,999,999	897	8.2	84,169	11.2	92,923
\$ 3,000,000 - \$ 3,999,999	366	3.3	50,133	6.6	137,677
\$ 4,000,000 - \$ 4,999,999	345	3.1	60,237	8.0	175,708
\$ 5,000,000 - \$ 9,999,999	472	4.3	127,201	16.9	257,666
\$ 10,000,000 and over	257	2.3	184,704	24.5	529,530
TOTAL	10,999	100.0	\$754,133	100.0	\$30,315

* Base rent is aggregated across premises for each taxpayer.

Note: Totals may not add due to rounding.

Source: DOF Tax Year 2016 Statistical Profile of NYC Commercial Rent Tax

The largest percentage (43%) of taxpayers subject to the CRT come from the services industry, followed by the trade industry (20.5%), the finance & insurance industry (18.6%), other (including construction, transportation, and utilities) (6.0%), the information industry (5.3%), manufacturing (3.6%), and real estate (3.0%).²⁷ The services and finance/insurance industries represent over half the total taxpayer liability under the CRT.²⁸

Economic Impact of the CRT

New York City is one of only two jurisdictions (the other is State of Florida)²⁹ nationwide to impose a specific tax on commercial renters.³⁰ This factor has made the CRT subject to criticism from those who contend it puts the City at a competitive disadvantage for attracting new businesses. Some have argued that the CRT effectively amounts to double taxation on commercial renters. This is due to the fact that while tenants do not directly pay property taxes, it is likely that commercial rents already include a portion of the owner's property tax.³¹ Additionally, most commercial leases contain provisions requiring tenants to pay additional rent attributable to increases in the property tax on the building.³² Therefore, commercial tenants may be paying the property tax indirectly and the CRT.³³

When Mayor Giuliani first proposed to eliminate the CRT in 1998, IBO stated that its elimination would “yield economic benefits for the City” and “[a]lthough landlords would be likely to increase rents to capture some of their tenants' savings, the cost of locating a business in the city's primary business districts is likely to

²⁷ Id. at 5.

²⁸ Id.

²⁹ State of Florida, Department of Revenue, “Florida’s Use and Sales Tax,” http://floridarevenue.com/dor/taxes/sales_tax.html (last accessed Nov. 28, 2017)

³⁰ Marilyn M. Rubin, A Guide to New York City Taxes: History, Issues and Concerns, John Jay College (Dec. 2010), <http://pjsc.magikcms.com/tax%20guides/CityGuideWeb.pdf>

³¹ Id.

³² Id.

³³ How much, if any, of the property tax passes on to commercial tenants is a question of the ‘economic incidence’ of the tax. This is a complicated subject without definitive answers. For a brief discussion see: “Lessons from Evaluating the Industrial and Commercial Abatement Program,” The New York City Council Task Force on Economic Development Tax Expenditures, Staff Working Paper III, p. 23.

be lower without the CRT. This should make it easier to attract and retain business and jobs in these areas.”³⁴ However, IBO has also cautioned that many claims about the CRT ignore the “positive role” that the tax plays in the City’s overall tax structure. Specifically, it notes that because assessment increases for commercial buildings are phased in over five years, the City is unable to immediately receive the revenue benefits of increasing market values. As assessment increases are typically attributable to higher rental incomes, the CRT allows the City to capture these increases earlier in the business cycle.³⁵

Regardless of the debate around the impact of the CRT, the fact is that the annual rent threshold above which a tenant is subject to the commercial rent tax has not been adjusted for over 15 years when it was last raised from \$149,999 to \$249,999 in 2001. The average asking rent per square foot for retail space in SoHo was 3.3 times higher in Fall of 2016³⁶ compared to Fall of 2001,³⁷ while Midtown asking rents per square foot on 5th Ave - Park Ave more than doubled.³⁸ According to the Manhattan Chamber of Commerce, rent increases over the last few years are threatening small neighborhood businesses that residents rely on and the CRT is worsening the affordability problem.³⁹

Considering the long period since the CRT was last updated, a review of the threshold is timely. Moreover, there is also possibility that a reduction of the CRT on small businesses could provide economic benefits for the City, assuming landlords do not recapture much of the relief through increased rents.

III. Analysis of Proposed Int. No. 799-B

Section 1 of Proposed Int. No. 799-B would amend the Administrative Code to add a new section 11-704.4, titled “Small business tax credit.”

Subdivision a of Section 11-704.4 would establish, for purposes of the section, definitions for the terms “Base rent,” “Income factor,” “Rent factor,” and “Total income.”

“Base rent” would be defined as the base rent calculated without regard to any reduction in base rent allowed by paragraph two of subdivision h of section 11-704.

“Income factor” would be defined as: 1. for a tenant with total income of not more than five million dollars, one; 2. for a tenant with total income of more than five million dollars but not more than ten million dollars, a fraction the numerator of which is ten million dollars minus the amount of total income and the denominator of which is five million dollars; and 3. for a tenant with total income of more than ten million dollars, zero.

“Rent factor” would be defined as: 1. for a tenant whose base rent is less than five hundred thousand dollars, one; and 2. for a tenant whose base rent is at least five hundred thousand dollars but not more than five hundred and fifty thousand dollars, a fraction the numerator of which is five hundred and fifty thousand dollars minus the amount of base rent and the denominator of which is fifty thousand dollars.

“Total income” would be defined as the amount reported by a person, as defined by section 7701 of the internal revenue code, to the internal revenue service for the purpose of the federal income tax in the tax year immediately preceding the period for which the tenant is applying for the credit set forth in subdivision b that is equal to the gross receipts or sales of the person minus any returns and allowances, minus the cost of goods plus the amount of any dividends, interest, gross rents, gross royalties, capital gain net income, net gain or loss from the sale of business property, net farm profit or loss, ordinary income or loss from other partnerships, estates or trusts or other income or loss.

Subdivision b of Section 11-704.4 would establish a credit, available beginning on July 1, 2018 and for each tax year beginning thereafter, as follows: for a tenant whose base rent is at least \$250,000 but not more

³⁴ New York City Independent Budget Office, 1999 Preliminary Budget Analysis, *supra* note 2.

³⁵ IBO, Considering Tax Cuts, *supra* note 16, at 6.

³⁶ The Real Estate Board of New York, *Retail Report Fall 2016*, available at https://www.rebny.com/content/dam/rebny/Documents/PDF/News/Research/Retail%20Reports/REBNY_Manhattan_Retail_Report_Fall_2016.pdf

³⁷ The Real Estate Board of New York, *Retail Report Fall 2001*, available at https://www.rebny.com/content/dam/rebny/Documents/PDF/News/Research/Retail%20Reports/2001Fall_Retail_Report.pdf

³⁸ See *supra* notes 36-37.

³⁹ *Reducing the Burden of NYC’s Commercial Rent Tax*, The Manhattan Chamber of Commerce (May 2016), available at <http://merchant2.videotex.net/photos/resources/R622E977.pdf>

than \$550,000 a credit will be allowed in an amount determined by calculating the amount of tax owed after accounting for all existing available credits and exemptions and multiplying that by the income factor and the rent factor. The subdivision further provides that no credit would be available to any taxpayer with a base rent of more than \$550,000.

Subdivision c of Section 11-704.4 would require authorize DOF to promulgate any rules necessary to implement the provisions of the section, including, but not limited to, rules that prevent abuse of the section by related parties.

Section 2 of Proposed Int. No. 799-B establishes that the local law takes effect immediately.

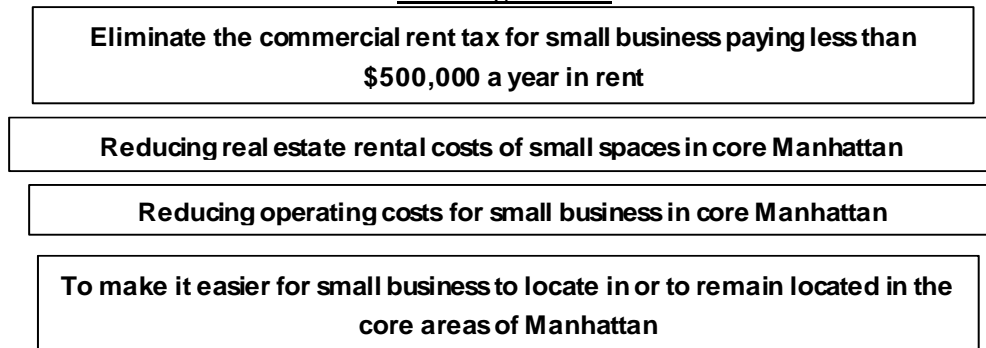
Goal of the Tax Expenditure for Purposes of Evaluation

The New York City Task Force on Economic Development Tax Expenditures (the “Task Force”) was created by the City Council to explore how the Council could improve its oversight responsibility of the City’s nearly \$2.8 billion in economic development tax expenditures. With an eye towards fiscal responsibility, the Task Force set out to recommend a systematic process for evaluations of economic development tax expenditures to help the public and lawmakers better understand the impacts of these tax breaks.

In a September 2016 final report, the Task Forth set forth its opinion on best practices for the treatment of New York City’s tax expenditures. One of those best practices was the recommendation that “All future legislation creating or extending tax expenditures should contain explicit statements of the program’s goals and metrics by which it should be measured.”

With respect to Proposed Int. 799-B, the goal of the legislation for purposes of evaluation is to provide tax relief for small businesses in Manhattan to make it easier for small business to locate in or to remain located in the core areas of Manhattan where the CRT applies.

Goal Logic Model



Given its goal the program is appropriate for future evaluation under local law 18 of 2017.

IV. Analysis of Proposed Int. No. 1376-A

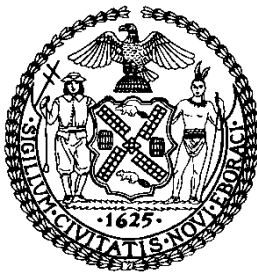
Section 1 of Int. No. 1376-A would add new Section 11-719 to the Administrative Code of the City of New York, entitled “Annual Report.” Subdivision a of new Section 11-719 would require DOF, no later than September 1, 2018 (and every September 1 thereafter), to submit to the Mayor and the Speaker of the Council and make publicly available online a report on the CRT, on the condition that any category that only includes one taxpayer would not be reported for any tax period. The report would include the following information for the prior tax year:

- the distribution of taxable premises and taxpayers by *base rent range*, including the number and zip codes of the taxable premises for which the CRT was collected, the number of taxpayers who paid the tax, the number of taxpayers who paid the tax on more than one location, and the total amount of the CRT paid for the set taxable premises and taxpayers within each range;
- the distribution of taxable premises and taxpayers by *industry*, including the number and zip codes of the taxable premises for which the CRT was collected, the number of taxpayers who paid the tax, the number of taxpayers who paid the tax on more than one location, and the total amount of CRT paid for the set taxable premises and taxpayers within each industry;
- the total amount of tax collected and the average tax liability per *premises* for each of the prior ten years;
- the total amount of tax collected and the average tax liability per *taxpayer* for each of the prior ten years;
- a comparison of the total CRT collected to the average market value of commercial properties in the borough of Manhattan, as determined by the department, for each of the prior ten tax years;
- the number of taxable premises and the number of taxpayers by base rent range and industry who received the Small Business Tax Credit provided for in §11-704.4; and
- any other information deemed relevant by the Department of Finance.

Subdivision b of new Section 11-719 would establish that for purposes of the report, the “base rent ranges” would be: between \$250,000 and \$274,999; between \$275,000 and \$299,999; between \$300,000 and \$349,999; between \$350,000 and \$399,999; between \$400,000 and \$449,999; between \$450,000 and \$499,999; between \$500,000 and \$549,999; between \$550,000 and \$599,999; between \$600,000 and \$699,999; between \$700,000 and \$799,999; between \$800,000 and \$899,999; between \$900,000 and \$999,999; between \$1,000,000 and \$1,999,999; between \$2,000,000 and \$2,999,999; between \$3,000,000 and \$3,999,999; between \$4,000,000 and \$4,999,999; between \$5,000,000 and \$9,999,999; and more than \$10,000,000.

Section 2 of Proposed Int. No. 1376-A would establish that the legislation take effect immediately.

The following is the text of the Fiscal Impact Statement for Int. No. 799-B:



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

PROPOSED INTRO. NO: 799-B

COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the commercial rent tax.

SPONSOR(S): Council Members Garodnick, Rosenthal, Chin, Mendez, Johnson, Kallos, Levine, Ferreras-Copeland, Cornegy, Rodriguez, Dickens, Constantinides, Koo, Koslowitz, Mealy, Rose, Cabrera, Cumbo, Deutsch, Espinal, Gentile, Greenfield, Grodenchik, King, Lancman, Maisel, Miller, Salamanca, Torres, Treyger, Vallone, Van Bramer, Williams, Menchaca, Dromm, Levin, Richards,

 Perkins, Reynoso, Lander, Borelli, Ulrich and Matteo

SUMMARY OF LEGISLATION: Proposed Int. 799-B would establish a Small Business Tax Credit (“the credit”) against the Commercial Rent Tax (“CRT”). The credit would provide complete tax relief for taxpayers who report incomes of \$5 million or less and who pay less than \$500,000 per year in rent. Taxpayers who report incomes of \$5 million or less and who pay between \$500,000 and \$550,000 per year in rent, and those taxpayers who report incomes between \$5 million and \$10 million and who pay less than \$550,000 per year in rent would receive a partial, sliding scale credit. Taxpayers who report incomes of more than \$10 million or who pay \$550,000 or more in rent would not receive any credit. The credit would be available beginning July 1, 2018.

EFFECTIVE DATE: This local law would take effect immediately.

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	(36,800,000)	(36,800,000)
Expenditures	\$0	\$0	\$0
Net	\$0	(36,800,000)	(36,800,000)

IMPACT ON REVENUES: It is anticipated that this legislation would have a cost of \$36.8 million in foregone CRT revenue in Fiscal 2019, the first full year in which the credit will be available. It is estimated that over 2,700 taxpayers would receive a benefit under this legislation.

IMPACT ON EXPENDITURES: It is estimated that this bill would not have an impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Finance

ESTIMATE PREPARED BY: Davis Winslow, Economist

ESTIMATE REVIEWED BY: Emre Edev, Assistant Director, NYC Council Finance Division
Ray Majewski, Deputy Director / Chief Economist, NYC Council Finance Division
Rebecca Chasan, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on May 27, 2015, and was referred to the Committee on Finance (Committee). The legislation was amended after introduction and the Committee held a hearing on February 13, 2017 on the amended legislation, Proposed Int. No. 799-A, and the bill was laid over. The bill was subsequently amended again, and the Committee will vote on the amended legislation, Proposed Int. No. 799-B, at a hearing on November 30, 2017. Upon successful vote by the Committee, the full Council will vote on the legislation on November 30, 2017.

DATE PREPARED: November 28, 2017.

(For text of Int. Nos. 1376-A and its Fiscal Impact Statements, please see the Report of the Committee on Finance for Int. Nos. 1376-A printed in these Minutes; for text of Int. No. 799-B, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 799-B and 1376-A.

(The following is the text of Int. No. 799-B:)

Int. No. 799-B

By Council Members Garodnick, Rosenthal, Chin, Mendez, Johnson, Kallos, Levine, Ferreras-Copeland, Cornegy, Rodriguez, Constantinides, Koo, Koslowitz, Mealy, Rose, Cabrera, Cumbo, Deutsch, Espinal, Gentile, Greenfield, Grodenchik, King, Lancman, Maisel, Miller, Salamanca, Torres, Treyger, Vallone, Van Bramer, Williams, Menchaca, Dromm, Levin, Richards, Perkins, Reynoso, Lander, Gibson, Borelli, Ulrich and Matteo.

A Local Law to amend the administrative code of the city of New York, in relation to the commercial rent tax

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 11-704.4 to read as follows:

11-704.4. Small business tax credit. a. Definitions. As used in this section, the following terms have the following meanings:

Base rent. The term "base rent" shall mean the base rent calculated without regard to any reduction in base rent allowed by paragraph two of subdivision h of section 11-704.

Income factor. The term "income factor" shall mean:

- 1. for a tenant with total income of not more than five million dollars, one;*
- 2. for a tenant with total income of more than five million dollars but not more than ten million dollars, a fraction the numerator of which is ten million dollars minus the amount of total income and the denominator of which is five million dollars; and*

3. for a tenant with total income of more than ten million dollars, zero.

Rent factor. The term "rent factor" shall mean:

- 1. for a tenant whose base rent is less than five hundred thousand dollars, one; and*
- 2. for a tenant whose base rent is at least five hundred thousand dollars but not more than five hundred and fifty thousand dollars, a fraction the numerator of which is five hundred and fifty thousand dollars minus the amount of base rent and the denominator of which is fifty thousand dollars.*

Total income. The term "total income" shall mean the amount reported by a person, as defined by section 7701 of the internal revenue code, to the internal revenue service for the purpose of the federal income tax in the tax year immediately preceding the period for which the tenant is applying for the credit set forth in subdivision b that is equal to the gross receipts or sales of the person minus any returns and allowances, minus the cost of goods plus the amount of any dividends, interest, gross rents, gross royalties, capital gain net income, net gain or loss from the sale of business property, net farm profit or loss, ordinary income or loss from other partnerships, estates or trusts or other income or loss.

b. Beginning on July 1, 2018 and for each tax year beginning thereafter, a credit shall be allowed against the tax imposed by this chapter as follows: a tenant whose base rent is at least two hundred and fifty thousand dollars but not more than five hundred and fifty thousand dollars shall be allowed a credit in the amount determined by multiplying the tax imposed on the tenant pursuant to section 11-702 minus any allowable

credits or exemptions set forth outside this section by the income factor and by the rent factor. If the tenant's base rent is over five hundred and fifty thousand dollars, no credit shall be allowed under this section.

c. The department of finance may promulgate any rules necessary to implement the provisions of this section, including, but not limited to, rules that prevent abuse of this section by related parties.

§ 2. This local law takes effect immediately.

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, November 30, 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. 1376-A

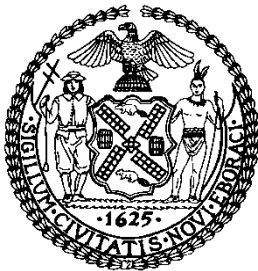
Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to issue an annual report on the commercial rent tax.

The Committee on Finance, to which the annexed proposed amended local law was referred on November 29, 2016 (Minutes, page 3950), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for Int. No. 799-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1376-A:



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

PROPOSED INTRO. NO: 1376-A

COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to issue an annual report on the commercial rent tax

SPONSOR(S): Council Members Rosenthal, Chin, Cohen, Eugene, Koslowitz, Lancman, Levine, Richards, Salamanca, Van Bramer and Menchaca

SUMMARY OF LEGISLATION: This legislation would require the Department of Finance (DOF) to issue an annual report on the Commercial Rent Tax (CRT). Such report would include information on the number and

location of premises and the amount of the tax paid, by base rent range and industry; the number of taxpayers and the amount of the tax paid, by base rent range and industry; the number of taxpayers who paid the tax on more than one property, by base rent range and industry; the total amount of tax collected, by base rent and industry; the number of taxable premises and taxpayers who received the Small Business Tax Credit, by base rent range and industry; the total amount of the tax collected in the prior ten tax years and the average tax liability per premises and taxpayer; and a comparison of the total amount of the tax collected in the prior ten tax years and the average market value of commercial property in Manhattan.. The report would be submitted to the Mayor and the Speaker of the Council no later than September 1 of each year and would be made publicly available online.

EFFECTIVE DATE: This legislation would take effect immediately.

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 DOF to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Finance

ESTIMATE PREPARED BY: Davis Winslow, Economist

ESTIMATE REVIEWED BY: Emre Edev, Assistant Director, NYC Council Finance Division
Ray Majewski, Deputy Director / Chief Economist, NYC Council Finance Division
Rebecca Chasan, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 29, 2016, and was referred to the Committee on Finance (Committee). The Committee held a hearing on February 13, 2017, and the bill was laid over. The bill was subsequently amended, and the Committee will vote on the amended legislation, Proposed Int. No. 1376-A, at a hearing on November 30, 2017. Upon successful vote by the Committee, the full Council will vote on the legislation on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1376-A:)

Int. No. 1376-A

By Council Members Rosenthal, Chin, Cohen, Eugene, Koslowitz, Lancman, Levine, Richards, Salamanca, Van Bramer and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to issue an annual report on the commercial rent tax

Be it enacted by the Council as follows:

Section 1. Chapter 7 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-719 to read as follows:

§ 11-719 Annual Report. a. No later than September first, two thousand eighteen, and every September first thereafter, the department of finance shall submit to the mayor and speaker of the council, and make publicly available online, a report on the commercial rent tax. Such report shall include the following information for the prior commercial rent tax period, on the condition that any category that only includes one taxpayer shall not be reported for any tax period:

1. the distribution of taxable premises and taxpayers by base rent range, including the number and zip codes of the taxable premises for which the commercial rent tax was collected, the number of taxpayers who paid the tax, the number of taxpayers who paid the tax on more than one property and the total amount of commercial rent tax paid for the set of taxable premises and taxpayers within each range;

2. the distribution of taxable premises and taxpayers by industry, including the number and zip codes of the taxable premises for which the commercial rent tax was collected, the number of taxpayers who paid the tax, the number of taxpayers who paid the tax on more than one property and the total amount of commercial rent tax paid for the set of taxable premises and taxpayers within each industry;

3. the total amount of tax collected and the average tax liability per premises for each of the prior ten tax years;

4. the total amount of tax collected and the average tax liability per taxpayer for each of the prior ten tax years;

5. a comparison of the total commercial rent tax collected to the average market value of commercial properties in the borough of Manhattan as determined by the department for each of the prior ten tax years;

6. the number of taxable premises and the number of taxpayers by base rent range and industry who received the credit set forth in section 11-704.4; and

7. any other information deemed relevant for inclusion by the department.

b. For purposes of the report required by subdivision a of this section, the base rent ranges shall be:

1. between \$250,000 and \$274,999;

2. between \$275,000 and \$299,999;

3. between \$300,000 and \$349,999;

4. between \$350,000 and \$399,999;

5. between \$400,000 and \$449,999;

6. between \$450,000 and \$499,999;

7. between \$500,000 and \$549,999;

8. between \$550,000 and \$599,999;

9. between \$600,000 and \$699,999;

10. between \$700,000 and \$799,999;

11. between \$800,000 and \$899,999;

12. between \$900,000 and \$999,999;

- 13. between \$1,000,000 and \$1,999,999;
- 14. between \$2,000,000 and \$2,999,999;
- 15. between \$3,000,000 and \$3,999,999;
- 16. between \$4,000,000 and \$4,999,999;
- 17. between \$5,000,000 and \$9,999,999; and
- 18. more than \$10,000,000.

§ 2. This local law takes effect immediately.

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, November 30, 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. 1750-A

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to provide new homeowners with information about real property taxes and exemptions.

The Committee on Finance, to which the annexed proposed amended local law was referred on October 31, 2017 (Minutes, page 3898), respectfully

REPORTS:

Introduction

On November 30, 2017, the Committee on Finance, chaired by Council Member Julissa Ferreras-Copeland, will hold a second hearing on Proposed Introduction (Int.) No. 1722-A, sponsored by Council Member Ferreras-Copeland, *A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to provide new homeowners with information about real property taxes and exemptions.* This is the second hearing on this bill, which was amended after introduction. At the first hearing on this bill, the Committee heard testimony from representatives from the New York City Department of Finance (DOF) and other interested parties.

Background

In 1981, the State Legislature adopted Senate bill, S.7000A, which created Article 18 of the Real Property Tax Law (“RPTL”).¹ For purposes of taxation, Article 18 established four classes of property² and allows special assessing units (New York City and Nassau County) to apply different fractional assessment percentages to each class of property.³ The main provisions contained in S.7000A established the framework for the City’s present property tax system.

Calculating Market and Assessed Values

¹ See Chapter 1057 of the Laws of 1981

² See Real Property Tax Law § 1802(1)

³ See Real Property Tax Law § 305(2)

Pursuant to Article 18, there are four classes of property. Class 1 consists primarily of one-, two- and three-family homes; Class 2 consists of other residential property that is not in Class 1 including rental, cooperative and condominium apartments (but not including motels and hotels); Class 3 consists of utility property of regulated utilities and holders of franchises, such as cable television providers; and Class 4 consists of real property not designated Class 1, 2, or 3, and generally consists of commercial properties.⁴

Each year, DOF estimates the value of every taxable property in the city.⁵ The determination of value assigned to a property is termed an “assessment,”⁶ and is commonly referred to as the “market value”⁷ of the property. Pursuant to Section 305 of the RPTL, each class of property must be assessed at the same percentage of full value, which in turn is commonly referred to as the “assessed value” of the property. To comply with this statute, DOF calculates the assessed value of a property by multiplying a property’s market value by a set percentage – six percent for Class 1 properties and 45 percent for Class 2, 3 and 4 properties.⁸

To prevent wide, year-to-year fluctuations in assessed values due to market conditions, Article 18 sets forth limits on how much a property’s assessed value can increase each year for Class 1 and some Class 2 properties. For Class 1 properties, assessed increases are subject to a six percent annual cap and a 20 percent cap over five years.⁹ For small Class 2 properties (buildings with 4-10 units), the assessed value increases are subject to an eight percent annual cap and a 30 percent cap over five years.¹⁰ For large Class 2 properties (buildings with more than 10 units) and Class 4 properties, no caps are in place, but the increases in assessed value are phased in over five years.¹¹ These caps and phase-ins apply only to changes due to market conditions, and do not apply to changes due to physical improvements or changes on a property.¹²

After each property’s assessed value has been calculated, DOF applies any exemptions for which the property or property owner is eligible and qualifies. This amount is the “taxable value” of the property.¹³

All property owners may file an appeal of their assessments with the New York City Tax Commission, an independent review board responsible for the administrative review of real property tax assessments set by DOF.¹⁴

Determining the Tax Rate and the Amount of Property Tax Bills

The Council is responsible for setting the tax rates for each class every year.¹⁵ This is generally done in conjunction with adoption of the budget.¹⁶ A property’s tax bill is calculated by applying the applicable tax rate to the taxable value, less any available abatements.¹⁷

Helping Homeowners Understand the Property Tax System

New York City’s property tax system is very complex, and the laws governing the system can be equally as complex and difficult to understand. In an effort to assist the public in understanding the property tax system and how the administration of the property tax leads to the amount that each homeowner is required to

⁴ See Real Property Tax Law § 1802(1)

⁵ See New York City Charter § 1508

⁶ See Real Property Tax Law § 102(2). See also New York City Charter § 1506. The term “assessment” shall mean a determination by the assessors of (a) the taxable status of real property as of the taxable status date; and (b) the valuation of real property, including the valuation of exempt real property, and where such property is partially exempt, the valuation of both the taxable and exempt portions.

⁷ See <http://www1.nyc.gov/site/finance/taxes/calculating-your-property-taxes.page> (last accessed November 14, 2017)

⁸ See *id.*

⁹ See Real Property Tax Law § 1805(1)

¹⁰ See Real Property Tax Law § 1805(2)

¹¹ See Real Property Tax Law § 1805(3)

¹² See Real Property Tax Law § 1805(5)

¹³ See <http://www1.nyc.gov/site/finance/taxes/calculating-your-property-taxes.page> (last accessed November 14, 2017)

¹⁴ See New York City Charter, §§ 153, 1504-a

¹⁵ See New York City Charter §§ 1516, 1516-a

¹⁶ See *id.*

¹⁷ See <http://www1.nyc.gov/site/finance/taxes/calculating-your-property-taxes.page> (last accessed November 14, 2017)

pay each year, the Council passed Local Law 62 of 2012 which required DOF to produce and publish an informational brochure on property taxes.

Specifically, the law requires DOF to produce and publish brochures for Class 1 and Class 2 properties containing the following information:

- a description of the way DOF determines market value and assessed value for all Class 1 and Class 2 property in the City, and the way the property tax assessment determined by such values affects a property owner's property tax bill;
- a description of the statement of account, notice of property value or similar document that provides a property owner with a description of his or her property, applied exemptions, and the assessed and market values of such property, and an explanation of the content contained therein;
- a description of property tax exemptions and abatements administered by DOF, and the eligibility requirements and application deadlines of such property tax exemptions and abatements;
- a timeline of deadlines in the fiscal year as they relate to property tax assessment and payment of property taxes; and
- a description of the property tax dispute process.

Pursuant to Local Law 62, DOF created two informational brochures (one for Class 1 and one for Class 2) and published them on its website.¹⁸ There is currently no requirement that such brochures be provided directly to new homeowners at the time that they purchase their homes. This local law would impose such a requirement in an effort to ensure that new homeowners understand how their property taxes are calculated, and are made aware of any exemptions or abatements that they could qualify for, as well their right to appeal their assessment to the Tax Commission.

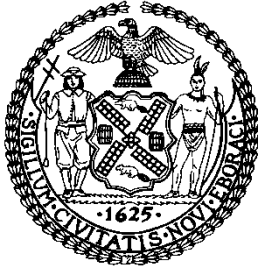
Proposed Int. No. 1750-A

Section one of Proposed Int. No. 1750-A would require that, whenever a document transferring ownership of a one-to-four family home or a residential cooperative and condominium is recorded with the City Register or Richmond County Clerk, DOF would have to mail, or if possible e-mail, a copy of the property tax informational brochure it is required to produce pursuant to Local Law 62 to the new homeowners.

Section two of Proposed Intro. 1750-A would establish that the local law takes effect July 1, 2018.

(The following is the text of the Fiscal Impact Statement for Int. No. 1750-A:)

¹⁸ See <http://www1.nyc.gov/site/finance/taxes/property-assessments.page> (last accessed November 8, 2017)



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

PROPOSED INTRO. NO. 1750-A

COMMITTEE: FINANCE

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to provide new homeowners with information about real property taxes and exemptions

SPONSORS: By Council Members Ferreras-Copeland, Constantinides, Menchaca and Miller

SUMMARY OF LEGISLATION: The Department of Finance (DOF) is required to publish a property tax informational brochure for class 1 and class 2 properties describing the way those properties are valued and assessed, explaining how those values affect property tax bills, providing information about property tax exemptions, and setting forth the timeline of relevant property tax deadlines.

Proposed Intro. No. 1750-A would require, that whenever a document transferring ownership of one-to-four family home or a residential cooperative and condominium is recovered with the City Register or Richmond County Clerk, the Department of Finance (DOF) would have to mail or email (if the email address is known to DOF) a copy of this property tax informational brochure to the new homeowners.

EFFECTIVE DATE: This local law would take effect July 1, 2018

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY19	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: 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 DOF to implement the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division

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

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel, Finance Division
 Crilhien Francisco, Unit Head, Finance Division
 Nathan Toth, Director, Finance division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1750 on October 31, 2017 and was referred to the Committee on Finance (Committee). The Committee considered the legislation at a hearing on November 15, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1750-A will be considered by the Committee on November 29, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1750-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1750-A:)

Int. No. 1750-A

By Council Members Ferreras-Copeland, Constantinides, Menchaca, Miller and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to provide new homeowners with information about real property taxes and exemptions

Be it enacted by the Council as follows:

Section 1. Section 11-135 of the administrative code of the city of New York is amended by adding a new subdivision 4 to read as follows:

4. Upon the recording of any document with the city register or the office of the Richmond county clerk transferring an ownership interest in any class one property or in any class two property that is a residential condominium or residential cooperative or a four family residential property, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, the department shall send by mail, or, for any owner whose email address is known to the department, by email, such brochure to the grantee or grantees of such ownership interest.

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

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, November 30, 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).

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

Report for Res. No. 1730

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 30, 2017, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 6, 2017, the Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”). On June 14, 2016, the Council adopted the expense budget for fiscal year 2017 with various programs and initiatives (the “Fiscal 2017 Expense Budget”). On June 26, 2015, the Council adopted the expense budget for fiscal year 2016 with various programs and initiatives (the “Fiscal 2016 Expense Budget”).

Analysis. This Resolution, dated November 30, 2017, approves the new designation and the changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget, amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving aging and youth discretionary funding in accordance with the Fiscal 2017 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget, amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local, aging and youth discretionary funding in accordance with the Fiscal 2017 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2018 Expense Budget, as described in Chart 1; sets forth the change in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2018 Expense Budget, as described in Chart 2; sets forth the new designation and change in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2018 Expense Budget, as described in Chart 3; sets forth the new designation and changes in the designation of funding pursuant to certain initiatives in the Fiscal 2018 Expense Budget, as described in Charts 4-22; sets forth the

new designation and the changes in the designation of certain organizations receiving local discretionary funding and funding pursuant to certain initiatives in Fiscal 2017 Expense Budget, as described in Charts 23-33; sets forth the changes in the designation of certain organizations receiving funding pursuant to certain initiatives in the Fiscal 2016 Expense Budget, as described in Charts 34-35; amends the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2018 Expense Budget, as described in Chart 36; amends the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2017 Expense Budget, as described in Chart 37; and sets forth the designation of certain organizations receiving funding pursuant to the Beating Hearts Initiative in accordance with the Fiscal 2018 Expense Budget as described in Chart 38.

Specifically, Chart 1 sets forth the new designation and change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and change in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2018 Expense Budget.

Chart 3 sets forth the new designation and change in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 4 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2018 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 5 sets forth the change in the designation of the agency administering funding pursuant to the Initiative to Address Borough Wide Needs in accordance with the Fiscal 2018 Expense Budget. This change will be effectuated upon a budget modification.

Chart 6 sets forth the change in the designation of the agency administering funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2018 Expense Budget. This change will be effectuated upon a budget modification.

Chart 7 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 8 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2018 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 9 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 10 sets forth the new designation of a certain organization receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2018 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 12 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 13 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 14 sets forth the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 15 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 16 sets forth the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 17 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Crisis Management System initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 18 sets forth the change in the designation of the agency administering funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2018 Expense Budget. These changes will be effectuated upon a budget modification.

Chart 19 sets forth the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Initiative for Immigrant Survivors of Domestic Violence in accordance with the Fiscal 2018 Expense Budget.

Chart 20 sets forth the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 21 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2018 Expense Budget.

Chart 22 sets forth the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the CUNY Research Institutes initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 23 sets forth the new designation and change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget.

Chart 24 sets forth the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 25 sets forth the change in the designation, specifically a name change, of certain organizations receiving funding pursuant to the Food Pantries initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 26 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 27 sets forth the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2017 Expense Budget.

Chart 28 sets forth the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Initiative to Address Boroughwide Needs in accordance with the Fiscal 2017 Expense Budget.

Chart 29 sets forth the change in the designation, specifically a fiscal conduit information for one organization and a name change for another, of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2017 Expense Budget.

Chart 30 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 31 sets forth the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 32 sets forth the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 33 sets forth the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Food Access and Benefits initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 34 sets forth the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 35 sets forth the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 36 amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget.

Chart 37 amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget.

Chart 38 sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2018.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2018, Fiscal 2017, and Fiscal 2016 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1730:)

Preconsidered Res. No. 1730

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

By Council Member Ferreras-Copeland.

Whereas, On June 6, 2017 the City Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”); and

Whereas, On June 14, 2016 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2017 with various programs and initiatives (the “Fiscal 2017 Expense Budget”); and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2018, Fiscal 2017, and Fiscal 2016 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2018 and Fiscal 2017 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the change in the designation of the agency administering funding pursuant to the Initiative to Address Borough Wide Needs in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the change in the designation of the agency administering funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the change in the designation of the agency administering funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Initiative for Immigrant Survivors of Domestic Violence in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the CUNY Research Institutes initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of certain organizations receiving funding pursuant to the Food Pantries initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Initiative to Address Boroughwide Needs in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the change in the designation, specifically a fiscal conduit information and a name change, of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Food Access and Benefits initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving funding for the Food Pantries Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the organizations that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2018, as set forth in Chart 38.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Dromm	Bangladesh Institute of Performing Arts Inc.**	11-3249055	DCLA	(\$5,000.00)	126	003			
Dromm	Queens Legal Services Corporation**	13-2605604	DSS/HRA	(\$5,000.00)	069	107			
Dromm	New York University**	13-5562308	DYCD	\$5,000.00	260	005			
Dromm	La Guardia and Wagner Archives at La Guardia Community College**	13-6400434	CUNY	\$5,000.00	042	001			
Cornegy	Crown Heights North Association, Inc.**	20-0006693	DCLA	(\$10,000.00)	126	003			
Cornegy	Crown Heights North Association, Inc.**	20-0006693	DYCD	\$10,000.00	260	005			
Grodenschik	Camp Extreme, Inc. - Miryam's House**	36-4428246	DYCD	(\$2,000.00)	260	312			
Grodenschik	Department of Transportation**	13-6400434	DOT	\$2,000.00	841	011			
Levin	Brooklyn Arts Council, Inc.**	23-7072915	DCLA	(\$3,000.00)	126	003			
Levin	Little Essentials**	27-5281758	DYCD	\$3,000.00	260	005			
Crowley	Department of Parks and Recreation - Juniper Valley Park**	13-6400434	DPR	(\$8,400.00)	846	006			
Crowley	Department of Parks and Recreation - Juniper Valley Park	13-6400434	DPR	\$3,150.00	846	006			
Crowley	Unique People Services, Inc.**	13-3636555	DYCD	\$5,250.00	260	005			
Crowley	Camp Extreme, Inc.	36-4428246	DYCD	(\$5,000.00)	260	312			
Crowley	Sunnyside Community Services, Inc.	51-0189327	DYCD	\$5,000.00	260	312			
Torres	Westchester Square District Management Association, Inc.**	38-3873130	DSBS	(\$50,000.00)	801	002			
Torres	Belmont District Management Association, Inc.	27-0834463	DSBS	\$40,000.00	801	002			
Torres	Northwest Bronx Community and Clergy Coalition, Inc.**	13-2806160	DYCD	\$10,000.00	260	312			
Speaker	Atlas DIY	45-4316117	DYCD	(\$25,000.00)	260	312			
Speaker	Atlas: DIY Corporation	45-4316117	DYCD	\$25,000.00	260	312			
Levin	Little Essentials	27-5281758	DYCD	(\$2,000.00)	260	005	Bergen Basin Community Development Corporation d/b/a Millennium Development	#####	
Levin	Little Essentials	27-5281758	DYCD	\$2,000.00	260	005			
Ferreras-Copeland	Pratt Institute**	11-1630822	DYCD	(\$10,000.00)	260	005			
Ferreras-Copeland	Pratt Institute**	11-1630822	DSBS	\$10,000.00	801	002			
Ferreras-Copeland	East River Development Alliance, Inc.**	86-1096987	DYCD	(\$8,500.00)	260	312			
Ferreras-Copeland	Association of Community Employment Programs for the Homeless, Inc.**	13-3846431	DYCD	(\$2,500.00)	260	005			
Ferreras-Copeland	Pride Not Prejudice, Inc.**	46-1334329	DOE	(\$3,500.00)	040	402			
Ferreras-Copeland	Queens Museum of Art**	11-2278998	DCLA	\$11,500.00	126	022			
Ferreras-Copeland	Corona Community Volunteer Ambulance Corps, Inc.**	11-3214382	FDNY	\$3,000.00	057	005			
Rodriguez	Bronx Neighborhood Housing Services CDC, Inc.	47-1006046	DYCD	(\$3,500.00)	260	005			
Rodriguez	The Bronx Neighborhood Housing Services CDC, Inc.	47-1006046	DYCD	\$3,500.00	260	005			
Rodriguez	Mary Miss / City as Living Laboratory (CALL), Inc.	45-3437108	DYCD	(\$5,000.00)	260	005	Kingsbridge Heights Community Center	13-281380	
Rodriguez	Mary Miss / City as Living Laboratory (CALL), Inc.	45-3437108	DYCD	\$5,000.00	260	005			
King	I'RAISE Girls & Boys International Corporation**	46-3299217	DCLA	(\$20,000.00)	126	003			

King	I'RAISE Girls & Boys International Corporation**	46-3299217	DYCD	\$20,000.00	260	312			
Speaker	One Brooklyn Fund, Inc.**	46-5189061	DYCD	(\$50,000.00)	260	005			
Speaker	Make Music New York, Inc.**	20-5751217	DCLA	\$50,000.00	126	003			

* Indicates pending completion of pre-qualification review.

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

CHART 2: Aging Discretionary - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Dromm	Latin American Cultural Center of Queens, Inc.	11-2997255	DFTA	(\$8,000.00)	125	003			
Dromm	Queens Legal Services Corporation	13-2605604	DFTA	\$8,000.00	125	003			
Dromm	St. Joan of Arc	11-1675278	DFTA	(\$5,000.00)	125	003			
Dromm	Midtown Management Group, Inc.	13-3192793	DFTA	\$5,000.00	125	003			

* Indicates pending completion of pre-qualification review.

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

CHART 3: Youth Discretionary - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Dromm	Soapbox: The Feminist Foundation, Inc.	46-4146072	DYCD	(\$5,000.00)	260	312			*
Dromm	Drag Queen Story Hour NYC, Ltd.	82-2613408	DYCD	\$5,000.00	260	312	Soapbox: The Feminist Foundation, Inc.	#####	*
Menchaca	Atlas DIY	45-4316117	DYCD	(\$20,000.00)	260	312			
Menchaca	Atlas: DIY Corporation	45-4316117	DYCD	\$20,000.00	260	312			
Ferreras-Copeland	Lefrak City Youth and Adult Activities Association, Inc.	11-3106422	DYCD	(\$10,000.00)	260	312			
Ferreras-Copeland	East River Development Alliance, Inc.**	86-1096987	DYCD	\$6,500.00	260	312			
Ferreras-Copeland	Pride Not Prejudice, Inc.**	46-1334329	DYCD	\$3,500.00	260	312			
Gibson	Lead by Example and Reverse the Trend	47-2765517	DYCD	(\$5,000.00)	260	312			
Gibson	Lead by Example and Reverse the Trend, Inc.	47-2765517	DYCD	\$5,000.00	260	312			
Ulrich	Roman Catholic Church of the Holy Child Jesus in the Borough of Queens	11-1639802	DYCD	(\$5,000.00)	260	312			
Ulrich	Holy Child Jesus	11-1639802	DYCD	\$5,000.00	260	312			
Rose	Staten Island Cricket Club, Inc.	90-0932357	DYCD	(\$3,000.00)	260	312	United Activities Unlimited, Inc.	#####	
Rose	Staten Island Cricket Club, Inc.	90-0932357	DYCD	\$3,000.00	260	312			

* Indicates pending completion of pre-qualification review.

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

CHART 4: Anti-Poverty Initiative - Fiscal 2018

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Dromm	Midtown Management Group, Inc.**	13-3192793	DCLA	(\$5,000.00)	126	003			
Dromm	Research Foundation of the City University of New York - LGBTQI Student Leadership Program**	13-1988190	CUNY	\$5,000.00	042	001			*
Koo	Chinese American Planning Council, Inc. - CPC Queens Senior Employment Program**	13-6202692	DFTA	(\$5,000.00)	125	003			
Koo	Chinese American Planning Council, Inc. - CPC Queens Senior Employment Program**	13-6202692	DYCD	\$5,000.00	260	005			

* Indicates pending completion of pre-qualification review.

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

CHART 5: Initiative to Address Borough Wide Needs - Fiscal 2018

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Manhattan Delegation	Broadway Housing Communities, Inc. **	13-3212867	DCLA	(\$10,556.00)	126	003			
Manhattan Delegation	Broadway Housing Communities, Inc. **	13-3212867	DYCD	\$10,556.00	260	312			

* Indicates pending completion of pre-qualification review.

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

CHART 6: Speaker's Initiative to Address Citywide Needs - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Speaker	Broadway Housing Communities, Inc. **	13-3212867	DCLA	(\$100,000.00)	126	003			
Speaker	Broadway Housing Communities, Inc. **	13-3212867	DYCD	\$100,000.00	260	312			

* Indicates pending completion of pre-qualification review.

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

CHART 7: Cultural After-School Adventure (CASA) Initiative - Fiscal 2018

Member	Organization - School	EIN Number	Agency	Amount	Agy #	U/A *
	Department of Cultural Affairs	13-6400434	DCLA	(\$20,000.00)	126	003
Salamanca	Visual Arts Research and Resource Center Relating to the Caribbean	13-3054001	DCLA	(\$20,000.00)	126	003
Levine	Multicultural Music Group, Inc. - Mott Hall Middle School	13-3894314	DCLA	(\$20,000.00)	126	003
Garodnick	Arts Connection, Inc., The - Public School 59M	13-2953240	DCLA	\$20,000.00	126	003
Vacca	Publicolor, Inc. - Public School 175X	13-3912768	DCLA	\$20,000.00	126	003
Vacca	Ballet Hispanico of New York, Inc. - Public School 498X	13-2685755	DCLA	\$20,000.00	126	003
Levin	Department of Cultural Affairs - PS 307K	13-6400434	DCLA	(\$20,000.00)	126	003
Levin	Brooklyn Historical Society - Public School 307K	11-1630813	DCLA	\$20,000.00	126	003
Levin	Department of Cultural Affairs - Automotive High School	13-6400434	DCLA	(\$20,000.00)	126	003
Levin	Center for Arts Education, Inc. - Automotive High School	13-3938080	DCLA	\$20,000.00	126	003
Levin	Department of Cultural Affairs - PS 31K	13-6400434	DCLA	(\$20,000.00)	126	003
Levin	Brooklyn Historical Society - Public School 31K	11-1630813	DCLA	\$20,000.00	126	003
Perkins	Amigos Del Museo Del Barrio, Inc.	23-7156720	DCLA	(\$20,000.00)	126	022
Perkins	Amigos Del Museo Del Barrio, Inc. - Public School 149M	23-7156720	DCLA	\$20,000.00	126	022
Ulrich	Queens Symphony Orchestra, Inc. - JHS 202Q Robert H. Goddard	11-2106191	DCLA	(\$20,000.00)	126	003
Ulrich	Queens Symphony Orchestra, Inc. - Public School 63Q	11-2106191	DCLA	\$20,000.00	126	003
Dromm	Midtown Management Group, Inc. - Public School 22Q	13-3192793	DCLA	(\$20,000.00)	126	003
Dromm	Midtown Management Group, Inc. - Public School 222Q	13-3192793	DCLA	\$20,000.00	126	003
Mealy	Noel Pointer Foundation, Inc. - Excellence Girls Charter School Middle Academy	11-3271472	DCLA	(\$20,000.00)	126	003
Mealy	Noel Pointer Foundation, Inc. - Excellence Boys Charter School Middle Academy	11-3271472	DCLA	\$20,000.00	126	003
Vacca	Publicolor, Inc. - J.H.S. 144X	13-3912768	DCLA	(\$20,000.00)	126	003
Vacca	Publicolor, Inc. - Lehman High School	13-3912768	DCLA	\$20,000.00	126	003
Barron	Man Up, Inc.	03-0553092	DCLA	(\$20,000.00)	126	003
Barron	Man Up, Inc. - Public School 149K	03-0553092	DCLA	\$20,000.00	126	003
Barron	Victory Music and Dance Company, Inc. - The Essence School (19K311)	47-2167056	DCLA	(\$20,000.00)	126	003
Barron	Victory Music and Dance Company, Inc. - Public School 273K - Summer Program	47-2167056	DCLA	\$20,000.00	126	003
Espinal	Publicolor, Inc. - P.S. 007 Abraham Lincoln	13-3912768	DCLA	(\$20,000.00)	126	003
Espinal	Publicolor, Inc. - JHS 383K	13-3912768	DCLA	\$20,000.00	126	003
Espinal	Publicolor, Inc. - Intermediate School 171K	13-3912768	DCLA	(\$20,000.00)	126	003
Espinal	Publicolor, Inc. - JHS/IS 291K	13-3912768	DCLA	\$20,000.00	126	003
Cabrera	Bronx Dance Theatre, Inc. - PS 109 Sedgwick	13-2999528	DCLA	(\$20,000.00)	126	003
Cabrera	Alvin Ailey Dance Foundation, Inc. - Public School 109X Sedgwick	13-2584273	DCLA	\$20,000.00	126	003
King	Research Foundation of CUNY - Creative Arts Team - The North Bronx School of Empowerment	13-1988190	DCLA	(\$20,000.00)	126	003
King	Research Foundation of CUNY - Creative Arts Team - Public School 111X	13-1988190	DCLA	\$20,000.00	126	003
Perkins	Research Foundation of CUNY - Creative Arts Team - Frederick Douglass Academy II Secondary School	13-1988190	DCLA	(\$20,000.00)	126	003
Perkins	Research Foundation of CUNY - Creative Arts Team - Frederick Douglass Academy I Secondary School	13-1988190	DCLA	\$20,000.00	126	003

Grodenschik	New York Hall of Science - Public School 115Q	11-2104059	DCLA	(\$20,000.00)	126	003
Grodenschik	New York Hall of Science - Public School 115Q	11-2104059	DCLA	\$20,000.00	126	022

* Indicates pending completion of pre-qualification review.

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

CHART 7: Cultural After-School Adventure (CASA) Initiative - Fiscal 2018 (continued)

Member	Organization - School	EIN Number	Agency	Amount	Agy #	U/A *
Levine	Creative Arts Workshops for Kids, Inc.	13-3638436	DCLA	(\$20,000.00)	126	003
Levine	Creative Arts Workshops for Kids, Inc. - Public School 192M	13-3638436	DCLA	\$20,000.00	126	003
Perkins	Apollo Theater Foundation, Inc.	13-3630066	DCLA	(\$20,000.00)	126	003
Perkins	Apollo Theater Foundation, Inc. - Urban Assembly School - (509 West 129th Street)	13-3630066	DCLA	\$20,000.00	126	003
Perkins	Society of the Educational Arts, Inc.	11-3210593	DCLA	(\$20,000.00)	126	003
Perkins	Society of the Educational Arts, Inc. - Public School 123M - Mahalia Jackson School	11-3210593	DCLA	\$20,000.00	126	003
Williams	Groundswell Community Mural Project, Inc.	11-3427213	DCLA	(\$20,000.00)	126	003
Williams	Groundswell Community Mural Project, Inc. - Public School 326K	11-3427213	DCLA	\$20,000.00	126	003

* Indicates pending completion of pre-qualification review.

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

CHART 8: A Greener NYC Initiative - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
	Department of Youth and Community Development **	13-6400434	DYCD	(\$120,000.00)	260	005
Eugene	Prospect Park Alliance, Inc. **	11-2843763	DPR	\$19,836.00	846	006
Eugene	Brooklyn Botanic Garden Corporation **	11-2417338	DCLA	\$26,582.00	126	010
Eugene	Council on the Environment, Inc.	13-2765465	DYCD	\$13,582.00	260	005
Greenfield	Kings Highway Beautification Association, Inc.	20-4986882	DYCD	\$60,000.00	260	005
Torres	New York Botanical Garden **	13-1693134	DYCD	(\$20,000.00)	126	005
Torres	New York Botanical Garden **	13-1693134	DCLA	\$20,000.00	126	005

* Indicates pending completion of pre-qualification review.

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

CHART 9: Support Our Seniors Initiative - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
	Department for the Aging	13-6400434	DFTA	(\$72,000.00)	125	003
Mealy	Wayside Out-Reach Development, Inc. (WORD) - Mount Ararat Senior Center	11-3528680	DFTA	\$12,000.00	125	003
Ulrich	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818	DFTA	\$20,000.00	125	003
Ulrich	Catholic Charities Neighborhood Services, Inc.	11-2047151	DFTA	\$40,000.00	125	003
Perkins	Harlem Needle Arts, Inc.	20-3505872	DFTA	(\$15,000.00)	125	003
Perkins	General Chauncey M Hooper Towers Housing Development Fund Co., Inc.	13-3140546	DFTA	\$15,000.00	125	003 *

* Indicates pending completion of pre-qualification review.

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

CHART 10: Healthy Aging Initiative - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
	Department for the Aging	13-6400434	DFTA	(\$20,000.00)	125	003
Ulrich	Catholic Charities Neighborhood Services, Inc.	11-2047151	DFTA	\$20,000.00	125	003

* Indicates pending completion of pre-qualification review.

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

CHART 11: NYC Cleanup Initiative - Fiscal 2018

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
	Department of Youth and Community Development	13-6400434	DYCD	(\$200,000.00)	260	005
Kallos	Department of Sanitation **	13-6400434	DSNY	\$25,000.00	827	109
Kallos	Department of Parks and Recreation **	13-6400434	DPR	\$175,000.00	846	006
Cumbo	Department of Small Business Services - Fulton Street BID	13-6400434	DSBS	(\$20,000.00)	801	002
Cumbo	Central Fulton Street District Management Association	80-0356502	DSBS	\$20,000.00	801	002 *

* Indicates pending completion of pre-qualification review.

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

CHART 12: Parks Equity Initiative - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
	Department of Parks and Recreation	13-6400434	DPR	(\$157,000.00)	846	006
Kallos	Sutton Place Parks Conservancy, Inc.	47-4054653	DPR	\$10,000.00	846	006
Kallos	Friends of The East River Esplanade 60th-120th Streets, Inc.	46-0542653	DPR	\$10,000.00	846	006
Kallos	City Parks Foundation	13-3561657	DPR	\$10,000.00	846	006
Kallos	Department of Parks and Recreation	13-6400434	DPR	\$48,500.00	846	006
Grodenschik	Department of Parks and Recreation - Friends of Cunningham Park	13-6400434	DPR	\$25,000.00	846	006
Grodenschik	Department of Parks and Recreation - Alley Pond Park	13-6400434	DPR	\$19,500.00	846	006
Grodenschik	Alley Pond Environmental Center, Inc.	11-2405466	DPR	\$17,000.00	846	006
Grodenschik	Colonial Farmhouse Restoration Society of Bellerose, Inc.	11-2508369	DPR	\$17,000.00	846	006
Torres	City Parks Foundation	13-3561657	DPR	(\$10,000.00)	846	006
Torres	Department of Parks and Recreation	13-6400434	DPR	\$10,000.00	846	006

* Indicates pending completion of pre-qualification review.

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

CHART 13: Food Pantries Initiative - Fiscal 2018

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
Bronx Delegation	Food Bank For New York City - Manna of Life Ministries	13-3179546	DYCD	(\$361.00)	260	005
Bronx Delegation	Food Bank For New York City - Mid-Bronx Food Pantry	13-3179546	DYCD	(\$361.00)	260	005
	Department of Youth and Community Development	13-6400434	DYCD	\$722.00	260	005

* Indicates pending completion of pre-qualification review.

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

CHART 14: Neighborhood Development Grant Initiative - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
	Department of Small Business Services	13-6400434	DSBS	(\$88,000.00)	801	002
Rodriguez	Washington Heights Business Improvement District Mgmt Association Inc.	13-3348873	DSBS	\$22,000.00	801	002
Garodnick	East Mid-Manhattan District Management Association, Inc.	13-4171958	DSBS	\$22,000.00	801	002 *
Miller	Greater Jamaica Development Corp	23-7021273	DSBS	\$22,000.00	801	002
Kallos	Carnegie Hill Neighbors, Inc.	13-3300409	DSBS	\$22,000.00	801	002

* Indicates pending completion of pre-qualification review.

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

CHART 15: Cultural Immigrant Initiative - Fiscal 2018

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
	Department of Cultural Affairs	13-6400434	DCLA	(\$265,000.00)	126	003
Perkins	Harlem Needle Arts, Inc.	20-3505872	DCLA	\$15,000.00	126	003
Perkins	Classical Theatre of Harlem, Inc., The	13-4046782	DCLA	\$15,000.00	126	003
Perkins	Harlem Chamber Players Inc., The	45-2160781	DCLA	\$10,000.00	126	003 *
Perkins	Jazzmobile, Inc.	13-2614483	DCLA	\$15,000.00	126	003
Perkins	Mama Foundation for the Arts, Inc.	31-1614732	DCLA	\$20,000.00	126	003
Perkins	New Heritage Theatre Group, Inc.	13-2683678	DCLA	\$20,000.00	126	003
Perkins	Visual Arts Research and Resource Center Relating to the Caribbean	13-3054001	DCLA	\$20,000.00	126	003
Ulrich	Queens Symphony Orchestra, Inc.	11-2106191	DCLA	\$60,000.00	126	003
Ulrich	Historic Districts Council, Inc.	13-3389566	DCLA	\$20,000.00	126	003
Ulrich	Bangladeshi American Community Development and Youth Service Corp	45-2389573	DCLA	\$20,000.00	126	003
Ulrich	Catholic Migration Services, Inc.	11-2634818	DCLA	\$15,000.00	126	003
Rosenthal	Fiji Theater Company, Inc.	13-2874863	DCLA	\$15,000.00	126	003
Lander	Artopolis Development	13-4003325	DCLA	\$20,000.00	126	003 *
Dromm	Latin American Cultural Center of Queens, Inc.	11-2997255	DCLA	(\$20,000.00)	126	003
Dromm	Bangladesh Institute of Performing Arts Inc.	11-3249055	DCLA	\$10,000.00	126	003
Dromm	Thalia Spanish Theatre, Inc.	23-7448611	DCLA	\$10,000.00	126	003
Levin	Asian American Arts Alliance	13-3480189	DCLA	(\$15,000.00)	126	003
Levin	Asian American Writers' Workshop	13-3677911	DCLA	\$15,000.00	126	003

* Indicates pending completion of pre-qualification review.

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

CHART 16: HIV/AIDS Faith Based Initiative - Fiscal 2018

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
	Department of Health and Mental Hygiene	13-6400434	DOHMH	(\$10,000.00)	816	112
Queens Delegation	St. Marks African Methodist Episcopal Church	11-2438038	DOHMH	\$10,000.00	816	112 *

* Indicates pending completion of pre-qualification review.

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

**CHART 17: Crisis Management System - Fiscal
2018**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
CUNY Creative Arts Team - Boys and Girls HS - 16K455	13-3893536	DOE	(\$40,000.00)	040	402	
Research Foundation of CUNY - Creative Arts Team - Boys and Girls HS - 16K455	13-1988190	DOE	\$40,000.00	040	402	
CUNY Creative Arts Team - PS 308 - 16K308	13-3893536	DOE	(\$40,000.00)	040	402	
Research Foundation of CUNY - Creative Arts Team - PS 308 - 16K308	13-1988190	DOE	\$40,000.00	040	402	
CUNY Creative Arts Team - IS 204 - 30Q204	13-3893536	DOE	(\$40,000.00)	040	402	
Research Foundation of CUNY - Creative Arts Team - IS 204 - 30Q204	13-1988190	DOE	\$40,000.00	040	402	

* Indicates pending completion of pre-qualification review.

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

**CHART 18: Ending the Epidemic - Fiscal
2018**

Organization	EIN	Agency	Amount	Agy #	U/A	*
Health and Hospitals Corporation - Elmhurst Hospital Center **	13-	DOHMH	(\$94,000.00)	816	112	
Health and Hospitals Corporation - Elmhurst Hospital Center **	13-	HHC	\$94,000.00	819	001	
Health and Hospitals Corporation - Harlem Hospital Center **	13-	DOHMH	(\$63,046.00)	816	112	
Health and Hospitals Corporation - Harlem Hospital Center **	13-	HHC	\$63,046.00	819	001	
Health and Hospitals Corporation - Metropolitan Hospital Center **	13-	DOHMH	(\$84,000.00)	816	112	
Health and Hospitals Corporation - Metropolitan Hospital Center **	13-	HHC	\$84,000.00	819	001	

* Indicates pending completion of pre-qualification review.

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

**CHART 19: Initiative for Immigrant Survivors of Domestic Violence -
Fiscal 2018**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Atlas DIY	45-4316117	MOCJ	(\$20,000.00)	098	002	
Atlas: DIY Corporation	45-4316117	MOCJ	\$20,000.00	098	002	

* Indicates pending completion of pre-qualification review.

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

**CHART 20: Immigrant Opportunities Initiative - Fiscal
2018**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Atlas DIY	45-4316117	DSS/HRA	(\$53,000.00)	069	107	
Atlas: DIY Corporation	45-4316117	DSS/HRA	\$53,000.00	069	107	

* Indicates pending completion of pre-qualification review.

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

CHART 21: Initiative to Combat Sexual Assault - Fiscal 2018

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
St. Luke's-Roosevelt Hospital	13-2997301	MOCJ	(\$150,000.0	098	002	
Crime Victims Treatment Center,	81-5080860	MOCJ	\$150,000.00	098	002	*

* Indicates pending completion of pre-qualification review.

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

**CHART 22: CUNY Research Institutes - Fiscal
2018**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
City University of New York	13-6400434	CUNY	(\$200,000.0)	042	001	
City University of New York - LGBTQ Public History Project at LaGuardia Community	13-6400434	CUNY	\$200,000.00	042	001	

* Indicates pending completion of pre-qualification review.

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

CHART 23: Local Initiatives - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Speaker	Youth Ministries for Peace and Justice	13-4006535	DYCD	(\$16,667.00)	260	005			
Speaker	Mary Mitchell Family and Youth Center, Inc.	13-3385032	DYCD	\$4,167.00	260	005			
Speaker	We Stay-Nos Quedamos, Inc.	13-3724388	DYCD	\$4,166.00	260	005			
Speaker	Point Community Development Corporation, The	13-3765140	DYCD	\$4,167.00	260	005			
Speaker	Pratt Institute	11-1630822	DYCD	\$4,167.00	260	005			
Levin	Brooklyn Arts Council, Inc.	23-7072915	DYCD	(\$2,000.00)	260	312			
Levin	Gelsey Kirkland Academy of Classical Ballet	27-1623781	DYCD	\$2,000.00	260	312			
Cumbo	Burning House Project, The	45-3787282	DYCD	(\$5,000.00)	260	005			
Cumbo	Brooklyn Defender Services	11-3305406	DYCD	\$5,000.00	260	005			
Vallone	Church of St. Mel's Leisure Club	11-1646313	DFTA	(\$5,000.00)	125	003			
Vallone	Roman Catholic Church of St. Mel	11-1646313	DFTA	\$5,000.00	125	003			
Vallone	St. Andrew Avellino Church	11-2203300	DFTA	(\$5,000.00)	125	003			
Vallone	RC Church St. Andrews Avellino	11-1635086	DFTA	\$5,000.00	125	003			
Vallone	Chabad of Northeast Queens	11-3207716	DYCD	(\$17,500.00)	260	005			
Vallone	Chabad of Northeastern Queens, Inc.	11-3207716	DYCD	\$17,500.00	260	005			
Gentile	Bay Ridge Cares	46-1784806	DYCD	(\$5,000.00)	260	005			
Gentile	Bay Ridge Cares, Inc.	46-1784806	DYCD	\$5,000.00	260	005			

* Indicates pending completion of pre-qualification review.

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

CHART 24: Anti-Poverty Initiative - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Lander	New York City Coalition Against Hunger, Inc.	13-3471350	DYCD	(\$2,000.00)	260	005			
Lander	Hunger Free America	13-3471350	DYCD	\$2,000.00	260	005			

* Indicates pending completion of pre-qualification review.

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

CHART 25: Food Pantries - Fiscal 2017

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Brooklyn Delegation	Rugby Delivery Tabernacle	11-3223904	DYCD	(\$10,641.00)	260	005			
Brooklyn Delegation	Rugby Deliverance Tabernacle	11-3304088	DYCD	\$10,641.00	260	005			
Manhattan Delegation	Congregation B'nai Jeshurun	13-0594858	DYCD	(\$20,430.00)	260	005			
Manhattan Delegation	Congregation B'Nai Jeshurun Starafroler Hebria	13-0594858	DYCD	\$20,430.00	260	005			

* Indicates pending completion of pre-qualification review.

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

CHART 26: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Williams	Top Development Corporation	11-3409359	MOCJ	(\$22,050.00)	098	002			
Williams	Haitian Centers Council, Inc.	11-2648501	MOCJ	\$22,050.00	098	002			

* Indicates pending completion of pre-qualification review.

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

CHART 27: Speaker's Initiative to Address Citywide Needs - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Speaker	Placeful Company, Inc.	47-1267077	DSBS	(\$30,000.00)	801	002			
Speaker	Placeful Company, Inc.	47-3818158	DSBS	\$30,000.00	801	002			

* Indicates pending completion of pre-qualification review.

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

CHART 28: Initiative to Address Boroughwide Needs - Fiscal 2017

Delegation	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Staten Island	YPIS of Staten Island, Inc.	23-7085239	DYCD	(\$4,000.00)	260	005			
Staten Island	New York Center for Interpersonal Development, Inc.	23-7085239	DYCD	\$4,000.00	260	005			

* Indicates pending completion of pre-qualification review.

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

CHART 29: Youth Discretionary - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Levin	Gelsey Kirkland Academy of Classical Ballet	27-1623781	DYCD	(\$2,000.00)	260	312	Bergen Basin Community Development Corporation d/b/a Millennium Development	11-3199040	
Levin	Gelsey Kirkland Academy of Classical Ballet	27-1623781	DYCD	\$2,000.00	260	312			
Borelli	Volunteers of America, Inc.	58-1959781	DYCD	(\$10,000.00)	260	312			
Borelli	Volunteers of America Greater New York, Inc.	58-1959781	DYCD	\$10,000.00	260	312			

* Indicates pending completion of pre-qualification review.

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

CHART 30: Cultural After-School Adventure (CASA) Initiative - Fiscal 2017

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Mark-Viverito	Pregones Touring Puerto Rican Theater Collection, Inc. - Public School 43X Jonas Bronck	13-3266893	DCLA	(\$20,000.00)	126	003			
Mark-Viverito	Marquis Studios, Ltd. - Public School 43X Jonas Bronck	13-3047206	DCLA	\$20,000.00	126	003			

* Indicates pending completion of pre-qualification review.

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

**CHART 31: Adult Literacy Initiative- Fiscal
2017**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Korean American Family Services	13-3609811	DYCD	(\$10,000.00)	260	005	
Korean American Family Services Center , Inc., The	13-3609811	DYCD	\$10,000.00	260	005	

* Indicates pending completion of pre-qualification review.

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

**CHART 32: HIV/AIDS Faith Based Initiative - Fiscal
2017**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Brightpoint Care,	13-3464470	DOHMH	(\$15,000.00)	816	112	
Brightpoint Care,	13-4118387	DOHMH	\$15,000.00	816	112	

* Indicates pending completion of pre-qualification review.

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

**CHART 33: Food Access and Benefits - Fiscal
2017**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
New York City Coalition Against Hunger, Inc.	13-3471350	DSS/HRA	(\$100,000.0)	069	105	
Hunger Free America	13-3471350	DSS/HRA	\$100,000.00	069	105	

* Indicates pending completion of pre-qualification review.

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

**CHART 34: HIV/AIDS Faith Based Initiative - Fiscal
2016**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Young Women of Color HIV/AIDS	13-3848582	DOHMH	(\$12,800.00)	816	112	
Young Women of Color HIV/AIDS	26-3178076	DOHMH	\$12,800.00	816	112	

* Indicates pending completion of pre-qualification review.

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

**CHART 35: Adult Literacy Initiative - Fiscal
2016**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Fordham Bedford - Children's	13-3805049	DYCD	(\$50,000.00)	260	005	*
Fordham Bedford Community	13-3805049	DYCD	\$50,000.00	260	005	*

* Indicates pending completion of pre-qualification review.

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

CHART 36: Purpose of Funds Changes - Fiscal 2018

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Mendez	Urban Homesteading Assistance (U-HAB), Inc.	13-2902798	HPD	(\$27,400.00)	Training for HDFC buildings in distressed: Financial (how to handle financials), Management (principles of management and best practices) and Conflict Mediation (mediation services to handle building wide problems) at Council District 2, zip code 10009.	*
Local	Mendez	Urban Homesteading Assistance (U-HAB), Inc.	13-2902798	HPD	\$27,400.00	Funding will be used to train HDFC distressed building occupants in City Council District #2, zip code 10009. The trainings will cover: Finances; Management; & Conflict Mediation (mediation services to handle building wide problems).	
Parks Equity Initiative	Eugene	City Parks Foundation	13-3561657	DPR	(\$15,000.00)	These funds will support tennis instruction for youth in Prospect Park as well as the Friends of Wingate Park.	
Parks Equity Initiative	Eugene	City Parks Foundation	13-3561657	DPR	\$15,000.00	Funding will support City Parks Foundation Parks Equity Initiative services in Council District 40.	
Local	Menchaca	Coro New York Leadership Center - Participatory Budgeting Youth Fellowship	13-3571610	DYCD	(\$5,000.00)	Funding will support the Participatory Budgeting Youth Fellowship (PBYF) in CD38, which provides student interns with intensive hands on training to increase youth involvement in the PB process. Funding will cover program fees for participants.	*
Local	Menchaca	Coro New York Leadership Center - Participatory Budgeting Youth Fellowship	13-3571610	DYCD	\$5,000.00	Funding will support the Participatory Budgeting Youth Fellowship (PBYF) in CD38, which provides student interns with intensive hands-on training to increase civic engagement and participation in the PB process among youth.	*
Local	Miller	Coro New York Leadership Center	13-3571610	DYCD	(\$5,000.00)	Funding will support the Participatory Budgeting Youth Fellowship (PBYF) in District 27, which provides student interns with intensive hands on training to increase youth involvement in the PB process. Funding will cover program fees for participants.	*
Local	Miller	Coro New York Leadership Center	13-3571610	DYCD	\$5,000.00	Funding will support the Participatory Budgeting Youth Fellowship (PBYF) in District 27, which provides students with intensive hands-on training to increase civic engagement and participation in the PB process among youth.	*
Local	Borelli	Staten Island Economic Development Corporation	13-3706442	DSBS	(\$75,000.00)	Funds will support staff for merchant organizing, beautification/maintenance in Charleston, Richmond Valley and Tottenville transitioning Richmond Valley Merchants Assoc to a BID (\$55,000) and incorporating Huguenot into the existing SS BID (\$20,000.)	*
Local	Borelli	Staten Island Economic Development Corporation	13-3706442	DSBS	\$75,000.00	Funds will support SIEDC staff salaries, promotional merchandising, beautification, maintenance and community events in the Charleston, Richmond Valley, Tottenville, and Huguenot areas.	*
Discretionary Child Care		Brooklyn Bureau of Community Services	11-1630780	ACS	(\$350,000.00)	This allocation support child care programs and adds additional child care slots to certain programs.	
Discretionary Child Care		Brooklyn Bureau of Community Services	11-1630780	ACS	\$350,000.00	This allocation supports child care programs and facility renovations.	

Aging	Crowley	Rabbi Israel Meyer HaKohen Rabbinical Seminary of America	11-1752021	DFTA	(\$25,000.00)	funding will assist with rent, printing of newsletter, teachers for computer and exercise classes, defray costs for trips and for utilities	
Aging	Crowley	Rabbi Israel Meyer HaKohen Rabbinical Seminary of America	11-1752021	DFTA	\$25,000.00	to support general operating expenses for programming and services at Middle Village Adult Center	

* Indicates pending completion of pre-qualification review.

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

CHART 36: Purpose of Funds Changes - Fiscal 2018 (Continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Youth	Garodnick	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	(\$5,000.00)	Funding will support the 92nd Street Y's literacy, arts, science, recreational and civics programs for low-income families and youth.	
Youth	Kallos	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	(\$15,000.00)	To support after-school programs serving youth centers and public schools located within Council District 5 at the centers and schools or at the 92Y including free Concerts Schools Project & Read Aloud Series offered to all schools in Council District 5.	
Youth	Rodriguez	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	(\$5,000.00)	Funding to support Music Appreciation programming.	
Boro	Manhattan Delegation	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	(\$10,555.00)	To support educational outreach programs for at-risk NYC public school students, a teens program for civics, leadership and community service, literacy projects, and other youth programs.	
Local	Speaker	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	(\$75,000.00)	Funds will continue to support programming at 92nd Street Y that is free-of-charge for the participants including Dance Outreach, Concert Schools Project, Christopher Lightfoot Walker Literature Project, Read Aloud Series and the Literacy Program.	
Youth	Garodnick	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	\$5,000.00	To support free-of-charge programs at 92nd Street Y for the participants. Includes Dance Outreach, Concert Schools Project, Christopher Lightfoot Walker Literature Project, Read Aloud Series, the Literacy Program @ Union Settlement Assn, & Teen Producers.	
Youth	Kallos	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	\$15,000.00	To support free-of-charge programs at 92nd Street Y for the participants. Includes Dance Outreach, Concert Schools Project, Christopher Lightfoot Walker Literature Project, Read Aloud Series, the Literacy Program @ Union Settlement Assn, & Teen Producers.	
Youth	Rodriguez	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	\$5,000.00	To support free-of-charge programs at 92nd Street Y for the participants. Includes Dance Outreach, Concert Schools Project, Christopher Lightfoot Walker Literature Project, Read Aloud Series, the Literacy Program @ Union Settlement Assn, & Teen Producers.	
Boro	Manhattan Delegation	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	\$10,555.00	To support free-of-charge programs at 92nd Street Y for the participants. Includes Dance Outreach, Concert Schools Project, Christopher Lightfoot Walker Literature Project, Read Aloud Series, the Literacy Program @ Union Settlement Assn, & Teen Producers.	
Local	Speaker	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	\$75,000.00	To support free-of-charge programs at 92nd Street Y for the participants. Includes Dance Outreach, Concert Schools Project, Christopher Lightfoot Walker Literature Project, Read Aloud Series, the Literacy Program @ Union Settlement Assn, & Teen Producers.	

Greener NYC Initiative	Crowley	Chamber of Commerce Borough of Queens, Inc.	11-0559220	DSBS	(\$33,000.00)	A Greener NYC supports environmentally friendly focused programs that encourage education, advocacy, community service, and green-job training, contributing to the improvement and conservation of NYC's air, land, energy, open spaces, and other vital resources.
Greener NYC Initiative	Crowley	Chamber of Commerce Borough of Queens, Inc.	11-0559220	DSBS	\$33,000.00	Visual capturization of Light Rail for public outreach

* Indicates pending completion of pre-qualification review.

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

CHART 36: Purpose of Funds Changes - Fiscal 2018 (Continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Crowley	Center for the Women of New York	11-2876688	DYCD	(\$5,000.00)	Funds are to support teaching classes, emotional support groups and annual job fair with mailings and event promotion and	
Local	Crowley	Center for the Women of New York	11-2876688	DYCD	\$5,000.00	Funds will support operational expenses, a legal clinic, speaker and teacher expenses, mailings and event promotion costs.	
Local	Espinal	Cypress Hills Local Development Corporation	11-2683663	DYCD	(\$55,000.00)	Funding will support Intergenerational Services Program and other youth leadership programs at PS 214.	
Local	Espinal	Cypress Hills Local Development Corporation	11-2683663	DYCD	\$55,000.00	Funding will support Intergenerational Services Program and other youth leadership programs at the Cypress Hills/East New York Beacon at PS 214	
Local	Levine	Police Athletic League, Inc.	13-5596811	DYCD	(\$3,500.00)	Funding to support PAL summer playstreets in District 7.	
Local	Levine	Police Athletic League, Inc.	13-5596811	DYCD	\$3,500.00	PAL Sports Tournament for 50 youth ages at Grant Houses in collaboration with the NYPD. Tournament will include a basketball skill-building clinic followed by games with referees, t-shirts and awards.	
Local	Johnson	Institute for Immigrant Concerns, Inc.	46-2034228	DYCD	(\$5,000.00)	To support additional ESOL levels and staff including ESOL Instructors, a Bilingual Administrative Assistant, an Employment Readiness Counselor, enhanced community networking, referral services and instructional materials.	
Local	Johnson	Institute for Immigrant Concerns, Inc.	46-2034228	DYCD	\$5,000.00	Funds will be used to pay for space rental costs and CIP.	
Local	Mendez	Tectonic Theater Project, Inc.	13-3686664	DYCD	(\$3,500.00)	Funding will be used to support the Laramie Project: 5 Borough tour and Empathy Programs.	
Youth	Garodnick	Tectonic Theater Project, Inc.	13-3686664	DYCD	(\$5,000.00)	Funding to support the performance of the Laramie Project in District 4.	
Local	Mendez	Tectonic Theater Project, Inc.	13-3686664	DYCD	\$3,500.00	Funds will be used for writing and empathy building classes.	
Youth	Garodnick	Tectonic Theater Project, Inc.	13-3686664	DYCD	\$5,000.00	Funds will be used for writing and empathy building classes.	
Local	Mark-Viverito	UnLocal, Inc.	41-2278265	DYCD	(\$10,000.00)	To fund services related to English language courses, workplace abuse trainings, and immigration law seminars and consultations.	
Local	Mark-Viverito	UnLocal, Inc.	41-2278265	DYCD	\$10,000.00	Change purpose of funds to fund services related to immigration law seminars and immigration law consultations.	
Youth	Rodriguez	American Association of Latinos in STEM Corp.	81-1148225	DYCD	(\$22,000.00)	Fund will help cover professional resume building and job readiness events for high school and college students; a web development class for middle school and high school students and 'Tech Fair in The Heights.'	
Youth	Rodriguez	American Association of Latinos in STEM Corp.	81-1148225	DYCD	\$22,000.00	Funding to support workshops and events for high school and college students, including resume writing/building, job readiness ; to support web development classes for middle/high school students and to support "Tech Fair in the Heights".	
Boro	Bronx Delegation	Bronx Parent Housing Network, Inc.	13-4100758	DYCD	(\$10,000.00)	To implement a Community Feeding Program to the homeless and people with needs.	
Boro	Bronx Delegation	Bronx Parent Housing Network, Inc.	13-4100758	DYCD	\$10,000.00	Funding to support the implementation and maintenance of Community Feeding Program for the disadvantaged, homeless and special needs.	
Local	Crowley	Center for the Women of New York, Inc., The	11-2876688	DYCD	(\$5,000.00)	Funds are to support teaching classes, emotional support groups and annual job fair with mailings and event promotion and	

Local	Crowley	Center for the Women of New York, Inc., The	11-2876688	DYCD	\$5,000.00	Funds are to support teaching classes, support groups and annual job fair with mailings and event promotion.	
Boro	Bronx Delegation	Crenulated Company, Ltd., The	14-1719016	DYCD	(\$21,250.00)	To support the New Settlement Community Center on Jerome Avenue for recreational activities and college counseling.	

* Indicates pending completion of pre-qualification review.

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

CHART 36: Purpose of Funds Changes - Fiscal 2018 (Continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Boro	Bronx Delegation	Crenulated Company, Ltd., The	14-1719016	DYCD	\$21,250.00	Funding to support the New Settlement Community Center on Jerome Avenue including educational programming including college access support and recreational activities.	
Boro	Bronx Delegation	Crenulated Company, Ltd., The	14-1719016	DYCD	(\$10,000.00)	To support the New Settlement Community Center on Jerome Avenue for recreational activities and college access support.	
Boro	Bronx Delegation	Crenulated Company, Ltd., The	14-1719016	DYCD	\$10,000.00	Funding to support the New Settlement Community Center on Jerome Avenue including educational programming including college access support and recreational activities.	
Local	Ferreras-Copeland	Human Services Council of New York City	13-3620059	DYCD	(\$12,500.00)	To support workshops/trainings for nonprofits on how to respond to new federal policies.	
Local	Ferreras-Copeland	Human Services Council of New York City	13-3620059	DYCD	\$12,500.00	Funding to support educational workshops/trainings for nonprofits on how to respond and comply with new, altered and/or amended federal policies.	
Local	Crowley	Murphy Institute for Worker Education and Labor Studies, SPS, CUNY	13-6400434	CUNY	(\$2,500.00)	Funds would support space rental and insurance	
Local	Crowley	Murphy Institute for Worker Education and Labor Studies, SPS, CUNY	13-6400434	CUNY	\$2,500.00	Funding to support general operating costs including facility overhead and insurance.	
Local	Eugene	Pro Bono Net, Inc.	06-1521179	DYCD	(\$5,000.00)	Funds to support operational costs for the following: 1. Provide critical legal assistance in Eng. Span via web-based chat; 2. Recruit and train housing court non-attorney navigators; 3. Educate librarians on web-based legal information; 4. Help constit	
Local	Eugene	Pro Bono Net, Inc.	06-1521179	DYCD	\$5,000.00	Funds to support operational costs for the following programming: legal assistance in Eng. & Span. via web-based chat; recruitment & training of housing court non-attorney navigators; educate librarians on web-based legal information; and aiding/helping constituents with legal needs.	
Aging	Crowley	Rabbi Israel Meyer HaKohen Rabbinical Seminary of America	11-1752021	DFTA	(\$25,000.00)	funding will assist with rent, printing of newsletter, teachers for computer and exercise classes, defray costs for trips and for utilities	
Aging	Crowley	Rabbi Israel Meyer HaKohen Rabbinical Seminary of America	11-1752021	DFTA	\$25,000.00	Funding to support operating expenses including communications, staff support for computer and exercise classes, cultural programming and facility overhead.	
Boro	Bronx Delegation	Read Alliance, Inc.	13-4091062	DYCD	(\$5,000.00)	To pay high school students to provide structured, research-based, one-to-one tutoring to at-risk kindergarten, first and second grade students, thereby offsetting the costs of tutor wages for our School Year and Summer Reading programs.	
Boro	Bronx Delegation	Read Alliance, Inc.	13-4091062	DYCD	\$5,000.00	Funding to support the School Year and Summer Reading programs, specifically providing staff support for the high school student-tutors, whom assist young at risk learners in kindergarten, first and second grade.	
Aging	Cornegy	Wayside Out-Reach Development, Inc. (WORD)	11-3528680	DFTA	(\$6,000.00)	The funds will be transport free meals to homebound seniors.	
Aging	Cornegy	Wayside Out-Reach Development, Inc. (WORD)	11-3528680	DFTA	\$6,000.00	Funding to support operating expenses associated with programming for homebound seniors including the delivery of free meals/pantry items.	

Aging	Cornegy	VISIONS/Services for the Blind and Visually Impaired	13-1624210	DFTA	(\$1,500.00)	Funding is for VISIONS services to provide visual aids to support older adults who are blind or severely visually impaired.
Aging	Cornegy	VISIONS/Services for the Blind and Visually Impaired	13-1624210	DFTA	\$1,500.00	Funding to support programming for older adults whom are visually impaired and/or blind, including costs associated with providing visual aids.

* Indicates pending completion of pre-qualification review.

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

CHART 37: Purpose of Funds Changes - Fiscal 2017

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Food Pantries	Bronx Delegation	New Alternatives for Children, Inc	13-2902798	DYCD	(\$10,000.00)	To provide case management, counseling, parent support, medical/mental health services, and educational advocacy for families leaving preventive services or foster care.	*
Food Pantries	Bronx Delegation	New Alternatives for Children, Inc	13-2902798	DYCD	\$10,000.00	This funding renders support to about 180 food pantries and soup kitchens citywide along with 15 food and hygiene pantries situated in schools serving vulnerable young New Yorkers.	

* Indicates pending completion of pre-qualification review.

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

CHART 38: Beating Hearts Initiative - Fiscal 2018

Member	Organization	EIN Number	*
Greenfield	Young Men's Young Women's Hebrew Association of Boro Park, Inc.	11-1630917	
Greenfield	Sephardic Community Youth Center, Inc.	11-2567809	
Greenfield	Beth Jacob Day Care Center, Inc.	11-2290419	
Greenfield	St. Athanasius Youth Program, Inc.	11-2773596	
Mealy	Lincoln Tennis Association	04-3672661	
Mealy	Huge Gilroy Senior Center	11-2300840	
Mealy	Shalom Senior Center	11-2322490	
Mealy	Brooklyn Community Board #16	13-6400434	
Koslowitz	Forestdale	11-1631747	
Koslowitz	Forestdale	11-1631747	
Koslowitz	Central Queens YM & YWHA	11-1633509	
Koslowitz	Central Queens YM & YWHA	11-1633509	
Mendez	Lower East Side Girls Club	13-3942069	
Mendez	Lower East Side Girls Club	13-3942069	
Mendez	Henry Street Settlement	13-1562242	
Mendez	Grand Street Settlement, Inc.	13-5562230	

*****Staten Island Heart Society, Inc. has received \$350,000 that will go towards providing automated external defibrillators (AEDs) to non-profit organizations that primarily serve the youth and aging populations. The non-profit organizations are listed above.**

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, November 30, 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).

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 L.U. No. 819

Report of the Committee on Finance in favor of a Resolution approving Sydney House, Block 4671, Lot 4; Bronx, Community District No. 12, Council District No. 12.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 30, 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:)

November 30, 2017

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

FROM: Eric Bernstein, Counsel, Finance Division
Rebecca Chasan, Counsel, Finance Division

RE: Finance Committee Agenda of November 30, 2017 - Resolution approving tax exemptions for two Land Use items (Council Districts 12, 14 and 15)

Item 1: Sydney House

Sydney House is a proposed seven-story, 57-unit affordable homeownership project in the Williamsbridge neighborhood of the Bronx. The project site, located at 839-843 Tilden Street, is in an established residential neighborhood nestled between cooperative apartment buildings and small homes. As constructed, the 77,000 square foot building will be comprised of 26 one-bedroom units, 25 two-bedroom units, 6 three-bedroom units and 21 parking spaces located in a first floor garage component. On-site amenities will also include bicycle parking, laundry, and outdoor terraces. One of the two-bedroom units will be set aside as a superintendent's unit.

Sydney House is a pilot project for a new Department of Housing Preservation and Development (HPD) program called Homeownership New Construction (HNC), which will primarily fund the development of affordable cooperative and condominium buildings. The project site was acquired in May 2016 by the development team, which is a joint venture between Habitat for Humanity New York City and Almat Group. The original acquisition was for an assemblage of three privately owned, contiguous tax lots located on the

northerly side of Tilden Street between Bronxwood and Barnes Avenues. The three lots were subsequently merged into one tax lot. The merged lot contains an aggregate total of 17,648 square feet and is located in a Resident District 6-A (R6-A) zoning district.¹ The site is currently improved with 2 vacant two-family homes and a small garage structure, all of which are scheduled for demolition.

Summary:

- Borough – Bronx
- Block 4671, Lot 4
- Council District – 12
- Council Member – King
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 57 (including one superintendent’s unit)
- Type of Exemption-Article XI Tax Exemption, Full, 40-year term
- Population – affordable cooperative units for low-income households
- Sponsor – Habitat for Humanity Almat Tilden Street Housing Development Fund Corporation (HDFC)
- Purpose – New construction
- Cost to the City –
 - NPV of Exemption Benefits: \$1.5M (\$27,189/unit)
- Housing Code Violations-N/A
- Anticipated AMI targets:
 - Initial sales: Targeted to households earning between 80%-90% AMI
 - Resales: Restricted to households earning less than 130% AMI

Item 2: Mount Hope Preservation Apartments

Mount Hope Preservation Apartments consists of 13 buildings containing 497 units of rental housing in the Mt. Hope neighborhood of the Bronx. Under the proposed project, Mount Hope Preservation 1A HDFC will acquire the property and Mount Hope Preservation Apartments LLC will be the beneficial owner and will operate the property. The HDFC and the LLC will finance the acquisition and rehabilitation of the property with a loan from the New York City Housing Development Corporation as well as City capital funds from HPD. The HDFC, LLC and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the property.

A portion of the property currently receives an exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law that will expire in 2037 (Prior Exemption). Another portion of the property currently receives an exemption from and/or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law (J-51 Benefits). Under the proposed project, the Prior Exemption would be terminated and replaced with a new Article XI exemption that will be reduced by an amount equal to any concurrent J-51 Benefits.

¹ For more information on R6-A zoning districts, see N.Y.C. Department of City Planning, “Residence Districts: R6-R6A-R6B,” <https://www1.nyc.gov/site/planning/zoning/districts-tools/r6.page> (last accessed November 20, 2017)

Summary:

- Borough – Bronx
- Block 2807, Lots 16, 22, 52, and 56, Block 2809, Lot 31, Block 2849, Lots 24 and 64, Block 2861, Lots 123 and 135, Block 2867, Lots 134, 139, and 147, Block 3026, Lot 7
- Council District – 14 and 15
- Council Member – Cabrera and Torres
- Council Member approval – Yes
- Number of buildings – 13
- Number of units – 497 (including six superintendents’ units)
- Type of Exemption – Article XI Tax Exemption, Full, 40-year term
- Population – rental units for low-income households
- Sponsor – Mount Hope Preservation Apartments 1A HDFC, Mount Hope Housing Company, Notias Development LLC, Kalel Holdings LLC
- Purpose – preservation
- Cost to the City –
 - Net present value (NPV) of Exemption Benefits: \$26.7M (\$53,819/unit)
- Housing Code Violations – 456 Class A, 1,365 Class B, 297 Class C
- Anticipated AMI targets – All regulatory restrictions on incomes and rents will be at or below 80% AMI with tiers at 30%, 40%, 50%, 60% and 80% AMI. 15% of the units will be set aside for the homeless.

(For text of the coupled resolutions for LU Nos. 820, please see the Report of the Committee on Finance for L.U. No. 820 printed in these Minutes; for the coupled resolution for LU No. 819, please see below)

Accordingly, this Committee recommends the adoption of L.U. Nos. 819 and 820.

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

Res. No. 1732

Resolution approving an exemption from real property taxes for property located at (Block 4671, Lot 4) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 819).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 9, 2017 that the Council take the following action regarding a housing project located at (Block 4671, Lot 4) Bronx (“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 AG Habitat Tilden Street LLC.
 - b. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 4671, Lot 4 on the Tax Map of the City of New York.
 - e. “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.
 - f. “HDFC” shall mean Habitat for Humanity Almat Tilden Street Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “Owner” shall mean, collectively, the HDFC and the Company.
 - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the 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. 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) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple

- dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

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, November 30, 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).

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 L.U. No. 820

Report of the Committee on Finance in favor of a Resolution approving Mount Hope Preservation Apartments, Block 2807, Lots 16, 22, 52, and 56, Block 2809, Lot 31, Block 2849, Lots 24 and 64, Block 2861, Lots 123 and 135, Block 2867, Lots 134, 139, and 147, Block 3026, Lot 7; Bronx, Community District No. 5, Council District Nos. 14 and 15.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 30, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 819 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1733

Resolution approving an exemption from real property taxes for property located at (Block 2807, Lots 16, 22, 52, and 56; Block 2809, Lot 31; Block 2849, Lot 24 and 64; Block 2861, Lots 123 and 135; Block 2867, Lots 134, 139 and 147; Block 3026, Lot 7) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 820).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 6, 2017 that the Council take the following action regarding a housing project located at (Block 2807, Lots 16, 22, 52, and 56; Block 2809, Lot 31; Block 2849, Lot 24 and 64; Block 2861, Lots 123 and 135; Block 2867, Lots 134, 139 and 147; Block 3026, Lot 7) Bronx (“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 Mount Hope Preservation Apartments LLC or a limited liability company that acquires the beneficial interest in the Exemption Area with the approval of HPD.
 - 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 Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2807, Lots 16, 22, 52, and 56, Block 2809, Lot 31, Block 2849, Lots 24 and 64, Block 2861, Lots 123 and 135, Block 2867, Lots 134, 139, and 147, and Block 3026, Lot 7 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 Mount Hope Preservation 1A Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect with respect to any portion of the Exemption Area on the Effective Date.
 - h. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - i. “Owner” shall mean, collectively, the HDFC and the Company.
 - j. “Prior Exemption” shall mean the exemption real property taxation for the Exemption Area approved by the New York City Council on May 16, 1995 (Resolution No. 988).
 - k. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, 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.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but the New Exemption shall be reduced by the amount of such J-51 Benefits.

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, November 30, 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 General Welfare

Report for Int. No. 1374-A

Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the utilization of preventive services.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on November 29, 2016 (Minutes, page 3949), respectfully

REPORTS:

I. Introduction

On November 29, 2017, the Committee on General Welfare, chaired by Council Member Stephen Levin, will hold a hearing on five bills related to the child welfare practices of the Administration for Children's Services (ACS): Proposed Int. 1374-A, in relation to the utilization of preventive services; Proposed Int. No. 1590-A, in relation to training for preventive services employees; Proposed Int. No. 1598-A, in relation to preventive services surveys; Proposed Int. No. 1607-A, in relation to requiring the administration for children's services to conduct a study regarding child protective caseloads and workloads; and Proposed Int. No. 1609-A, in relation to requiring the administration for children's services to report annually on the aggregate findings and recommendations of its child fatality review. This will be the second hearing on the bills. The first hearing on Proposed Int. 1374-A was held on December 14, 2016 and the first hearing on the

remainder of the bills was held on June 14, 2017. At both hearings, representatives from the ACS, advocacy organizations, and interested parties testified. Amendments were made to the bills following the hearings.

II. Background: ACS Preventive Services Programs

Preventive services are designed to strengthen families, provide parents with the assistance they need to keep their children safe at home, and prevent entry into foster care for children who have been found to not be in immediate danger but without an intervention, are still at risk of needing foster care.

¹ These families have usually been investigated for abuse or neglect by ACS's protective services division.² However, if the investigation does not substantiate the allegation of mistreatment, a family may be referred to preventive services.³ Although many families that are ultimately found not to have maltreated their children, such families may still be in a state of crisis.⁴ Participation in preventive services is voluntary unless a family is under court-ordered supervision.⁵ Court-ordered supervision results when a Family Court judge denies an ACS petition to remove a child from home to place into foster care and instead orders that the child can stay at home as long as an ACS worker monitors the family's compliance with the court order, such as participating in preventive services.⁶

Preventive services are typically provided by nonprofit organizations under contract with ACS. Although ACS offers various types of preventive services,⁷ there are four main categories: General Preventive, Family Treatment and Rehabilitation (FT/R), Evidence-Based Models (EBM), and Special Medical. As of April 2017, there are 23,523 children receiving preventive services.⁸ Currently, most of ACS's contracted preventive services slots are for General Preventive services as shown in the following chart:⁹

At the New York City Council Fiscal Year ("FY") 2018 Executive Budget hearing, ACS Commissioner David Hansel testified that the agency is making significant ongoing and new investments in preventive services. The FY 2018 Executive Budget included funding to continue the agency's expansion of preventive services from 12,500 slots at the end of the previous administration to almost 16,000 slots when fully ramped up in FY 2019.¹⁰ The budget provides additional resources to support ACS's partner agencies by funding case conferencing and training activities, including funding for additional conference facilitators, boosting training for preventive providers, and increasing services for higher-risk families.¹¹ Additionally, ACS will procure 500 slots for services to help families experiencing domestic violence, and 600 slots to expand services for families under Court-Ordered supervision citywide.¹² Also, in the summer of 2017, ACS will add \$4.6 million to fund transition support services for families as children are discharged from foster care and reunify with their families.¹³

¹Allon Yaroni, PhD, and Ryan Shanahan, PhD, Vera Institute of Justice, and Randi Rosenblum, PhD and Timothy Ross, PhD, Action Research Partners, *Vera Institute of Justice*, "Innovations in NYC Health and Human Services Policy: Child Welfare Policy, pg. 4," (January 2014) available at <http://www.nyc.gov/html/ceo/downloads/pdf/policybriefs/child-welfare-brief.pdf>.

²New York City Independent Budget Office, "More Funding for Child Welfare: Mayor Aims to Expand & Enhance Preventive Services, Reducing Foster Care Placements," (June 2016) available at <http://www.ibo.nyc.ny.us/iboreports/more-funding-for-child-welfare-mayor-aims-to-expand-enhance-preventive-services-reducing-foster-care-placements.pdf>.

³*Id.* at 1.

⁴*Id.*

⁵*Id.*

⁶*Id.*

⁷ACS Preventive Services Directory, pp. 2-4, (May 2015) available at <http://schools.nyc.gov/NR/rdonlyres/D4A034DB-C081-4A9B-A945-135451812739/0/PPRSDirectory620151.pdf>.

⁸NYC Administration for Children's Services, "Snapshot of Children Receiving ACS Services," available at <http://www1.nyc.gov/site/acs/about/data-policy.page>

⁹New York City Administration for Children's Services, Flash Indicators May 2017 at 11, available at <http://www1.nyc.gov/assets/acs/pdf/data-analysis/2017/FlashIndicators.pdf>

¹⁰Testimony of ACS Commissioner David Hansell before the New York City Council, Fiscal Year 2018 Executive Budget Hearing (May 15, 2017) available at <http://www1.nyc.gov/assets/acs/pdf/testimony/2017/ACSTestimonyExecutiveBudget2017>

¹¹*Id.*

¹²*Id.*

¹³*Id.*

Last year, ACS announced that it would expand its services to include Primary Preventive services, which “are directed at the general population and attempt to stop maltreatment before it occurs.”¹⁴ The goal is to aid families before they reach a state of crisis and become involved with the child welfare system.¹⁵ Primary Preventive services will be based in new Family Enrichment Centers, which will use a “storefront” model, acting as a one-stop site for families to walk in and get information about and referrals to a variety of neighborhood services such as after-school programs, family counseling, parenting classes, health services, or financial literacy education.¹⁶ The overall goal is to create a community-based support system, and the hope is that families will not see these centers as identified with ACS, an identification that often carries a stigma, but rather as a neighborhood resource.¹⁷ Each site would be granted \$450,000 per year to implement the program and will aim to serve 1,000 families a year per site.¹⁸ In FY 2017, the City announced plans to establish the Family Enrichment Centers in three neighborhoods, which have been chosen based on indicators such as high rates of abuse/neglect investigations and foster placement.¹⁹ These centers will serve as a test of the primary preventive model. ACS will use what it learns from this test to improve the model and eventually issue a request for proposals in order to expand the initiative to new neighborhoods, based on need. Since State and Federal preventive services funding can only be used for families considered at immediate risk of foster care, the City will fully fund these new primary services.²⁰

III. Bill Analysis

Proposed Int. No. 1374-A – in relation to the utilization of preventive services

After the first hearing on Proposed Int. 1374-A, the legislation was amended to change the reporting period from monthly to quarterly and to remove specific references to preventive services program models, instead requiring reporting on all programs in ACS’ continuum of services in order to capture new and changing programs. Proposed Int. No. 1374-A would require ACS to produce quarterly reports on preventive services. The reports required pursuant to Proposed Int. No. 1374-A would include, at a minimum, the following information: the utilization of preventive services disaggregated by the average length of enrollment and program type; the number of open slots for services disaggregated by program type; the number of children who entered foster care and had previously been receiving preventive services; the number of families and children who had been receiving preventive services after a previous reunification; the number of families who were under court-ordered supervision and the percent of such families who received preventive services; and to the extent available, the number of families living in homeless shelters who received preventive services. Proposed Int. No. 1374-A would take effect immediately.

Proposed Int. No. 1590-A – in relation to training for preventive services employees

After the first hearing on the bill, Proposed Int. No. 1590-A was amended to remove the specific type of training that must be provided and to allow ACS to determine the content of the training. Proposed Int. No. 1590-A would require all individuals providing preventive services to attend trainings, the content of which would be determined by ACS, on an ongoing basis and no less than once per year. The proposed bill would

¹⁴ NYC Administration for Children’s Services, Family Enrichment Centers, Primary Prevention Demonstration Project Solicitation, EPIN 06817D0001 (Nov. 10, 2016) (citing U.S. Admin. for Children & Families, Framework for prevention of child maltreatment, available at <https://www.childwelfare.gov/topics/preventing/overview/framework/>)

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ The targeted neighborhoods are: East New York, Flatbush, Jamaica, East Harlem, North Harlem, Hunts Point / Longwood, Highbridge / Concourse, Fordham / University Heights, East Tremont, Queens Village and Far Rockaway. NYC Administration for Children’s Services, Family Enrichment Centers, Primary Prevention Demonstration Project Solicitation, EPIN 06817D0001 (Nov. 10, 2016).

²⁰ *Supra* note 2, New York City Independent Budget Office at 3.

also clarify that the proposed training requirement is in addition to any other training required by law or regulation for individuals providing preventive services. Proposed Int. No. 1590-A would take effect 60 days after it becomes law.

Proposed Int. No. 1598-A - in relation to preventive services surveys

After the first hearing on the bill, only technical amendments were made to Proposed Int. No. 1598. Proposed Int. No. 1598 would require ACS to provide to all families receiving preventive services an annual survey regarding their experiences with preventive services and provide families the opportunity to provide feedback on all preventive service providers the family worked with during the year. The proposed legislation would require the surveys to include questions about the family's interactions with caseworkers, the type and quality of services, and the ability to provide suggestions for how services may be improved. Proposed Int. 1598-A would allow ACS to administer the surveys online or through a mobile application. The bill would require that ACS could not attribute responses to families without their consent. The proposed bill would require the first surveys to be administered 18 months after the effective date of the local law adding the section, and ACS would be required to submit an implementation plan six months after the effective date. Within six months from the first administration of the surveys and on an annual basis, the proposed bill would also require ACS to report aggregate information from the surveys to the City Council and post it on their website. Proposed Int. No. 1598-A would take effect immediately.

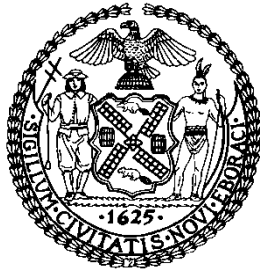
Proposed Int. No. 1607-A –to requiring the administration for children's services to conduct a study regarding child protective caseloads and workloads.

After the first hearing on Proposed Int. 1607-A, the proposed bill was significantly amended. The original version of the legislation required expanded reporting on ACS child protective specialist caseworker caseloads. In line with ongoing work by ACS, Proposed Int. 1607-A was amended to require ACS to study and issue recommendations on child protective caseloads and workloads. Proposed Int. 1607-A would require the study to include an examination of key milestones and tasks required in a child protective investigation, an analysis of how certain factors impact the complexity of a case, an examination of the relationship between the aforementioned data, an assessment of best practices in caseload and workload standards, and recommendations for how ACS will implement best practices. The study would be required to be completed by March 31, 2019 and would be due to the Speaker of the Council by September 30, 2019. Proposed Int. 1607-A would take effect immediately and would remain in effect until the submission of the required report when it would be deemed repealed.

Proposed Int. No. 1609-A - in relation to requiring the administration for children's services to report annually on the aggregate findings and recommendations of its child fatality review

After the first hearing on Proposed Int. 1609-A, the legislation was amended to remove references to ACS' accountability review panel and to include information on the number of child fatalities and recommendations based on the reviews of those fatalities. Proposed Int. No. 1609-A would require ACS) to report annually on the findings and recommendations of its child fatality reviews during the previous calendar year. The report would include the number of fatalities known to ACS for the previous year, the cause of death in such fatalities, the age, gender, race and ethnicity of children with such fatalities, any relevant trends identified and systemic recommendations, and a summary of any case practice findings and agency policy changes made in repose to child fatalities in the previous 12 months. Proposed Int. No. 1609-A would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1374-A:)



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

PROPOSED INTRO. NO: 1374-A

COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the utilization of preventive services

SPONSORS: By Council Members Levin, Crowley, Chin, and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 1374-A would require the Administration for Children’s Services (ACS) to provide quarterly reports on preventive services to the Speaker of the Council and to post such reports on its website within thirty days of the end of each quarter. The reports would include information regarding the following: the number of families and children who received preventive services; the availability of services; the number of children who entered foster care who had previously received preventive services; families and children who received preventive services after reunification; families who received ACS family services monitoring and preventive services; and, to the extent such data is available to ACS, the number of families who lived in homeless shelters while receiving preventive services. This report would be due to the Speaker of the Council and ACS’ website, beginning with the calendar quarter ending March 31, 2018.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of Intro. 1374-A because ACS can use existing resources to provide quarterly reports on preventive services utilization.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Dohini Sompura, Unit Head

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on November 29, 2016 as Intro. No. 1374 and was referred to the Committee on General Welfare (Committee). The Committee considered the legislation at a hearing on December 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1374-A, will be voted on by the Committee at a hearing on November 29, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1374-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 27, 2017.

(For text of Int. Nos. 1590-A, 1598-A, 1607-A, and 1609-A and their Fiscal Impact Statements, please see the Report of the Committee on General Welfare for Int. Nos. 1590-A, 1598-A, 1607-A, and 1609-A, respectively, printed in these Minutes; for text of Int. No. 1374-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1374-A, 1590-A, 1598-A, 1607-A, and 1609-A.

(The following is the text of Int. No. 1374-A:)

Int. No. 1374-A

By Council Members Levin, Crowley, Chin, Kallos and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to the utilization of preventive services

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-917 to read as follows:

§ 21-917 Preventive services quarterly reports. a. Definitions. For the purposes of this section, the term “preventive services” means supportive and rehabilitative services provided, in accordance with title four of the social services law, to children and their families for the purposes of: averting an impairment or disruption of a family which will or could result in the placement of a child in foster care; enabling a child who has been placed in foster care to return to his family at an earlier time than would otherwise be possible; or reducing the likelihood that a child who has been discharged from foster care would return to such care.

b. Beginning with the calendar quarter ending March 31, 2018, and for every calendar quarter thereafter, ACS shall furnish to the speaker of the council and post on ACS’ website, no later than 30 days after the end of each such calendar quarter, a report regarding preventive services rendered during such calendar quarter that includes, at a minimum, the following information:

1. The number of families and the number of children who received preventive services and the average length of enrollment, disaggregated by each program type, for all program types offered within the ACS continuum of preventive services;

2. The number of open slots available for preventive services, disaggregated by each program type, for all program types offered within the ACS continuum of preventive services;

3. The number of children who entered foster care and had been receiving preventive services at the time of removal, six months prior to removal, and 12 months prior to removal;

4. *The number of families and the number of children who received preventive services after a previous final discharge from foster care to reunification;*

5. *The number of families who received ACS family services unit monitoring and preventive services; and*

6. *To the extent such data is available to ACS, the number of families who lived in homeless shelters operated by or under contract or similar agreement with the department of homeless services or department of social services/human resources administration while receiving preventive services.*

c. *No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting families or children receiving preventive services or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If any category requested contains between 1 and 5 families or children receiving preventive services, or allows another category to be narrowed to between 1 and 5 families or children receiving preventive services, the number shall be replaced with a symbol.*

§ 2. This local law takes effect immediately.

STEPHEN T. LEVIN, *Chairperson*; FERNANDO CABRERA, VANESSA L. GIBSON, RITCHIE J. TORRES; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on General Welfare, November 29, 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. 1461-A

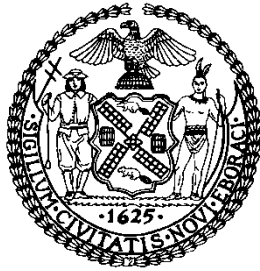
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to provide client service training to certain employees

The Committee on General Welfare, to which the annexed proposed amended local law was referred on February 1, 2017 (Minutes, page 345), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1374-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1461-A:



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

PROPOSED INTRO. NO: 1461-A

COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to provide client service training to certain employees.

SPONSORS: Council Members Levin, Menchaca, Salamanca, Richards and Kallos.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1461-A would require Human Rights Administration/Department of Social Services to conduct two customer service and professionalism trainings per year for all employees that interact with members of the public and work in Job Centers or Supplement Nutrition Assistance Program (SNAP) Centers, where individuals may apply for public assistance benefits. The training shall include techniques to improve professionalism, increase cultural sensitivity and de-escalate conflict.

EFFECTIVE DATE: This local law takes 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 FY18	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because HRA already conducts trainings and can use existing resources to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Nameera Nuzhat, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 1, 2017 as Intro. No. 1461 and was referred to the Committee on General Welfare (Committee). The Committee considered the

legislation at a hearing held on June 27, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1461-A, will be voted on by the Committee at a hearing on November 29, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1461-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1461-A:)

Int. No. 1461-A

By Council Members Levin, Menchaca, Salamanca, Richards and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to provide client service training to certain employees

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 21-140 to read as follows:

§ 21-140 Client service training. a. Pursuant to subdivision c of this section, the department shall conduct two trainings per year on best practices for improving interactions between department employees and clients of the department.

b. Such training shall include techniques to improve professionalism, increase cultural sensitivity and de-escalate conflict.

c. The department shall provide such training to all appropriate employees identified by the department whose primary responsibilities include interacting with members of the public in a client service role at any location designated by the department either as a job center where individuals can complete an application for cash assistance in person or as a supplemental nutrition assistance program center.

d. Nothing in this section shall preclude the department from providing such training to employees other than those identified by the department pursuant to subdivision c of this section.

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

STEPHEN T. LEVIN, *Chairperson*; FERNANDO CABRERA, VANESSA L. GIBSON, RITCHIE J. TORRES; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on General Welfare, November 29, 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. 1590-A

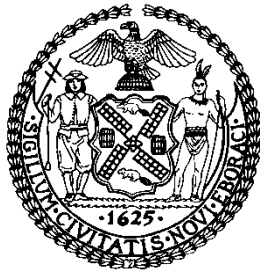
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to training for preventive services employees.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on May 10, 2017 (Minutes, page 1315), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1374-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1590-A:



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

PROPOSED INTRO. NO: 1590-A

COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to training for preventive services employees

SPONSORS: By Council Members Cabrera, Rosenthal, Levin, Gentile, and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 1590-A would require the Administration for Children’s Services (ACS) to provide training to all individuals providing preventive services on an ongoing basis. The bill would also require ACS to ensure that all individuals providing preventive services to attend at least one training a year, the content of which ACS determines.

EFFECTIVE DATE: The legislation would take effect 60 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from Intro. 1590-A as baselined funding was included in the Fiscal 2018 budget for mandated training for preventive services providers and staff.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Dohini Sompura, Unit Head

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on May 10, 2017 as Intro. No. 1590 and was referred to the Committee on General Welfare (Committee). The Committee considered the legislation at a hearing on June 14, 2017 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1590-A, will be voted on by the Committee at a hearing on November 29, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1590-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 27, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1590-A:)

Int. No. 1590-A

By Council Members Cabrera, Rosenthal, Levin, Gentile, Kallos and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to training for preventive services employees

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-916 to read as follows:

§ 21-916 *Preventive services training. a. Definitions. For the purposes of this section, the term “preventive services” means supportive and rehabilitative services provided, in accordance with title four of the social services law, to children and their families for the purposes of: averting an impairment or disruption of a family which will or could result in the placement of a child in foster care; enabling a child who has been placed in foster care to return to his family at an earlier time than would otherwise be possible; or reducing the likelihood that a child who has been discharged from foster care would return to such care.*

b. ACS shall require all individuals providing preventive services to attend trainings, the content of which shall be determined by ACS, on an ongoing basis and no less than once per year. This requirement is in addition to any other training required by law or regulation for individuals providing preventive services.

§ 2. This local law takes effect 60 days after it becomes law.

STEPHEN T. LEVIN, *Chairperson*; FERNANDO CABRERA, VANESSA L. GIBSON, RITCHIE J. TORRES; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on General Welfare, November 29, 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. 1598-A

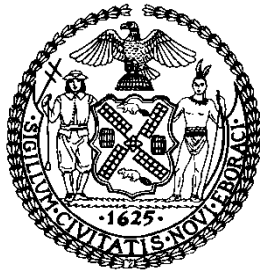
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to preventive services surveys

The Committee on General Welfare, to which the annexed proposed amended local law was referred on May 10, 2017 (Minutes, page 1328), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1374-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1598-A:



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

PROPOSED INTRO. NO: 1598-A

COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to preventive services surveys

SPONSORS: By Council Members Levin, Rosenthal, Gentile and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 1598-A would require the Administration for Children's Services (ACS) to administer an annual survey to all families receiving preventative services regarding their experiences with such services during the preceding calendar year. The survey would ask questions about interactions with caseworkers, the type and quality of services, and suggestions for how services may be improved. The bill would require ACS to submit to the Speaker of the Council a report on its plan for the implementation of the survey. The bill would also require ACS to submit to the Speaker of the Council and post on its website, on an annual basis, the aggregate data from the surveys and any steps ACS had taken in response to the information. ACS would be required to conduct the first survey beginning eighteen months after the date the local law takes effect.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$195,000	\$195,000	\$195,000
Net	\$195,000	\$195,000	\$195,000

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: Approximately 10,000 families and 40,000-45,000 children access child welfare preventive services each year, according to the *Mayor's Management Report for Fiscal 2017*. The projection for Fiscal 2018 is that 11,000 families will access preventive services. In order to conduct a survey of this size, compile and analyze results, and issue a report that includes steps ACS has taken in response to the data, we estimate that ACS would require two additional staff members, at a total cost (including salaries and fringe benefits) of \$195,000. In addition, there would be a one-time consulting cost associated with the development of the survey; however, ACS can cover this cost using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Financial Analyst

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on May 10, 2017 as Intro. No. 1598 and was referred to the Committee on General Welfare (Committee). The Committee considered the legislation at a hearing on June 14, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1598-A, will be voted on by the Committee at a hearing on November 29, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1598-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1598-A:)

Int. No. 1598-A

By Council Members Levin, Rosenthal, Gentile, Kallos and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to preventive services surveys

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-914 to read as follows:

§ 21-914 Preventive services surveys. a. Definitions. For the purposes of this section, the term “preventive services” means supportive and rehabilitative services provided, in accordance with title four of the social services law, to children and their families for the purposes of: averting an impairment or disruption of a family which will or could result in the placement of a child in foster care; enabling a child who has been placed in foster care to return to his family at an earlier time than would otherwise be possible; or reducing the likelihood that a child who has been discharged from foster care would return to such care.

b. Commencing 18 months after the effective date of the local law that added this section, ACS shall provide to all families receiving preventive services an annual survey regarding the family’s experiences with each preventive services provider that provided the family services during the preceding calendar year. Such surveys may be administered online or through a mobile application. ACS shall not attribute survey responses to families without their consent. In addition to questions, such surveys shall provide space for such families to provide ACS with any additional information they wish to share.

c. Such survey shall include but not be limited to questions regarding the following: interactions with caseworkers, the type and quality of services, and suggestions for how services may be improved.

d. No later than six months following the first administration of the survey required pursuant to this section, and annually thereafter, ACS shall submit to the speaker of the council and post on its website aggregated data from such surveys and any steps ACS had taken in response to the information provided in such surveys.

e. Not later than six months after the effective date of the local law that added this section, ACS shall submit to the speaker of the council a report on its plan for the implementation of the survey required pursuant to this section.

f. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting families or children receiving preventive services or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If any category requested contains between 1 and 5 families or children receiving preventive services, or allows another category to be narrowed to between 1 and 5 families or children receiving preventive services, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

STEPHEN T. LEVIN, *Chairperson*; FERNANDO CABRERA, VANESSA L. GIBSON, RITCHIE J. TORRES; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on General Welfare, November 29, 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. 1607-A

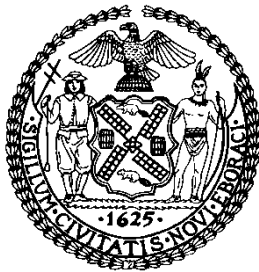
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to conduct a study regarding child protective caseloads and workloads.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on May 10, 2017 (Minutes, page 1336), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1374-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1607-A:



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

PROPOSED INTRO. NO: 1607-A

COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to report more information regarding the caseloads of its front-line workers and child safety conferences

SPONSOR(S): By Council Members Rose, Rosenthal, Levin, Johnson, and Gentile

SUMMARY OF LEGISLATION: Proposed Intro. 1607-A would require ACS to complete a study on child protective caseloads and workloads. The study would include an examination of key milestones and tasks required in a child protective investigation, an analysis of how certain factors impact the complexity of a case, an examination of the relationship between the aforementioned data, an assessment of best practices in caseload and workload standards, and recommendations for how ACS will implement best practices. The study would be required to be completed by March 31, 2019 and would be due to the Speaker of the Council by September 30, 2019. After the submission of the required report, the law would be deemed repealed.

EFFECTIVE DATE: Immediately

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: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources within ACS can be used to conduct the study and complete the recommendations.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on May 10, 2017 as Intro. No. 1607 and was referred to the Committee on General Welfare (Committee). The Committee considered the legislation at a hearing on June 14, 2017 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1607-A, will be voted on by the Committee at a hearing on November 29, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1607-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 27, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1607-A:)

Int. No. 1607-A

By Council Members Rose, Rosenthal, Levin, Johnson, Gentile and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to conduct a study regarding child protective caseloads and workloads.

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-902.2 to read as follows:

§ 21-902.2 *Child Protective Caseload and Workload Study.* a. *By March 31, 2019, ACS shall complete a study regarding child protective caseloads and workloads. Such study shall include, but need not be limited to:*

1. *Examination of the key milestones and tasks required in a child protective investigation and time spent on each milestone or task;*

2. *Analysis of how case factors impact case complexity, including but not limited to type of allegation, number of children, and prior ACS involvement;*

3. *Examination of the relationship between the data described in paragraphs 1 and 2 of subdivision a of this section and child safety outcomes;*

4. *Assessment of best practices in caseload and workload standards that improve child safety and wellbeing outcomes; and*

5. *Recommendations for how ACS will implement best practices to structure business processes to assign and balance caseloads and workloads.*

b. *By September 30, 2019, ACS shall report its findings and recommendations to the speaker of the council.*

§ 2. This local law takes effect immediately and remains in effect until the submission of the report required by subdivision a of section 21-902.2 of the administrative code of the city of New York when it is deemed repealed.

STEPHEN T. LEVIN, *Chairperson*; FERNANDO CABRERA, VANESSA L. GIBSON, RITCHIE J. TORRES; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on General Welfare, November 29, 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. 1609-A

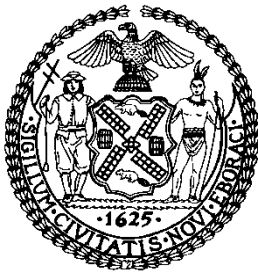
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to report annually on the aggregate findings and recommendations of its child fatality review.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on May 10, 2017 (Minutes, page 1341), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1374-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1609-A:



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

PROPOSED INTRO. NO: 1609-A

COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to report annually on the aggregate findings and recommendations of its child fatality review

SPONSORS: By Council Members Salamanca, Rosenthal, Levin, Gentile, and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 1609-A would require the Administration for Children’s Services (ACS) to report the findings and recommendations of its reviews of child fatalities that occurred during the previous calendar year. Annual reports would be published and posted online and would include: the number of child fatalities known to ACS for the previous year; the cause of death and the age, gender, race and ethnicity of the children; any relevant trends identified and systemic recommendations; and a summary of any case practice findings and agency policy changes made in repose to child fatalities in the previous 12 months. The first report would be due no later than June 1, 2018, and subsequent reports would be due no later than 18 months after the end of each calendar year.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of Intro. 1609-A because ACS can use existing resources to report its findings and develop recommendations.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on May 10, 2017 as Intro. No. 1609 and was referred to the Committee on General Welfare (Committee). The Committee considered the legislation at a hearing on June 14, 2017 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1609-A, will be voted on by the Committee at a hearing on November 29, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1609-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1609-A:)

Int. No. 1609-A

By Council Members Salamanca, Rosenthal, Levin, Gentile, Kallos and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to report annually on the aggregate findings and recommendations of its child fatality review

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-915 to read as follows:

§ 21-915 Annual report regarding child fatality review aggregate findings and recommendations. No later than June 1, 2018, and no later than 18 months after the end of each calendar year thereafter, ACS shall publish and make available on its website a report on the findings and recommendations of its child fatality reviews during the previous calendar year. Such report shall include, but not be limited to, the following:

- (i) the number of fatalities of children known to ACS for the previous year;*
- (ii) the cause of death in such fatalities;*
- (iii) the age, gender, race and ethnicity of children with fatalities for the previous year;*
- (iv) any relevant trends identified and systemic recommendations, including opportunities for inter-agency collaboration; and*
- (v) a summary of any case practice findings and agency policy changes made in response to child fatalities in the previous 12 months.*

§ 2. This local law takes effect immediately.

STEPHEN T. LEVIN, *Chairperson*; FERNANDO CABRERA, VANESSA L. GIBSON, RITCHIE J. TORRES; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on General Welfare, November 29, 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. 1635-A

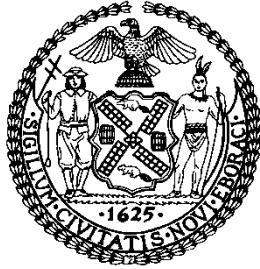
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to HRA job centers.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on June 6, 2017 (Minutes, page 1873), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1374-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1635-A:



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

PROPOSED INTRO. NO: 1635-A
COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to HRA job centers.
SPONSOR(S): Council Members Johnson, Gentile and Kallos

SUMMARY OF LEGISLATION: The proposed bill would require the Department of Social Services (DSS) to create and issue a job center “appointment receipt” for all individuals who visit job centers. The appointment receipt would include any documents received by the agency from the visitor, the reason for the visit, and a time stamp indicating the time and date a visitor was present at the job center. The bill would also require DSS to post to its website a monthly report (with the first report due not later than January 31, 2018) of the average constituent wait times at each job center during the preceding month. Finally, the bill would require DSS to display in job centers information on how to make a complaint and would require the Department to issue a tracking number to track the status of a complaint.

EFFECTIVE DATE: The legislation would take effect immediately.
FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY 19
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 the Department of Social Services 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: Dohini Sompura, Unit Head

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel
Regina Poreda Ryan, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 6, 2017 as Intro. No. 1635 and was referred to the Committee on General Welfare (Committee). The Committee held a hearing on the legislation on June 27, 2017, and the bill was laid over. The legislation was subsequently amended, and a hearing will be held by the Committee on the amended version, Proposed Intro. No. 1635-A, on November 29, 2017.. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1635-A:)

Int. No. 1635-A

By Council Members Johnson, Gentile, Kallos and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to HRA job centers

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 Requirements for job centers. a. Definitions. For purposes of this section, the following terms have the following meanings:

Appointment receipt. The term “appointment receipt” means a document given to all checked-in visitors at a job center who complete an appointment and that reflects the date of the visit, the reason for the visit, and the name and telephone number of the center that was visited.

Checked-in. The term “checked-in” means that a visitor has made initial contact with the department at a job center, either through a self-service kiosk or with a staff member responsible for keeping track of visitors, and has made such contact so that the department has a record, either written or electronic, of such visitor’s time of arrival at such job center and the reason for their visit.

Job center. The term “job center” means any location designated by the department as a job center where individuals can complete an application for cash assistance in person.

Visitor. The term “visitor” means any individual who, by prior appointment or walk-in, enters a job center to apply for public assistance, to receive assistance for an open public assistance case, or to receive assistance for a closed public assistance case.

Wait time. The term “wait time” means the amount of time a visitor spends waiting to be called for assistance after such visitor has checked-in to a job center. Wait time begins at the start of the visitor’s checked-in time, and ends when a visitor is called to begin an appointment.

b. The department shall issue an appointment receipt to all visitors who have checked-in at a job center and completed an appointment.

c. The department shall make available, through an online portal, to each person applying for cash assistance or supplemental nutrition assistance program benefits: (i) such person’s scheduled appointments relating to cash assistance and eligibility for supplemental nutrition assistance program benefits; (ii)

documents indexed to such person's case within the past 60 days; and (iii) such person's application and case status.

d. Not later than January 31, 2018, and within 45 days after the end of every month thereafter, the department shall post on its website a report of the average wait time during the preceding month for a visitor at each job center.

e. The department shall post a sign, in a form and manner as prescribed by the rules of the commissioner, in one or more visible locations inside every job center. Such sign shall include information regarding a visitor's right to make a complaint and instructions on how to make a complaint by phone or online.

f. The department shall provide a tracking number to any visitor who initiates a complaint relating to a visit to a job center. Such tracking number shall track the status of a complaint from initiation to disposition.

§ 2. This local law takes effect immediately.

STEPHEN T. LEVIN, *Chairperson*; FERNANDO CABRERA, VANESSA L. GIBSON, RITCHIE J. TORRES; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on General Welfare, November 29, 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 Health

Report for Int. No. 973-B

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to establishing a committee on city healthcare services.

The Committee on Health, to which the annexed proposed amended local law was referred on October 29, 2015 (Minutes, page 3879), respectfully

REPORTS:

I. INTRODUCTION

On November 28, 2017, the Committee on Health, chaired by Council Member Corey Johnson, held a vote on Proposed Int. No. 973-B, a local law to amend the administrative code of the city of New York, in relation to establishing a committee on city healthcare services. Council Member Johnson is the prime sponsor of this legislation. This bill was originally heard at a hearing of this committee on December 9, 2015, at which the Committee received testimony from representatives of the Administration, and the Department of Health and Mental Hygiene (DOHMH). On November 28, the Committee passed Proposed Int. No. 973-B by a vote of six in the affirmative, zero in the negative, and zero abstentions.

II. BACKGROUND

Health planning is a tool for widening availability of healthcare resources, while also ensuring that resources are allocated efficiently, in an orderly fashion, and without excessive duplication.¹ It was a “major theme” of American healthcare policy from the 1950s to the 1980s, but has since waned in influence.²

From 1986 until 2013, municipalities in New York State, including New York City, were periodically required to prepare a “municipal public health services plan.”³ Each plan was required to include health planning-related information, including an “estimate and description of the immediate and long term needs for public health services...a statement and description of the public health objectives which the municipality intends to achieve, including how the public health services...will maintain and improve the health status of its residents [and] maintain and improve the accessibility and quality of health care...a projected four-year plan of expenditures necessary to implement [these] programs...[and] evidence that the governing body of the municipality has adopted the plan as a basis for the municipality’s public health activities...”⁴ These plans were reviewed and approved or disapproved by the commissioner of the State Department of Health.

In 2013, this requirement was replaced with a requirement that municipalities incorporate, among other things, “an ongoing assessment of community health needs” and “development of policies and plans to address health needs” into the health services they provide in broad areas such as environmental health and communicable disease control.⁵ Municipalities are required under the amended law to produce a pared down “community health assessment,” which requires less information than did a municipal public health services plan. Required to be included in a community health assessment is an assessment of the applicable population’s health, identification of areas for improvement, and a plan for implementing such improvements and tracking progress.⁶ Notably missing from these requirements is an assessment of immediate and long term needs for public health services.

Among other ongoing efforts to rationalize the healthcare landscape in the City is New York State’s “Population Health Improvement Program.” The aim of this statewide initiative is to promote “better care, better population health and lower costs” by “identifying, sharing, disseminating and helping implement best practices and strategies to promote population health and reduce health care disparities...”⁷ This program is designed to integrate with related State Department of Health efforts including its “Prevention Agenda,”⁸ the “Health Innovation Plan” (often referred to as SHIP),⁹ and the “Medicaid Delivery System Reform Incentive Payment Program” (often referred to as DSRIP)¹⁰.

The Population Health Improvement Program is divided into regions, one of which is New York City. The provider in New York City was announced in December 2014 as the Fund for Public Health in New York, a non-profit organization formed by DOHMH.

Among the stated objective of the Fund for Public Health in implementing the Population Health Improvement Program in New York City are “increase[ing] investment...in interventions that prevent disease and improve health equity” and “support[ing] local transition to value-based health care” by, among other things, “develop[ing] a plan for expansion of advanced primary care in NYC.”¹¹

¹ Evan M. Melhado, “Health Planning in the United States and the Decline of Public-Interest Policymaking,” *THE MILBANK QUARTERLY*, June 2006, pg. 359–440, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2690168/#fn1>.

² *Id.*

³ Former N.Y. Pub. Health Law §602.

⁴ *Id.*

⁵ N.Y. Pub. Health Law §602.

⁶ N.Y. Pub. Health Law §602-a.

⁷ New York State Department of Health, “Population Health Improvement Program Overview,” PowerPoint Presentation, May 2015, available at https://www.health.ny.gov/community/programs/population_health_improvement/docs/overview_slides.pdf.

⁸ The Prevention Agenda focuses on preventing chronic disease, sexually transmitted diseases, vaccine-preventable diseases, and health care-associated infections, and promoting a healthy environment, maternal, child and infant health, mental health, and reproductive health.

⁹ SHIP focuses on improving access to, and coordination among, health care options, as well as increased value.

¹⁰ DSRIP focuses on transitioning to a performance-based payment model and integrating healthcare delivery systems.

¹¹ Fund for Public Health NY, “NYC Population Health Improvement Program,” available at <http://www.fphny.org/programs/nyc-population-health-improvement-program>.

Population Health Improvement Program providers are intended to engage stakeholders, including health care consumer, patient advocates, disability rights, and behavioral health advocates; insurers; human services agencies; representatives from business and unions; schools; housing authorities; and local transportation officials.¹²

The Council Committee on Health held a hearing on legislation to create an interagency coordinating council on health and other health planning matters in the late 1990s. That legislation never received a vote in the Committee. It was last reintroduced in 2002, failing to receive a hearing during that session.

III. ANALYSIS OF INT. NO. 973-B

Int. No. 973-B has undergone substantial changes since it was initially heard. The earlier version of this bill that was heard in Committee, Proposed Int. No. 973-A, would have established an Office of Comprehensive Community Health Planning (“OCCHP”) within the executive office of the Mayor, and an Interagency Coordinating Council on Health (“ICCH”) consisting of representatives from various City agencies, the Council, community boards in each borough, and various advocates and stakeholders. The OCCHP would have been responsible for producing a Comprehensive Health Services Plan every two years, which would have examined the overall health service delivery system in the City. The ICCH would have been tasked with making recommendations on many of the areas covered in the documents produced by the OCCHP.

The current version of the bill, Int. No. 973-B, would create a Committee on City Healthcare Services (“The Committee”). The Committee would be established by the Mayor or their designee, and would consist of representatives from DOHMH, city agencies that provide healthcare services or contract with entities for the provision of healthcare services, the Speaker of the Council or their designee, and the Chairperson of the Council’s Committee on Health or their designee. Additionally, the Mayor and Speaker would each appoint five representatives from healthcare stakeholders throughout the City to the Committee. A representative from H+H would be invited to join the Committee as well.

The Committee would be charged with reviewing community-based health indicators in New York City, and evaluating community-level health needs that can be addressed by city healthcare services. In carrying out its duties, the Committee would be required to solicit and consider the recommendations of local providers of healthcare services, advocates, stakeholders, and members of the public.

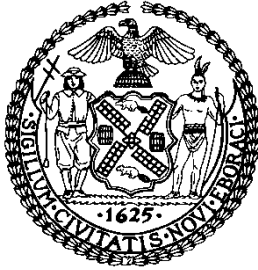
Under this legislation, the Committee would be required to issue a report every two years, beginning on October 15, 2018. This report would be submitted to the Mayor and Speaker of the Council, and posted online. The report would be required to include, but not be limited to, the following:

- A review and compendium of reports produced by the City over the previous two-year period;
- Recommendations for utilizing City healthcare services to address the needs of vulnerable populations;
- A summary of any projects or programs undertaken to coordinate healthcare services across agencies, and recommendations to improve such coordination;
- A description of allocations, for the immediately preceding fiscal year, for healthcare services by DOHMH and all other agencies directly providing healthcare services to anyone other than an employee, or which contract with entities for the direct provision of healthcare services, and the number of persons served by such entities;
- A review and analysis of existing reportable City agency data for the immediately preceding fiscal year, which may include various indicators of community health and healthcare service delivery, disaggregated geographically to the extent such data is available in such a disaggregated format; and
- An overview of the locations of clinical healthcare services operated by the city, including current street addresses.

¹² New York State Department of Health, “Population Health Improvement Program Overview,” PowerPoint Presentation, May 2015, available at https://www.health.ny.gov/community/programs/population_health_improvement/docs/overview_slides.pdf.

Int. No. 973-B would go into effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 973-B:)



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

PROPOSED INTRO. NO: 973-B

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to establishing a committee on city healthcare services.

SPONSOR(S): Council Members Johnson, Chin, Constantinides, Cumbo, Espinal, Levin, Levine, Rose, Eugene, Gentile, Mendez, Palma, Richards, Cornegy, Barron, Koo, Rodriguez and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. No. 973-B would require the mayor, or the mayor's designee, to establish a committee on City healthcare services in order to review community-based health indicators in New York City and to evaluate community-level health needs to address through City healthcare services. The committee would consist of, but need not be limited to: (1) a representative from the Department of Health and Mental Hygiene (DOHMH); (2) representatives from City agencies that provide healthcare services or that contract with entities for the provision of healthcare services; (3) the Speaker of the Council, or his/her designee; and (4) the chairperson of the Council Committee on Health, or successor committee, or his/her designee. The committee would also invite a representative of the New York City Health and Hospitals to join. In addition, the mayor and the speaker would each appoint five members representing healthcare stakeholders throughout the City.

The committee would issue a report on October 15, 2018, and every two years thereafter, to the mayor and the Speaker and would post the report online. The report would include, but need not be limited to, the following information and data: (1) a review and compendium of reports produced by the City over the previous two-year period pertaining to the provision of healthcare services; (2) recommendations for utilizing City healthcare services to address the healthcare needs of, and engage in outreach to, vulnerable populations; (3) a summary of any projects or programs undertaken to coordinate healthcare services across City agencies; (4) a description for the immediately preceding fiscal year of allocations for healthcare services by DOHMH and all other agencies directly providing healthcare services to anyone other than an employee of such agency; (5) a review and analysis of existing reportable City agency data for the immediately preceding fiscal year; and (6) an overview of the locations of clinical healthcare services operated by the City. The legislation would also require the committee to provide opportunity for public input.

EFFECTIVE DATE: This local law would take effect 120 days after becoming 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 anticipated that this legislation would not have an impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this bill would not have an impact on expenditures because existing resources would be used to establish the committee and implement the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Jeanette Merrill, Legislative Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on October 29, 2015 as Intro. No. 973 and was referred to the Committee on Health (Committee). The legislation was amended after introduction and a hearing was held by the Committee on the amended version, Proposed Intro. No. 973-A, on December 9, 2015, and the bill was laid over. The legislation was subsequently amended a second time, and the Committee will vote on the amended legislation, Proposed Int. No. 973-B, at a hearing on November 28, 2017. Upon successful vote by the Committee, the full Council will vote on the legislation on November 30, 2017.

DATE PREPARED: November 27, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 973-B:)

Int. No. 973-B

By Council Members Johnson, Chin, Constantinides, Cumbo, Espinal, Levin, Levine, Rose, Eugene, Gentile, Mendez, Palma, Richards, Cornegy, Barron, Koo, Rodriguez, Kallos and Menchaca

A Local Law to amend the New York city charter, in relation to establishing a committee on city healthcare services

Be it enacted by the Council as follows:

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

§ 20-e. *Committee on city healthcare services.* a. *There shall be a committee on city healthcare services established by the mayor, or the mayor's designee, to review community-based health indicators in New York city, and evaluate community-level health needs that can be addressed by city healthcare services.*

b. *Such committee shall consist of, but need not be limited to: a representative from the department of health and mental hygiene; representatives from city agencies that provide healthcare services or that contract with entities for the provision of healthcare services; the speaker of the council or their designee; and the chairperson of the council committee on health, or successor committee, or their designee. A representative of the New York city health and hospitals corporation shall be invited to join. In addition, the mayor and the speaker shall each appoint five members representing healthcare stakeholders throughout the city.*

c. *The mayor or the mayor's designee shall designate the chairperson of the committee from among its members who shall preside over meetings. Members will be eligible for reappointment every four years.*

d. *The committee shall issue a report on October 15, 2018, and every two years thereafter. Such report shall be submitted to the mayor and the speaker of the council and posted online. The report shall include, but not be limited to, the following information and data:*

1. *A review and compendium of reports produced by the city over the previous two-year period pertaining to the provision of healthcare services.*

2. *Recommendations for utilizing city healthcare services to address the healthcare needs of, and engage in outreach to, vulnerable populations, including, but not limited to: low-income individuals; the uninsured; the under-insured; homeless individuals and families; incarcerated individuals; communities of color; the aging; lesbian, gay, bisexual and transgender individuals; immigrants; women; people with limited English proficiency; individuals under the age of 21; and people with disabilities;*

3. *A summary of any projects or programs undertaken to coordinate healthcare services across city agencies, with particular emphasis on historically underserved or vulnerable populations, and recommendations to improve such coordination and make optimal use of existing healthcare services;*

4. *A description for the immediately preceding fiscal year of allocations for healthcare services by the department of health and mental hygiene and all other agencies directly providing healthcare services to anyone other than an employee of such agency, or which contract with entities for the direct provision of healthcare services, and the number of persons served by the department and such agencies. The information described in this subparagraph shall be provided to the mayor and the speaker annually on October 15; and*

5. *A review and analysis of existing reportable city agency data for the immediately preceding fiscal year that may include, but need not be limited to, the following data, disaggregated geographically to the extent the data is available in such a disaggregated format:*

(a) *insurance coverage,*

(b) *infant mortality rates per 1000 live births,*

(c) *immunizations,*

(d) *smoking,*

(e) *obesity,*

(f) *hypertension,*

(g) *asthma,*

(h) *preventive care visits,*

(i) *emergency room visits,*

(j) *number of unique inpatients and outpatient visits at facilities operated by health and hospitals corporation, and*

(k) *other data or indicators of community health and healthcare service delivery.*

6. *An overview of the locations of clinical healthcare services operated by the city, inclusive of current street addresses.*

e. *In carrying out the requirements of this section, the committee shall provide opportunity for meaningful and relevant input from, and duly solicit and consider the recommendations of, additional local providers of healthcare services, healthcare workers and organizations representing them, social service providers, community groups, patient and community advocacy organizations, and other members of the public.*

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

COREY D. JOHNSON, *Chairperson*; ROSIE MENDEZ, MATHIEU EUGENE, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on Health, November 28, 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 Housing and Buildings

Report for Int. No. 152-C

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 12, 2014 (Minutes, page 661), respectfully

REPORTS:

Introduction

On November 29, 2017, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing for the purposes of conducting votes on Proposed Int. No. 152-C, Proposed Int. No. 443-A, Proposed Int. No. 1210-A, Proposed Int. No. 1403-A, Proposed Int. No. 1431-A, and Proposed Int. No. 1721-A.

The Committee originally heard Proposed Int. No. 152-A on February 22, 2016 and received testimony from representatives of the Department of Buildings (DOB), the Department of Housing Preservation and Development (HPD), housing advocates, legal service providers, members of the real estate industry, and other interested members of the public. More information about this bill and materials for that hearing can be accessed online at <http://goo.gl/GkLuvV>

The Committee originally heard Int. No. 1210 on October 31, 2016 and the committee received testimony from representatives of DOB, HPD, housing advocates, legal service providers, members of the real estate industry, and other interested members of the public. More information about this bill and materials for that hearing can be accessed online at <http://goo.gl/Lcs1WG>

The Committee heard Int. No. 443, Int. No. 1403 and Int. No. 1431 on January 31, 2017 and received testimony from representatives of DOB, HPD, members of the real estate and construction industries, and other interested members of the public. More information about these bills and materials for that hearing can be accessed online at <http://goo.gl/Pn7nBT>.

The Committee heard Int. No. 1721 on October 19, 2017 and received testimony from representatives of HPD, the Mayor's Office of Immigrant Affairs (MOIA), the New York City Commission on Human Rights (CCHR), housing advocates, immigration advocates, legal service providers, members of the real estate industry, and other interested members of the public. More information about this bill and materials for that hearing can be accessed online at <http://goo.gl/NTfHRS>

Proposed Legislation

Below is a brief summary of each of the pieces of legislation being voted on by the Committee at this hearing. These summaries are intended for informational purposes only and do not substitute for legal counsel. For more detailed information, you should review the full text of each bill, which is attached below.

Proposed Int. No. 152-C

This bill would create a new certificate of no harassment (CONH) program, which would require certain buildings to apply for a CONH before obtaining DOB approval of permits or of other construction documents for certain, covered work. Buildings where a full vacate order has been issued, buildings where there has been active participation in the alternative enforcement program (AEP) and buildings with a history of finding of harassment will be required to apply for a CONH for covered work. In certain districts, buildings that meet a Building Qualification Index (BQI) will also be required to apply for the CONH for covered work.

If harassment during the relevant time period is found after a CONH investigation, the owner must provide for affordable housing in order to receive a permit. Within such building, at least 25% of the total residential floor area of such building must be affordable, and if it is a new building, then 20% of the total floor area of a new building on the lot containing the building must be affordable. One-third of the affordable housing units will be made available at 40 percent of the area median income (AMI), one-third of such units within such building are available at 50 percent of the AMI and one-third of such units are available at 60 percent of the AMI. This law takes effect 270 days after it becomes law, and sunsets after three years.

Proposed Int. No. 443-A

This bill would prohibit cranes which are more than 25 years from the manufacture date from operating in New York City. This bill takes effect on January 1, 2019.

Proposed Int. No. 1210-A

This bill would require HPD to create a publicly available “watch list” of rent-regulated buildings where, based on several factors, tenants might be at risk of being displaced. Buildings on the watch list may be prioritized for HPD preservation programs or initiatives. An example of a factor indicating a displacement risk would be a low “capitalization rate,” which indicates that a developer purchased a property for more than market value and might suggest that the developer plans to displace current tenants to transition the property to a more lucrative use. This bill takes effect immediately after it becomes law

Proposed Int. No. 1403-A

This bill would require cranes to be equipped with anemometers (wind speed measurement devices), and allows DOB to approve an anemometer where the manufacturer is no longer in business, or the manufacturer or an entity acceptable to such manufacturer is unable to provide the anemometer. This bill would take effect after 120 days after it becomes law.

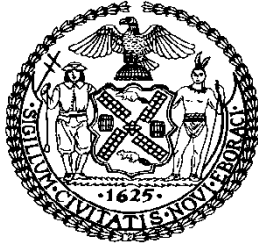
Proposed Int. No. 1431-A

This bill would require lift directors for certain cranes and set forth the qualifications and duties for lift directors. This bill would take effect immediately after it becomes law, but the requirement for lift directors takes effect 18 months after DOB establishes a 32-hour training program for lift directors.

Proposed Int. No. 1721-A

This bill would amend the definition of harassment to include acts or omissions related to violations of the construction code. This bill would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 152-C:)



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

PROPOSED INTRO. NO: 152-C

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings

SPONSORS: Council Members Lander, Chin, Johnson, Reynoso, Rosenthal, Mendez Menchaca, Rose, King, Levin, Rodriguez, Cornegy, Levine, Torres, Van Bramer and Gibson (by request of the Manhattan Borough President)

SUMMARY OF LEGISLATION: Proposed Intro. No. 152-C would create a certificate of no harassment (CONH) pilot program, which would require certain buildings to apply for a CONH before obtaining Department of Buildings (DOB) approval of permits or other construction documents for certain, covered work. Any building in the City where there has been a final determination of harassment by New York State Homes and Community Renewal (HCR) or any court with jurisdiction five years prior to the enactment date will automatically be denied a CONH should they apply for a permit with DOB. Buildings where a full vacate order has been issued and buildings where there has been active participation in the Alternative Enforcement Program (AEP) will be required to apply for the CONH for covered work. In districts that have undergone city-sponsored neighborhood-wide rezoning and community districts that indicate significant distress based on numerous factors, including changes of ownership, certain buildings that meet a Building Qualification Index (BQI) will also be required to apply for the CONH for covered work. If harassment is found after an investigation by the Department of Housing Preservation and Development (HPD) and community groups, where designated by HPD, the owner must provide for affordable housing. Within such building, at least 25 percent of the total residential floor area of such building must be affordable, and if it is a new building, then 20 percent of the total floor area of a new building on the lot containing the building must be affordable. One-third of the affordable housing units would be made available to households earning up to 40 percent of the area median income (AMI), one-third of such units within such building would be available at 50 percent of the AMI and one-third of such units would be available at 60 percent of the AMI.

EFFECTIVE DATE: This local law would take effect 270 days after it becomes a law except that HPD and DOB may promulgate rules or take other administrative action for the implementation of this local law prior to such date. This local law would remain in effect for 36 months, after which it is deemed repealed. Notwithstanding the repeal of this local law, the provisions of this local law would remain in effect for any pilot program building which submits an application for construction document approval pursuant to section 28-505.4 of the administrative code of the city of New York, as added by section three of this local law, prior to the repeal of such section. This local law would not apply to work relating to applications for construction document approval filed with the Department of Buildings prior to the inclusion of a building on the pilot program list

pursuant to subdivision b of section 27-2093.1 of the administrative code of the city of New York, as added by section two of this local law.

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	\$959,437	\$1,279,250	\$1,279,250
Net	(\$959,437)	(\$959,437)	(\$959,437)

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. However, under the legislation, HPD is authorized to establish fees from applicants for administrative expenses incurred for issuing the certification of no harassment, including costs for publication and notices. Although these fees are not mandated under this legislation, it is anticipated that HPD may by rule adjust and increase the current CONH application fee structure, which would have a positive impact on revenue. In Fiscal 2018, revenue generated from CONH fees is projected to total \$70,500; this amount is expected to increase given the additional community districts eligible for the pilot program pursuant to the legislation.

IMPACT ON EXPENDITURES: Although the legislation does not mandate that HPD hire new staff to meet the provisions of this bill, the agency has informed the Council that it would need to hire eight additional staff to perform investigations and analysis on the physical distress of multiple dwellings pursuant to the legislation. The total cost of these additional staff members is estimated to be \$1,279,250, including fringe benefits, and other than personal service costs related to outreach and community organizing.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Housing Preservation and Development

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 12, 2014 as Intro. No. 152 and was referred to the Committee on Housing and Buildings (Committee). The bill was amended after introduction and a hearing on the amended legislation, Proposed Intro. No. 152-A, was held by the Committee on February 22, 2016, and the bill was laid over. The legislation was subsequently amended two more times and the most recently amended legislation, Proposed Intro. No. 152-C, will be voted on by the Committee on November 29, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 152-C will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

(For text of Int. Nos. 443-A, 1210-A, 1403-A, 1431-A, and 1721-A and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 443-A, 1210-A, 1403-A, 1431-A, and 1721-A, respectively, printed in these Minutes; for text of Int. No. 152-C, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 152-C, 443-A, 1210-A, 1403-A, 1431-A, and 1721-A

(The following is the text of Int. No. 152-C:)

Int. No. 152-C

By Council Members Lander, Chin, Johnson, Reynoso, Rosenthal, Mendez, Menchaca, Rose, Williams, King, Levin, Rodriguez, Cornegy, Levine, Torres, Van Bramer, Gibson, Richards and Kallos (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings

Be it enacted by the Council as follows:

Section 1. Legislative findings. The Council has found and is concerned with the association between various characteristics of building distress, and the likelihood of suspected or reported harassment against tenants, and has an interest in finding ways to protect tenants at risk of displacement due to landlord harassment. Current Certification of No Harassment (“CONH”) requirements apply only to single room occupancy buildings and to all buildings in select special purpose zoning districts under the Zoning Resolution. In general, the program requires an investigation into whether harassment has occurred during a prescribed time period, and is triggered when an owner makes a permit application to the Department of Buildings for a material alteration of a building.

The Council finds that outside of these single room occupancy buildings and the buildings in special zoning districts, buildings with high rates of physical distress or ownership changes are typically associated with suspected or known harassment patterns. Areas targeted for rezoning see an increased rate of change in ownership. The effects of such rezonings stretch beyond the rezoned blocks into surrounding neighborhoods. Because community districts are drawn specifically to capture communities of shared interest, they provide readily administrable boundaries for delineating where a rezoning in one part of a neighborhood is most likely to have effects outside the rezoning area. A limited pilot expansion of the CONH program to include buildings potentially at risk of harassment in particular neighborhoods where buildings with the highest rates of physical distress or ownership changes are located, or in city-sponsored neighborhood wide rezoned areas where heightened protection against harassment is essential to equitable development, would enable the Council to determine if expanding the CONH program could reduce the risk of harassment for tenants in such buildings and provide valuable feedback on its effect on tenant protection and housing conditions. The purpose of this local law is to provide for the implementation of such a program as a geographically targeted and time-limited pilot program to allow an evaluation of the program’s accuracy and efficacy in targeting and addressing harassment in particular buildings.

The current Administrative Code provisions that apply to single room occupancy multiple dwellings consider incidents of harassment that occurred within three years of an application for development as indicative that such harassment was motivated by the redevelopment. The Council is concerned that redevelopment-motivated harassment may occur even earlier than three years before a redevelopment occurs. Thus, the pilot program proposes to lengthen this period to five years.. The current Administrative Code provisions also require that once a CONH has been denied, no development is allowed at the site for a

specified period of time. The pilot seeks to determine the impact on a legislative CONH program of allowing owners of buildings where a CONH is denied to proceed with development if they agree to construct floor area of low income housing within the building or within any new building within the same community district, similar to what is allowed under zoning resolution CONH requirements. In accordance with the Council's goal of equitable development, priority in allocating such units would be given to qualified tenants who resided in the building during the time the acts of harassment occurred.

§ 2. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2093.1 to read as follows:

§ 27-2093.1 *Certification of no harassment with respect to pilot program buildings. a. Definitions. As used in this section the following terms have the following meanings:*

Building qualification index. The term "building qualification index" means an index created by the department and promulgated in rules to evaluate prospective pilot program buildings for distress based on the department's records of open and closed hazardous and immediately hazardous violations of the housing maintenance code, records of paid and unpaid liens for expenses incurred by the department for the repair or elimination of dangerous conditions under the emergency repair program, change of ownership or any other factor that reasonably indicates distress and would qualify such building for the certification of no harassment pilot program as determined by the department.

Certification of no harassment. The term "certification of no harassment" means a certification by the department that no harassment of any lawful occupants of a pilot program building occurred during the 60 month period prior to the filing of an application for such certification pursuant to this section.

City-sponsored neighborhood-wide rezoning area. The term "city-sponsored neighborhood-wide rezoning area" means an area of the zoning map for which:

- (1) amendments to the zoning regulations pertaining to such area were proposed by the City;*
- (2) the city planning commission approved or approved with modifications such amendments for a matter described in paragraph 3 of subdivision a of section 197-c of the charter;*
- (3) the city planning commission decision was approved or approved with modifications by the council pursuant to section 197-d of the charter and is not subject to further action pursuant to subdivision e or f of such section;*
- (4) the zoning map amendments increased the permitted residential floor area ratio within the rezoned area by at least 33 percent; and*
- (5) the amendments involved at least 10 blocks of real property in such area.*

Covered categories of work. The term "covered categories of work" has the meaning set forth in section 28-505.3.

Harassment. The term "harassment" has the meaning set forth in subdivision 48 of section 27-2004.

Low income housing. The term "low income housing" means dwelling units that, upon initial rental and upon each subsequent rental following a vacancy, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed an average of 50 percent of the area median income, adjusted for family size, at the time that such household initially occupies the dwelling unit, provided that with respect to low income housing units provided pursuant to a cure agreement in accordance with subdivision e of this section, one-third of such low income housing units shall be available at 40 percent of the area median income, one-third of such units shall be available at 50 percent of the area median income and one-third of such units shall be available at 60 percent of the area median income.

Pilot program building. The term "pilot program building" means a multiple dwelling included on the pilot program list.

Pilot program list. The term "pilot program list" means a list of multiple dwellings with six or more dwelling units meeting the criteria set by the department in accordance with subdivision b. Such multiple dwelling shall remain on the pilot program list for 60 months, or until expiration of the local law that added this section, whichever is later. Such list shall be published and maintained on the websites of the department and the department of buildings. Such list shall not include any multiple dwelling that:

(1) is subject to any other provision of law or rules, including the zoning resolution, that requires a certification of no harassment as a condition to obtaining approval of construction documents or an initial or reinstated permit in connection therewith from the department of buildings;

(2) is the subject of a program approved by the commissioner and related to the rehabilitation or preservation of a single room occupancy multiple dwelling or the provision of housing for persons of low or moderate income, other than a program consisting solely of real property tax abatement or tax exemption pursuant to the real property tax law, and has been exempted from the provisions of this section by the commissioner;

(3) contains dwelling units that are required to be and actually are restricted based on income pursuant to an agreement pursuant to the mandatory inclusionary housing program or the voluntary inclusionary housing program and the income-restricted units that are required pursuant to such agreement are occupied at the time of application for a certification of no harassment;

(4) is an exempt luxury hotel as defined by the department in rules;

(5) is a rent regulated institutional residence, the occupancy of which is restricted to non-profit institutional use exempted from the requirements of this section by the department;

(6) is owned by the city or other governmental entity;

(7) is a clubhouse; or

(8) is a college or school dormitory.

Tenant harassment prevention task force. The term “tenant harassment prevention task force” or “task force” means representatives of city and state agencies that combine to combat tenant harassment through coordinated enforcement actions.

b. *Pilot program list.* The department shall compile and publish a pilot program list. The criteria used to select buildings to be included on the pilot program list shall be promulgated by the department in rules and shall be limited to:

(1) Buildings with scores on the building qualification index indicating significant distress as determined by the department, and located within:

(i) Bronx community district 4,

(ii) Bronx community district 5,

(iii) Bronx community district 7,

(iv) Brooklyn community district 3,

(v) Brooklyn community district 4,

(vi) Brooklyn community district 5,

(vii) Brooklyn community district 16,

(viii) Manhattan community district 9,

(ix) Manhattan community district 11,

(x) Manhattan community district 12,

(xi) Queens community district 14, and

(xii) Any community district where any part of such district is subject to a city-sponsored neighborhood-wide rezoning after the date of enactment of the local law that added this section.

(2)(i) Buildings where a full vacate order has been issued by the department or by the department of buildings, or (ii) buildings where there has been active participation in the alternative enforcement program for more than four months since February 1, 2016; and

(3) Buildings where there has been a final determination by New York state homes and community renewal or any court having jurisdiction that one or more acts of harassment were committed at such building within the 60 months prior to the effective date of the local law that added this section or on or after the effective date of the local law that added this section. The department shall establish a method of identifying buildings where there have been adjudications of harassment after the effective date of the local law that added this section, and may request the cooperation of the tenant harassment prevention task force to establish and effectuate such method. The department shall add a building to the pilot program list within 30 days after it is identified in accordance with such method.

c. *Certification of no harassment required.* (1) In accordance with article 505 of chapter 5 of title 28, a pilot program building shall be required to obtain a certification of no harassment or waiver of such

certification as a condition to obtaining approval of construction documents or an initial or reinstated permit in connection therewith by the department of buildings for any covered categories of work.

(2) Except as otherwise provided in this section, if a certification of no harassment is denied no such approval or permit shall be issued by the department of buildings for 60 months after such denial.

d. Application. (1) An application for a certification of no harassment shall be in such form and shall contain such information as shall be prescribed by the department.

(2) Upon the receipt of an application for a certification of no harassment, the department shall publish notice in a publication of general circulation for a period of seven consecutive days, shall mail notice to the owner at the address provided on the application and the address provided in the last registration with the department, as well as to the owner who appears on the last deed recorded on the records of the department of finance, such occupants as the department shall identify, any community group designated by the department to survey the building, such other interested persons as the department shall identify, the local community board, city council member representing the district in which such building is situated, and appropriate government agencies, and shall post notice in a conspicuous place at the pilot program building for which the certification of no harassment is sought.

(3) The notice shall be published in English and in any other language prevalent in the district, as determined by the commissioner, and shall include a statement that such notice is available in any covered language, as defined in subdivision j of section 8-1002. Such notice shall also contain:

(i) the location and general description of the pilot program building for which the certification is sought;

(ii) a description of the certification procedure and its purpose;

(iii) the contact information for the community group designated by the department to survey the building and its occupants;

(iv) the period of time covered by the inquiry, which shall be 60 months prior to the filing of the application for a certificate of no harassment pursuant to this section;

(v) a description of conduct constituting harassment; and

(vi) that the owner and any occupants or former occupants of the pilot program building for which such certification is sought and other interested persons, government agencies and the local community board, are invited to submit their comments within 45 days of the date of such notice in writing or orally at a designated location, provided that the department may, for good cause, extend the time for the submission of such comments for an additional 15 days.

(4) The department may designate a community group to conduct a survey of the occupants of the pilot program building with respect to harassment in the pilot program building and to report its findings to the department. The community group shall provide a copy of the notice required by this subdivision to occupants. Based upon the findings of such community group or the department's review of records and other data, the department may determine that it is necessary to conduct a further investigation.

(5) Upon the completion of any such survey and further investigation, the department may:

(A) determine that no harassment has occurred within the stated period of time and forthwith grant such certification of no harassment.

(B) deny a certification of no harassment without a hearing if there has been a finding by New York state homes and community renewal or any court having jurisdiction that there has been harassment, unlawful eviction, or arson by or on behalf of the owner during the stated period of time; or

(C) where there has been no prior determination of harassment, unlawful eviction, or arson by or on behalf of the owner, provide that a hearing be held at the office of administrative trials and hearings if the department has reasonable cause to believe that harassment has occurred within such stated period of time. The owner of the pilot program building for which a certification of no harassment is sought shall have the opportunity to be heard at such hearing prior to the granting or denial of such certification. The department may receive testimony from tenants, community groups and any other interested parties. Notice of such hearing shall be given to the applicant in the manner prescribed by the office of administrative trials and hearings. Within 45 days after the office of administrative trials and hearings issues a report and recommendation, the department shall either grant or deny such certification of no harassment.

(6) If a certification of no harassment is denied, notice of such denial accompanied by written findings indicating the grounds for such denial shall be mailed to the applicant and owner of record and shall be filed in the office of the city register or the Richmond county clerk.

(7) A final determination on an application for a certification of no harassment shall be subject to review pursuant to article 78 of the civil practice law and rules.

(8) Where the department has denied or rescinded a certification of no harassment for a pilot program building the department of buildings shall not approve construction documents or issue or renew permits for covered categories of work in such building for a period of 60 months after such denial or rescission unless the owner enters into an agreement with the department to cure the record of harassment in accordance with subdivision e.

(9) Before a certification of no harassment may be granted, an applicant shall submit a sworn statement, in such form as the department shall prescribe, by all the owners of the pilot program building representing that there will be no harassment of the occupants of such building by or on behalf of such owners. The corporation counsel may institute any action or proceeding in any court of competent jurisdiction that may be appropriate or necessary for the enforcement of this representation and agreement. Nothing contained herein shall preclude an occupant of such pilot program building from applying on his or her own behalf for similar relief.

e. Cure agreement. (1) An agreement to cure the record of harassment at a pilot program building shall require the owner to engage in or provide for, through an entity identified by the department as capable of developing new affordable housing in the same community district as the pilot program building, the construction of floor area of low income housing, either within the pilot program building, in a new building at the same site as the pilot program building or such same community district, in accordance with rules promulgated by the department, provided that such owner shall construct or provide within such building or community district no less than the greater of: (i) 25 percent of the total residential floor area of such pilot program building undergoing covered work in which harassment has occurred, or (ii) 20 percent of the total floor area of any new or pilot program building undergoing covered work on the lot containing the pilot program building subject to such agreement.

(2) The owner shall record and index a restrictive declaration with respect to such agreement with the city register or the Richmond county clerk.

(3) The department shall promulgate rules providing for the administration and enforcement of such an agreement, and shall establish criteria for such an agreement to ensure the effective implementation thereof. Such rules shall include a requirement that lawful tenants who resided in the pilot program building during the 60 month period prior to the determination to deny the certification of no harassment or prior to the rescission of a certification of no harassment shall have priority in the allocation of low income units constructed by the owner within the pilot program building or in a new building at the same site as the pilot program building if they otherwise qualify for such units.

(4) The owner shall attest, as part of such agreement, that no such construction of floor area of low income housing required under paragraph (1) of this subdivision shall be used by the owner to satisfy an eligibility requirement of any real property tax abatement or exemption program, or of a floor area ratio increase pursuant to section 23-90 of the zoning resolution, for which the owner otherwise may be eligible to apply, or to apply for a hardship waiver from any existing code or zoning resolution requirements. The department shall ensure that floor area of low income housing required under paragraph (1) of this subdivision is in addition to and not in substitution for floor area of low income housing that may be used by the owner to satisfy an eligibility requirement of any real property tax abatement or exemption program, or of a floor area ratio increase pursuant to section 23-90 of the zoning resolution, for which the owner may apply. The department shall ensure that a city, state or federal subsidy shall not be used for the construction of low income housing required under paragraph (1) of this subdivision.

f. Suspension and rescission of a certification. (1) The department may rescind a certification of no harassment that was granted for a pilot program building if it finds that harassment has occurred at such building while such certification was in effect, as described by this subdivision.

(2) If the department has reasonable cause to believe that harassment has occurred during the effective period of a certification of no harassment, the commissioner shall suspend the certification of no harassment

for the pilot program building. Upon the request of the department, the department of buildings shall not approve any construction documents or issue an initial or reinstated permit in connection with covered categories of work or, if such documents have been approved or such permit has been issued, issue a stop-work notice and order pursuant to section 28-505.6. Notice of such a suspension of a certification of no harassment shall be mailed to the applicant, the owner of record of such pilot program building and known tenants of such building and shall - be filed with the city register or Richmond county clerk.

(3) As soon as reasonably possible after a request for a hearing by an owner who has received a notice of suspension, but not later than 30 days after such suspension, the department shall commence a proceeding at the office of administrative trials and hearings by filing the required pleadings. At the hearing, the owner of a pilot program building for which a certification of no harassment has been suspended shall have the opportunity to be heard. Notice of such hearing shall be given to the applicant, such other persons and known tenants of such building in the manner prescribed by the office of administrative trials and hearings. The department may receive testimony from such other persons and known tenants of such building. The department shall determine whether to rescind the certification of no harassment within 45 days of receiving the report and recommendation from the office of administrative trials and hearings.

(4) If the owner has been found by New York state homes and community renewal or any court having jurisdiction to have engaged in harassment, unlawful eviction, or arson at the pilot program building after the certification of no harassment was granted, the department may determine whether to rescind such certification without commencing a proceeding at the office of administrative trials and hearings.

(5) If the department determines not to rescind such certification of no harassment, the department shall notify the department of buildings of such determination and any stop work notice and order issued by the department of buildings pursuant to section 28-505.6 shall be vacated immediately. Notice of such determination shall be mailed to the owner of record of such pilot program building, the known tenants of such building and filed with the city register or the Richmond county clerk.

(6) If the department determines that such certification of no harassment shall be rescinded, notice of such determination accompanied by written findings indicating the grounds for such determination shall be provided to the department of buildings and shall be mailed to the owner of record of such pilot program building and filed with the city register or the Richmond county clerk. Such determination shall be subject to review pursuant to article 78 of the civil practice law and rules.

g. For the purpose of any subsequent proceeding with respect to a pilot program building, the granting of a certification of no harassment or a waiver thereof for any period of time shall be conclusive proof only for the purposes of this section that no harassment occurred within the time period covered by such certification or that the waiver of such certification for such time period was appropriate.

h. Fees. The department is authorized to establish by rule reasonable fees from applicants for the administrative expenses incurred by the department for issuing the certification of no harassment pursuant to this section, including costs for publication and notices.

i. Waiver. The commissioner may grant a waiver of certification of no harassment although the commissioner determines that harassment has occurred at the pilot program building for which such certification is sought during the 60 month period prior to the date of the submission of an application for a certification of no harassment if the commissioner finds that:

(1)(A) the owner of record of the pilot program building was the owner of record prior to November 29, 2017 or had entered into a contract of sale for the purchase of such pilot program building which was recorded prior to such date or, with respect to a certification proceeding where the alterations sought to be performed are of the type prescribed by rule of the commissioner pursuant to item 5 of section 28-505.3, the owner of record of such multiple dwelling was the owner of record of such multiple dwelling prior to the date of the first publication of such rule or had entered into a contract of sale for the purchase of such multiple dwelling which was recorded prior to such date;

(B) such owner was not the owner of such multiple dwelling during any period of time in which such harassment occurred and did not at such pilot program building (i) otherwise engage or participate in such harassment; or (ii) with intent that harassment be performed, agree with one or more persons to engage in or cause the performance of harassment; or (iii) with intent that another person engage in conduct constituting

harassment, solicit, request, command, importune or otherwise attempt to cause such person to engage in conduct constituting harassment; and

(C) such owner acquired title pursuant to a bona fide transaction that is not intended to evade the provisions of this section; or

(2) the owner acquired the multiple dwelling by sale pursuant to foreclosure of a mortgage or pursuant to a deed in lieu of foreclosure of a mortgage; provided, however, that such conveyance was a bona fide transaction for the purpose of enforcing the debt and not intended to evade the provisions of this section and either:

(i) a certification of no harassment or waiver thereof was granted with respect to such multiple dwelling within a sixty day period prior to the date of the recording of such mortgage and no suspension or rescission thereof was recorded prior to such date; or

(ii) such mortgage was recorded prior to November 29, 2017 or, if such owner is a banking organization as defined in section 2 of the banking law, a national banking association, a federal savings and loan association, the mortgage facilities corporation, savings banks life insurance fund, the savings banks retirement system, an authorized insurer as defined in section 4 of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least 20 savings banks or by at least 20 savings and loan associations or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation, a commitment for such mortgage was made prior to such date.

(3) In determining whether a transaction described in this subdivision was bona fide, the commissioner may consider whether at such pilot project building or any other multiple dwelling such owner did (i) otherwise engage or participate in harassment; or (ii) with intent that harassment be performed, agree with one or more persons to engage in or cause the performance of harassment; or (iii) with intent that another person engage in conduct constituting harassment, solicit, request, command, importune or otherwise attempt to cause such person to engage in conduct constituting harassment. The commissioner may also consider the relationship between the parties to the transaction.

(4) A waiver of a certification pursuant to this subdivision shall state the findings of the commissioner.

§ 3. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 505 to read as follows:

ARTICLE 505
CERTIFICATION OF NO HARASSMENT PILOT PROGRAM

§ 28-505.1 General. *The commissioner shall not approve construction documents, nor issue an initial or reinstated permit in connection therewith, for the alteration or demolition of a pilot program building identified by the department of housing preservation and development pursuant to section 27-2093.1 except as set forth in this article. Applications for post approval amendments to construction documents are subject to this article where the application proposes a change within a covered category of work as set forth in section 28-505.3.*

§ 28-505.2 Definitions. *As used in this article, the following terms have the following meanings:*

LOW INCOME HOUSING. *The term “low income housing” has the same meaning as in section 27-2093.1 of the housing maintenance code,*

OWNER. *The term “owner” has the same meaning as in section 27-2004 of the housing maintenance code,*

PILOT PROGRAM BUILDING. *The term “pilot program building” has the same meaning as in section 27-2093.1 of the housing maintenance code.*

§ 28-505.3 Covered categories of work. Applications for the approval of construction documents for the following categories of work are covered by this article:

1. demolition of all or part of the pilot program building;
2. change of use or occupancy of all or part of a dwelling unit, any residential portion of the pilot program building, or any part of such building serving such dwelling units;
3. any alteration resulting in the addition or removal of kitchen or bathrooms, an increase or decrease in the number of dwelling units, or any change to the layout, configuration, or location of any portion of any dwelling unit;
4. an application for a new or amended certificate of occupancy; or
5. such other types of alteration work to a pilot program building as shall be prescribed by rule of the commissioner of housing preservation and development.

Exceptions:

1. Work solely for the purpose of either (i) making the public areas of a pilot program building accessible to persons with disabilities without altering the configuration of any dwelling unit or rooming unit or (ii) making the interior or the entrance to a dwelling unit or a rooming unit accessible to persons with disabilities shall not be covered by this article.
2. Repairs, demolition or any other work performed by a city agency or by a contractor pursuant to a contract with a city agency shall not be covered by this article.
3. Work performed on a building that has an administrator currently appointed pursuant to article seven-a of the real property actions and proceedings law shall not be covered by this article.
4. Other categories of work that are excluded from the definition of covered categories of work by rule of the department of housing preservation and development shall not be covered by this article.

§ 28-505.4 Required submittal documents. The commissioner shall not approve any construction documents, nor issue an initial or reinstated permit in connection therewith, for a pilot program building for the covered categories of work unless the applicant provides:

1. A sworn affidavit by or on behalf of all the owners of such building that has been provided to the department of housing preservation and development, which states that there will be no harassment of the lawful occupants of such building by or on behalf of such owners during the construction period;
2. A tenant protection plan as provided for in this code; and
3. The following documents from the commissioner of housing preservation and development:
 - 3.1. A current certification of no harassment that there has been no harassment of the lawful occupants of such pilot program building within the 60 month period prior to submission of an application for such certification to the department of housing preservation and development, provided, however, that such certification of no harassment shall except any portion of such 60 month period during which title was vested in the city;

- 3.2. *A waiver of such certification; or*
- 3.3. *A certification that a restrictive declaration, in accordance with subdivision e of section 27-2093.1 of the housing maintenance code, has been recorded in the office of the city register or the Richmond county clerk and indexed as provided by the department of housing preservation and development.*

§ 28-505.5 Process. *Application for a certification of no harassment or waiver shall be made pursuant to section 27-2093.1 of the housing maintenance code.*

§ 28-505.6 Time period for approval or rejection of construction documents. *The time period in which the commissioner is required to approve or reject an application for construction document approval or resubmission thereof pursuant to this code shall commence from the date that the commissioner receives the documents required pursuant to item 3 of section 28-505.4*

§ 28-505.7 Certificate of occupancy. *The department shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on a lot subject to an restrictive declaration pursuant to subdivision e of section 27-2093.1 of the housing maintenance code, other than for any low income housing located on such lot, until the department of housing preservation and development certifies that the low income housing required by such restrictive declaration has been completed in compliance with the restrictive declaration and the department has issued a temporary or permanent certificate of occupancy for each unit of low income housing covered by such restrictive declaration.*

§ 28-505.8 Request for stop-work or rescission. *The commissioner shall be empowered to issue a stop-work notice or order with respect to an alteration or demolition permit or to rescind approval of construction documents at the request of the commissioner of housing preservation and development pursuant to section 27-2093.1 of the housing maintenance code.*

§ 4. The department, with the advice and assistance that may be provided by any community group described in paragraph (4) of subdivision d of section 27-2093.1 of the administrative code of the city of New York, as added by section two of this local law, shall conduct a study to evaluate the effectiveness of the program in reducing harassment of tenants in the areas described in paragraph (1) of subdivision b of section 27-2093.1 of the administrative code of the city of New York, as added by section two of this local law. Such study shall be completed and a report shall be submitted to the Speaker no later than 6 months prior to the expiration of this local law. Such report shall contain the following information:

1. the number of covered buildings where the owner applied for a certificate of no harassment disaggregated by whether the department issued a certificate of no harassment, a cure agreement was reached, or a waiver of a certificate of no harassment;
2. the location of buildings where the department determined that harassment had occurred, disaggregated by community board and council district disaggregated by whether such building was subject to a cure agreement;
3. metrics which the department determines appropriate to determine the preventive impacts of such program;
4. a determination, using such metrics, as to whether such program resulted in preventive impacts;
5. estimated costs of the program to the city; and
6. recommendations for improving the efficacy of such program if the pilot program continues.

§ 5. This local law takes effect 270 days after it becomes a law except that the departments of housing preservation and development and the department of buildings may promulgate rules or take other administrative action for the implementation of this local law prior to such date. This local law shall remain in effect for 36 months, after which it is deemed repealed. Notwithstanding the repeal of this local law, the

provisions of this local law shall remain in effect for any pilot program building which submits an application for construction document approval pursuant to section 28-505.4 of the administrative code of the city of New York, as added by section three of this local law, prior to the repeal of such section. This local law shall not apply to work relating to applications for construction document approval filed with the department of buildings prior to the inclusion of a building on the pilot program list pursuant to subdivision b of section 27-2093.1 of the administrative code of the city of New York, as added by section two of this local law.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, November 29, 2017. *Other Council Members Attending: Council Member Lander.*

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

Report for Int. No. 443-A

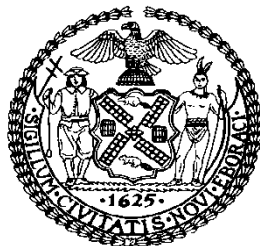
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to crane modernization.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on August 21, 2014 (Minutes, page 3123), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 152-C printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 443-A:



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

PROPOSED INTRO. NO: 443-A

COMMITTEE: Housing and Buildings

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

SPONSORS: Council Members Kallos, Rose, Constantinides, Reynoso, Levin, Espinal, Menchaca, Cornegy and Richards

SUMMARY OF LEGISLATION: Proposed Intro. 443-A would prohibit the operation of cranes in New York City that are older than 25 years. Under the legislation, cranes with an age of 25 years or older could be used until the completion of a construction project, provided the crane is in use or is approved to be in use as of January 1, 2019 or until it reaches 28 years of age. Additionally, the Department of Buildings (“DOB”) may approve the use of a crane with an age of 25 years or older for up to a maximum of five years, not to exceed 30 years, provided the crane meets the manufacturers standards for use.

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.

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, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on August 21, 2014 as Intro. No. 443 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. 443-A, will be considered by the Committee on November 29, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 443-A:)

Int. No. 443-A

By Council Members Kallos, Rose, Constantinides, Reynoso, Levin, Espinal, Menchaca, Cornegy and Richards.

A Local Law to amend the New York city building code, in relation to crane modernization

Be it enacted by the Council as follows:

Section 1. Section BC 202 of the New York city building code is amended by adding a new definition for “MANUFACTURE DATE (Crane),” in appropriate alphabetical order, to read as follows:

MANUFACTURE DATE (Crane). *See Section 3302.1.*

§2. Section 3302.1 of the New York city building code is amended by adding a new definition for “MANUFACTURE DATE (Crane),” in appropriate alphabetical order, to read as follows:

MANUFACTURE DATE (Crane). *For a particular crane, the earlier of the following dates:*

1. *The date the crane was originally manufactured for its intended purpose.*
2. *The date that the oldest major component of the crane was originally manufactured.*

§3. Section BC 3319 of the New York city building code is amended by adding new section 3319.13 to read as follows:

3319.13 Age limitations for cranes. *Only cranes having an age of less than 25 years from the manufacture date may be used in New York City. Notwithstanding the provisions of Section 3319.5, the certificate of operation for a crane with an age greater than 25 years from the manufacture date shall be deemed to have expired.*

Exceptions:

1. *A crane with an age of 25 years or greater from the manufacture date that is (i) in use on a project on January 1, 2019 or (ii) not in use on January 1, 2019, but for which an application for a certificate of on-site inspection has been approved as of January 1, 2019, may continue to be used until completion of the project for which it is being used or the project for which such certificate of onsite inspection was issued.*
2. *Where a crane with an age of less than 25 years from the manufacture date at the time the department approved the application for a certificate of on-site inspection is being used on a project and will reach an age of 25 years or greater from the manufacture date during such project, such crane may be used for the duration of that project or until it reaches 28 years of age, whichever occurs earlier.*
3. *The commissioner may approve the use of a crane with an age of 25 years or greater from the manufacture date for up to a maximum of five years, not to exceed 30 years from the manufacture date, when records as required by rule of the department are deemed sufficient by the commissioner to establish that such crane meets the manufacturer’s standards for use.*
4. *This section shall not apply to equipment used for pile driving or clamshell work.*

§4. 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, prior to such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, November 29, 2017. *Other Council Members Attending: Council Member Lander.*

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

Report for Int. No. 1210-A

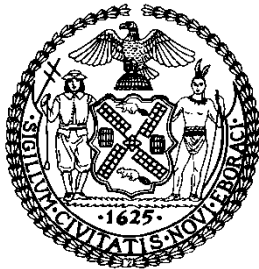
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating a program for evaluation of certain multiple dwellings and transactions to establish a speculation list.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 8, 2016 (Minutes, page 1540), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 152-C printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1210-A:



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

PROPOSED INTRO. NO: 1210-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to creating a program for evaluation of certain multiple dwellings and transactions to establish a speculation list

SPONSORS: Council Members Torres, Garodnick, Williams, Chin, Rosenthal, Mendez, Gibson, Cornegy, Salamanca, Johnson, Crowley, Menchaca, Miller, Maisel, Van Bramer, Kallos, and the Public Advocate (Ms. James)

SUMMARY OF LEGISLATION: Proposed Intro. No. 1210-A would require the Department of Housing Preservation and Development (HPD) to create a publicly available speculation watch list comprised of multiple dwellings where, based on criteria established by HPD including capitalization rate, certain real estate transactions would indicate that owners may engage in tenant harassment or otherwise be bad landlords. Such watch list would be periodically updated by HPD. The bill authorizes HPD to choose to exclude buildings with an existing regulatory agreement with HPD. Buildings on the watch list may be prioritized for HPD preservation programs or initiatives.

EFFECTIVE DATE: This local law would take effect immediately.

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	\$150,000	\$300,000	\$300,000
Net	(\$150,000)	(\$300,000)	(\$300,000)

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

IMPACT ON EXPENDITURES: Although the legislation does not mandate that HPD hire new staff to implement the provisions of this bill, the agency has informed the Council that it would need to hire three staff to perform analysis on the financing structure, rent stabilization history and physical distress of the subject multiple dwellings. The total annual cost of these additional staff members is estimated to be \$300,000, including fringe benefits, and other than personal service costs related to data systems and subscriptions. For Fiscal 2018, the prorated, half-year cost is estimated to be \$150,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Housing Preservation and Development

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 8, 2016 as Intro. No. 1210 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on October 31, 2016, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1210-A, will be considered by the Committee on November 29, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 9, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1210-A:)

Int. No. 1210-A

By Council Members Torres, Garodnick, Williams, Chin, Rosenthal, Mendez, Gibson, Cornegy, Salamanca, Johnson, Crowley, Menchaca, Miller, Maisel, Van Bramer, Kallos and the Public Advocate (Ms. James).

A Local Law to amend the administrative code of the city of New York, in relation to creating a program for evaluation of certain multiple dwellings and transactions to establish a speculation list

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 3 to read as follows:

*Article 3
Speculation Watch List*

§ 27-2109.51 Definitions.

§ 27-2109.52 Speculation watch list.

§ 27-2109.51 Definitions. For the purposes of this article:

Capitalization rate. The term “capitalization rate” means, with respect to a multiple dwelling, the quotient obtained when the net operating income of such multiple dwelling, as calculated by the department of finance, is divided by the sale price of such multiple dwelling’s most recent arms-length sale.

Qualified transaction. The term “qualified transaction” means a multiple dwelling sale transaction as defined by department rule pursuant to subdivision b of section 27-2019.52.

§ 27-2109.52 Speculation watch list. a. Within 300 days after the effective date of the local law that added this section, the department shall establish a speculation watch list. Such speculation watch list shall comprise certain multiple dwellings that contain six or more dwelling units in which a majority of such units are rent regulated, and shall be created by analyzing the capitalization rate for qualified transactions involving such multiple dwellings and applying the criteria promulgated by rule pursuant to subdivision b of this section.

b. The department shall promulgate by rule the criteria for inclusion of a multiple dwelling on the speculation watch list established pursuant to subdivision a. Such rules shall define a qualified transaction for purposes of analyzing capitalization rate, and may also include, but need not be limited to, establishing the amount or ratio per dwelling unit of open hazardous and immediately hazardous violations, the amount or ratio per dwelling unit of paid or unpaid emergency repair charges, and the number of dwelling units, for purposes of including a multiple dwelling on the speculation watch list. The department may also promulgate by rule the criteria for removal of a multiple dwelling from the speculation watch list in instances where the department’s analysis of the multiple dwelling has changed, or the multiple dwelling has entered into a regulatory agreement with the department requiring the operation of such building as affordable housing or the stabilization of rents in such building, or the multiple dwelling has obtained a certification of no harassment from the department.

c. The department shall post the following on its website:

- 1. The speculation watch list established pursuant to this article;*
- 2. The criteria for inclusion on such list promulgated pursuant to subdivision b; and*
- 3. The capitalization rate for each qualified transaction in a non-proprietary format that permits automated processing, to the extent that the disclosure of such information is not prohibited by any other provisions of law.*

d. Such buildings on such list may be prioritized by the department for preservation programs or initiatives or may be subject to referral for appropriate enforcement of all applicable laws and rules.

e. The department shall update the speculation watch list on a quarterly basis or, in the department's discretion, more frequently.

f. Where a building is the subject of a regulatory agreement with the department requiring the operation of such building as affordable housing or the stabilization of rents in such building, in a manner determined by the department, such building shall not be included on the speculation watch list.

g. On or after January 1, 2021, the department may change the methodology for identifying multiple dwellings for inclusion on the speculation watch list by amending its rules promulgated under subdivision b of this section to provide for alternative criteria, including but not limited to replacement of the capitalization rate as a criterion, for inclusion on the speculation watch list. In the event the department replaces capitalization rate as a criterion for inclusion on the speculation watch list, the department shall provide a report to the council at the same time that includes its rationale for such replacement, and shall substitute the posting of the capitalization rate provided for in paragraph 3 of subdivision c of this section with the posting of the metric replacing the capitalization rate as a criterion for inclusion on the speculation watch list.

§ 2. This local law takes effect immediately after it becomes law.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, November 29, 2017. *Other Council Members Attending: Council Member Lander.*

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

Report for Int. No. 1403-A

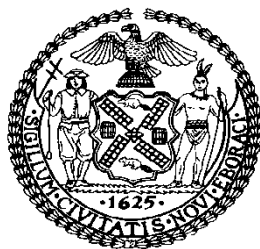
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to requiring anemometers on cranes.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4116), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 152-C printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1403-A:



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

PROPOSED INTRO. NO: 1403-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the New York city building code, in relation to requiring anemometers on cranes

SPONSORS: Council Members Williams, Chin, Reynoso, Crowley, Levin, Espinal, Cornegy, Richards and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 1403-A would require that either cranes or construction sites be equipped with anemometers (wind speed measurement devices) with the ability to measure three-second wind gust or that a crane operator is alerted when wind thresholds are neared, met or exceeded in real time. Under the legislation, the Department of Buildings (“DOB”) may approve anemometers where the crane manufacturer no longer exists or does not approve of any anemometer.

EFFECTIVE DATE: 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 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 and non-City entities would bear the costs of installing anemometers 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, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on December 6, 2016 as Intro. No. 1403 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. 1403-A, will be considered by the Committee on November 29, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 27, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1403-A:)

Int. No. 1403-A

By Council Members Williams, Chin, Reynoso, Crowley, Levin, Espinal, Cornegy, Richards, Kallos and Menchaca

A Local Law to amend the New York city building code, in relation to requiring anemometers on cranes

Be it enacted by the Council as follows:

Section 1. Section 3319.11 of the New York city building code, as added by local law number 79 for the year 2017, is renumbered section 3319.12.

§ 2. Section BC 3319 of the New York city building code is amended by adding a new section 3319.13 to read as follows:

3319.13 Measuring wind. *Wind speed during crane or derrick operations shall be determined in accordance with the requirements of Table 3319.13. Options 1, 2, and 3 in Table 3319.13 shall be in accordance with the requirements of Sections 3319.13.1 through 3319.13.3, respectively.*

Table 3319.13
Wind measurement requirements for cranes and derricks

<u>Equipment type</u>		<u>Allowable options</u>		
		<u>Option 1: Anemometer on the crane or derrick</u>	<u>Option 2: Anemometer at the site</u>	<u>Option 3: Nearest weather station</u>
<u>Certificate of on-site inspection or supervision by a licensed master rigger required</u>	<u>Crane with lattice boom, jib, or mast (and not a pile driver or clamshell)</u>	<u>Yes</u>	<u>No</u> <u>(Except may utilize if anemometer on crane malfunctions)</u>	<u>No</u>

	<u>Crane utilizing only a telescoping boom</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
	<u>Crane utilizing only an articulating boom</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
	<u>Pile driver</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
	<u>Clamshell</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
	<u>Derrick</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>A crane, derrick, pile driver, or clamshell that does not require a certificate of on-site inspection or supervision by a licensed master rigger</u>		<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

3319.13.1 Option 1: Anemometer on the crane or derrick. An anemometer provided by the crane or derrick manufacturer, or an entity acceptable to such manufacturer, and installed at the top of the boom or at the location specified by such manufacturer. The anemometer must measure a 3-second gust wind. A real time display of the anemometer must be available to the hoisting machine operator in the crane cab or at the operator’s station. Such anemometer is to be considered an operational aid and must be checked prior to each shift as required by department rules.

Exception: Where the manufacturer is no longer in business, or the manufacturer or an entity acceptable to such manufacturer is unable to provide the anemometer, the anemometer may be approved by the department.

3319.13.2 Option 2: Anemometer at the site. An anemometer located at a high point of the site approximate to the height and location of the crane or derrick boom/jib, freely exposed to the wind, and calibrated in accordance with ASTM D5096-02. The anemometer must measure a 3-second gust wind. A real time display of the anemometer must be available to the hoisting machine operator at the operator's station, or a person designated by the hoisting machine operator must be provided to monitor the display and alert the hoisting machine operator when measurements near, meet, or exceed the thresholds specified in the approved wind action plan. Such anemometer is to be considered an operational aid and must be checked prior to each shift as required by department rules.

3319.13.3 Option 3: Nearest weather station. The most recent gust wind speed reported at the nearest National Weather Service weather station. The equipment user must establish a system to ensure the hoisting machine operator is notified when reported wind gusts near, meet, or exceed the thresholds specified in the approved wind action plan. An acceptable system may include engaging a metrological service to provide a text or similar alert to a person designated by the equipment user when wind thresholds are neared, met, or exceeded, and have such designated person notify the hoisting machine operator.

§ 3. 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, prior to its effective date.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, November 29, 2017. *Other Council Members Attending: Council Member Lander.*

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

Report for Int. No. 1431-A

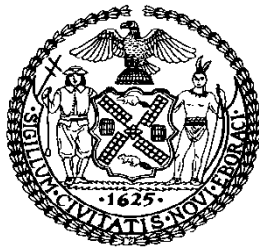
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the registration and duties of lift directors.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 18, 2017 (Minutes, page 182), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 152-C printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1431-A:



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

PROPOSED INTRO. NO: 1431-A

COMMITTEE: **Housing and Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the registration and duties of lift directors

SPONSORS: Council Members Grodenchik, Crowley, Rose, Reynoso, Levin, Espinal, Menchaca, Cornegy, Rodriguez and Kallos (in conjunction with the Mayor)

SUMMARY OF LEGISLATION: Proposed Intro. 1431-A would establish a training requirement for lift directors for all cranes that require a certificate of on-site inspection. The requirement for lift directors would take effect 18 months after the Department of Buildings (“DOB”) approves a 32-hour training program for lift directors. The content of such training would include topics related to mobile cranes, tower cranes, and derricks, weather warnings, and other topics to be determined by DOB. The legislation would also set forth the standards by which a lift director qualification would be issued.

EFFECTIVE DATE: This local law would take effect immediately except that this local law would not apply to the use of a mobile crane at a construction site where a certificate of on-site inspection for the use of such crane at such site is issued prior to July 1, 2017; provided that this exception shall not apply to a mobile crane that is a crawler crane.

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. Under the legislation, DOB would be required to establish a procedure for applying for lift director registration, which could include a registration, but these fees are not mandated or set 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. This estimate assumes that non-City entities would bear the costs of providing a training course for lift directing in accordance with the legislation, although at the time of this writing, the structure of such program is not yet known and subject to DOB approval.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 18, 2017 as Intro. No. 1431 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. 1431-A, will be considered by the Committee on November 29, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1431-A:)

Int. No. 1431-A

By Council Members Grodenchik, Crowley, Rose, Reynoso, Levin, Espinal, Menchaca, Cornegy, Richards and Kallos (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the registration and duties of lift directors

Be it enacted by the Council as follows:

Section 1. The schedule of fees in section 28-401.15 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended by adding a new entry for lift director registration to read as follows:

LICENSE TYPE	INITIAL FEE	RENEWAL FEE	ADDITIONAL FEES
<i>Lift director registration</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>

§ 2. Chapter 4 of Title 28 of the Administrative Code of the city of New York is amended by adding a new article 424 to read as follows:

ARTICLE 424
LIFT DIRECTOR REGISTRATION

§ 28-424.1 Lift director required. *It shall be unlawful for a crane or derrick that requires or possesses a certificate of on-site inspection, or which, in accordance with rules promulgated by the commissioner, is subject to supervision by a licensed master rigger in lieu of a certificate of on-site inspection, to perform any of the following tasks unless a lift director is present at the site during all times when:*

1. *The crane or derrick is picking a load;*
2. *The crane is traveling at the site, including but not limited to being moved onto or off of cribbing or up or down a ramp;*
3. *The crane or derrick is being placed into a parked condition or otherwise being taken out of service;*
4. *The crane's or derrick's boom/jib is being laid down or jackknifed;*
 5. *The crane's or derrick's boom/jib is being raised from a laid down or jackknifed position; or*
 6. *Other special protective measures for wind are being installed or removed.*

Exception: *The requirement for a lift director does not apply to the assembly or disassembly of a crane or derrick, nor to the use of an assist crane or derrick during assembly/disassembly, provided an assembly/disassembly director is supervising the assembly/disassembly operation in accordance with rules promulgated by the commissioner.*

§ 28-424.2 Registration required. *Eighteen months after the department has established the requirements for the department-approved training course for lift directors as set forth in item 1 of section 28-424.3, it shall be unlawful for any person to act as a lift director or to perform the duties of a lift director unless such person is registered as a lift director pursuant to this article, or is licensed as a master rigger pursuant to article 404 of this chapter.*

§ 28-424.3 Qualifications. Applicants for a lift director registration shall submit satisfactory proof establishing that the applicant:

1. Has successfully completed a department approved training course for lift directing that is at least 32 hours in length. Such lift directing training course shall cover topics relating to mobile cranes, tower cranes, and derricks, including but not limited to roles and responsibilities of site personnel, operational planning, weather warnings, conducting on-site meetings, and log and reporting requirements. Successful completion of a lift directing training course shall be based upon passage of a written exam, and evidenced by the issuance of a certificate card that is in accordance with the provisions of item 2.5 of section 3316.9.2 of the New York city building code; and
2. Meets one of the following:
 - 2.1. Possesses a valid certification as a lift director. The certification must be acceptable to the commissioner and be issued by a lift director certification program that is accredited by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI);
 - 2.2. Has at least two years' experience within three years prior to application supervising rigging operations in New York city in accordance with section 3316.9.1 of the New York city building code;
 - 2.3. Has been licensed as a New York city hoisting machine operator for at least three years prior to application;
 - 2.4. Is a master rigging foreman designated in accordance with rules promulgated by the commissioner; or
 - 2.5 Such applicant has at least one year of experience as a lift director in New York city in accordance with rules promulgated by the commissioner, prior to the date that registration as a lift director is required pursuant to section 28-424.2.

§ 3. Section 3319.2 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3319.2 [Operation. Riggers and hoisting machine operators shall be licensed as required by Chapter 4 of Title 28 of the Administrative Code.] **Personnel.** Personnel shall comply with Sections 3319.2.1 through 3319.2.3.

3319.2.1 Hoisting machine operators. The hoisting machine operator shall be licensed as required by Chapter 4 of Title 28 of the Administrative Code.

3319.2.2 Riggers. Rigging work must be supervised in accordance with Section 3316.9.1 and where required, riggers must be licensed in accordance with Chapter 4 of Title 28 of the Administrative Code.

3319.2.3 Lift directors. Lift directors shall be designated, and perform the duties assigned to them, in accordance with rules promulgated by the commissioner. Such duties shall include, but not be limited to, ensuring compliance with approved plans, traffic and pedestrian controls, and weather restrictions.

§ 4. Item number 9 of Section 3319.8.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

9. The names and contact information of the licensed master, climber or tower crane rigger, and the rigger foreman, [and the crane safety coordinator or designee,] along with the name and contact information of the company performing the erection, dismantling, climbing and/or jumping work.

§ 5. Section 3319.8.2 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3319.8.2 Safety coordination meeting. The general contractor must hold a safety coordination meeting prior to the initial erection, as well as the dismantling or initial jump down, of a climber or tower crane. No work related to the erection, climbing, jumping or dismantling of the tower or climber crane may be performed without the safety coordination meeting having taken place. The following parties must be present at the safety coordination meeting:

1. General contractor or designee;
2. Professional engineer of record for the crane or designee;
3. Licensed master, tower or climber crane rigger and rigger foreman;
4. [Crane safety coordinator;]
- [5.] Site safety manager or coordinator, if required for the job by Chapter 33 of the code;
- [6.] 5. Licensed crane operator and oiler; and
- [7.] 6. Any other parties the department deems necessary.

§ 6. Section 3319.8.3 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3319.8.3 Pre-jump safety meeting. The general contractor must coordinate a pre-jump safety meeting no more than 24 hours prior to each instance of a tower or climber crane jump or climb. No work related to the jumping or climbing of the tower or climber crane may be performed without the pre-jump safety meeting having taken place. The following parties must be present at the pre-jump safety meeting:

1. General contractor or designee;
2. Licensed master, tower or climber crane rigger and rigger foreman;
4. [Crane safety coordinator;]
- [4.] 3. Site safety manager or coordinator, if required for the job by Chapter 33 of the building code;
- [5.] 4. Licensed crane operator and oiler;
- [6.] 5. “Jumping” crew and back-up personnel;
- [7.] 6. Flagman/woman where required;
- [8.] 7. Signalman/woman and communications personnel; and

[9.] 8. Any other parties the department deems necessary.

§ 7. Item number 1 of Section 3319.8.8 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

1. The licensed master, tower or climber crane rigger, *and* the rigger foreman, [and the crane safety coordinator or designee,] shall be present at the job site during erection, jumping, climbing, and dismantling of the tower or climber crane;

§ 8. Item number 4 of Section 3319.8.8 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

4. The approved erection, jumping, climbing, or dismantling procedure and sequence, with weights of assemblies and components clearly marked, shall be given by the [crane safety coordinator] *equipment user* to the licensed operator of the crane or derrick and to the rigger prior to commencement of the work;

§ 9. This local law takes effect immediately except that this local law shall not apply to the use of a mobile crane at a construction site where a certificate of on-site inspection for the use of such crane at such site is issued prior to July 1, 2017; provided that this exception shall not apply to a mobile crane that is a crawler crane. The terms used in this section shall have the meanings ascribed to such terms in the New York city building code.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, November 29, 2017. *Other Council Members Attending: Council Member Lander.*

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

Report for Int. No. 1721-A

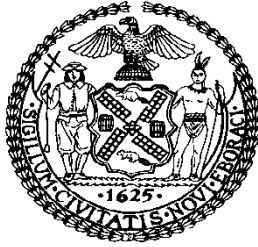
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on September 27, 2016 (Minutes, page 3370), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 152-C printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1721-A:



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

PROPOSED INTRO. NO: 1721-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment

SPONSORS: Council Members Williams, Lander, Menchaca, Rosenthal, Levine and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. No. 1721-A would amend the definition of harassment in the context of the landlord-tenant relationship to include acts or omissions by the landlord related to violations of the construction code including: the misrepresentation of occupancy status and rent stabilization status on construction documents; failure to correct hazardous or immediately hazardous violations; and false certification of corrected violations.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, except that the Commissioner of Housing Preservation and Development (HPD) 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. This estimate assumes residential property owners 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 HPD 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, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head

Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on September 27, 2017 as Intro. No. 1721 and was referred to the Committee on Housing and Buildings. A joint hearing was held by the Committee on Housing and Buildings and the Committee on Immigration on October 19, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1721-A, will be considered by the Committee on Housing and Buildings on November 29, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 27, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1721-A:)

Int. No. 1721-A

By Council Members Williams, Lander, Menchaca, Rosenthal, Levine and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment

Be it enacted by the Council as follows:

Section 1. Paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding new subparagraphs a-1 and a-2 to read as follows:

a-1. knowingly providing to any person lawfully entitled to occupancy of a dwelling unit false or misleading information relating to the occupancy of such unit;

a-2. making a false statement or misrepresentation as to a material fact regarding the current occupancy or the rent stabilization status of a building or dwelling unit on any application or construction documents for a permit for work which is to be performed in the building containing the dwelling unit of any person lawfully entitled to occupancy of such dwelling unit if such building is governed by the New York city construction codes;

§ 2. Paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, is amended to add new subparagraphs b-2 , b-3 and b-4 to read as follows:

b-2. repeated failures to correct hazardous or immediately hazardous violations of this code or major or immediately hazardous violations of the New York city construction codes, relating to the dwelling unit or the common areas of the building containing such dwelling unit, within the time required for such corrections;

b-3. repeated false certifications that a violation of this code or the New York city construction codes, relating to the building containing such dwelling unit, has been corrected;

b-4. engaging in repeated conduct within the building in violation of section 28-105.1 of the New York city construction codes;

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Housing and Buildings, November 29, 2017. *Other Council Members Attending: Council Member Lander.*

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

Report of the Committee on Land Use

Report for L.U. No. 746

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20185049 HAX submitted by the Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2418, Lots 6, and Block 2381, Lot 43, Borough of the Bronx, Community Districts 1 and 3, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on August 24, 2017 (Minutes, page 2980) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CBs - 1 and 3

20185049 HAX

Application submitted by the New York City Department of Housing Preservation and Development for an amendment of a previously approved project to approve the disposition of property located at 3120 Park Avenue (Block 2418, Lot 6) and 451 East 159th Street (Block 2381, Lot 42) and approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law.

PUBLIC HEARING

DATE: September 5, 2017

Witnesses in Favor: Two

Witnesses Against: None

By letter dated November 17, 2017 and submitted to the City Council on November 17, 2017, the Applicant withdrew the application.

SUBCOMMITTEE RECOMMENDATION

DATE: November 20, 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:

Salamanca, Rodriguez, Cohen, Treyger.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos,, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None.

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

Res. No. 1734

Resolution approving a motion to file pursuant to withdrawal of the application for an amendment to a previously approved Urban Development Action Area Project and a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 3120 Park Avenue (Block 2418, Lot 6) and 451 East 159th Street (Block 2381, Lot 43), Borough of the Bronx, (L.U. No. 746; Non-ULURP No. 20185049 HAX).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 11, 2017 its request dated July 31, 2017 that the Council approve an amendment to a previously approved Urban Development Action Area Project and an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at 3120 Park Avenue (Block 2418, Lot 6) and 451 East 159th Street (Block 2381, Lot 43), Community District Nos. 1 and 3, Borough of the Bronx, Council District No. 17 (the "Project Area" and "Exemption Area");

WHEREAS, the Tax Exemption Request is related to previously approved City Council Resolution No. 939, L.U. No. 406, C 070257 HAX adopted June 27, 2007; and Resolution No. 262, L.U. No. 103, 20105621 HAX adopted May 25, 2010;

WHEREAS, upon due notice, the Council held a public hearing on the Project on September 5, 2017;

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

WHEREAS, by submission dated November 17, 2017, and submitted to the City Council on November 17, 2017, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance 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, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 773

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170358 ZMM submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 6a and 6b, changing various zoning districts in the East Harlem Neighborhood, Borough of Manhattan, Community Board 11, Council Districts 8 and 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3581), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 773 & Res. No. 1741 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 774

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170359 ZRM submitted by New York City Department of City Planning, pursuant to Section 201 of the

New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special East Harlem Corridors District (Article XIII, Chapter 8) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections, Borough of Manhattan, Community Board 11, Council Districts 8 and 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3581), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 774 & Res. No. 1742 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 775

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170360 HUM submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the Second Amended Urban Renewal Plan for the Milbank Frawley Circle East Urban Renewal Area, Borough of Manhattan, Community Board 11, Council Districts 8 and 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3581), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 775 & Res. No. 1743 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 776

Report of the Committee on Land Use in favor of approving , as modified, Application No. C 170361 ZMM 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 amendment of the Zoning Map, Section No. 6b, changing a R7-2/C1-4 district to an R9/C2-5 district on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3582), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 776 & Res. No. 1744 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 777

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170362 ZRM submitted by the New York City Department of Housing Preservation and Development, 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 for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3582), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 777 & Res. No. 1745 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 778

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170363 HAM submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the Charter, for approval of an Urban Development Action Area Project and disposition of city-owned property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3582), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 778 & Res. No. 1746 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 779

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170364 PQM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for acquisition of property generally located on the block generally bounded East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 22, 35, 121, 122 and parts of Lots 23, 25, 28, 37) for use as passive recreation space and community gardens, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page x3582), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 779 & Res. No. 1747 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 780

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170365 ZSM 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 74-743 of the Zoning Resolution to modify the height, setback and the rear yard requirements within a large scale general development, on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3583), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 780 & Res. No. 1748 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 781

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170366 ZSM submitted by the NYC 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 74-744(b) of the Zoning Resolution to allow Use Group 6 uses on portions of the third floor of a proposed building within a large scale general development, on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 358), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 781 & Res. No. 1749 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 782

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170367 ZSM submitted by the NYC 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 74-532 of the Zoning Resolution to waive all required accessory residential off-street parking spaces within a large scale general development, on property located between Park Avenue,

Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3583), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 782 & Res. No. 1750 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 785

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170413 ZMX submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a, to expand the existing Special Harlem River Waterfront District (HRW) to encompass two waterfront blocks to the south bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue. Borough of the Bronx, Community Board 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3584), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 785 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 786

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170414 ZRX submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District, Borough of the Bronx, Community District 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3584), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 786 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 790

Report of the Committee on Land Use in favor of approving Application No. 20185083 HAM submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1617, Lots 20, 51, 52, 53, 54 and p/o Lot 50, Borough of Manhattan, Community District 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3585) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 11****20185083 HAM**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 1617, Lots 20, 51, 52, 53, 54, and p/o Lot 50.

INTENT

To approve a real property tax exemption for an exemption area pursuant to Section 577 of the Private Housing Finance Law.

PUBLIC HEARING**DATE:** October 24, 2017**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

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

Res. No. 1735

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 1617, Lots 20, 51, 52, 53, 54, and part of Lot 50, Borough of Manhattan, (L.U. No. 790; Non-ULURP No. 20185083 HAM).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 12th, 2017 its request dated October 11th, 2017 that the Council approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 1617, Lots 20, 51, 52, 53, 54, and part of Lot 50, Community District No. 11, Borough of Manhattan, Council District No. 8 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on October 24th, 2017;

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

RESOLVED:

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "Community Facility Space" shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. "Company" shall mean SV-A Owners LLC. or another limited liability company that acquires beneficial interest in the Exemption Area with the approval of HPD.
 - c. "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.
 - d. "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - e. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1617, Lots 20, 51, 52, 53, 54, and p/o Lot 50 on the Tax Map of the City of New York.
 - 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. "HDFC" shall mean Acacia Sendero Verde Housing Development Fund Company, Inc., or a Housing Development Fund Company that acquires the Exemption Area with the prior written consent of HPD.
 - h. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. "Owner" shall mean, collectively, the HDFC and the Company.
 - j. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the 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 or commercial use other than the Community Facility Space), 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. 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) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HOFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 808

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170416 ZMK submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 17b, to change an existing R6 district to an R7-2 district with a C2-4 commercial overlay for property bounded by Rogers Avenue, President Street, and Bedford Avenue, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3914), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 808 & Res. No. 1753 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 809

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170417 ZRK submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the text of Appendix F of the Zoning Resolution to establish a mandatory inclusionary housing areas for property located at , for property bounded by Rogers Avenue, President Street, and Bedford Avenue, Block 1274, Lot 1, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3914), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 809 & Res. No. 1754 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 810

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170418 ZSK submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 and 35-65 to facilitate a proposed mixed use development, within a large scale general development, for property located at Block 1274, Lot 1, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3914), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 810 & Res. No. 1755 printed in the General Order Calendar section of these Minutes)

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

Accordingly, this Committee recommends its adoption, as modified.

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. 811

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170419 ZSK submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to reduce the number of required accessory residential off-street parking spaces from 129 to 118 spaces, in connection with a proposed mixed used development, within a large scale general development, in the Transit Zone, on property located at Bock 1274, Lot 1, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3915), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 811 & Res. No. 1756 printed in the General Order Calendar section of these Minutes)

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

Accordingly, this Committee recommends its adoption, as modified.

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. 812

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170420 PPK submitted by the Department of Citywide Administrative Services pursuant to Sections 197-c the New York City Charter, for the disposition of one city-owned property located at 1555 Bedford Avenue (Block 1274, Lot 1), Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3915), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 812 & Res. No. 1757 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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. 818

Report of the Committee on Land Use in favor of approving Application No. 20185107 HAM submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2114, Lot 35, Borough of Manhattan, Community Board 12, Council District 7.

The Committee on Land Use, to which the annexed Land Use item was referred on November 16, 2017 (Minutes, page 4075) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 12

20185107 HAM

Application submitted by the New York City Department of Housing Preservation and Development for approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 2114, Lot 35.

INTENT

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law and terminate the prior exemption approved by the Board of Estimate on May 26, 1977 (Cal. No. 7).

PUBLIC HEARING**DATE:** November 20, 2017**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 20, 2017

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

In Favor:

Salamanca, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger. Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1736

Resolution approving a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), termination of a prior exemption under PHFL Section 125, consent to the voluntary dissolution of the prior owner under PHFL 123(4), and approval of the conveyance to a new owner for the for property located at Block 2114, Lot 35, Borough of Manhattan, (L.U. No. 818; Non-ULURP No. 20185107 HAM).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 1st, 2017 its request dated October 31st, 2017 that the Council take the following actions:

Approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law;

Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Tax Exemption; and

Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner (together the "HPD Requests");

for property located at Block 2114, Lot 35, Community District No. 12, Borough of Manhattan, Council District No. 7 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the HPD Requests on November 20, 2017;

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

RESOLVED:

Pursuant to Sections 577, 123 and 125 of the Private Housing Finance Law, the Council approves the following actions relating to the Exemption Area:

1. Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:
 - a) For the purposes hereof, the following terms shall have the following meanings:
 - (1) "Company" shall mean Dunwell NYAH III Holdings LLC.
 - (2) "Current Owner" shall mean 2013 Amsterdam Avenue Housing Association, L.P.
 - (3) "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 New Owner enter into the Regulatory Agreement.
 - (4) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2114, Lot 35 on the Tax Map of the City of New York.
 - (5) "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.
 - (6) "HDFC" shall mean HP Dunwell Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

- (8) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (9) "New Owner" shall mean, collectively, the HDFC and the Company.
 - (10) "Prior Exemption" shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on May 26, 1977 (Cal. No. 7).
 - (11) "PHFL" shall mean the Private Housing Finance Law.
 - (12) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- b) All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, 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.
- c) Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of (i) \$453,348, 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 as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (a) the amount of real property 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, or (b) seventeen percent (17%) of the contract rents, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), in the applicable year.
- d) Notwithstanding any provision hereof to the contrary:
- (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred 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 New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date
 - (3) Nothing herein shall entitle the HDFC, the Owner or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- e) In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall 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.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
 3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
 4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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 Land Use and had been favorably reported for adoption.

Report for Preconsidered L.U. No. 821

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180082 ZRM submitted by East River Fifties Alliance pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the bulk regulations of Article II, Chapter 3, Article II, Chapter 4, and Article III, Chapter 5 and related sections for certain property located in Community District 6, Council Districts 5 and 6.

The Committee on Land Use, to which the annexed Land Use item was referred on November 30, 2017, respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 821 & Res. No. 1758 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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.

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

Report for L.U. No. 822

Report of the Committee on Land Use in favor of approving, as modified, Application No. 20175072 SCQ submitted by the New York City School Construction Authority pursuant to Section 1732 of the School Construction Authority Act concerning the proposed site selection for an intermediate school for property located at Block 125, Lot 10, Borough of Queens, School District No. 30, Community District 2, Council District 26.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on November 30, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 2

20175072 SCQ

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 697-Seat Intermediate School facility to be located at 38-04 48th Street (Block 125, Lot 10), Borough of Queens, in Community School District No. 30.

INTENT

To approve the site for a new, approximately 697-Seat Intermediate School facility serving students in Community School District No. 30.

PUBLIC HEARING

DATE: November 20, 2017

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 20, 2017

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:

Koo, Palma, Mendez, Levin, Rose, Barron, Kallos.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1737

Resolution approving the site plan for a new, approximately 697-Seat Intermediate School Facility, to be located at 38-04 48th Street (Tax Block 125, Lot 10), Borough of Queens (Non-ULURP No. 20175072 SCQ; Preconsidered L.U. No. 822).

By Council Members Greenfield and Koo.

WHEREAS, the New York City School Construction Authority submitted to the Council on November 13, 2017, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 697-Seat Intermediate School Facility, Queens, to be located at 38-04 48th Street (Tax Block 125, Lot 10), Community District No. 2, Borough of Queens, Community School District No. 30 (the "Site Plan");

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on November 20, 2017;

WHEREAS, the SCA served as Lead Agency pursuant to the State Environmental Quality Review Act and has issued a Negative Declaration; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Site Plan.

RESOLVED:

Having considered the Negative Declaration, and the land use implications and other policy issues relating to the Site Plan, with respect to the Application,

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 823

Report of the Committee on Land Use in favor of approving Application No. 20185108 HAM submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at Block 2073, Lot 32, Borough of Manhattan, Community District 9, Council District 7.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on November 30, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 9

20185108 HAM

Application submitted by the New York City Department of Housing Preservation and Development for approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 2073, Lot 32.

INTENT

To approve a new real property tax exemption pursuant to Section 577 of Article XI Private Housing Finance Law and terminate the prior exemption approve by the City Council February 11, 1992; Resolution No. 250.

PUBLIC HEARING

DATE: November 20, 2017

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 20, 2017

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

In Favor:

Salamanca, Rodriguez, Cohen, Treyger.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

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

Res. No. 1738

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2073, Lot 32, Borough of Manhattan, (Preconsidered L.U. No. 823; Non-ULURP No. 20185108 HAM).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 15th, 2017 its request dated November 13th, 2017 that the Council approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 2073, Lot 32, Community District No. 9, Borough of Manhattan, Council District No. 7 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on November 20, 2017;

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

RESOLVED:

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "Effective Date" shall mean April 1, 2010.

- b. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2073, Lot 32 on the Tax Map of the City of New York.
 - c. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. "HDFC" shall mean Dora McKenzie Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. "Owner" shall mean the HDFC.
 - h. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on February 11 , 1992 (Resolution No. 250).
 - i. "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 execution thereof.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, 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.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 824

Report of the Committee on Land Use in favor of approving Application No. 20185110 HAM submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at Block 1617, Lot 7, Borough of Manhattan, Community District 11, Council District 9.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on November 30, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

20185110 HAM

Application submitted by the New York City Department of Housing Preservation and Development for approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 1617, Lot 7.

INTENT

To approve a new real property tax exemption pursuant to Section 577 of Article XI Private Housing Finance Law and terminate the prior exemption approve by the Board of Estimate on January 24, 1980 (Cal. No. 25).

PUBLIC HEARING

DATE: November 20, 2017

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 20, 2017

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

In Favor:

Salamanca, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1739

Resolution approving a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), termination of a prior exemption under PHFL Section 125, consent to the voluntary dissolution of the prior owner under PHFL 123(4), and approval of the conveyance to a new owner for the for property located at Block 1617, Lot 7, Borough of Manhattan, (Preconsidered L.U. No. 824; Non-ULURP No. 20185110 HAM).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 17th, 2017 its request dated November 17th, 2017 that the Council take the following actions:

Approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law;

Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Tax Exemption; and

Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner (together the "HPD Requests");

for property located at Block 1617, Lot 7, Community District No. 11, Borough of Manhattan, Council District No. 9 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the HPD Requests on November 20, 2017;

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

RESOLVED:

Pursuant to Sections 577, 123, and 125 of the Private Housing Finance Law, the Council approves the following actions relating to the Exemption Area:

1. Approve an exemption from real property taxation pursuant to Section 577 of the Private Housing Finance law as follows:
 - a) For the purposes hereof, the following terms shall have the following meanings:
 - (1) "Company" shall mean NERVE Los Tres Preservation LLC.
 - (2) "Current Owner" shall mean Los Tres Unidos Associates, LP.
 - (3) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDPC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
 - (4) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1617, Lot 7 on the Tax Map of the City of New York.

- (5) "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.
 - (6) "HDFC" shall mean NERVE Los Tres Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (8) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (9) "New Owner" shall mean, collectively, the HDFC and the Company.
 - (10) "Prior Exemption" shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on January 24, 1980 (Cal. No. 25).
 - (11) "PHFL" shall mean the Private Housing Finance Law.
 - (12) "Regulatory-Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- b) All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, 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.
 - c) Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of (i) \$419,966, 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 as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (a) the amount of real property 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, or (b) seventeen percent (17%) of the contract rents, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), in the applicable year.
 - d) Notwithstanding any provision hereof to the contrary:
 - (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article

XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred 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 New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - (3) Nothing herein shall entitle the HDFC, the Owner or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- e) In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall 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.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
 3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
 4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Perkins, Cumbo and Speaker Mark-Viverito.*

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 Public Safety

Report for Int. No. 1636-A

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the office of criminal justice to address erroneous criminal and juvenile records.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on June 6, 2017 (Minutes, page 1874), respectfully

REPORTS:

I. INTRODUCTION

On November 29, 2017 the Committee on Public Safety, chaired by Council Member Vanessa Gibson, will vote on Proposed Introductory Bill Number 1636-A (Prop. Int. No. 1636-A), Proposed Introductory Bill Number 1712-A (Prop. Int. No. 1712-A), and Proposed Introductory Bill Number 1723-A (Prop. Int. No. 1723-A). The Committee previously heard Introductory Bill Number 1636 (Int. No. 1636), Introductory Bill Number 1712 (Int. No. 1712), and Preconsidered Introductory Bill Number 1723 (Int. No. 1723) on October 16, 2017. At that hearing, the Committee heard testimony from the New York City Police Department (NYPD), the Mayor's Office of Criminal Justice (MOCJ), numerous criminal and civil justice advocates, and members of the public regarding these three bills.

II. BACKGROUND AND ANALYSIS OF PROP. INT. NO. 1636-A

In New York, the State Division of Criminal Justice Services ("DCJS") maintains computerized records of arrests, prosecutions, and other information related to the criminal justice system, commonly referred to as "rap sheets."¹ New York State and federal laws govern the sealing and availability of rap sheets, the limitations on reporting such records, and how they can or cannot be used.

Errors on rap sheets are common. According to the Legal Action Center, nearly 2.1 million criminal records, at least 30% of rap sheets, contain bureaucratic errors.² These errors often include misinformation about warrants that appear to be open but have been vacated, old cases that have been resolved including those that were never prosecuted, and cases that were not properly sealed. The impact of these errors is vast. The Council received voluminous testimony on this topic, including the impact of rap sheet errors on employment, licensing, housing, and immigration issues.³ This testimony also indicated similar problems with juvenile records.⁴ Multiple organizations testified that there is currently no centralized process for correcting rap sheet errors, and that the disparate processes that do exist are inefficient.

Prop. Int. No. 1636-A would require MOCJ to seek a reduction in erroneous criminal and juvenile records, with a specific focus on records of arrests that are not associated with a criminal prosecution, as numerous advocates testified before the Council that these errors are particularly common.⁵ MOCJ would also be required to take practicable measures to identify the root causes of erroneous criminal and juvenile records and propose solutions to these problems. MOCJ would also be required to seek efficient processes through which

¹ See New York Criminal Procedure Law § 160.30

² Legal Action Center, *The Problem With RAP Sheet Errors: An Analysis By the Legal Action Center*, available at https://lac.org/wp-content/uploads/2014/07/LAC_rap_sheet_report_final_2013.pdf

³ See Testimony of the Legal Action Center, Legal Aid Society, Community Service Society, Bronx Defenders, and Brooklyn Defender Services before the New York City Council, October 16, 2017

⁴ See Testimony of the Legal Aid Society, before the New York City Council, October 16, 2017

⁵ See Testimony of the Legal Action Center, Legal Aid Society, Community Service Society, Bronx Defenders, and Brooklyn Defender Services before the New York City Council, October 16, 2017

these records may be rectified, and that members of the public be made aware of these processes. The bill also requires yearly reporting on actions taken pursuant to it.

This bill also requires the NYPD to make best efforts to provide records necessary to rectify certain types of erroneous criminal records within three business days of their request. Numerous advocates testified before the Council that erroneous rap sheets often occur in situations in which there is a “voided arrest,” where an individual is arrested and their fingerprints are sent to DCJS but the NYPD later decides not to refer the case for prosecution. Where a voided arrest appears on an individual’s rap sheet, that person must provide a letter from the NYPD to DCJS to clear that arrest. According to these advocates, the current process for obtaining such a letter involves utilizing the traditional Freedom of Information Law (“FOIL”) process and is cumbersome and time-consuming.⁶ This provision was included to create a means of obtaining these important documents from the NYPD that is both legally and practically distinct from FOIL. The bill establishes a three day limit on the production of the documents in order to comport with the provisions of Local Law 63 of 2015, also known as the “Fair Chance Act.”⁷ Under this law, a person who is provisionally hired for a position, but whose background check reveals a rap sheet issue, is given at least three business days in which to respond to this issue.⁸ This bill is designed to ensure that any rap sheet errors can be properly rectified in a sufficient period of time to ensure a meaningful enforcement of the Fair Chance Act.

This bill would go into effect 90 days after it became law, except that the provision of the bill effecting the NYPD would go into effect 30 days after it became law.

III. BACKGROUND AND ANALYSIS OF PROP. INT. NO. 1712-A

Several agencies in New York City issue criminal summonses, including the NYPD, Department of Environmental Protection, Fire Department, Department of Parks & Recreation, and the Department of Buildings. While the New York City Council receives quarterly and annual reports of the NYPD’s enforcement practices, other agencies lack this transparency. Currently, there is little to no information on the enforcement of criminal summonses by these agencies accessible by the Council or the public.

This bill would require MOCJ to issue a biannual report on the usage of criminal summonses by all city agencies. The report would include the number of criminal summonses disaggregated by agency and by the severity of charge. It would also include the types of charges brought by each agency. The bill would go into effect 90 days after it became law.

IV. BACKGROUND AND ANALYSIS OF PROP. INT. NO. 1723-A

In the beginning of 2017, there were 1.5 million low-level warrants outstanding in New York City.⁹ To address the backlog of outstanding warrants, District Attorneys have held warrant-clearing programs, called “Another Chance” in the Bronx, “Begin Again” in Brooklyn, “Clean Slate” in Manhattan, and “Second Chance” in Queens. These programs allow persons with an outstanding warrant for low-level crimes, such as drinking alcohol in public, public urination, disorderly conduct, and being in the park after closing to resolve them without fear of arrest.¹⁰ In February of 2017, New York Council Speaker Melissa Mark-Viverito called for the City’s District Attorney’s offices to vacate all summons older than 10 years.¹¹ As she stated, these individuals had no contact with the criminal justice system for over a decade, yet were unknowingly at risk for

⁶ See Testimony of the Legal Action Center, Bronx Defenders, Brooklyn Defender Services, and Community Service Society before the New York City Council, October 16, 2017

⁷ See e.g., NYC Commission on Human Rights, Legal Enforcement Guidance on the Fair Chance Act, available at <https://www1.nyc.gov/assets/cchr/downloads/pdf/FCA-InterpretiveGuide-112015.pdf>

⁸ See New York City Administrative Code § 8-107(11-a)(2)(b)(iii)

⁹ Goldstein, Joseph “A Plan to Prune the City’s Thicket of Warrants for Petty Offense” New York Times 9, February 2017 available at <https://www.nytimes.com/2017/02/09/nyregion/a-plan-to-prune-the-citys-thicket-of-warrants-for-petty-offenses.html>

¹⁰ New York County District Attorney’s Office “District Attorney Vance Dismisses 240,000 Summons Cases” Aug. 2017 available at <http://manhattanda.org/press-release/district-attorney-vance-dismisses-240000-summons-cases>

¹¹ Official Website of the New York City Council “Speaker Melissa Mark-Viverito’s Remarks As Prepared at the State of the City 2017: “Who We Are” available at <https://council.nyc.gov/press/2017/02/16/1369/>

arrest for cases that are impossible to prosecute.¹² In August 2017, four of the five District Attorneys dismissed all summons warrants older than 10 years, 644,494 cases. Nearly 240,472 were dismissed in Manhattan, 159,394 in the Bronx, 143,532 in Brooklyn, and 101,096 in Queens.¹³ Despite these efforts, many warrants remain outstanding. Furthermore, the Council received testimony that some outstanding warrants are inaccurate.¹⁴

This bill would require MOCJ to make best efforts to work with the NYPD and any other relevant agency to ensure the accuracy of warrant records, and to facilitate the reduction of outstanding warrants. The bill would also require MOCJ to make best efforts to create efficient processes for members of the public to rectify inaccurate warrants. The bill would require MOCJ to issue an annual report discussing actions taken pursuant to this law.

Similarly to the provision of Prop. Int. No. 1636-A that impacted the NYPD, this bill also includes a provision requiring the Department of Correction (“DOC”) to provide certain documents necessary to rectify inaccurate warrants within three business days. The Council received testimony that due to bureaucratic inefficiencies, in some instances individuals in the custody of the DOC are not produced for court dates and warrant are issued for their arrest despite their being incarcerated during such time. This bill would ensure the expeditious clearance of such erroneous warrants.

This bill also contains a technical edit that moves a reporting requirement for MOCJ from Title 3 into Title 9 of the Administrative Code of the City of New York. This bill would go into effect 90 days after it became law, except that the provision of the bill effecting the DOC would go into effect 30 days after it became law.

V. AMENDMENTS TO INT. NO. 1636

Prop. Int. No. 1636-A has been amended since it was introduced as Int. No. 1636. The original version of this bill required MOCJ to “establish systems” to rectify erroneous rap sheets, which was amended to require MOCJ to “make best efforts” to address these issues. This was modified to avoid legal issues related to mandating the creation of “systems” that require State entities’ participation. The provision applying these efforts to juvenile as well as adult records, and the provision related to the NYPD, were added based on testimony received from advocates, as described in Section II, *supra*. The effective date was changed regarding the provision that applies to the NYPD.

VI. AMENDMENTS TO INT. NO. 1712

Prop. Int. No. 1712-A has been amended since it was introduced as Int. No. 1712. The original version of this bill included numerous reporting requirements regarding the outcomes in court for various criminal summonses. These records are maintained solely by the State. These provisions were removed due to practical and legal issues with mandating the reporting of State records. Other related provisions were also removed. The bill was also modified to require somewhat more detailed reporting on the nature of the types of charges filed by each City agency. Finally, the reporting frequency was changed from quarterly to biannually.

VII. AMENDMENTS TO INT. NO. 1723

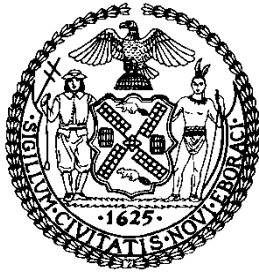
Prop. Int. No. 1723 has been amended since it was introduced as Int. No. 1723. Similarly to Prop. Int. No. 1636, the bill was modified to avoid legal issues related to mandating the creation of “systems” that require State entities’ participation. Specific reporting provisions were removed, though the reporting frequency remains yearly. The provision regarding the production of records by the DOC was added.

(The following is the text of the Fiscal Impact Statement for Int. No. 1636-A:)

¹² *Id.*

¹³ *Id.*

¹⁴ See Testimony of The Legal Aid Society before the New York City Council, October 16, 2017



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

PROPOSED INTRO. NO. 1636-A

COMMITTEE: PUBLIC SAFETY

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of criminal justice to address erroneous criminal and juvenile records.

SPONSORS: By Council Members Johnson, Gentile, Gibson, Kallos, Constantinides and Menchaca.

SUMMARY OF LEGISLATION: Proposed Int. No. 1636-A would require the Mayor’s Office of Criminal Justice (MOCJ) to use its best efforts to seek a reduction related to erroneous criminal records, and to issue an annual report related to these activities to the Mayor and Council (and publish such report on MOCJ’s website.) Proposed Int. No. 1636-A also would require the New York City Police Department (NYPD) to make its best efforts to respond to requests necessary to rectify erroneous criminal records related to voided arrests within three business days.

Effective Date: Sections 1 and 2 of this local law would take effect 90 days after they become law, and section 3 of this local law would take effect 30 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 anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that Proposed Intro. 1636-A would have no impact on expenditures. The NYPD estimates that it would need two additional staff analysts with a salary of approximately \$87,000 each to comply with the requirements of Proposed Intro. 1636-A related to rectifying erroneous criminal records. However, we find that the NYPD currently has sufficient budgeted headcount to meet the requirements of this legislation and, therefore, estimate that there would be no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Steve Riester, Senior Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Counsel, Finance Division
Eisha Wright, Unit Head, Finance Division
Regina Poreda Ryan Deputy Director, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1636 on June 6, 2017 and was referred to the Committee on Public Safety (Committee). The Committee considered the legislation at a hearing on October 16, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1636-A, will be considered by the Committee on November 29, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1636-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

(For text of Int. Nos. 1712-A and 1723-A and their Fiscal Impact Statements, please see the Report of the Committee on Public Safety for Int. Nos. 1712-A and 1723-A, respectively; for text of Int. No. 1636-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1636-A, 1712-A, and 1723-A.

(The following is the text of Int. No. 1636-A:)

Int. No. 1636-A

By Council Members Johnson, Gentile, Gibson, Kallos, Constantinides and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of criminal justice to address erroneous criminal and juvenile records

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 section 9-304 to read as follows:

§ 9-304 Erroneous criminal records.

a. It shall be a policy of the office to use best efforts to:

1. Seek a reduction in erroneous criminal and juvenile records, including but not limited to records of arrests that are not associated with a criminal prosecution.

2. Take all practicable measures to identify the root causes of erroneous criminal and juvenile records and propose solutions to address such causes.

3. Seek the existence of efficient processes through which erroneous criminal or juvenile records may be rectified, and that members of the public are made aware of such processes.

b. Within 30 days of the beginning of each calendar year, commencing in 2019, the office shall issue an annual report to the mayor and the council, and publish such report on the office's website, regarding actions taken pursuant to this section during the previous calendar year.

§ 2. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-170 to read as follows:

§ 14-170 Erroneous records. The department shall make best efforts to provide records necessary to rectify erroneous criminal records related to voided arrests within three business days of the request for such records, provided that such request includes sufficient information for the department to identify such arrest and such records are in the custody of the department. For the purpose of this section, the term "voided arrest" means any instance in which the department forwards fingerprints of an individual pursuant to section

160.20 of the criminal procedure law, and the department does not refer such individual for criminal prosecution pursuant to section 140.20 of the criminal procedure law.

§ 3. Section 1 of this local law takes effect 90 days after it becomes law, and section 2 of this local law takes effect 30 days after it becomes law.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, November 29, 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. 1712-A

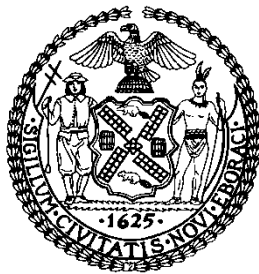
Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of criminal justice to report on city agencies' usage of criminal summonses.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on September 27, 2017 (Minutes, page 3363), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1636-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1712-A:



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

PROPOSED INTRO. NO. 1712-A

COMMITTEE: PUBLIC SAFETY

TITLE: 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 report on city agencies' usage of criminal summonses. **SPONSORS:** By Council Members Lancman and Menchaca

SUMMARY OF LEGISLATION: Proposed Int. No. 1712-A would require the Mayor's Office of Criminal Justice (MOCJ) to issue biannual reports to the Council and (post such report on its website) on city agencies' issuance of criminal summonses. The number of criminal summonses would be disaggregated by issuing agency and further disaggregated by the number and percentage of charges by felonies, misdemeanors, and violations or infractions.

Effective Date: This local law would take effect 90 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 anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation as MOCJ would use existing resources to comply with the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Steve Riestler, Senior Financial Analyst

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel, Finance Division
Eisha Wright, Unit Head, Finance Division
Regina Poreda Ryan Deputy Director, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1712 on September 27, 2017 and was referred to the Committee on Public Safety (Committee). The Committee considered the legislation at a hearing on October 16, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1712-A, will be considered by the Committee on November 29, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1712-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1712-A:)

Int. No. 1712-A

By Council Members Lancman, Menchaca and Rosenthal.

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 report on city agencies' usage of criminal summonses

Be it enacted by the Council as follows:

Section 1. Section 9-301 of the administrative code of the city of New York, as added by local law number 127 for the year 2017, is amended to read as follows:

§ 9-301 Definitions. As used in this chapter, the following terms have the following meanings:

Charge. The term "charge" means the most serious offense charged or alleged in a criminal summons.

Criminal summons. The term "criminal summons" has the same meaning as that in section 14-101.

Offense. The term "offense" has the same meaning as that in section 10.00 of the penal law or any successor provision.

Office. The term "office" means the office of criminal justice as defined in section 13 of the charter or another office or agency designated by the mayor to implement the provisions of this chapter.

§ 2. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-303 read as follows:

§ 9-303 *Citywide summons report.*

The office shall submit a biannual summary of summonses to the council and post such summary to the office's website. This summary shall be submitted within 30 days of January 1 and July 1 of each year. This summary shall include but not be limited to the following information regarding criminal summonses issued during the previous six months:

a. The number of criminal summonses, in total and disaggregated by the number and percentage of such summonses issued by each city agency, and further disaggregated by the number and percentage of charges in the following categories: (a) felonies, (b) misdemeanors, and (c) violations or infractions.

b. The number and percentage of criminal summonses disaggregated by charge, and further disaggregated by agency.

c. The number and percentage of criminal summonses disaggregated by agency, and further disaggregated by charge.

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

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, November 29, 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. 1723-A

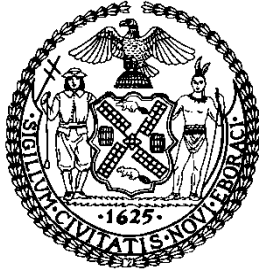
Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to addressing outstanding criminal warrants.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 17, 2017 (Minutes, page 3554), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1636-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1723-A:



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

PROPOSED INTRO. NO. 1723-A

COMMITTEE: PUBLIC SAFETY

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to addressing outstanding criminal warrants

SPONSORS: By The Speaker (Council Member Mark-Viverito) and Council Member Kallos

SUMMARY OF LEGISLATION: Proposed Int. No. 1723-A would require the Mayor's Office of Criminal Justice (MOCJ) to make its best efforts to reduce outstanding criminal warrants and to help correct inaccurate warrants. MOCJ would also issue an annual report related to these activities to the Council and such report on MOCJ's website. The first such report would be due no later than February 1, 2019. Proposed Int. No. 1723-A also would require the Department of Correction to make best efforts to provide records relating to an individual's period of incarceration necessary to rectify erroneous warrants within three business days of the request for such records.

Effective Date: Sections 1 and 2 of this local law would take effect 90 days after they become law, and section 3 of this local law would take effect 30 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 anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation because existing resources would be used by MOCJ and DOC to implement the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Steve Riestler, Senior Financial Analyst

ESTIMATE REVIEWED BY: Eric Bernstein, Counsel, Finance Division
Eisha Wright, Unit Head, Finance Division
Regina Poreda Ryan Deputy Director, Finance Division

LEGISLATIVE HISTORY: This legislation was heard by the Committee on Public Safety (Committee) as a preconsidered item on October 16, 2017 and was laid over. The preconsidered item was then introduced to the full Council on October 17, 2017 as Intro. No. 1723 and was referred to the Committee on Public Safety. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1723-A, will be voted on by the Committee at a hearing on November 29, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1723-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1723-A:)

Int. No. 1723-A

By The Speaker (Council Member Mark-Viverito) and Council Members Kallos and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to addressing outstanding criminal warrants

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 section 9-305 to read as follows:

§ 9-305 Outstanding criminal warrants.

a. It shall be a policy of the office to make best efforts to:

1. Work with the New York city police department and any relevant state or federal entity to seek the accuracy of records regarding outstanding criminal warrants.

2. Facilitate the reduction of outstanding criminal warrants.

3. Seek access to efficient processes for members of the public to rectify inaccurate criminal warrants.

b. No later than February 1, 2019, and every February 1 thereafter, the office shall prepare and submit to the council and post on the office's website an annual report regarding actions taken pursuant to this section for the previous calendar year. Such report shall include, to the extent this information is available, the number of outstanding criminal warrants in the city.

§ 2. Section 3-117 of the administrative code of the city of New York is renumbered section 9-306.

§ 3. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-153 to read as follows:

§ 9-153 *Erroneous records.* *The department shall make best efforts to provide records relating to an individual's period of incarceration necessary to rectify erroneous warrants within three business days of the request for such records.*

§ 4. Sections 1 and 2 of this local law take effect 90 days after they become law, and section 3 of this local law takes effect 30 days after it becomes law.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, November 29, 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 Rules, Privileges and Elections

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

Report for Res. No. 1740

Report of the Committee on Rules, Privileges and Elections in favor of a Resolution approving a Resolution approving changes in Membership to certain Standing Committees.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on November 30, 2017, respectfully

REPORTS:

Re: Preconsidered Res. No. 1740

SUBJECT: Resolution approving changes in Membership to certain Standing Committees.

ANALYSIS: Before the Committee for its consideration are proposed changes to the membership of certain Standing Committees.

(For text of the Supplemental Standing Committees List for November 30, 2017, please see this link for Res. No. 1740 of 2017 file on the New York City Council's website at: <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3268211&GUID=41AB85DC-A63E-48E8-A1B6-5B84F4BDFAAD&Options=ID|Text|&Search=1740>)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1740:)

Preconsidered Res. No. 1740

Resolution approving changes in Membership to certain Standing Committees.

By Council Member Lander.

RESOLVED, That pursuant to Rules 7.00 and 7.20 of the Rules of the Council, the Council does hereby consent to the following changes in Membership to certain Standing Committees.

STANDING COMMITTEES

CONTRACTS

Adams

ECONOMIC DEVELOPMENT

Adams

GENERAL WELFARE

Adams

MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, SUBSTANCE ABUSE AND DISABILITY SERVICES

Adams

SMALL BUSINESS

Adams

DANIEL R. GARODNICK, *Acting Chairperson*; YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, November 30, 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 Transportation

Report for Int. No. 231-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 notifying sidewalk construction permit applicants about scheduled tree planting.

The Committee on Transportation, to which the annexed proposed amended local law was referred on March 26, 2014 (Minutes, page 888), respectfully

REPORTS:

INTRODUCTION

On November 29, 2017, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 231-A, a Local Law in relation to notifying sidewalk construction permit applicants about scheduled tree planting; Proposed Int. No. 955-A, a Local Law in relation to civil penalties for street construction, maintenance, repair, obstruction, and closure violations; and Proposed Int. No. 1251-A, a Local Law in relation to repairing of ponding conditions on roadways. This is the second hearing on these items. A hearing was held on these items on September 18, 2017 at which the Committee heard testimony from the New York City Department of Transportation (“DOT”) and other interested stakeholders.

BACKGROUND

Sidewalk Trees

Pursuant to Section 19-152 of the Administrative Code (the “Code”), property owners are responsible for “installing, repairing, and maintaining sidewalks adjoining their properties.”¹ Section 7-210 of the Code makes property owners “potentially liable for personal injuries caused by their failure to maintain reasonably safe sidewalks.”² DOT performs safety inspections of sidewalks throughout the city and issues sidewalk violations when defects are observed. If the property owner fails to repair the sidewalk after being issued a notice of violation, DOT can arrange for the repair to be made at the property owner’s expense.³ Before making repairs to the sidewalk, whether as a result of a violation or not, a property owner must ensure that the contractor has obtained a Sidewalk Construction Permit from DOT.⁴

The Department of Parks and Recreation is responsible for planting and maintaining trees on sidewalks throughout the city, sometimes called “street trees.” The department publishes a tentative list online of locations where it plans to plant street trees during the upcoming planting season.⁵ According to the Parks Department, “since street tree plantings occur on the public right-of-way, nearby homeowners may not reject planting at any such location.”⁶

There have been documented instances of homeowners who have had the sidewalk area adjacent to their property fixed in response to a notice of violation from DOT, only to have the Parks Department rip up the new sidewalk in order to plant a new street tree.⁷

Street Cutting Violations

Underneath the surface of New York City’s streets lies a complex network of water pipes, natural gas lines, sewers, power lines and telecommunications infrastructure, all of which require maintenance and

¹ N.Y.C. Dept. of Transportation, “Sidewalk Maintenance and Repair,” available at <http://www.nyc.gov/html/dot/html/infrastructure/sidewalkintro.shtml>

² N.Y.C. Dept. of Transportation, “Sidewalk Inspection and Violations” available at <http://www.nyc.gov/html/dot/html/infrastructure/sidewalk-inspection.shtml>

³ *Id.*

⁴ N.Y.C. Dept. of Transportation, “Sidewalk Repair,” available at <http://www.nyc.gov/html/dot/html/infrastructure/sidewalk-repair.shtml#sidewalk-permits>

⁵ N.Y.C Parks Tree Planting Locations, available at <https://www.nycgovparks.org/trees/street-tree-planting/locations>

⁶ *Id.*

⁷ CBS2, *CBS2 Exclusive: DOT Tells Bronx Man To Pay For New Sidewalk, But Parks Dep’t To Rip It Up For Tree*, June 23, 2016, available at <http://newyork.cbslocal.com/2016/06/23/cbs2-exclusive-dot-bronx-man-to-pay-for-new-sidewalk-but-parks-dept-to-rip-it-up-for-tree/>

unforeseen repairs.⁸ The repairs are typically done as a part of planned street reconstruction projects with funding allocated in the capital budget. These projects can range from milling and repaving to full reconstruction of the roadbed, sewer and water pipes. DOT also conducts street resurfacing projects that repair the surface of the roadway by replacing the top layer of asphalt pavement. Resurfacing includes remedies to potholes, bumps, and patches in the street.⁹ According to DOT, resurfacing is a less expensive short-term method of maintaining the quality of existing streets and projects typically take less than one month to complete.¹⁰ After the completion of a street reconstruction project and a resurfacing project, these streets are designated “protected.” Under DOT rules, a protected street is a street segment or intersection that has been resurfaced or reconstructed within the last five years. These streets are “protected” because DOT prohibits any form of construction or “opening” of the street during this five-year period.¹¹

In specific cases, DOT may find that emergency work must be authorized and a protected street can be opened. The request to open a protected street typically comes from a utility company or other government agency.¹² Under the current law, in order to open a protected street during the five-year period, the entity requesting a permit must state the need for the work and a reason as to why such work was not completed during the capital reconstruction, and only then will DOT issue a permit.¹³

Street opening projects can be invasive and expensive. In 2014, Mayor Bill de Blasio convened an ‘Underground Infrastructure Working Group’ involving seven City agencies and utility companies in order to mitigate the disruptions that underground infrastructure projects cause.¹⁴ The working group’s goals involved short, medium and long-term solutions to improve emergency response times for underground street infrastructure repairs, improving street opening procedures, and improving the pace and schedule for upgrading and replacing the City’s underground infrastructure. The working group recommended offering incentives for private utilities to upgrade vulnerable infrastructure, especially leak prone gas lines.¹⁵ The working group also determined that the City would work with private utility companies to develop a tracking tool to monitor the progress in reducing vulnerable infrastructure.¹⁶ Despite these recommendations situations arise that require unforeseen street openings and in some instances, protected streets need to be opened.

Overall, in 2015, DOT issued 223,271 permits to open streets, half of them to utility companies.¹⁷ DOT issued an additional 16,641 permits to open utility holes and 22,504 permits were issued for emergencies, mostly to Con Edison and for water and sewer repairs as well.¹⁸ DOT keeps track of utilities and contractors to identify patterns of abuse and DOT inspectors will issue a summons if the incident was not a true emergency. In fiscal year 2015, DOT hired 34 additional inspectors to keep up with demand, for a total of 150 inspectors.¹⁹ According to the Mayor’s Management Report for fiscal year 2016, DOT surpassed its internal goal to resurface at least 1,200 lane miles as part of a \$1.6 billion investment to continue repaving roads over the next decade.²⁰

The Administrative Code imposes a variety of requirements on entities that conduct street opening projects, including requiring that the work adhere to various DOT specifications, have the proper permits, and, crucially, that the street be properly restored to its previous condition.

⁸ Rueb, Emily, *New York 101: Why are the Streets always under construction?*, N.Y. TIMES, August 8, 2016, available at <https://www.nytimes.com/interactive/2016/08/18/nyregion/new-york-101-streets-repair-and-maintenance.html>

⁹ N.Y.C. Department of Transportation, Infrastructure: Protected Street Listing, available at <http://www.nyc.gov/html/dot/html/infrastructure/protectedst.shtml> (last accessed September 14, 2017).

¹⁰ *Id.*

¹¹ Rules of the City of New York, Title 34 Chapter 2 §2-01

¹² *Id.* at 2.

¹³ N.Y.C. Administrative Code §19-144

¹⁴ New York City Underground Infrastructure Working Group (June 2014), available at https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2014/infrastructure_report.pdf

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 15.

¹⁸ *Id.* at 15.

¹⁹ *Id.*

²⁰ N.Y.C. Mayor Bill de Blasio’s Management Report, September 2016, available at http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2016/2016_mmr.pdf

Ponding

New York City streets are susceptible to various types of defects due to years of wear and tear. Under normal circumstances, the roadbed is constructed in an arch to allow rainwater to drain into sewers or naturally evaporate.²¹ Ponding may occur when water pools at low points in the roadway, generally as a result of inadequate drainage or improper laying of the street and likely requires construction work to fix the problem.²² DOT suggests individuals call 311, which then refers ponding complaints to the Department of Environmental Protection (“DEP”).²³ In recent years, DOT has increased the amount of street resurfacing projects, but may not immediately repair a street experiencing ponding because it may require a more extensive street reconstruction project.²⁴

Ponding can also be a health hazard because it can be a breeding ground for mosquitos.²⁵ The Department of Health and Mental Hygiene (“DOHMH”) will fine property owners if they have standing water on their property for more than 5 days during the months of April through October.²⁶ However, DOHMH will not accept complaints if there is ponding in the street.²⁷ According to DOT, anyone can request that a street be evaluated to be resurfaced and DOT will evaluate the street and prioritize it based upon the level of distress.²⁸ However, resurfacing also depends on planned utility work, the availability of public funding, and the schedule of capital improvements.²⁹

In 2011, the Chinatown neighborhood in Manhattan was experiencing such extensive ponding issues that New York State Senator Daniel Squadron released a report that noted the economic and environmental impact associated with ponding.³⁰ In 2012, DOT resurfaced several streets in Chinatown.³¹

ANALYSIS

Proposed Int. No. 231-A

Section one of Proposed Int. No 231-A amends subchapter one of chapter one of title 19 of the administrative code by adding new section 19-159.

New section 19-159 would require DOT to notify applicants for sidewalk construction permits to consult the website of the Parks Department for information on scheduled tree planting.

Section two of Proposed Int. No. 231-A would state that this law would take effect on March 30, 2018, except that DOT would have to take any measures necessary for the implementation of the local law prior to such date.

Proposed Int. No. 955-A

Section one of Proposed Int. No. 955-A would amend paragraph 1 of subdivision b of section 19-150, as previously amended by Local Law 4 of 2011, by increasing the maximum civil penalty for the following violations of the Code relating to street construction, maintenance, repairs, obstructions, and closures:

²¹ DOT Instructions for Filing Plans & Guidelines for the Design of Sidewalks, Curbs, Roadways and Other Infrastructure Components, available at <http://www.nyc.gov/html/dot/downloads/pdf/instfilingplan.pdf>

²² N.Y.C DOT, “DOT Customer Service,” available at <http://www.nyc.gov/html/dot/html/contact/customer-service.shtml>.

²³ *Id.*

²⁴ N.Y.C DOT, “Street and Roadway Construction,” available at <http://www.nyc.gov/html/dot/html/infrastructure/construction.shtml>.

²⁵ N.Y.C Department of Health and Mental Hygiene, “Standing Water Complaint,” available at <http://www1.nyc.gov/nyc-resources/service/2510/standing-water-complaint>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 30.

²⁹ *Id.*

³⁰ New York State Senator Daniel Squadron, Road-Curb Ponding: A Drain on Chinatown, (September 2011), available at https://www.nysenate.gov/sites/default/files/Senator%20Squadron%20Chinatown%20Ponding%20Report_0.pdf.

³¹ Office of Senator Daniel L. Squadron, DOT Break Ground on Chinatown Ponding Repairs, available at <https://www.nysenate.gov/newsroom/press-releases/daniel-l-squadron/squadron-dot-break-ground-chinatown-ponding-repairs>.

- § 19-102, unlawful opening of street
- § 19-107, closing street without permit
- § 19-109, opening street without providing protection to the public and removing signs/barriers/lights from street opening
- § 19-111, improperly laying a curb
- § 19-112, improper curb ramp installation
- § 19-113, failing to adhere to DOT specifications regarding street materials
- § 19-115, failing to adhere to DOT specifications regarding street paving
- § 19-116, failing to adhere to DOT conditions regarding street paving by abutting owners
- § 19-121, obstructing street without a permit, placing equipment near hydrant or bus stop, and failure keep clean site, clearly mark materials and equipment, and shield equipment
- § 19-122, failure to remove debris
- § 19-123, placing dumpster on street
- § 19-138, injuring or defacing streets
- § 19-139, failure to give notice before excavating by utilities
- § 19-144, failure to secure permit to open street after project
- § 19-145, pavement improperly laid
- § 19-146, disturbing street surface
- § 19-147, failure to properly restore pavement
- § 24-521, failure to give notice or protect property when doing sewer work on street

Section two of Int. No. 955 states that the local law would take effect 120 days after it becomes law.

Proposed Int. No. 1251-A

Section one of Proposed Int. No. 1251-A would amend subchapter 1 of chapter 1 of title 19 of the Administrative Code by adding new section 19-159.1. Subdivision a of new section 19-159.1 would define the term “ponding condition” to mean standing water in a depression that is removed only by percolation, evaporation, or transpiration that lasts greater than 7 days.

Subdivision b of new section 19-159.1 would require DOT to, upon receiving a complaint of a ponding condition on a roadway under its jurisdiction, verify such complaint within 45 day, except where weather conditions or other circumstances do not permit timely completion of such verification.

Subdivision c of new section 19-159.1 would require DOT to, upon verification, assess the roadway to determine what work may be necessary to repair such ponding condition. Such assessment would have to be conducted jointly with DEP, where necessary.

Paragraph one of subdivision c of new section 19.159.1 states that if such assessment concludes that such ponding condition can be repaired through resurfacing, such resurfacing would have to be prioritized by DOT to be performed:

- When DOT’s resurfacing operations next take place in the community district where the ponding is located; or
- Within 18 months from the date of such assessment, whichever is earlier.

The paragraph shall not be interpreted in such a way that would impair DOT’s discretion to prioritize the most urgent resurfacing needs, impede DOT’s expeditious resurfacing operations, or prevent DOT from conducting emergency resurfacing.

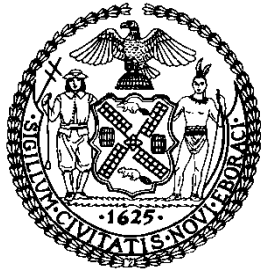
Paragraph two of subdivision c of new section 19.159.1 would add that if such assessment concludes that ponding conditions can only be repaired through work other than resurfacing, such work would have to be prioritized by DOT and DEP.

Subdivision d of new section 19.159.1 would state that in instances where a council member or community board has made a complaint in writing to DOT of a ponding condition on a roadway under DOT’s

jurisdiction, within 10 days of conducting an assessment of a location required by paragraph one of subdivision c of this new section, DOT shall notify the council member or community board, in writing, of the result of such assessment.

Section two of Proposed Int. No. 1251-A states that this local law would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 231-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
 FISCAL IMPACT STATEMENT
 PROPOSED INTRO. NO: 231-A
 COMMITTEE: Transportation**

TITLE: A local law to amend the administrative code of the city of New York, in relation to notifying sidewalk construction permit applicants about scheduled tree planting

SPONSORS: Council Members Vacca, Gentile, Koo, Mendez, Menchaca, Rosenthal and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 231-A would require the Department of Transportation to notify applicants of sidewalk construction permits to consult the Department of Parks and Recreation website for information on scheduled tree plantings.

EFFECTIVE DATE: This local law would take effect on March 30, 2018, except that the Commissioner shall take any measures necessary for the implementation of this local law 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 anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

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

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: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 231 on March 26, 2014 and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee with the Department of Transportation on September 18, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 231-A, will be considered by the Committee on November 29, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 231-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 24, 2017.

(For text of Int. Nos. 953-A, and 1251-A and their Fiscal Impact Statements, please see the Report of the Committee on Transportation for Int. Nos. 953-A and 1251-A, respectively, printed in these Minutes; for text of Int. No. 231-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 231-A, 955-A, and 1251-A.

(The following is the text of Int. No. 231-A:)

Int. No. 231-A

By Council Members Vacca, Gentile, Koo, Mendez, Menchaca, Rosenthal, Kallos, Rodriguez, Rose, Greenfield, Constantinides and Miller.

A Local Law to amend the administrative code of the city of New York, in relation to notifying sidewalk construction permit applicants about scheduled tree planting

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 19-159 to read as follows:

§ 19-159 Notification of tree planting when applying for sidewalk construction permits. The department shall notify applicants for sidewalk construction permits to consult the website of the department of parks and recreation for information on scheduled tree planting,.

§2. This local law takes effect on March 30, 2018, except that the commissioner shall take any measures necessary for the implementation of this local law before its effective date.

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, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO; DONOVAN J. RICHARDS; Committee on Transportation, November 29, 2017. *Other Council Members Attending: Council Member Dromm.*

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. 955-A

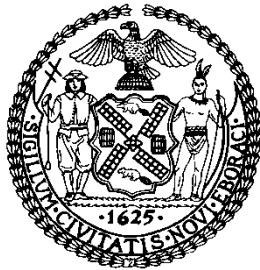
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to civil penalties for street construction, maintenance, repair, obstruction, and closure violations.

The Committee on Transportation, to which the annexed proposed amended local law was referred on October 15, 2015 (Minutes, page 3698), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 231-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 955-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 955-A
COMMITTEE: Transportation**

TITLE: A local law to amend the administrative code of the city of New York, in relation to civil penalties for street construction, maintenance, repair, obstruction, and closure violations
SPONSORS: Council Members Garodnick, Constantinides, Koo, Mendez, Richards, Rose, Cohen and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 955-A would increase the maximum amount of civil penalties for violations of the Administrative Code relating to street construction, maintenance, repairs, obstructions, and closures.

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 anticipated 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 estimated that this legislation would have no impact on expenditures since existing resources would be used by the administering agency to comply with this local law.

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: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 955 on October 15, 2015 and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee with the Department of Transportation on September 18, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 955-A, will be considered by the Committee on November 29, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 955-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 24, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 955-A:)

Int. No. 955-A

By Council Members Garodnick, Constantinides, Koo, Mendez, Richards, Rose, Cohen, Kallos, Menchaca, Rodriguez, Greenfield, and Miller.

A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for street construction, maintenance, repair, obstruction, and closure violations

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision b of section 19-150 of the administrative code of the city of New York, as amended by local law number 4 for the year 2011, is amended to read as follows:

b. 1. Except as provided in subdivision c of this section, such civil penalty shall be determined in accordance with the following schedule:

Section of the Administrative Code	Maximum Civil Penalty (dollars)
19-102	[5,000] 10,000
19-107	[5,000] 10,000
19-109 [subd (a)]	[5,000] 10,000
[19-109 subd (c)]	1,000]
19-111	[1,000] 5,000
19-112	[1,000] 5,000
19-113	[1,000] 5,000

19-115	[1,000] 5,000
19-116	[1,000] 5,000
19-117 subd (a)	[5,000] 10,000
19-119	[5,000] 10,000
19-121 [subd (a)]	[5,000] 10,000
[19-121 subd (b) para (5) & (7)	5,000
19-121 subd (b) para (2), (3) & (6)	1,000]
19-122	[1,000] 5,000
19-123	[5,000] 10,000
19-126	[5,000] 10,000
19-128	[1,000] 5,000
19-133	[1,000] 5,000
19-133.1	[5,000] 10,000
19-135	[1,000] 5,000
19-137	[1,000] 5,000
19-138	[1,000] 5,000
19-139	[5,000] 10,000
19-141	[1,000] 5,000
19-144	[5,000] 10,000
19-145	[5,000] 10,000
19-146	[1,000] 5,000
19-147	[1,000] 10,000
19-148	[1,000] 5,000
24-521	[5,000] 10,000
All other Provisions of this subchapter and rules or orders relating thereto	[500] 5,000

Note: Reference to an administrative code provision is intended to encompass the penalties for violations of the rules or orders made or of the terms or conditions of permits issued pursuant to such code provision.

§ 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, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO; DONOVAN J. RICHARDS; Committee on Transportation, November 29, 2017. *Other Council Members Attending: Council Member Dromm.*

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. 1251-A

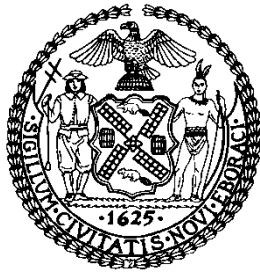
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to repairing of ponding conditions on roadways.

The Committee on Transportation, to which the annexed proposed amended local law was referred on August 16, 2016 (Minutes, page 2771), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 231-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1251-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: Int. 1251-A
COMMITTEE: Transportation**

TITLE: A local law to amend the administrative code of the city of New York, in relation to repairing of ponding conditions on roadways
SPONSORS: Council Members Maisel, Cohen, Richards, Gentile, Koo, Koslowitz, Chin, Rosenthal, Menchaca, Kallos and Ulrich

SUMMARY OF LEGISLATION: Proposed Intro. 1251-A would require the Department of Transportation (DOT) to verify complaints of ponding conditions within 45 days of receiving complaints and upon verification to assess the roadway to determine what work may be necessary to repair such ponding conditions in conjunction with the Department of Environmental Protection (DEP), where necessary. In addition, the bill would require DOT to prioritize the repair of verified ponding conditions, with those deemed repairable by repaving prioritized to be performed during its next resurfacing operations in the community district where such ponding conditions are located, or within 18 months from the Department’s assessment, whichever is earlier. For a ponding condition complaint made in writing by a Council Member or a community board, the Department would notify, in writing, such member or community board of the results of the assessment within 10 days of the assessment.

EFFECTIVE DATE: This local law would take effect immediately.

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	\$80,500	\$161,000	\$161,000
Net	\$80,500	\$161,000	\$161,000

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

IMPACT ON EXPENDITURES: Although the legislation does not mandate that DOT hire new staff to meet the provisions of this bill, the agency has informed the Council that it would need one additional staff position costing \$61,000 in addition to OTPS costs including for IT consulting of \$100,000 annually to meet the requirements of this legislation. As such, the total annual cost to implement this legislation is estimated to be \$161,000. For Fiscal 2018, the prorated cost would be \$80,500.

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: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1251 on August 16, 2016 and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee on September 18, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1251-A, will be considered by the Committee on November 29, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1251-A will be submitted to the full Council for a vote on November 30, 2017.

DATE PREPARED: November 24, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1251-A:)

Int. No. 1251-A

By Council Members Maisel, Cohen, Richards, Gentile, Koo, Koslowitz, Chin, Rosenthal, Menchaca, Kallos, Constantinides, Rodriguez, Rose, Greenfield, Miller and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to repairing of ponding conditions on roadways

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 19-159.1 to read as follows:

§ 19-159.1 *The verification and repair of ponding conditions on roadways* a. *Definitions. As used in this section, the following term has the following meaning:*

Ponding condition. The term "ponding condition" means standing water in a depression that is removed only by percolation, evaporation or transpiration that lasts greater than seven days.

b. Upon receiving a complaint of a ponding condition on a roadway under its jurisdiction, the department shall verify such complaint within 45 days, except where weather conditions or other circumstances do not permit the timely completion of such verification.

c. Upon verification, the department shall assess the roadway to determine what work may be necessary to repair such ponding condition. Such assessment shall be conducted jointly with the department of environmental protection, where necessary.

1. If such assessment concludes that such ponding condition can be repaired through resurfacing, such resurfacing shall be prioritized by the department to be performed (i) when department resurfacing operations next take place in the community district where such ponding is located, or (ii) within 18 months from the date of such assessment, whichever is earlier. This paragraph shall not be interpreted in such a way as to impair the department's discretion to prioritize the most urgent resurfacing needs, impede the department's expeditious resurfacing operations, or prevent the department from conducting emergency resurfacing.

2. If such assessment concludes that such ponding condition can only be repaired through work other than resurfacing, such work shall be prioritized by the department or the department of environmental protection.

d. In instances where a council member or a community board has made a complaint in writing to the department of a ponding condition on a roadway under the department's jurisdiction, within 10 days of conducting an assessment of such location as required by paragraph 1 of subdivision c of this section, the department shall notify, in writing, such council member or community board in whose district the ponding condition is located of the results of such assessment.

§ 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, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO; DONOVAN J. RICHARDS; Committee on Transportation, November 29, 2017. *Other Council Members Attending: Council Member Dromm.*

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

GENERAL ORDER CALENDAR

Report for L.U. No. 773 & Res. No. 1741

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170358 ZMM submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 6a and 6b, changing various zoning districts in the East Harlem Neighborhood, Borough of Manhattan, Community Board 11, Council Districts 8 and 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3581) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

C 170358 ZMM

City Planning Commission decision approving an application submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 6a and 6b.

INTENT

To approve the amendment to the Zoning Map, which in conjunction with the related actions would facilitate the East Harlem Neighborhood Initiative, a comprehensive, community-focused effort aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable housing units that is consistent with the goals of the Mayor's Housing New York: A Five-Borough, Ten-year Plan.

PUBLIC HEARING

DATE: October 11, 2017

Witnesses in Favor: Eight

Witnesses Against: Thirty-Three

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 21, 2017. The City Planning Commission filed a letter dated November 29, 2017, with the Council on November 30, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1741

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 170358 ZMM, a Zoning Map amendment (L.U. No. 773).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision dated October 2, 2017 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 6a and 6b, which in conjunction with the related actions would facilitate the East Harlem Neighborhood Initiative, a comprehensive, community-focused effort aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable housing units (ULURP No. C 170358 ZMM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications N 170359 ZRM (L.U. No. 774) an amendment to the text of the Zoning Resolution to establish an East Harlem Corridor Special District and to designate a Mandatory Inclusionary Housing area; and C 170360 HUM (L.U. No. 775), amendment to the bulk and use regulations, and the expiration date, of the Milbank Frawley Circle-East Urban Renewal Plan;

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 October 11, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-422), and additional significant adverse impacts with respect to shadows, historic and cultural resources (architectural and archeological), transportation (traffic, transit and pedestrians), and construction activities related to noise, and the Technical Memoranda dated September 29, 2017, (the "Technical Memoranda");

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Actions, as modified with the modifications adopted herein and in the Technical Memorandum 002, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, which form part of the Proposed Actions, or the specification of required mitigation measures, as appropriate; and
- (4) The Decision, together with the FEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 170358 ZMM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter ~~strike out~~ is old, deleted by the City Council;
Matter underline is new, added by the City Council.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 6a and 6b:

1. ~~E~~eliminating from within an existing R7-2 District a C1-4 District bounded by:
 - a. East 124th Street, Park Avenue, East 123rd Street, and a line 100 feet westerly of Park Avenue;
 - b. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;
 - c. East 122nd Street, Park Avenue, East 121st Street, and a line 100 feet westerly of Park Avenue;
 - d. East 120th Street, Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 120th Street, a line 100 feet easterly of Lexington Avenue, East 115th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East

115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Park Avenue, East 115th Street, and a line 100 feet westerly of Park Avenue; and

- ~~de.~~ East 112th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 110th Street and East 111th Street, and a line 100 feet westerly of Lexington Avenue;
2. eliminating from within an existing R8A District a C1-5 District bounded by:
- East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, and a line 100 feet westerly of Second Avenue;
 - East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;
 - East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and
 - East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, a line 100 feet westerly of Second Avenue;
3. eliminating from within an existing R7-2 District a C2-4 District bounded by:
- East 132nd Street, Park Avenue, East 131st Street, and a line 100 feet westerly of Park Avenue;
 - East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 123rd Street and East 124th Street, and Park Avenue;
 - East 123rd Street, Park Avenue, East 122nd Street, and a line 100 feet westerly of Park Avenue;
 - East 124th Street, a line 100 feet easterly of Lexington Avenue, East 120th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue; and
 - a line 125 feet northerly of East 119th Street, a line 100 feet easterly of Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, and Park Avenue;
4. eliminating a Special Transit Land Use District bounded by the southerly street line of East 126th Street, a line 100 feet easterly of Second Avenue, the northerly street line of East 120th Street and its easterly prolongation, a line 100 feet westerly of Second Avenue, a line midway between East 124th Street and East 125th Street/Dr. Martin Luther King, Jr. Boulevard, a line 150 feet westerly of Second Avenue, a line midway between East 125th Street/Dr. Martin Luther King, Jr. Boulevard and East 126th Street, and line 100 feet westerly of Second Avenue;
5. changing from an R7-2 District to an R7A District property bounded by East 132nd Street, a line 100 feet easterly of Madison Avenue, East 128th Street, Madison Avenue, ~~East 127th Street, a line 100 feet easterly of Madison Avenue,~~ East 126th Street, a line 100 feet westerly of Madison Avenue, East 130th Street, Madison Avenue, East 131st Street, and a line 100 feet westerly of Madison Avenue;

6. changing from an R7-2 District to an R7B District property bounded by
- a. East 132nd Street, a line 100 feet westerly of Madison Avenue, East 131st Street, and a line 100 feet easterly of Fifth Avenue;
 - b. East 132nd Street, a line 100 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, a line 90 feet westerly of Park Avenue, East 129th Street, a line 70 feet westerly of Park Avenue, East 128th Street, and a line 100 feet easterly of Madison Avenue;
 - c. East 130th Street, a line 100 feet westerly of Madison Avenue, East 126th Street, and a line 100 feet easterly of Fifth Avenue;
 - d. East 127th Street, a line 100 feet westerly of Park Avenue, East 126th Street, a line 165 feet easterly of Madison Avenue, a line midway between East 126th Street and East 127th Street, and a line 100 feet easterly of Madison Avenue;
 - e. East 124th Street, a line 100 feet westerly of Second Avenue, East 123rd Street, a line 100 feet easterly of Third Avenue;
 - f. East 123rd Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 121st Street and East 122nd Street, and a line 100 feet easterly of Park Avenue;
 - g. a line midway between East 119th Street and East 120th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, and a line 100 feet easterly of Park Avenue;
 - h. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, East 115th Street, and a line 100 feet easterly of Park Avenue;
 - i. East 111th Street, a line 100 feet westerly of Lexington Avenue, East 110th Street, a line 100 feet easterly of Park Avenue, a line midway between East 110th Street and East 111th Street, and a line 155 feet easterly of Park Avenue; and
 - j. East 107th Street, a line 100 feet westerly of Lexington Avenue, East 106th Street, a line 180 feet easterly of Park Avenue, a line midway between East 106th Street and East 107th Street, and a line 230 feet easterly of Park Avenue;
7. changing from a C8-3 District to an R7B District property bounded by line a line midway between East 129th Street and East 130th Street, a line 90 feet westerly of Park Avenue, East 129th Street, and a line 100 feet westerly of Park Avenue;
8. changing from an R7-2 District to an R7D District property bounded by:
- a. East 124th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue;
 - b. East 117th Street, a line 100 feet easterly of Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of

Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, ~~and~~ a line 100 feet easterly of Park Avenue, East 116th Street-Luis Munoz Marin Boulevard, and Park Avenue;

- c. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Park Avenue, East 115th Street, and a line 100 feet westerly of Park Avenue;
 - e.d. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Lexington Avenue, East 115th Street, and a line 100 feet westerly of Lexington Avenue; and
 - d.e. East 112th Street, a line 100 feet easterly of Lexington Avenue, East 104th Street, a line 100 feet westerly of Lexington Avenue, East 107th Street, Lexington Avenue, East 110th Street, and a line 100 feet westerly of Lexington Avenue;
9. changing from an R7A District to an R7D District property bounded by:
- a. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Third Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Lexington Avenue; and
 - b. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Second Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Third Avenue;
10. changing from an R7-2 to an R8A District property boundary by East 118th Street, a line 100 feet easterly of Park Avenue, East 117th Street, Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, and a line 100 feet westerly of Park Avenue;
- ~~10.~~11. changing from an R7-2 District to an R9 District property bounded by:
- a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 131st Street, and a line 100 feet westerly of Park Avenue;
 - b. ~~East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;~~
 - e.b. East 118th Street-a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, Park Avenue, East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Park Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet westerly of Park Avenue; and
 - d.c. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue;

12. changing from an R7-2 District to an R9A District property bounded by East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;
- ~~11.~~13. changing from an R7A District to an R9A District property bounded by East 120th Street, a line 100 feet westerly of Second Avenue, East 119th Street, and a line 110 feet westerly of Second Avenue;
14. changing from an R8A District to an R9 District property bounded by East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;
- ~~12.~~15. changing from an R8A District to an R9A District property bounded by:
- a. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, and a line 100 feet westerly of Second Avenue;
 - b. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and
 - c. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue;
- ~~13.~~16. changing from an R7-2 District to an R10 District property bounded by:
- a. East 122nd Street, Park Avenue, East 121st Street, and a line 100 feet westerly of Park Avenue; and
 - b. East 122nd Street, Park Avenue, a line midway between East 119th Street and East 120th Street, a line 100 feet easterly on Park Avenue, East 118th Street, and a line 100 feet westerly of Park Avenue, East 120th Street, and a line 100 feet westerly of Park Avenue;
- ~~14.~~ ~~changing from an R8A District to an R10 District property bounded by East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;~~
- ~~15.~~17. changing from a C4-4 District to a C4-6 District property bounded by East 124th Street, a line 100 feet easterly of Third Avenue, East 123rd Street, Third Avenue, East 122nd Street, and a line 100 feet westerly of Third Avenue;
- ~~16.~~18. changing from a C4-4D District to a C4-6 District property bounded by East 122nd Street, a line 100 feet easterly of Third Avenue, East 115th Street and a line 100 feet westerly of Third Avenue;
- ~~17.~~19. changing from an R7-2 District to a C6-4 District property bounded by East 124th Street, Park Avenue, East 122nd Street, and a line 100 feet easterly of Park Avenue;
- ~~18.~~20. changing from a C4-4D District to a C6-4 District property bounded by East 126th Street, a line 100 feet easterly of Park Avenue, East 125th Street/Dr. Martin Luther King Jr. Boulevard, a line 140 feet easterly of Park Avenue, East 124th Street, and a line 90 feet easterly of Park Avenue;
- ~~19.~~21. changing from a C6-3 District to a C6-4 District property bounded by East 126th Street, a line 90 feet easterly of Park Avenue, East 124th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 125th Street/Dr. Martin Luther King Jr. Boulevard, and a line 90 feet westerly of Park Avenue;

- ~~20-22.~~ changing from a C8-3 District to a M1-6/R9 District property bounded by:
- a. East 131st Street, the westerly boundary line of the New York Central Railroad right-of-way, East 128th Street, a line 70 feet westerly of Park Avenue, East 129th Street, a line 90 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, and a line 100 feet westerly of Park Avenue; and
 - b. East 127th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 126th Street, and a line 100 feet westerly of Park Avenue;
- ~~21-23.~~ changing from R7-2 District to an M1-6/R10 District property bounded by:
- a. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 123rd Street and East 124th Street, and Park Avenue; and
 - b. a line 125 feet northerly of East 119th Street, a line 100 feet easterly of Park Avenue, a line midway between East 119th Street and East 120th Street, and Park Avenue;
- ~~22-24.~~ changing from an M1-2 District to an M1-6/R10 District property bounded by East 128th Street, a line 160 feet easterly of Park Avenue, a line 100 feet southerly of East 128th Street, a line 100 feet easterly of Park Avenue, the easterly centerline prolongation of East 127th Street, East 126th Street, and the westerly boundary line of the New York Central Railroad right-of-way;
25. changing from an M1-2 District to an M1-6/R10 District property bounded by the easterly centerline prolongation of East 127th Street, a line 100 feet easterly of Park Avenue, East 126th Street, and the westerly boundary line of the New York Central Railroad right-of-way;
- ~~23-26.~~ changing from an M1-4 District to an M1-6/R10 District property bounded by a line midway between East 123rd Street and East 124th Street, a line 100 feet easterly of Park Avenue, a line 125 feet northerly of East 119th Street, and Park Avenue;
- ~~24-27.~~ establishing within an existing R7-2 District a C1-5 District bounded by:
- a. East 115th Street, a line 100 feet easterly of Park Avenue, East 112th Street, and a line 70 feet westerly of Park Avenue;
 - b. East 115th Street, Lexington Avenue, a line 240 feet southerly of East 115th Street, a line 100 feet easterly of Lexington Avenue, East 112th Street, and a line 100 feet westerly of Lexington Avenue;
 - c. East 115th Street, a line 100 feet easterly of Third Avenue, East 112th Street, a line 100 feet westerly of Third Avenue, a line 252 feet southerly of East 115th Street, and Third Avenue; and
 - d. East 115th Street, a line 100 feet easterly of Second Avenue, a line 100 feet northerly of East 113th Street, Second Avenue, East 113th Street, a line 100 feet easterly of Second Avenue, East 112th Street, and a line 100 feet westerly of Second Avenue;
- 25-28. establishing within a proposed R7D District a C1-5 District bounded by:

- a. East 120th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, and Lexington Avenue;
- b. a line midway between ~~East 117th Street and~~ East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Park Avenue;~~and~~
- c. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Lexington Avenue, East 115th Street, a line 100 feet westerly of Lexington Avenue; and
- e.d. East 112th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 110th Street and East 111th Street, and a line 100 feet westerly of Lexington Avenue;
- ~~26-29.~~ establishing within a proposed R7D District a C2-5 District bounded by:
- a. East 124th Street, a line 100 feet easterly of Lexington Avenue, East 120th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue;
- b. East 117th Street, a line 100 feet easterly of Park Avenue, East 116th Street-Luis Munoz Marin Boulevard, and Park Avenue; and
- c. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Park Avenue, East 115th Street, and a line 100 feet westerly of Park Avenue;
30. establishing within a proposed R8A District a C2-5 District bounded by East 118th Street, a line 100 feet easterly of Park Avenue, East 117th Street, Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, and a line 100 feet westerly of Park Avenue;
- ~~27-31.~~ establishing within a proposed R9 District a C2-5 District bounded by:
- a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 131st Street, and a line 100 feet westerly of Park Avenue;
- b. ~~East 118th Street~~a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, Park Avenue, East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Park Avenue, ~~East 115th Street~~a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet westerly of Park Avenue;
- c. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet westerly of Lexington Avenue; and
- d. ~~East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;~~

- e. ~~East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, a line 100 feet westerly of Second Avenue, East 119th Street, a line 110 feet westerly of Second Avenue, East 120th Street, and a line 100 feet westerly of Second Avenue;~~
- f. ~~East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and~~
- g. ~~East 106th Avenue, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue;~~
- d. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;

32. establishing within a proposed R9A District a C2-5 District bounded by:

- a. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;
- b. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, a line 100 feet westerly of Second Avenue, East 119th Street, a line 110 feet westerly of Second Avenue, East 120th Street, and a line 100 feet westerly of Second Avenue;
- c. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and
- d. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue;

~~28.~~33. establishing within a proposed R10 District a proposed C2-5 District ~~property~~ bounded by:

- a. East 122nd Street, Park Avenue, East 121st Street, and a line 100 feet westerly of Park Avenue; and
- ~~a.~~b. East 122nd0th Street, Park Avenue, a line midway between East 119th Street and East 120th Street, a line 100 feet easterly of Park Avenue, East 118th Street, and a line 100 feet westerly of Park Avenue, East 120th Street, and a line 100 feet westerly of Park Avenue; and
- b. ~~East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;~~

~~29.~~34. establishing a Special East Harlem Corridors District bounded by:

- a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 128th Street, a line 70 feet westerly of Park Avenue, East 129th Street, a line 90 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, and a line 100 feet westerly of Park Avenue;

- b. East 128th Street, a line 160 feet easterly of Park Avenue, a line 100 feet southerly of East 128th Street, a line 100 feet easterly of Park Avenue, East 126th Street, a line 100 feet westerly of Park Avenue, East 127th Street, and the westerly boundary line of the New York Central Railroad right-of-way;
- c. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 122nd Street, a line 100 feet westerly of Lexington Avenue, East 124th street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Third Avenue, East 124th Street, a line 100 feet easterly of Third Avenue, East 123rd Street, Third Avenue, East 122nd Street, a line 100 feet easterly of Third Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Second Avenue, East 119th Street, a line 110 feet westerly of Second Avenue, East 120th Street, a line 100 feet westerly of Second Avenue, East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, a line 100 feet westerly of Second Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Third Avenue, East 115th Street, a line 100 feet westerly of Third Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Lexington Avenue, East 115th Street, a line 100 feet westerly of Park Avenue, East 120th Street, Park Avenue, East 121st Street, and a line 100 feet westerly of Park Avenue;
- d. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;
- e. East 112th Street, a line 100 feet easterly of Lexington Avenue, East 104th Street, a line 100 feet westerly of Lexington Avenue, East 107th Street, Lexington Avenue, East 110th Street, a line 100 feet westerly of Lexington Avenue;
- f. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;
- g. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street; Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and
- h. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue; ~~and~~

~~30.35.~~ establishing a Special Transit Land Use District bounded by:

- a. East 126th Street, a line 85 feet easterly of Fifth Avenue, a line midway between East 125th Street/Dr. Martin Luther King Jr. Boulevard and East 126th Street, a line 100 feet westerly of Park Avenue, East 126th Street, a line 100 feet easterly of Third Avenue, East 124th Street, a line 200 feet westerly of Madison Avenue, a line midway between East 124th Street and East 125th Street/Dr. Martin Luther King Jr. Boulevard, and Fifth Avenue;
- b. East 120th Street, a line 100 feet easterly of Second Avenue, a line 100 feet southerly of East 115th Street, and a line 100 feet westerly of Second Avenue;

- c. a line midway between East 110th Street and East 111th Street, a line 100 feet easterly of Second Avenue, the southerly street line of East 110th Street, and a line 100 feet westerly of Second Avenue; and
- d. the northerly street line of East 105th Street, a line 100 feet easterly of Second Avenue, a line midway between East 104th Street and East 105th Street, and a line 100 feet westerly of Second Avenue;

as shown on a diagram (for illustrative purposes only) dated April 24, 2017, and subject to the conditions of CEQR Declaration E-422, Community District 11, Borough of Manhattan.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 774 & Res. No. 1742

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170359 ZRM submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special East Harlem Corridors District (Article XIII, Chapter 8) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections, Borough of Manhattan, Community Board 11, Council Districts 8 and 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3581) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

N 170359 ZRM

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special East Harlem Corridors District (Article XIII, Chapter 8) and modifying Appendix F, for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related sections.

INTENT

To approve the amendment to text of the Zoning Resolution, which in conjunction with the related actions would facilitate the East Harlem Neighborhood Initiative, a comprehensive, community-focused effort aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable housing units that is consistent with the goals of the Mayor's Housing New York: A Five-Borough, Ten-year Plan.

PUBLIC HEARING

DATE: October 11, 2017

Witnesses in Favor: Eight

Witnesses Against: Thirty-Three

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca

.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 21, 2017. The City Planning Commission filed a letter dated November 29, 2017, with the Council on November 30, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1742

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 170359 ZRM, for an amendment of the Zoning Resolution of the City of New York, establishing the Special East Harlem Corridors District (Article XIII, Chapter 8) and modifying Appendix F, for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related sections, Community District 11, Borough of Manhattan (L.U. No. 774).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision dated October 2, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, establishing the Special East Harlem Corridors District (Article XIII, Chapter 8) and modifying Appendix F, for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related sections. This action, in conjunction with the related actions would facilitate the East Harlem Neighborhood Initiative, a comprehensive, community-focused effort aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable housing units (Application No. N 170359 ZRM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 170358 ZMM (L.U. No. 773), an amendment to the Zoning Map; and C 170360 HUM (L.U. No. 775), amendment to the bulk and use regulations, and the expiration date, of the Milbank Frawley Circle-East Urban Renewal Plan;

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 October 11, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-422), and additional significant adverse impacts with respect to shadows, historic and cultural resources (architectural and archeological), transportation (traffic, transit and pedestrians), and construction activities related to noise, and the Technical Memoranda dated September 29, 2017, (the "Technical Memoranda");

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Actions, as modified with the modifications adopted herein and in the Technical Memorandum 002, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, which form part of the Proposed Actions, or the specification of required mitigation measures, as appropriate; and
- (4) The Decision, together with the FEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170359 ZRM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;
 Matter ~~struck out~~ is to be deleted;
 Matter within # # is defined in Section 12-10;
 Matter ~~double strike out~~ is old, deleted by the City Council;
 Matter double underlined is new, added by the City Council;
 * * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE I
GENERAL PROVISIONS

Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

* * *

11-122
Districts established

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Special Purpose Districts

* * *

Establishment of the Special Downtown Jamaica District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Downtown Jamaica District# is hereby established.

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

* * *

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
DEFINITIONS**

* * *

Special Downtown Jamaica District

The “Special Downtown Jamaica District” is a Special Purpose District designated by the letters “DJ” in which special regulations set forth in Article XI, Chapter 5, apply.

Special East Harlem Corridors District

The “Special East Harlem Corridors District” is a Special Purpose District designated by the letters “EHC” in which special regulations set forth in Article XIII, Chapter 8, apply.

Special Enhanced Commercial District

The “Special Enhanced Commercial District” is a Special Purpose District designated by the letters “EC” in which special regulations set forth in Article XIII, Chapter 2, apply.

* * *

**Chapter 4
Sidewalk Cafe Regulations**

* * *

**14-40
AREA ELIGIBILITY FOR SIDEWALK CAFES**

* * *

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

* * *

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Clinton District	No	Yes
<u>East Harlem Corridors District</u>	<u>No</u>	<u>Yes</u>
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes

* * *

**ARTICLE II
RESIDENCE BULK REGULATIONS**

**Chapter 3
Residential Bulk Regulations in Residence Districts**

* * *

**23-011
Quality Housing Program**

* * *

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

* * *

(2) Special Purpose Districts
However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

- #Special 125th Street District#;
- #Special Downtown Brooklyn District#;
- #Special Downtown Jamaica District#;
- #Special East Harlem Corridors District#;
- #Special Grand Concourse Preservation District#;

* * *

23-03

Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

* * *

(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#

#Special Downtown Jamaica District#

#Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

* * *

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 3
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

* * *

33-03

Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

* * *

(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#

#Special Downtown Jamaica District#

#Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 5
Special Transit Land Use District**

**95-00
GENERAL PURPOSES**

* * *

**95-03
Transit Easement**

Any #development# or #enlargement# involving ground level construction within the #Special Transit Land Use District# shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04.

The issuance by the Department of Buildings of an excavation permit for any #zoning lot# located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a #zoning lot# shall permit the realization of one or more of the following planning objectives:

- (a) the integration and relating of subway station design to surrounding development;
- (b) the introduction of light and air to: stations; ~~and~~ mezzanines; and other related facilities constructed pursuant to the provisions of Section 95-032 (Determination of transit easements at other stations);

* * *

**95-031
Selection of transit easement at certain stations**

At the stations specified below, ~~¶~~the transit easement required on a #zoning lot# shall constitute a volume whose dimensions above and below #curb level# shall comply with the requirements as set forth in Table A or Table B of this Section, depending on the depth of the proposed subway mezzanine below #curb level#, as established by the Metropolitan Transportation Authority.

* * *

TABLE B
MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME
(in feet)

Stations: Chatham Square, Grand St., 14th St., 23rd St., UN Plaza, East Midtown, and Yorkville, ~~Franklin Plaza, and Triboro Plaza~~

* * *

**95-032
Determination of transit easements at other stations**

At the 106th Street, 116th Street and 125th Street stations, a transit easement shall be provided to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the Metropolitan Transportation Authority shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

95-0323

Location of transit easements

* * *

95-05

Terms and Conditions for Permitted Uses and Construction within Transit Easement Volume

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, ~~or~~ elevators; or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#. When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

* * *

95-051

Development of transit access facilities

All access facilities, including any light wells or sky lights required within a transit easement volume established pursuant to the provisions of Section 95-031 (Selection of transit easement at certain stations), or access and ancillary facilities required pursuant to the provisions of Section 95-032 (Determination of transit easement at other stations), shall be constructed and maintained by the Metropolitan Transportation Authority except for any #building# columns, footings or any other permitted obstructions allowed therein.

* * *

95-052

Special access facilities for persons with disabilities at certain stations

For #zoning lots# subject to the provisions of Section 95-031 (Selection of transit easement at certain stations), ~~§~~special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

* * *

**Article IX
Special Purpose Districts**

**Chapter 7
Special 125th Street District**

**97-00
GENERAL PURPOSES**

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (h) to ensure, in the Park Avenue Hub Subdistrict, compatibility with the purposes of the #Special East Harlem Corridors District#; and
- ~~(h)~~(i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

* * *

**97-03
District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and ~~Core~~ Subdistricts) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

97-04**Establishment of Core Subdistricts**

In order to carry out the purposes and provisions of this Chapter, ~~the Core two~~ subdistricts is are established within the ~~#Special 125th Street District# and: the Core Subdistrict and the Park Avenue Hub Subdistrict. Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the Core Subdistricts are shown on Map 1 in Appendix A of this Chapter.~~

* * *

97-06**Applicability of Special Transit Land Use District Regulations**
Applicability of District Regulations

[Note: existing provisions moved to Section 97-061]

97-061**Applicability of Special Transit Land Use District Regulations**

[Note: existing provisions moved from Section 97-06 and updated a cross reference. The specification of the #Special Transit Land Use District# was eliminated since they are specified in Zoning Maps.]

Wherever the #Special 125th Street District# includes an area which also lies within the #Special Transit Land Use District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs ~~(e)~~ (a)(4) and ~~(f)~~ (a)(5) of Section 97-433 ~~(Street wall location)~~ 442 (Height and setback regulations within the Core Subdistrict and areas outside of a subdistrict).

The #Special Transit Land Use District# includes the area within the #Special 125th Street District# bounded by a line 50 feet west of Second Avenue from 124th Street midway to 125th Street where such area widens to a line 100 feet west of Second Avenue.

97-062**Applicability of the Quality Housing Program**

[Note: existing provisions moved from 97-40 (SPECIAL BULK REGULATIONS)]

In the #Special 125th Street District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program, and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

97-063**Applicability of Inclusionary Housing Program**

[Note: existing provision moved from Section 97-421 (Inclusionary Housing) and changed to include Mandatory Inclusionary Housing applicability]

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 23-154 (Inclusionary Housing) and in Section 23-90 (INCLUSIONARY HOUSING), inclusive, #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# within the #Special 125th Street Districts# are shown on the maps in APPENDIX F of this Resolution.

97-10

SPECIAL USE AND LOCATION REGULATIONS

* * *

97-14

Transient Hotels Within the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or
- (b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:
 - (1) sufficient sites are available in the area to meet the #residential development# goal; or
 - (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least ~~4,470~~ 3,865 #dwelling units# within the combined areas of the #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, have received temporary or final certificates of occupancy subsequent to [date of adoption].

97-20

LOCATION AND ACCESS REGULATIONS

[Note: applicability of Article II, Chapter 8 has been moved to Section 97-062]

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, the provisions of Section 97-21 (Location and Access Requirements in Certain Areas), inclusive, shall apply.

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the provisions of Section 97-21, inclusive, shall apply to any #zoning lot#, or portion thereof, specified in Section 97-21, and the provisions of Section 97-22 (Use Location Regulations in the Park Avenue Hub Subdistrict), inclusive, shall apply to all other #zoning lots#, or portion thereof.

For the purposes of applying the provisions of this Section, defined terms shall include those set forth in Sections 12-10 (DEFINITIONS) and 37-311 (Definitions).

97-21

**Location of and Access to Arts and Entertainment Uses
Supplemental Use and Streetscape Regulations along 125th Street**

[Note: existing 97-21 provisions moved to Section 97-211]

[Note: existing provisions, moved from Section 97-20]

Within the #Special 125th Street District#, For any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the ~~locational and access~~ requirements of this Section, inclusive. However, ~~On~~ #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

97-211

Location and Access to Art and Entertainment Uses

[Note: existing provisions, moved from Section 97-21]

Any arts and entertainment #uses# listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

* * *

97-212

Uses not permitted on the ground floor of buildings

[Note: existing provisions moved from Section 97-22 and modified]

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 97-~~224~~ 213 (Access to non-ground floor uses).

* * *

97-213

Access to non-ground floor uses

[Note: existing provisions, moved from Section 97-221]

The maximum ground floor #street# frontage on 125th Street allocated to entranceways or lobby space for non-ground floor #uses# listed in Section 97-22 shall be as set forth for Type 1 lobbies in Section 37-33

(Maximum Width of Certain Uses), except that for #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

Additionally, within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.

97-214

Transparency requirements along 125th Street

[Note: existing provisions, moved from 97-23]

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

97-22

Uses Not Permitted on the Ground Floor of Buildings

Supplemental Use and Streetscape Regulations within the Park Avenue Hub Subdistrict

[Note: existing 97-22 provisions moved to Section 97-212]

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, for #zoning lots#, or portion thereof, that are not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, the provisions of this Section, inclusive, shall apply.

97-221

Access to non-ground floor uses

Modification of supplemental use location regulations

[Note: existing 97-221 provisions moved to Section 97-213]

The supplementary #commercial use# regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial uses# on any #story#, provided that at any level containing #residences#, no access exists between such #commercial# and #residential uses# and provided that such #commercial uses# are not located directly over any #residential use#.

97-222

Ground floor use and streetscape regulations

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements#. Any portion of a #ground floor level# allocated to a transit easement required by the MTA pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section.

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along Park Avenue that is not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, as well as

any #narrow street# frontage within 50 feet of Park Avenue, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with the provisions of Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

**97-23
Transparency Requirements**

[Note: existing 97-23 provisions moved to Section 97-214]

* * *

**97-40
SPECIAL BULK REGULATIONS**

[Note: the applicability of Article II, Chapter 8 moved to Section 97-062]

Within the #Special 125th Street District#, all #developments# or #enlargements# containing #residences# shall comply with the requirements of Article II, Chapter 8 (Quality Housing), and the applicable #bulk# regulations of the underlying districts shall apply, except as modified ~~in~~ by the provisions of this Section, inclusive.

**97-41
Special Floor Area Regulations**

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

97-411**Maximum floor area ratio in C4-4D, C4-7 and C6-3 Districts within the Core Subdistrict and areas outside of a subdistrict**

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter and areas outside of a subdistrict, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility uses#, and may only be increased pursuant to Section 97-42 (Additional Floor Area Bonuses Regulations), inclusive.

* * *

97-412**Maximum floor area ratio in the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:

- (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel# pursuant to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or
- (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (d)(4) of Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for #zoning lots#, subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and

- (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses).

97-42

Additional Floor Area Bonuses Regulations

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased by a pursuant to the #floor area# bonus, pursuant to provisions of Sections 23-154 (Inclusionary Housing) 97-421 (Inclusionary Housing) or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

97-421

Inclusionary Housing

[Note: the Inclusionary Housing Program applicability provision moved to 97-063 (Applicability of Inclusionary Housing Program)]

Within the #Special 125th Street District#, In #Inclusionary Housing designated areas# within C4-4D, C4-7 and C6-3 Districts in the Core Subdistrict or areas outside of a subdistrict, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Section 23-154 (Inclusionary Housing).

97-422

Floor area bonus for visual or performing arts uses

- (a) In C4-4D, C4-7 or C6-3 Districts within the #Special 125th Street District# Core Subdistrict or areas outside of a subdistrict, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial uses# listed in Section 97-411 may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR)
FOR RESIDENTIAL AND COMMERCIAL USES WITH
FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES

Outside the Core District Within areas outside of a subdistrict		Within the Core Subdistrict	
#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#

* * *

- (b) In C6-4 Districts within the Park Avenue Hub Subdistrict, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

97-423

Certification for floor area bonus for visual or performing arts uses

The minimum non-#residential floor area# or equivalent floor space provisions of paragraph (a)(2) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) or the #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412, or all #floor area# that will result from the permitted increase in #floor area ratio# pursuant to Section 97-422, including the location of such #floor area#.
- (b) Drawings also have been provided that clearly designate all #floor area# and/or below grade floor space for any new visual or performing arts #uses# provided for the purposes of satisfying the provisions of paragraph (a)(2) of Section 97-412, or for which a bonus is to be received pursuant to Section 97-422.

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and shall also show that:

- (1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;
- (2) all bonused #floor area# or below grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street, except where such visual or performing arts #floor area# or floor space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422;
- (3) in the case of primary rehearsal space, where such space does not consist of #accessory uses# subject to the requirements of paragraph (b)(4), such space:

* * *

(iii) has a #street wall# with at least 50 feet of frontage along 125th Street, except that where such primary rehearsal space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422 such #street wall# with 50 feet of frontage need not be along 125th Street, and has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than nine feet six inches; and

* * *

(5) #Accessory# space

(i) For primary rehearsal spaces, no more than 25 percent of such minimum required #floor area# or equivalent below grade floor space, or such ~~the~~ bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such primary rehearsal spaces. #Accessory uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;

(ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory use# occupies more than 25 percent of the such total minimum required #floor area# or equivalent below grade floor space, or bonused #floor area# or below grade floor space. #Accessory uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and

* * *

(6) Signage

(i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section 97-30, inclusive, except where such visual or performing arts facility is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422; and

* * *

(e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to ~~this~~ Section 97-422, as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment use# shall be prohibited for the life of the #development# or #enlargement#.

* * *

- (g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to Section 97-422, as a visual and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased #floor area# permitted under Section 97-422, as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

* * *

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422 shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

* * *

**97-44 43
Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

**97-441 431
Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

97-442 432**Height and setback regulations for C4-7 and C6-3 Districts in the Core Subdistrict and areas outside of a subdistrict**

[Note: provisions of paragraph (a) moved from Section 97-443 and modified]

(a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, the #street wall# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:

- ~~(a)~~(1) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.
- ~~(b)~~(2) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
- ~~(c)~~(3) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- ~~(d)~~(4) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.
- ~~(e)~~(5) For any #development# or #enlargement# ~~within the #Special 125th Street District#~~ that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.
- ~~(f)~~(6) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

(b) Maximum height of building and setback

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within ~~the Special District~~ the Core Subdistrict and areas outside of a subdistrict:

~~(a)~~(1) The minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

* * *

~~(b)~~(2) Special regulations for certain C4-7 Districts

~~(1)~~(i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.

~~(2)~~(ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.

~~(3)~~(iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.

~~(c)~~(3) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

**97-44 43
Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

**97-441 431
Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

**97-442 432
Height and setback regulations for ~~C4-7 and C6-3 Districts~~ in the Core Subdistrict and areas outside of a subdistrict**

* * *

97-443 433
Street wall location
Height and setback regulations in the Park Avenue Hub Subdistrict

[Note: existing provisions of Section 97-443 moved to paragraph (a) of Section 97-432]

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

(a) #Street wall# location

The applicable provisions of Section 35-651 shall be modified as follows:

(1) Along 125th Street

Along 125th Street, the minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

(2) Along Park Avenue and #narrow streets#

Along Park Avenue and any #narrow streets#, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section 97-20 (LOCATION AND ACCESS REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section 35-652.

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664

(Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in paragraph (a) of this Section, nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower allocated exclusively to non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

97-45 44
Special Provisions for Zoning Lots Divided by District Boundaries

* * *

97-50
SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

* * *

97-51
Required Accessory Off-Street ~~Residential~~ Parking Within the Core Subdistrict and areas outside of a subdistrict

[Note: existing provisions moved to Section 97-511]

97-511
Required Accessory Off-Street Residential Parking

[Note: existing provisions moved from Section 97-51]

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the

provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

97-512

Required Accessory Off-Street Commercial Parking

[Note: existing provisions moved from Section 97-52]

In ~~#Commercial Districts#~~ within the ~~#Special 125th Street District#~~ Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, ~~#accessory#~~ off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no ~~#accessory#~~ parking spaces shall be required for ~~#commercial uses#~~ in C4-4D Districts.

97-52

Required Accessory Off-Street ~~Commercial~~ Parking Within the Park Avenue Hub Subdistrict

[Note: existing provisions moved to Section 97-512]

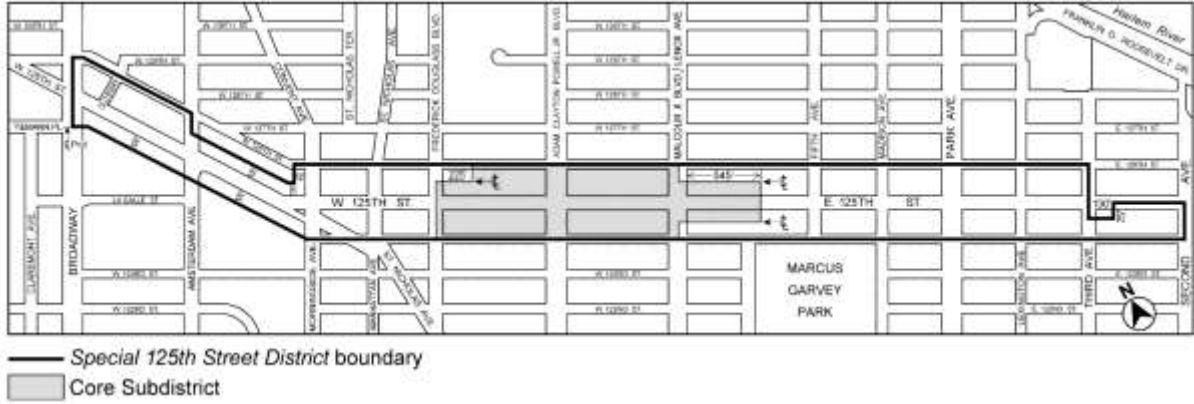
In the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the regulations of the underlying district.

* * *

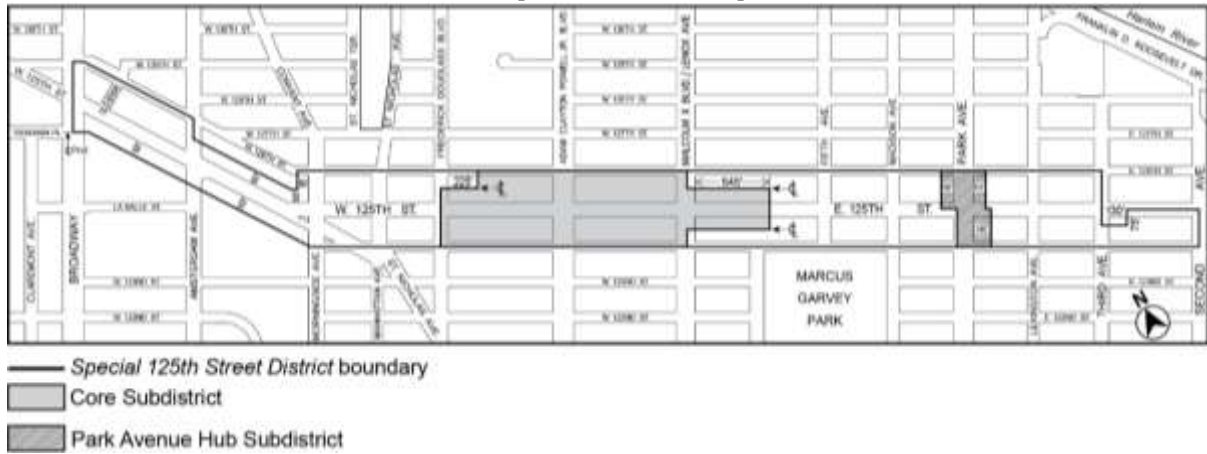
Appendix A Special 125th Street District Plan

Map 1: Special 125th Street District and Core Subdistricts

[EXISTING MAP]



[PROPOSED MAP]



* * *

Article XIII
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 8
Special East Harlem Corridors District

138-00
GENERAL PURPOSES

The “Special East Harlem Corridors District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) encourage and guide the development of East Harlem as a dynamic mixed-use neighborhood by permitting the expansion and development of residential, commercial, community facility and light manufacturing uses in appropriate areas;
- (b) encourage the development of residential uses along appropriate corridors ;
- (c) encourage the development of permanently-affordable housing;
- (d) facilitate the development of high-density commercial and manufacturing uses in order to locate jobs near transit connections in ;
- (e) enhance the vitality of both existing and emerging commercial corridors by ensuring that ground floor frontages are occupied by active uses that enliven the pedestrian experience along the street;
- (f) ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique neighborhood conditions such as the Park Avenue viaduct; and
- (g) promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

138-01
General Provisions

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

138-02
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special East Harlem Corridors District# Plan. The District Plan includes the map, “Special East Harlem Corridors District and Subdistrict,” in the Appendix

to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

138-03
Subdistrict

In order to carry out the provisions of this Chapter, the Park Avenue Subdistrict is established within the #Special East Harlem Corridors District#. The location of the Subdistrict is shown in the Appendix to this Chapter.

138-04
Applicability

138-041
Applicability of Article IX, Chapter 5

In the event of a conflict between the provisions of this Chapter and Article IX, Chapter 5 (Special Transit Land Use District), the provisions of Article IX, Chapter 5 shall control.

138-042
Applicability of Article XII, Chapter 3

In M1 Districts paired with a Residence District, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

138-043
Applicability of the Quality Housing Program

In the #Special East Harlem Corridors District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

138-044
Applicability of the Inclusionary Housing Program

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the #Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

138-10
SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

138-11

Location of Residential Use Within Buildings

In C4 or C6 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged#, to permit #dwelling units# on the same #story# as a #commercial use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial uses# are located directly over any #dwelling units#. However, such #commercial uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

138-12

Transient Hotels

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or
- (b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:
 - (1) sufficient sites are available in the area to meet the #residential development# goal; or
 - (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least ~~4,470~~ 3,865 #dwelling units# within the combined areas of #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of Article IX, Chapter 7 (Special 125th Street District), have received temporary or final certificates of occupancy subsequent to [date of adoption].

138-13

Physical Culture or Health Establishments

Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right in C2-5, C4-6, and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

138-14
Public Parking Garages

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), the regulations set forth for C1-4 Districts shall apply to C1-5 Districts, and the regulations set forth for C2-4 Districts shall apply to all other districts. In an M1 District paired with an R9 or R10 District, the regulations of #public parking garages# in Article XII, Chapter 3 (Special Mixed Use Districts) shall not apply. In lieu thereof, the regulations set forth for C2-4 Districts shall apply.

138-20
SPECIAL BULK REGULATIONS

In the #Special East Harlem Corridors District#, all #developments# and #enlargements# shall comply with the #bulk# regulations for #Quality Housing buildings#, as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section 138-21 (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section 138-22 (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section 138-23 (Height and Setback Regulations in Commercial Districts) shall apply. In M1 Districts paired with an R9 or R10 Districts, the height and setback provisions set forth in Section 138-24 (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

138-21
Floor Area Regulations

Within the #Special East Harlem Corridors District#, the underlying #floor area# regulations shall apply as modified in this Section, inclusive.

138-211
Special floor area regulations

(a) In certain #Commercial Districts# and #Manufacturing Districts# paired with a #Residence District#, shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential floor area#, the maximum #residential floor area ratio# shall be modified as follows:

- (1) for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary Housing) or, for #affordable independent residences for seniors#, the maximum #residential floor area ratio# set forth on Map 2 shall apply;
- (2) for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area ratio# shall apply as modified in the table below:

MODIFIED MAXIMUM #RESIDENTIAL
FLOOR AREA RATIO#

<u>Maximum #residential floor area ratio# shown on Map 2</u>	<u>Modified maximum #residential floor area ratio#</u>
<u>8.5</u>	<u>7.52</u>
<u>9.0</u>	<u>7.52</u>
<u>10.0</u>	<u>9.0</u>

- (3) except in C2 Districts subject to the provision of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and
- (4) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.
- (b) In C2 Districts mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #community facility floor area ratio# shall be 6.5, except that the applicable provisions of paragraph (d) of Section 33-121 shall apply to #zoning lots# containing philanthropic or non-profit institutions with sleeping accommodations or #long-term care facilities#.

138-211-212

Additional Floor area regulations in the Park Avenue Subdistrict

The maximum #floor area ratio# for #zoning lots# within the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, is set forth in paragraph (a) of this Section. Such provisions are modified for certain #zoning lots# in accordance with paragraph (b).

Within the Park Avenue Subdistrict, as shown on Map 1 of the Appendix to this Chapter, the #floor area ratio# regulations of Section 138-211 are further modified in this Section.

- (a) ~~Maximum~~ Required non-#residential# #floor area ratio#

Where a #development# or #enlargement# of a #building# on a #zoning lot#, or portion thereof, located within the Park Avenue Subdistrict contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# as set forth below:

- (1) ~~In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# shall be 8.5. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 4.5. 1.0 shall be provided;~~
- (2) ~~In C6-4 Districts, and in M1-6 Districts paired with an R10 District, whose maximum #residential floor area ratio# is 10.0, the maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 2.0. 1.5 shall be provided; and~~

(3) in M1-6 Districts paired with an R10 District whose maximum #residential floor area ratio# is 12.0, a minimum non-#residential floor area ratio# of 1.5 shall be provided.

~~Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5 in M1-6 Districts paired with an R9 District, and 2.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.~~

(b) Modified maximum #floor area ratio# for certain #zoning lots#

The maximum #floor area ratios# set forth in paragraph (a) of this Section and Section 138-211 shall be modified, as follows:

(1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph (b)(1), the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall not apply;

~~(2) for #zoning lots# subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154 (Inclusionary Housing), the maximum #residential floor area ratio# of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and~~

~~(3)(2) for #zoning lots# subject to paragraphs (b)(1) or (b)(2) of this Section, the maximum #floor area ratio# for all #uses# shall be 7.52 in M1-6 Districts paired with an R9 District, and 10.0 in C6-4 Districts and M1-6 Districts paired with an R10 District, set forth as follows:~~

MODIFIED MAXIMUM
#FLOOR AREA RATIO#

<u>Maximum #floor area ratio# shown on Map 2</u>	<u>Modified maximum #floor area ratio#</u>
<u>8.5</u>	<u>7.52</u>
<u>10.0</u>	<u>9.0</u>

138-212

Floor area regulations outside of the Park Avenue Subdistrict

~~For #zoning lots#, or portions thereof, outside of the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, the underlying #floor area# regulations shall apply, except that:~~

~~(a) in C2 Districts mapped within an R9 District, for any #zoning lot# containing #residential floor area#, the maximum #residential floor area ratio# for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary housing), or, for #affordable independent residences for seniors#, shall be 8.5, the maximum #residential floor area ratio# for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154 shall be 7.52, and the maximum #floor area ratio# for any combination of #uses# shall be 8.5; and~~

~~(b) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.~~

138-22 **Street Wall Regulations**

All #developments# and #enlargements# within the #Special East Harlem Corridors District# shall comply with the #street wall# regulations of Section 35-651 (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, #developments# and #enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section 35-651 are specified and modified as follows:

(a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, and along #narrow streets# within 50 feet of an intersection with such #wide street#, the provisions of paragraph (b) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

(1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section 37-34 (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#;

(2) for portions of #developments# and #enlargements# where the provisions of paragraph (a) of this Section apply, such #street wall# shall not be located beyond five feet of the #street line#, except that such #street wall# may be located beyond such distance pursuant to the applicable provisions of paragraph (b) of Section 35-651 or of Section 64-333 (Street wall location in certain districts); and

(3) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (a) of Section 138-32 (Special

Streetscape Provisions for Blank Walls), shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. In addition, such area shall provide visual mitigation elements in accordance with the provisions of Section 138-32.

138-23
Height and Setback Regulations in Commercial Districts

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

Except as provided in paragraph (b) and (c) below, in #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that:

- (1) the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations);
- (2) in C2 Districts mapped within an R9 District that is also located within 100 feet of Third Avenue, the maximum #building height# for #buildings# utilizing the provisions of Section 35-654 shall be modified to 215 feet;
- (3) in C4-6 Districts whose maximum #residential floor area ratio# is 9.0, as set forth on Map 2 of the Appendix to this Chapter, the applicable provisions of Sections 35-652 or 35-654 for R9 Districts shall apply, except that the minimum base height of Section 138-22 shall apply and the maximum #building height# for #buildings# utilizing the provisions of Section 35-654 shall be modified to 215 feet; and
- (4) where applicable, in lieu of the provisions of this paragraph, the provisions of paragraph (b) of this Section may be applied.

The regulations of paragraph (b)(2) of Section 36-652 relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section 138-30 (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

(b) Alternate Height and Setback Regulations in Certain Districts

Except as provided in paragraph (c) below, in C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, or in C2 Districts mapped within an R7D or R8A District that are also located within 100 feet of Park Avenue, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# meeting the applicable criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

- (1) Setbacks

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower containing exclusively non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum #building# tower height in certain districts

(i) ~~In C2 Districts mapped within R9 Districts, the maximum #building# height shall be 285 feet. The maximum tower height shall be set forth on Map 3 of the Appendix to this Chapter.~~

(ii) ~~However, i~~In C2 Districts mapped within R9 Districts that are also located within the #Special Transit Land Use District#, for #zoning lots# which include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District), the maximum ~~building~~ tower height shall be:

(a) 325 feet for #zoning lots# which include ancillary facilities with emergency egress and/or ventilation structures as specified in Section 95-032 (Determination of transit easements at other stations); and

(b) 215 feet for #zoning lots# which include only transit facilities specified in Section 95-032 other than ancillary facilities with emergency egress and/or ventilation structures.

~~(ii) In C2 Districts mapped within R10 Districts, and in C4-6 Districts, the maximum building height shall be 325 feet.~~

(iii) In C6-4 Districts, no height limit shall apply to towers.

138-24

Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (c) of Section 138-22 (Street Wall Regulations) shall apply, and the applicable maximum height of #buildings or other structures# and setback provisions set forth in Section 123-66 (Height and Setback Regulations), inclusive, shall apply as modified in this Section.

(a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 105 feet, a setback shall be

provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). The maximum #building# height shall be ~~285~~ 215 feet; and

- (b) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 10.0, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662. The maximum #building# height shall be ~~350~~ 275 feet; and
- (c) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 12.0, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662. The maximum #building# height shall be 295 feet.

138-30

STREETSCAPE REQUIREMENTS

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a ground floor level that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section, inclusive.

138-31

Ground Floor Use Regulations

The special #ground floor level# streetscape provisions set forth in Section 37-30, shall apply to Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, within the #Special East Harlem Corridors District# which, for the purposes of applying such provisions, shall be considered designated retail streets, and any portion of a #ground floor level street# frontage along the designated retail streets, as well as any #narrow street# frontage within 50 feet of such #streets#, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall also include those defined in Section 37-311 (Definitions).

- (a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements), except that:

- (1) in M1-6 Districts paired with an R9 or R10 District, where the #ground floor level# is occupied by #uses# in Use Groups 16, 17 and 18, up to 50 percent of the #ground floor level street wall# width may be exempt from such regulations, provided that any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall

provide planting or screening in accordance with the provisions of paragraphs (a) or (e) of Section 138-32 (Special Streetscape Provisions for Blank Walls) for at least 75 percent of such blank wall; and

- (2) in #flood zones#, where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 15 feet, visual mitigation elements shall be provided in accordance with Section 138-32 for such blank wall.

- (b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

138-32 **Special Streetscape Provisions for Blank Walls**

Where visual mitigation elements are required on a blank wall along the #ground floor level street wall# pursuant to the provisions of Section 138-31 (Ground Floor Use Regulations), at least 75 percent of the linear footage of any such blank wall shall be treated by one or more of the following visual mitigation elements which shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations. Such features when utilized as visual mitigation elements shall include:

- (a) Planting
Any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of this paragraph.

- (b) Benches
Fixed benches with or without backs shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.
- (c) Bicycle racks
Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so

provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

138-40

OFF-STREET PARKING AND LOADING REGULATIONS

The applicable parking and loading regulations of Article II, Chapter 5, Article III, Chapter 6, Article IV, Chapter 4 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) or Section 123-70 (PARKING AND LOADING), inclusive, shall be modified in this Section, inclusive.

138-41

Required Accessory Off-street Parking Spaces for Residences

In the #Special East Harlem Corridors District#, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the underlying district regulations.

APPENDIX: SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN

Map 1: Special East Harlem Corridors District and Subdistrict

[CPC APPROVED MAP]

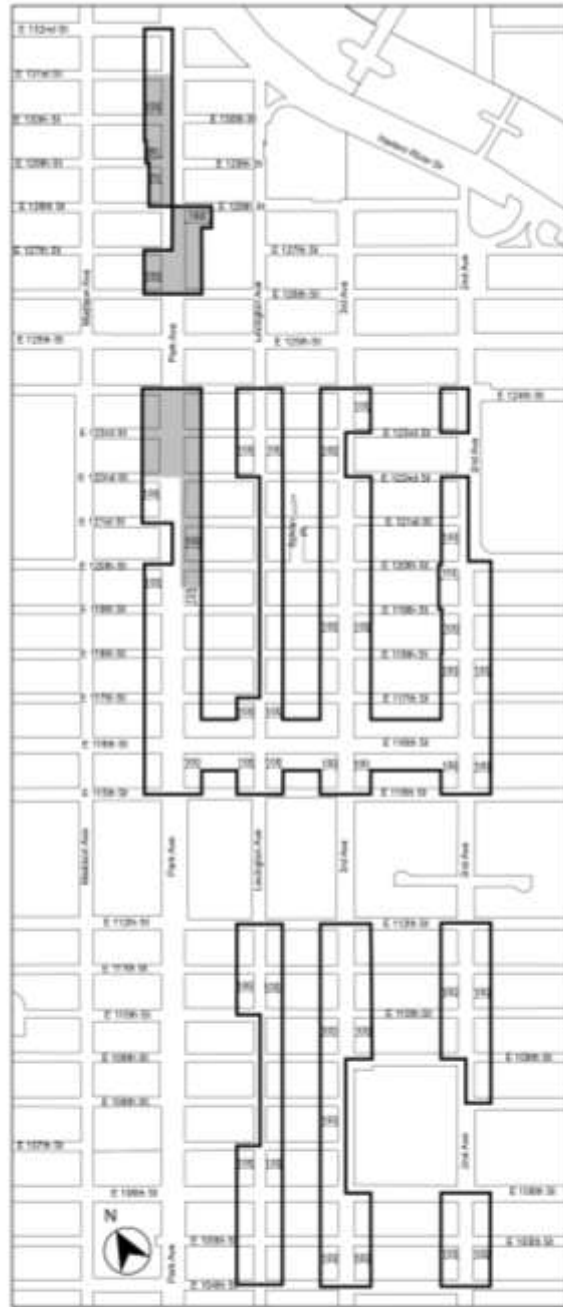


EAST HARLEM DISTRICT PLAN
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

Special East Harlem Corridors District

Park Avenue Subdistrict

[CITY COUNCIL MODIFIED MAP]



EAST HARLEM DISTRICT PLAN
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT
Special East Harlem Corridors District
Park Avenue Subdistrict

Map 2: Maximum Residential Floor Area Ratio

[CITY COUNCIL MODIFICATION]



EAST HARLEM DISTRICT PLAN

MAP 2. MAXIMUM RESIDENTIAL FAR

Underlying FAR Applies

Map 3: Maximum Height

[CITY COUNCIL MODIFICATION]



EAST HARLEM DISTRICT PLAN

MAP 3. MAXIMUM HEIGHT

• Subject to 136-23(b)(3)(i)

■ Underlying Maximum Height Applies

* * *

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

* * *

MANHATTAN

* * *

Manhattan Community District 11

In the R7D, R8A, R9A, R9 and R10 Districts within the areas shown on the following Map 1 and Map 2:

* * *

Map 2 – [date of adoption]

[CPC APPROVED MAP]



[CITY COUNCIL MODIFIED MAP]



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

Area 1 [date of adoption] — MIH Program Option 1 and and the Deep
Affordability Option 2

Portion of Community District 11, Manhattan

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 775 & Res. No. 1743

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170360 HUM submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the Second Amended Urban Renewal Plan for the Milbank Frawley Circle East Urban Renewal Area, Borough of Manhattan, Community Board 11, Council Districts 8 and 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3581) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

C 170360 HUM

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the Second Amended Urban Renewal Plan for the Milbank Frawley Circle East Urban Renewal Area.

INTENT

To approve the Second Amended Urban Renewal Plan for the Milbank Frawley Urban Renewal Area, which in conjunction with the related actions would facilitate the East Harlem Neighborhood Initiative, a

comprehensive, community-focused effort aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable housing units that is consistent with the goals of the Mayor's Housing New York: A Five-Borough, Ten-year Plan.

PUBLIC HEARING

DATE: October 11, 2017

Witnesses in Favor: Eight

Witnesses Against: Thirty-Three

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1743

Resolution approving the Second Amended Urban Renewal Plan for the Milbank Frawley Circle East Urban Renewal Area and approving the decision of the City Planning Commission on ULURP No. C 170360 HUM (L.U. No. 775).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision and report dated October 2, 2017 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, regarding the proposed Second Amended Urban Renewal Plan for the Milbank Frawley Circle East Urban Renewal Area (the "Area"). This action, in conjunction with the related actions would facilitate the East Harlem Neighborhood Initiative, a comprehensive, community-focused effort aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable housing units, (ULURP No. C 170360 HUM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 170358 ZMM (L.U. No. 773), an amendment to the Zoning Map; and N 170359 ZRM (L.U. No. 774) an amendment to the text of the Zoning Resolution to establish an East Harlem Corridor Special District and to designate a Mandatory Inclusionary Housing area;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on October 6, 2017 its request for approval of the Second Amended Urban Renewal Plan for the Milbank Frawley Circle East Urban Renewal Area, dated October 6, 2017 (the "Plan");

WHEREAS, the City Planning Commission has certified that the Plan for the Area is an appropriate plan for the Area and conforms to the provisions of Section 502(7) and the finding set forth in Section 504, Article 15 of the General Municipal Law, and conforms to the comprehensive community plan for the development of the municipality as a whole;

WHEREAS, the City Planning Commission has certified its unqualified approval of the Plan pursuant to Section 505(2) of the General Municipal Law;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and the Plan on October 11, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-422), and

additional significant adverse impacts with respect to shadows, historic and cultural resources (architectural and archeological), transportation (traffic, transit and pedestrians), and construction activities related to noise, and the Technical Memoranda dated September 29, 2017, (the “Technical Memoranda”);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Actions, as modified with the modifications adopted herein and in the Technical Memorandum 002, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, which form part of the Proposed Actions, or the specification of required mitigation measures, as appropriate; and
- (4) The Decision, together with the FEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170360 HUM, incorporated by reference herein, the Council approves the Decision.

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

1. The Area is a substandard or insanitary area or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;
2. The financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;
3. The Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program;
4. The Plan conforms to a comprehensive community plan for the development of the municipality as a whole;
5. There is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment;

6. The undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Area; and

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

Pursuant to Section 505 of the General Municipal Law, the Council approves the Second Amended Urban Renewal Plan for the Milbank Frawley Circle East Urban Renewal Area dated April 2017.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 776 & Res. No. 1744

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170361 ZMM 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 amendment of the Zoning Map, Section No. 6b, changing a R7-2/C1-4 district to an R9/C2-5 district on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3582) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

C 170361 ZMM

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b.

INTENT

To approve the amendment to the Zoning Map, which in conjunction with the related actions would facilitate the development of three predominately residential mixed use buildings containing approximately

655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in the Manhattan Community District 11.

PUBLIC HEARING

DATE: October 11, 2017

Witnesses in Favor: Seven

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1744

Resolution approving the decision of the City Planning Commission on ULURP No. C 170361 ZMM, a Zoning Map amendment (L.U. No. 776).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision dated October 2, 2017 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6b, which in conjunction with the related actions would facilitate the development of three predominately residential mixed-use buildings containing approximately 655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in Manhattan Community District 11, (ULURP No. C 170361 ZMM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications N 170362 ZRM (L.U. No. 777), a zoning text amendment to designate a Mandatory Inclusionary Housing area; C 170363 HAM (L.U. No. 778), an Urban Development Action Area Project (UDAAP) designation and project approval and the disposition of City-owned property; C 170364 PQM (L.U. No.779), Acquisition of a portion of the disposition area by the City for community garden use; C 170365 ZSM (L.U. No. 780), special permit to modify the height and setback and yard requirements within a Large-Scale General Development; C 170366 ZSM (L.U. No. 781), special permit to allow commercial use above the second story within a mixed-use building within a Large-Scale General Development; C 170367 ZSM (L.U. No. 782), Special permit to modify parking requirements within a Large Scale General Development; and 20185083 (L.U. No. 790), a real property tax exemption;

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 October 11, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), and the Technical Memoranda dated September 29, 2017, (the "Technical Memoranda");

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the Sendero Verde Development Alternative of the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Land Disposition Agreement(s) with the City, those project components related to the environment and mitigation measures determined to be practicable.

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

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 170361 ZMM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by:
 - a. East 112th Street, a line 100 feet easterly of Madison Avenue, East 111th Street, and Madison Avenue; and
 - b. East 112th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 111th Street, and a line 100 feet westerly of Park Avenue;
2. changing from an R7-2 District to an R9 District property bounded by East 112th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 111th Street, and Madison Avenue; and
3. establishing within the proposed R9 District a C2-5 District bounded by:
 - a. East 112th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 111th Street, and a line 100 feet westerly of Park Avenue; and
 - b. East 112th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 111th Street, and a line 100 feet westerly of Park Avenue;

as shown on a Diagram (for illustrative purposes only) dated April 24, 2017, Community Board 11, Borough of Manhattan.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 777 & Res. No. 1745

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170362 ZRM submitted by the New York City Department of Housing Preservation and Development, 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 for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3582) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

N 170362 ZRM

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development 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 for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment of the text of the Zoning Resolution, which in conjunction with the related actions would facilitate the development of three predominately residential mixed use buildings containing approximately 655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in the Manhattan Community District 11.

PUBLIC HEARING

DATE: October 11, 2017

Witnesses in Favor: Seven

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1745

Resolution approving the decision of the City Planning Commission on Application No. N 170362 ZRM, 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 11, Borough of Manhattan (L.U. No. 777).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision dated October 2, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of Housing Preservation and Development, 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 the development of three predominately residential mixed-use buildings containing approximately 655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in Manhattan Community District 11, (Application No. N 170455 ZRK), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 170361 ZMM (L.U. No. 776), a zoning map amendment to change existing R7-2 and R7-2/C1-4 districts to R9 and R9/C2-5 districts; C 170363 HAM (L.U. No. 778), an Urban Development Action Area Project (UDAAP) designation and project approval and the disposition of City-owned property; C 170364 PQM (L.U. No.779), an acquisition of a portion of the disposition area by the City for community garden use; C 170365 ZSM (L.U. No. 780), a special permit to modify the height and setback and yard requirements within a Large-Scale General Development; C 170366 ZSM (L.U. No. 781), a special permit to allow commercial use above the second story within a mixed-use building within a Large-Scale General Development; C 170367 ZSM (L.U. No. 782) a special permit to

modify parking requirements within a Large Scale General Development; and 20185083 (L.U. No. 790), a real property tax exemption;

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 October 11, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), and the Technical Memoranda dated September 29, 2017, (the “Technical Memoranda”);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the Sendero Verde Development Alternative of the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Land Disposition Agreement(s) with the City, those project components related to the environment and mitigation measures determined to be practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170362 ZRM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ 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

** *

MANHATTAN

** *

Manhattan Community District 11

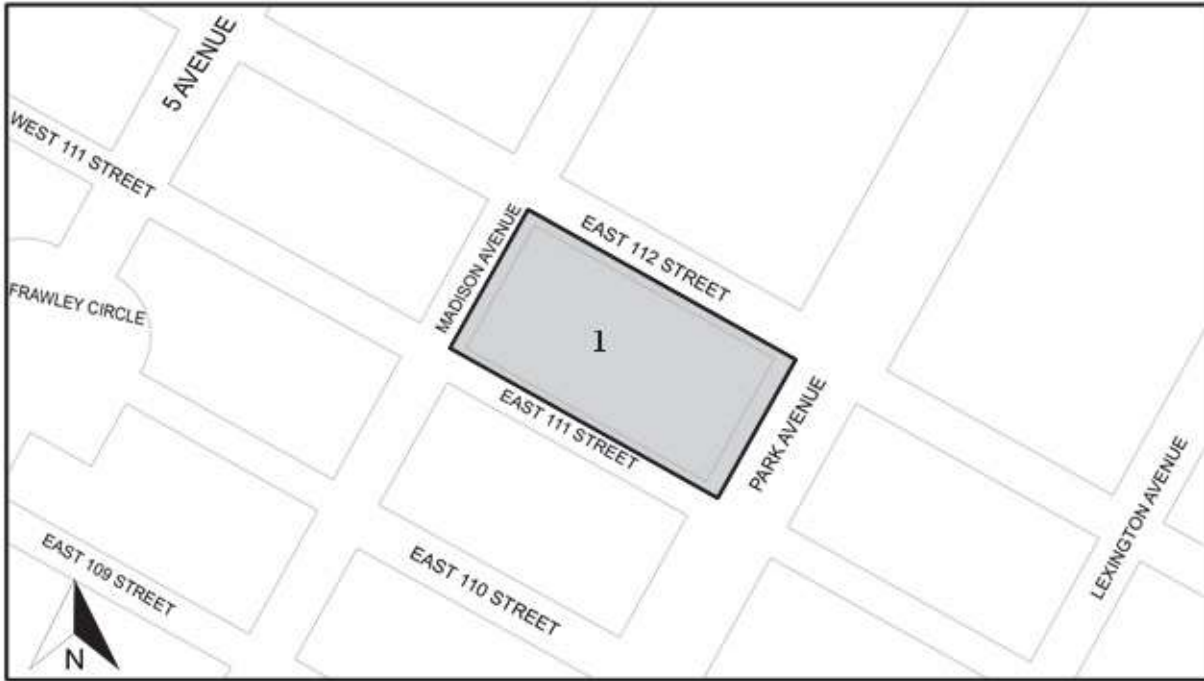
** *

In the R9 District within the areas shown on the following Map 2:

** *

Map 2 - (date of adoption)

[PROPOSED MAP]



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area 1 (date of adoption) - MIH Program Option 1 and Deep Affordability Option

Portion of Community District 11, Manhattan

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 778 & Res. No. 1746

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170363 HAM submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the Charter, for approval of an Urban Development Action Area Project and disposition of city-owned property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3582) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

C 170363 HAM

City Planning Commission decision approving an application submitted by the NYC 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 property located on the block generally bounded by East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 and 122) 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 development of a large-scale general development consisting of three mixed-use buildings with commercial and community facility uses on the lower levels, a total of approximately 655 affordable dwelling units on the upper levels and community gardens.

INTENT

To approve the urban development action area project designation and project approval and the disposition of the city-owned property, which in conjunction with the related actions would facilitate the development of three predominately residential mixed use buildings containing approximately 655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in the Manhattan Community District 11.

PUBLIC HEARING**DATE:** October 11, 2017**Witnesses in Favor:** Seven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modification was filed with the City Planning Commission on November 21, 2017. The City Planning Commission filed a letter dated November 29, 2017, with the Council on November 30, 2017, indicating that the proposed modification is not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1746

Resolution approving with modification 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 17036 HAM, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located on block generally bounded by East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 and 122), Borough of Manhattan, Community District 11, to a developer selected by HPD (L.U. No. 778; C 170363 HAM).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision dated October 2 2017 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at **on** block generally bounded by East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 and 122) (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State 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 the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related actions would facilitate the development of three predominately residential mixed-use buildings containing approximately 655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in Community District 11, Borough of Manhattan, (ULURP No. C 170363 HAM) (the "Application");

WHEREAS, the Application is related to applications C 170361 ZMM (L.U. No. 776), a zoning map amendment to change existing R7-2 and R7-2/C1-4 districts to R9 and R9/C2-5 districts; N 170362 ZRM (L.U. No. 777), a zoning text amendment to designate a Mandatory Inclusionary Housing area; C 170364 PQM (L.U. No.779); an acquisition of a portion of the disposition area by the City for community garden use; C 170365 ZSM (L.U. No. 780), a special permit to modify the height and setback and yard requirements within a Large-Scale General Development; C 170366 ZSM (L.U. No. 781), a special permit to allow commercial use above the second story within a mixed-use building within a Large-Scale General Development; C 170367 ZSM (L.U. No. 782) a special permit to modify parking requirements within a Large Scale General Development; and 20185083 (L.U. No. 790), a real property tax exemption;

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 October 6, 2017 and submitted to the Council on October 6, 2017, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on October 11, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), and the Technical Memoranda dated September 29, 2017, (the “Technical Memoranda”);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the Sendero Verde Development Alternative of the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Land Disposition Agreement(s) with the City, those project components related to the environment and mitigation measures determined to be practicable.

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 170363 HAM) and incorporated by reference herein, the Council approves with modifications the Decision of the City Planning Commission and the HPD Requests:

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 and subject to the terms and conditions of the Project Summary.

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

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary with the following modification:

The disposition shall be restricted to require that a minimum of 11,450 square feet of lot area be devoted to community garden or passive recreation use, and a minimum of an additional 18,000 square feet be devoted to use as publically accessible open space.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 779 & Res. No. 1747

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170364 PQM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for acquisition of property generally located on the block generally bounded East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 22, 35, 121, 122 and parts of Lots 23, 25, 28, 37) for use as passive recreation space and community gardens, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3582) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

C 170364 PQM

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for acquisition of property generally located on the block generally bounded by East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 22, 35, 121, 122 and parts of Lots 23, 25, 28, 37) for use as passive recreation space and community gardens.

INTENT

To approve the acquisition, which in conjunction with the related actions would facilitate the development of three predominately residential mixed use buildings containing approximately 655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in the Manhattan Community District 11.

PUBLIC HEARING

DATE: October 11, 2017

Witnesses in Favor: Seven

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1747

Resolution approving the decision of the City Planning Commission on ULURP No. C 170364 PQM (L.U. No. 779), for acquisition of property located on a block generally bounded by East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 22, 35, 121, 122 and parts of Lots 23, 25, 28, 37), for use as passive recreation space and community gardens, in Community District 11, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision dated October 2, 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 Housing Preservation and Development, for the acquisition of property located on a block generally bounded by East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 22, 35, 121, 122 and parts of Lots 23, 25, 28, 37), for use as passive recreation space and community gardens. This action, along with the related actions would facilitate the development of three predominately residential mixed use buildings containing approximately 655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in the Manhattan Community District 11, (the "Site"), (ULURP No. C 170364 PQM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 170361 ZMM (L.U. No. 776), a zoning map amendment to change existing R7-2 and R7-2/C1-4 districts to R9 and R9/C2-5 districts; N 170362 ZRM (L.U. No. 777), a zoning text amendment to designate a Mandatory Inclusionary Housing area; C 170363 HAM (L.U. No. 778), an Urban Development Action Area Project designation and project approval and the disposition of City-owned property; C 170365 ZSM (L.U. No. 780), a special permit to modify the height and setback and yard requirements within a Large-Scale General Development; C 170366 ZSM (L.U. No. 781), a special permit to allow commercial use above the second story within a mixed-use building within a Large Scale General Development; C 170367 ZSM (L.U. No. 782) a special permit to modify parking requirements within a Large Scale General Development; and 20185083 (L.U. No. 790), a real property tax exemption;

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 October 11, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), and the Technical Memoranda dated September 29, 2017, (the "Technical Memoranda");

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the Sendero Verde Development Alternative of the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Land Disposition Agreement(s) with the City, those project components related to the environment and mitigation measures determined to be practicable.

The Decision, together with the FEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170364 PQM, incorporated by reference herein, the Council approves the Decision.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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

Report for LU No. 780 & Res No. 1748

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170365 ZSM 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 74-743 of the Zoning Resolution to modify the height, setback and the rear yard requirements within a large scale general development, on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3583) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT**MANHATTAN CB - 11****C 170365 ZSM**

City Planning Commission decision approving an application submitted by the NYC 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 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-65 (Tower Regulations), 23-651 (Tower-on-a-base) and the rear yard requirements of Sections 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 24-382 (Required Rear Yard Equivalents), in connection with a proposed mixed use development, within a large scale general development, on property generally bounded by East 112th Street, Park Avenue, East 111th Street and Madison Avenue (Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 & 122), in R9 and R9/C2-5 Districts.

INTENT

To approve the grant for the Special Permit which in conjunction with the related actions would facilitate the development of three predominately residential mixed use buildings containing approximately 655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in the Manhattan Community District 11.

PUBLIC HEARING**DATE:** October 11, 2017**Witnesses in Favor:** Seven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1748

Resolution approving the decision of the City Planning Commission on ULURP No. C 170365 ZSM (L.U. No. 780), for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-65 (Tower Regulations, 23-651 (Tower-on-a-base) and the rear yard requirements of Sections 24-33 (Permitted Obstructions in Required Rear Yards or Rear Yard Equivalents) and 24-382 (Required Rear Yard Equivalents), in connection with a proposed mixed use development, within a large scale general development on property generally bounded by East 112th Street, Park Avenue, East 111th Street, and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 & 122), in R9 and R9/C2-5 Districts, Community District 11, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision dated October 2, 2017 (the "Decision"), on the application 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 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-65 (Tower Regulations, 23-651 (Tower-on-a-base) and the rear yard requirements of Sections 24-33 (Permitted Obstructions in Required Rear Yards or Rear Yard Equivalents) and 24-382 (Required Rear Yard Equivalents), in connection with a proposed mixed-use development, within a large scale general development on property generally bounded by East 112th Street, Park Avenue, East 111th Street, and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 & 122), in R9 and R9/C2-5 Districts, (ULURP No. C 170365 ZSM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 170361 ZMM (L.U. No. 776), a zoning map amendment to change existing R7-2 and R7-2/C1-4 districts to R9 and R9/C2-5 districts; N 170362 ZRM (L.U. No. 777), a zoning text amendment to designate a Mandatory Inclusionary Housing area; C 170363 HAM (L.U. No. 778), an Urban Development Action Area Project designation and project approval and the disposition of City-owned property; C 170364 PQM (L.U. No.779), an acquisition of a portion of the disposition area by the City for community garden use; C 170366 ZSM (L.U. No. 781), a special permit to allow commercial use above the second story within a mixed-use building within a Large-Scale General Development; C 170367 ZSM (L.U. No. 782) a special permit to modify parking requirements within a Large Scale General Development; and 20185083 (L.U. No. 790), a real property tax exemption;

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 74-743 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 October 11, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), and the Technical Memoranda dated September 29, 2017, (the “Technical Memoranda”);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the Sendero Verde Development Alternative of the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Land Disposition Agreement(s) with the City, those project components related to the environment and mitigation measures determined to be practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170365 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

1. The application that is the subject of this application (C 170365 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Handel Architects, LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002.00	Zoning Analysis	04/17/2017
Z-005.00	Tower Coverage Diagrams and Base Plane Analysis	09/22/2017

Z-010.00	Site Plan (Roof Plan)	09/22/2017
Z-030.00	Special Permit Bulk Modifications Waiver Plan at Roof	09/22/2017
Z-040.00	Waiver Section A	09/22/2017
Z-041.00	Waiver Section B	09/22/2017
Z-042.00	Waiver Section C	09/22/2017
Z-043.00	Waiver Section D	09/22/2017
Z-044.00	Waiver Section E	09/22/2017
Z-045.00	Waiver Section F	09/22/2017
Z-046.00	Waiver Section G	09/22/2017

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, have been executed and recorded in the Office of the City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition to this resolution.
5. In the event that the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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, sublessee or occupant.
7. 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.

8. 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, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 781 & Res. No. 1749

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170366 ZSM submitted by the NYC 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 74-744(b) of the Zoning Resolution to allow Use Group 6 uses on portions of the third floor of a proposed building within a large scale general development, on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3583) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

C 170366 ZSM

City Planning Commission decision approving an application submitted by the 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 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-421 (Location of commercial uses) to allow Use Group 6 on portions of the third floor of a proposed building (Building A), in connection with a proposed mixed use development, within a large-scale general development, on property generally bounded by East 112th Street, Park Avenue, East 111th

Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37-43, 45, 46, 48, 50-54, 121 and 122), in R9/C2-5 Districts.

INTENT

To approve the Special Permit which in conjunction with the related actions would facilitate the development of three predominately residential mixed use buildings containing approximately 655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in the Manhattan Community District 11.

PUBLIC HEARING

DATE: October 11, 2017

Witnesses in Favor: Seven

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1749

Resolution approving the decision of the City Planning Commission on ULURP No. C 170366 ZSM (L.U. No. 781), for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-421 (Location of commercial uses) to allow Use Group 6 on portions of the third floor a proposed building (Building A), in connection with a proposed mixed use development, within a large-scale general development, on property generally bounded by East 112th Street, Park Avenue, East 111th Street and Madison Avenue (Lots 20-23, 25, 28, 29, 31, 33-35, 37-43, 45, 46, 48, 50-54, 121 and 122), in R9/C2-5* Districts, Community District 11, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision dated October 2, 2017 (the "Decision"), on the application submitted by the 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 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-421 (Location of commercial uses) to allow Use Group 6 on portions of the third floor a proposed building, in connection with a proposed mixed use development, within a large-scale general development, on property generally bounded by East 112th Street, Park Avenue, East 111th Street and Madison Avenue (Lots 20-23, 25, 28, 29, 31, 33-35, 37-43, 45, 46, 48, 50-54, 121 and 122), in R9/C2-5 Districts, (ULURP No. C 170366 ZSM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 170361 ZMM (L.U. No. 776), a zoning map amendment to change existing R7-2 and R7-2/C1-4 districts to R9 and R9/C2-5 districts; N 170362 ZRM (L.U. No. 777); a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 170363 HAM (L.U. No. 778), an Urban Development Action Area Project designation and project approval and the disposition of City-owned property. C 170364 PQM (L.U. No. 779); an acquisition of a portion of the disposition area by the City for community garden use; C 170365 ZSM (L.U. No. 780), a special permit to modify the height and setback and yard requirements within a Large-Scale General Development; C 170367 ZSM (L.U. No. 782), a special permit to modify parking requirements within a Large Scale General Development; and 20185083 (L.U. No. 790), a real property tax exemption;

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 74-744(b) 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 October 11, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), and the Technical Memoranda dated September 29, 2017, (the "Technical Memoranda");

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the Sendero Verde Development Alternative of the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Land Disposition Agreement(s) with the City, those project components related to the environment and mitigation measures determined to be practicable.
- (4) The Decision, together with the FEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170366 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

1. The application that is the subject of this application (C 170366 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Handel Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002.00	Zoning Analysis	04/17/2017
Z-010.00	Site Plan (Roof Plan)	09/22/2017
Z-025.00	Special Permit Use Modifications Ground Floor Plan	09/22/2017
Z-026.00	Special Permit Use Modification 3 rd Floor Plan	09/22/2017

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the related special permit (C 170365 ZSM), with such administrative changes as are acceptable to Counsel to the Department of City Planning, have been executed and recorded in the Office of the City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition to this resolution.
5. In the event that the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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, sublessee or occupant.
7. 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.
8. 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, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 782 & Res. No. 1750

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170367 ZSM submitted by the NYC 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 74-532 of the Zoning Resolution to waive all required accessory residential off-street parking spaces within a large scale general development, on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3583) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 11****C 170367 ZSM**

City Planning Commission decision approving an application submitted by the NYC 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 74-532 of the Zoning Resolution to waive all required accessory residential off-street parking spaces, in connection with a proposed mixed use development, within a large scale general development, in the Transit Zone, on property generally bounded by East 112th Street, Park Avenue, East 111th Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 and 122), in R9 and R9/C2-5 Districts.

INTENT

To approve the Special Permit pursuant to Section 74-532 of the Zoning Resolution, which in conjunction with the related actions would facilitate the development of three predominately residential mixed use buildings containing approximately 655 affordable dwelling units, commercial and community facility floor area, community gardens, and publicly accessible open space in the Manhattan Community District 11.

PUBLIC HEARING**DATE:** October 11, 2017**Witnesses in Favor:** Seven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1750

Resolution approving the decision of the City Planning Commission on ULURP No. C 170367 ZSM (L.U. No. 782), for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive all required accessory residential off-street parking spaces, in connection with a proposed mixed use development, within a large scale general development, on property generally bounded by East 112th Street, Park Avenue, East 111th Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37-43, 45, 46, 48, 50-54, 121 and 122), in R9 and R9/C2-5 Districts, Community District 11, Borough of Manhattan.

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision dated October 2, 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 74-532 of the Zoning Resolution to waive all required accessory residential off-street parking spaces, in connection with a proposed mixed use development, within a large scale general development, on property generally bounded by East 112th Street, Park Avenue, East 111th Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37-43, 45, 46, 48, 50-54, 121 and 122), in R9 and R9/C2-5 Districts, (ULURP No. C 170367 ZSM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 170361 ZMM (L.U. No. 776), a zoning map amendment to change existing R7-2 and R7-2/C1-4 districts to R9 and R9/C2-5 districts; N 170362 ZRM (L.U. No. 777), a zoning text amendment to designate a Mandatory Inclusionary Housing area; C 170363

HAM (L.U. No. 778), an Urban Development Action Area Project designation and project approval and the disposition of City-owned property. C 170364 PQM (L.U. No.779); an acquisition of a portion of the disposition area by the City for community garden use; C 170365 ZSM (L.U. No. 780), a special permit to modify the height and setback and yard requirements within a Large-Scale General Development; C 170366 ZSM (L.U. No. 781), a special permit to allow commercial use above the second story within a mixed-use building within a Large-Scale General Development; and 20185083 (L.U. No. 790), a real property tax exemption;

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 74-532 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 October 11, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), and the Technical Memoranda dated September 29, 2017, (the “Technical Memoranda”);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the Sendero Verde Development Alternative of the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Land Disposition Agreement(s) with the City, those project components related to the environment and mitigation measures determined to be practicable.
- (4) The Decision, together with the FEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C

170367 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

1. The application that is the subject of this application (C 170367 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Handel Architects, LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002.00	Zoning Analysis	04/17/2017
Z-010.00	Site Plan (Roof Plan)	09/22/2017

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the related special permit (C 170365 ZSM), with such administrative changes as are acceptable to Counsel to the Department of City Planning, have been executed and recorded in the Office of the City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition to this resolution.
5. In the event that the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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, sublessee or occupant.
7. 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.

8. 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, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 785

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170413 ZMX submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a, to expand the existing Special Harlem River Waterfront District (HRW) to encompass two waterfront blocks to the south bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue. Borough of the Bronx, Community Board 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3584) and which was referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BRONX CB - 1

C 170413 ZMX

City Planning Commission decision approving an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

1. eliminating a Special Mixed Use District (MX-1) from property bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line; and
2. establishing a Special Harlem River Waterfront District (HRW) bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner

Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line;

INTENT

To approve the amendment to the Zoning Map, Section No. 6a, which in conjunction with the related action would facilitate the expansion of the Special Harlem River Waterfront District to the blocks bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue.

PUBLIC HEARING

DATE: October 24, 2017

Witnesses in Favor: Two

Witnesses Against: Three

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

Re-referred to the Committee on Land Use.

Report for L.U. No. 786

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170414 ZRX submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District, Borough of the Bronx, Community District 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3584) and which was referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BRONX CB - 1

N 170414 ZRX

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District.

INTENT

To approve the amendment to the Zoning Resolution, which in conjunction with the related action would facilitate the expansion of the Special Harlem River Waterfront District to the blocks bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue.

PUBLIC HEARING

DATE: October 24, 2017

Witnesses in Favor: Two

Witnesses Against: Three

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

Re-referred to the Committee on Land Use.

Report for LU No. 787 & Res. No. 1751

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170025 ZMK submitted by JMS Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, to change an M1-1 and M1-2 zoning district to an R7D/C2-4 and an R6A/C2-4 zoning district on portions of three blocks fronting on Myrtle Avenue, between Walworth Street and Nostrand Avenue, Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2017 (Minutes, page 3585) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT**BROOKLYN CB - 3****C 170025 ZMK**

City Planning Commission decision approving an application submitted by JMS Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, to change an M1-1 and M1-2 zoning district to an R7D/C2-4 and an R6A/C2-4 zoning district on portions of three blocks fronting on Myrtle Avenue, between Walworth Street and Nostrand Avenue.

INTENT

To approve the amendment to the Zoning Map, which in conjunction with the related action would facilitate the development of a new eight-story mixed-use building containing approximately 75 residential units, including 19 units of permanently affordable housing, in the Bedford-Stuyvesant neighborhood of Brooklyn Community District 3.

PUBLIC HEARING**DATE:** October 24, 2017**Witnesses in Favor:** One**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** November 14, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 15, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Levin, Williams, Richards, Cohen, Kallos, Reynoso, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 16, 2017. The City Planning Commission filed a letter dated November 27, 2017, with the Council on November 28, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1751

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 170025 ZMK, a Zoning Map amendment (L.U. No. 787).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 6, 2017 its decision dated October 4, 2017 (the "Decision"), on the application submitted by JMS Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 13b, changing an M1-1 and M1-2 zoning district to an R7D/C2-4 and an R6A/C2-4 zoning district. This amendment would facilitate the development of a new eight-story mixed-use building containing approximately 75 residential units, including 19 units of permanently affordable housing, in the Bedford-Stuyvesant neighborhood of Brooklyn, (ULURP No. C 170025 ZMK), Community District 3, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application N 170026 ZRK (L.U. No. 788), 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)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 24, 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 June 5, 2017 (CEQR No. 16DCP177K), which included (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-433) (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 170025 ZMK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

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

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 13b:

1. changing from an M1-1 District to an R7D District property bounded by a line 100 feet northerly of Myrtle Avenue, Nostrand Avenue, Myrtle Avenue, and Walworth Street;
2. changing from an M1-2 District to an ~~R6A~~R6B District property bounded by Myrtle Avenue, Nostrand Avenue, a line 100 feet southerly of Myrtle Avenue, and Sandford Street;
3. establishing within the proposed R7D District a C2-4 District bounded by a line 100 feet northerly of Myrtle Avenue, Nostrand Avenue, Myrtle Avenue, and Walworth Street; and
4. establishing within the proposed ~~R6A~~R6B District a C2-4 District bounded by Myrtle Avenue, Nostrand Avenue, a line 100 feet southerly of Myrtle Avenue, and Sandford Street;

as shown on a diagram (for illustrative purposes only) dated June 5, 2017, and subject to the conditions of CEQR Declaration E-433, Community District 3, Borough of Brooklyn.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 788 & Res. No. 1752

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170026 ZRK submitted by JMS Realty Corp., 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 for the purpose of establishing 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 October 17, 2017 (Minutes, page 3585) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 3****N 170026 ZRK**

City Planning Commission decision approving an application submitted by JMS Realty Corp., 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 for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to the Zoning Resolution, which in conjunction with the related action would facilitate the development of a new eight-story mixed-use building containing approximately 75 residential units, including 19 units of permanently affordable housing, in the Bedford-Stuyvesant neighborhood of Brooklyn Community District 3.

PUBLIC HEARING**DATE:** October 24, 2017**Witnesses in Favor:** One**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** November 14, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 15, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Levin, Williams, Richards, Cohen, Kallos, Reynoso, Treyger, Grodenchik, Salamanca,

Against: Abstain:

None None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 16, 2017. The City Planning Commission filed a letter dated November 27, 2017, with the Council on November 28, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1752

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 170026 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 3, Borough of Brooklyn (L.U. No. 788).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on October 6, 2017 its decision dated October 4, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by JMS Realty Corp., 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. The amendment to the text of the Zoning Resolution, in conjunction with the related action would facilitate the development of a new eight-story mixed-use building containing approximately 75 dwelling units in the Bedford-Stuyvesant neighborhood of Brooklyn (Application No. N 170026 ZRK), Community District 3, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application C 170025 ZMK (L.U. No. 787), a zoning map amendment to change an M1-1 and M1-2 zoning districts to R7D/C2-4 and R6A/C2-4 zoning districts;

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 October 24, 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 June 5, 2017 (CEQR No. 16DCP177K), which included (E) designations to avoid the

potential for significant adverse impacts related to hazardous materials, air quality and noise (E-433) (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 170026 ZRK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double underlined is new, added by the City Council;

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Housing Designated Areas

* * *

Brooklyn

* * *

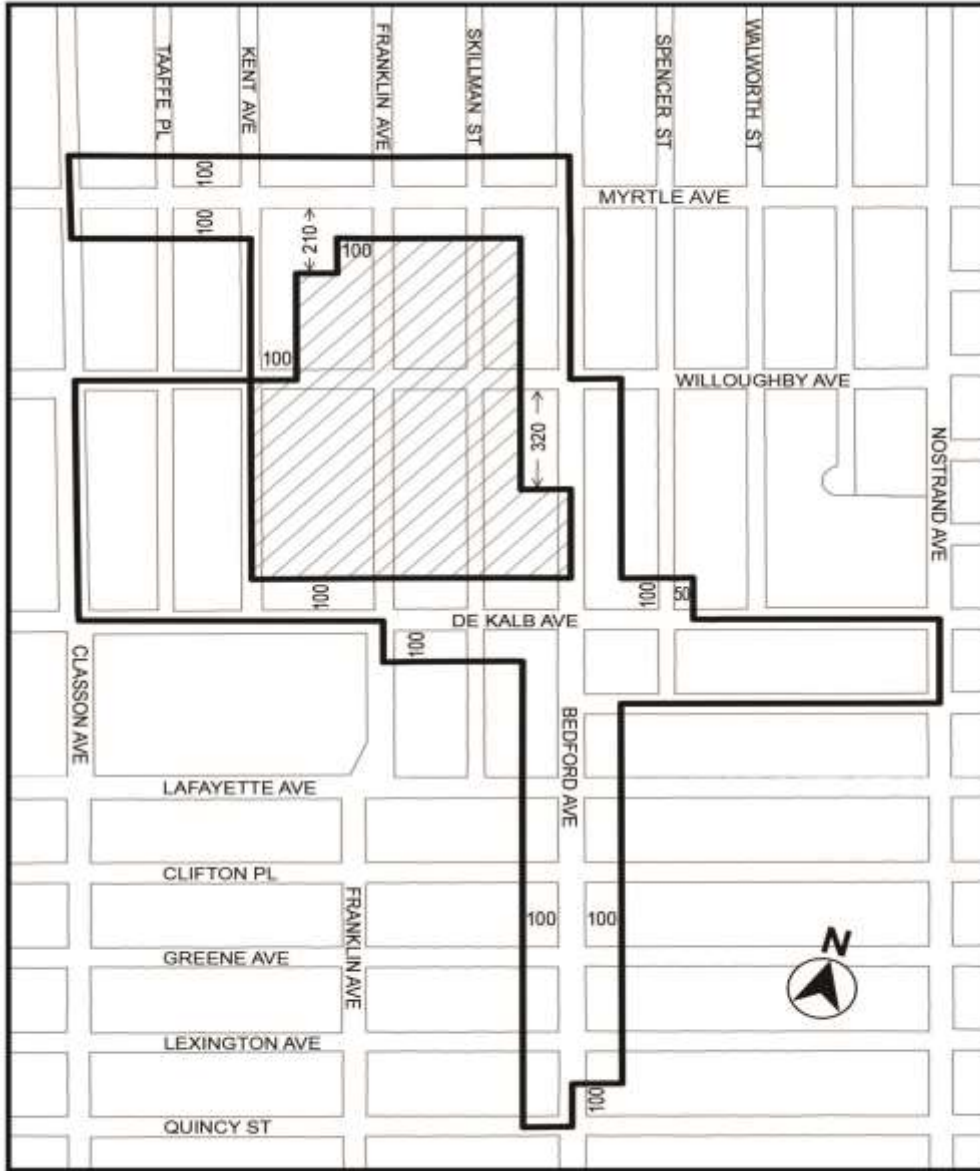
Brooklyn Community District 3

In the ~~R6A~~R6B, R7A and R7D Districts within the areas shown on the following Maps 1, 2, 3, 4, and 5:

* * *

Map 3 - [10/11/12]

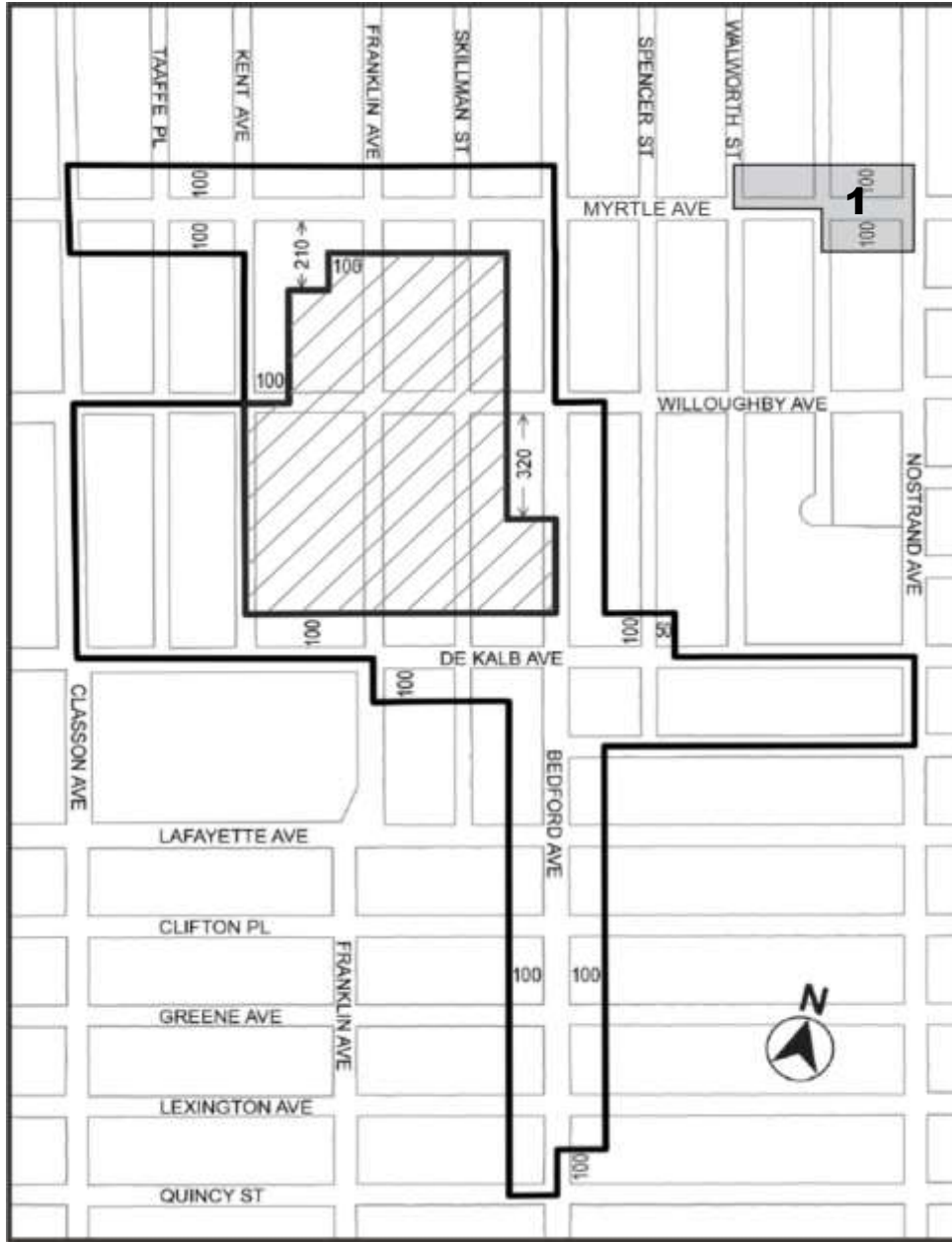
[EXISTING MAP]







-  Inclusionary Housing Designated Area
-  Excluded Area

Map 3 - [date of adoption]

[City Planning Commission Proposed Map 3 as Modified by City Council]



-  Inclusionary Housing Designated Area
-  Mandatory Inclusionary Housing area *see Section 23-154(d)(3)*
-  Area 1 — [date of adoption] — MIH Program Option 1 ~~and Option 2~~
-  Excluded Area

Portion of Community District 3, Brooklyn

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 15, 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. 808 & Res. No. 1753

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170416 ZMK submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 17b, to change an existing R6 district to an R7-2 district with a C2-4 commercial overlay for property bounded by Rogers Avenue, President Street, and Bedford Avenue, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3914) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 9

C 170416 ZMK

City Planning Commission decision approving an application submitted by the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17b:

1. changing from an R6 District to an R7-2 District property bounded by Union Street, a line 100 feet westerly of Rogers Avenue, President Street, and Bedford Avenue; and
2. establishing within the proposed R7-2 District a C2-4 District bounded by, Union Street, a line 220 feet westerly of Rogers Avenue, President Street, and Bedford Avenue:

subject to the conditions of CEQR Declaration E-428.

INTENT

To approve the amendment to the Zoning Map, which in conjunction with the related actions would facilitate a mixed-use development located at 1555 Bedford Avenue (Block 1274, Lot 1) in the Crown Heights neighborhood of Brooklyn Community District 9.

PUBLIC HEARING

DATE: November 14, 2017

Witnesses in Favor: Seventeen

Witnesses Against: Four

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Salamanca, Rodriguez, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Richards, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

Barron

Abstain:

Williams

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

Res. No. 1753

Resolution approving the decision of the City Planning Commission on ULURP No. C 170416 ZMK, a Zoning Map amendment (L.U. No. 808).

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on October 20, 2017 its decision dated October 18, 2017 (the "Decision"), on the application submitted by the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17b:

3. changing from an R6 District to an R7-2 District property bounded by Union Street, a line 100 feet westerly of Rogers Avenue, President Street, and Bedford Avenue; and
4. establishing within the proposed R7-2 District a C2-4 District bounded by, Union Street, a line 220 feet westerly of Rogers Avenue, President Street, and Bedford Avenue

(ULURP No. C 170416 ZMK) Borough of Brooklyn, Community District 9 (the "Application");

WHEREAS, the Application is related to applications N 170417 ZRK (L.U. No. 809), a zoning text amendment to designate a Mandatory Inclusionary Housing area, C 170418 ZSK (L.U. No. 810) a special permit to create a large-scale general development LSGD, C 170419 ZSK (L.U. No. 811) a special permit to modify parking requirements and C 170420 PPK (L.U. No. 812), 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 November 14, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 19, 2017 (CEQR No. 16DME005K), which identified significant adverse impacts with respect to historic and cultural resources – archaeological resources, transportation (traffic, buses, subways, and pedestrians) and construction activities related to noise;

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigation measures that were identified as practicable.

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170416 ZMK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and subsequently amended, is further amended by changing the Zoning Map, Section No. 17b:

1. changing from an R6 District to an R7-2 District property bounded by Union Street, a line 100 feet westerly of Rogers Avenue, President Street, and Bedford Avenue; and
2. establishing within the proposed R7-2 District a C2-4 District bounded by, Union Street, a line 220 feet westerly of Rogers Avenue, President Street, and Bedford Avenue;

Borough of Brooklyn, Community District 9, as shown on a diagram (for illustrative purposes only) dated May 22, 2017, and subject to the conditions of CEQR Declaration E-428.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 809 & Res. No. 1754

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170417 ZRK submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the text of Appendix F of the Zoning Resolution to establish a mandatory inclusionary housing areas for property located at , for property bounded by Rogers Avenue, President Street, and Bedford Avenue, Block 1274, Lot 1, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3914) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 9****N 170417 ZRK**

City Planning Commission decision approving an application submitted by the New York City Economic Development Corporation (NYCEDC), on behalf of the Deputy Mayor for Housing and Economic Development (ODMHED) pursuant to Section 197-c of the New York City Charter, 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.

INTENT

To approve the amendment to the Zoning Resolution which in conjunction with the related actions would facilitate a mixed-use development located at 1555 Bedford Avenue (Block 1274, Lot 1) in the Crown Heights neighborhood of Brooklyn Community District 9.

PUBLIC HEARING**DATE:** November 14, 2017**Witnesses in Favor:** Seventeen**Witnesses Against:** Four**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2017

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

In Favor:

Salamanca, Rodriguez, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Richards, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

Barron

Abstain:

Williams

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 22, 2017. The City Planning Commission filed a letter dated November 29, 2017, with the Council on November 29, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1754

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 170417 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 9, Borough of Brooklyn (L.U. No. 809).

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on October 20, 2017 its decision dated October 18, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding the application submitted by the NYC 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 (Application No. N 170417 ZRK), Community District 9, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 170416 ZMK (L.U. No. 808), a zoning map amendment to change the project area from an R6 district to R7-2 and R7-2/C2-4 districts, C 170418 ZSK (L.U. No. 810) a special permit to create a large-scale general development LSGD, C 170419 ZSK (L.U. No. 811) a special permit to modify parking requirements and C 170420 PPK (L.U. No. 812), 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 November 14, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 19, 2017 (CEQR No. 16DME005K), which identified significant adverse impacts with respect to historic and cultural resources – archaeological resources, transportation (traffic, buses, subways, and pedestrians) and construction activities related to noise;

RESOLVED:

- Having considered the FEIS with respect to the Decision and Application, the Council finds that:
- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
 - (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
 - (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigation measures that were identified as practicable.

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170417 ZRK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modification:

Matter underlined is new, to be added;
 Matter ~~struck out~~ is to be deleted;
 Matter within # # is defined in Section 12-10;
 Matter ~~double strike out~~ is old, deleted by the City Council;
 Matter double underlined is new, added by the City Council;
 * * * indicates where unchanged text appears in the Zoning Resolution.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Brooklyn

** *

Brooklyn Community District 9

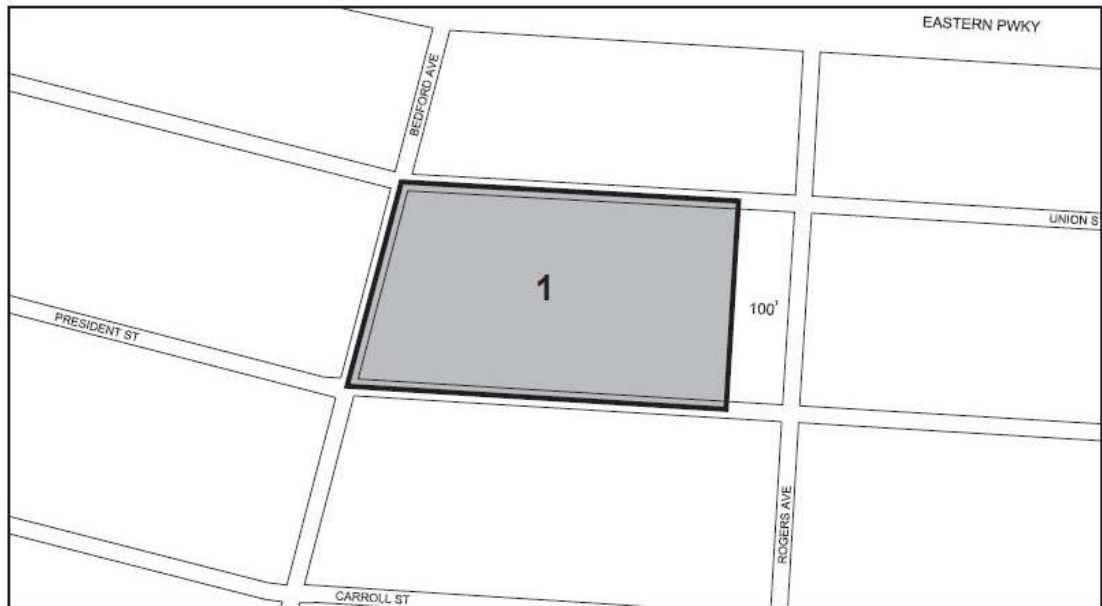
** *

In the R7-2 District within the areas shown on the following Map 1:

** *

Map 1 - (date of adoption)

[PROPOSED MAP]



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area 1 (date of adoption) - MIH Program ~~Option 2~~ Option 1

Portion of Community District 9, Brooklyn

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 810 & Res. No. 1755

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170418 ZSK submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 and 35-65 to facilitate a proposed mixed use development, within a large scale general development, for property located at Block 1274, Lot 1, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3914) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 9

C 170418 ZSK

City Planning Commission decision approving an application submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback

requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) and 35-65 (Height and Setback Requirements for Quality Housing Buildings) to facilitate a proposed mixed use development, within a large scale general development, on property bounded by Bedford Avenue, Union Street, a line 100 feet westerly of Rogers Avenue, and President Street (Block 1274, Lot 1), in R7-2 and R7-2/C2-4 Districts.

INTENT

To approve the Special Permit which in conjunction with the related actions would facilitate a mixed-use development located at 1555 Bedford Avenue (Block 1274, Lot 1) in the Crown Heights neighborhood of Brooklyn Community District 9.

PUBLIC HEARING

DATE: November 14, 2017

Witnesses in Favor: Seventeen

Witnesses Against: Four

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2017

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

In Favor:

Salamanca, Rodriguez, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Richards, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

Barron

Abstain:

Williams

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

Res. No. 1755

Resolution approving the decision of the City Planning Commission on ULURP No. C 170418 ZSK (L.U. No. 810), for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) and 35-65 (Height and Setback Requirements for Quality Housing Buildings) to facilitate a proposed mixed use development, within a large scale general development, on property bounded by Bedford Avenue, Union Street, a line 100 feet westerly of Rogers Avenue, and President Street (Block 1274, Lot 1), in R7-2 and R7-2/C2-4 Districts, Community District 9, Borough of Brooklyn.

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on October 30, 2017 its decision dated October 30, 2017 (the "Decision"), on the application submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) and 35-65 (Height and Setback Requirements for Quality Housing Buildings) to facilitate a proposed mixed use development, within a large scale general development, on property bounded by Bedford Avenue, Union Street, a line 100 feet westerly of Rogers Avenue, and President Street (Block 1274, Lot 1), in R7-2 and R7-2/C2-4 Districts, (ULURP No. C 170418 ZSK), Community District 9, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 170416 ZMK (L.U. No. 808), a zoning map amendment to change the project area from an R6 district to R7-2 and R7-2/C2-4 districts; N 170417 ZRK (L.U. No. 809), zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 170419 ZSK (L.U. No. 811), special permit to modify parking requirements; and C 170420 PPK (L.U. No. 812), disposition of City-owned property;

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 74-743 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 November 14, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 19, 2017, (CEQR No. 16DME005K) which identified significant adverse impacts with respect to historic and cultural

resources – archaeological resources, transportation (traffic, buses, subways, and pedestrians) and construction activities related to noise;

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigation measures that were identified as practicable.

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170418 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 170418 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Cooper, Robertson & Partners, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U-001.	Zoning Lot Site Plan	05/15/2017
U-002.	Zoning Analysis, Base Plane & Lot Coverage	05/15/2017
U-003.	Zoning Diagrams - Axonometrics	05/15/2017
U-006.	Zoning Diagram – Waiver Plan	05/15/2017
U-007.	Zoning Sections	05/15/2017
U-008.	Zoning Sections	05/15/2017
U-009.	Zoning Sections	05/15/2017
U-010.	Zoning Sections	05/15/2017

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
6. 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.
7. 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, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 811 & Res. No. 1756

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170419 ZSK submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to reduce the number of required accessory residential off-street parking spaces from 129 to 118 spaces, in connection with a proposed mixed used development, within a large scale general development, in the Transit Zone, on property located at Bock 1274, Lot 1, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3915) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT**BROOKLYN CB - 9****C 170419 ZSK**

City Planning Commission decision approving an application submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to reduce the number of required accessory residential off-street parking spaces from 129 to 118 spaces, in connection with a proposed mixed used development, within a large scale general development, in the Transit Zone, on property generally bounded by Bedford Avenue, Union Street, a line 100 feet westerly of Rogers Avenue, and President Street (Block 1274, Lot 1), in R7-2 and R7-2/C2-4 Districts.

INTENT

To approve the Special Permit which in conjunction with the related actions would facilitate a mixed-use development located at 1555 Bedford Avenue (Block 1274, Lot 1) in the Crown Heights neighborhood of Brooklyn Community District 9.

PUBLIC HEARING**DATE:** November 14, 2017**Witnesses in Favor:** Seventeen**Witnesses Against:** Four**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2017

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

In Favor:

Salamanca, Rodriguez, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Richards, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

Barron

Abstain:

Williams

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

Res. No. 1756

Resolution approving the decision of the City Planning Commission on ULURP No. C 170419 ZSK (L.U. No. 811), for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to reduce the number of required accessory residential off-street parking spaces from 129 to 118 spaces, in connection with a proposed mixed used development, within a large scale general development, in the Transit Zone, on property generally bounded by Bedford Avenue, Union Street, a line 100 feet westerly of Rogers Avenue, and President Street (Block 1274, Lot 1), in R7-2 and R7-2/C2-4 Districts, Community District 9, Borough of Brooklyn.

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on October 30, 2017 its decision dated October 30, 2017 (the "Decision"), on the application submitted by Josif A LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to reduce the number of required accessory residential off-street parking spaces from 129 to 118 spaces, in connection with a proposed mixed used development, within a large scale general development, in the Transit Zone, on property generally bounded by Bedford Avenue, Union Street, a line 100 feet westerly of Rogers Avenue, and President Street (Block 1274, Lot 1), in R7-2 and R7-2/C2-4 Districts, (ULURP No. C 170419 ZSK), Community District 9, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 170416 ZMK (L.U. No. 808), a zoning map amendment to change the project area from an R6 district to R7-2 and R7-2/C2-4 districts; N 170417 ZRK (L.U. No. 809), zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 170418 ZSK (L.U. No. 810), special permit to create an LSGD; and C 170420 PPK (L.U. No. 812), disposition of City-owned property;

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 74-532 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 November 14, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 19, 2017 (CEQR No. 16DME005K), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-428);

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigation measures that were identified as practicable.

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170419 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

- 1. The property that is the subject of this application (C 170419 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Cooper, Robertson & Partners, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U-001.	Zoning Lot Site Plan	05/15/2017
U-002.	Zoning Analysis, Base Plane & Lot Coverage	05/15/2017

- 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, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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. 812 & Res. No. 1757

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170420 PPK submitted by the Department of Citywide Administrative Services pursuant to Sections 197-c the New York City Charter, for the disposition of one city-owned property located at 1555 Bedford Avenue (Block 1274, Lot 1), Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2017 (Minutes, page 3915) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 9

C 170420 PPK

Application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 1555 Bedford Avenue (Block 1274, Lot 1), pursuant to zoning.

INTENT

To approve the Special Permit which in conjunction with the related actions would facilitate a mixed-use development located at 1555 Bedford Avenue (Block 1274, Lot 1) in the Crown Heights neighborhood of Brooklyn Community District 9.

PUBLIC HEARING**DATE:** November 14, 2017**Witnesses in Favor:** Seventeen**Witnesses Against:** Four**SUBCOMMITTEE RECOMMENDATION****DATE:** November 21, 2017

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

In Favor:

Salamanca, Rodriguez, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Richards, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

Barron

Abstain:

Williams

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

Res. No. 1757

Resolution approving the decision of the City Planning Commission on Application No. C 170420 PPK, for the disposition of City-owned properties located on 1555 Bedford Avenue (Block 1274, Lot 1), pursuant to zoning, Borough of Brooklyn, Community District 9 (L.U. No. 812).

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on October 20, 2017 its decision dated October 18, 2017 (the "Decision"), pursuant to Section 197-c of the New York City Charter, regarding an application submitted by the Department of Citywide Administrative Services, for the disposition of City-

owned properties property located at 1555 Bedford Avenue (Block 1274, Lot 1), pursuant to zoning, Borough of Brooklyn, Community District 9, pursuant to zoning, to facilitate a mixed-use development, (Application No. C 170420 PPK), Community District 9, Borough of the Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 170416 ZMK (L.U. No. 808), a zoning map amendment to change the project area from an R6 district to R7-2 and R7-2/C2-4 districts, N 170417 ZRK (L.U. No. 809) a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, C 170418 ZSK (L.U. No. 810) a special permit to create a large-scale general development LSGD, and C 170419 ZSK (L.U. No. 811) a special permit to modify parking requirements;

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 November 14, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 19, 2017 (CEQR No. 16DME005K), which identified significant adverse impacts with respect to historic and cultural resources – archaeological resources, transportation (traffic, buses, subways, and pedestrians) and construction activities related to noise;

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigation measures that were identified as practicable.

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170420 PPK, incorporated by reference herein, the Council approves the Decision for the disposition of the City-owned properties located on 1555 Bedford Avenue (Block 1274, Lot 1), pursuant to zoning.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J.

TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 821 & Res. No. 1758

Report of the Committee on Land Use in favor of approving Application No. N 180082 ZRM submitted by East River Fifties Alliance pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the bulk regulations of Article II, Chapter 3, Article II, Chapter 4, and Article III, Chapter 5 and related sections for certain property located in Community District 6, Council Districts 5 and 6.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on November 30, 2017 and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 6

N 180082 ZRM

Application submitted by the East River Fifties Alliance, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying the bulk regulations of Article II, Chapter 3, Article II, Chapter 4 and Article III, Chapter 5, and related Sections, within R10 Districts located in Community District 6 east of First Avenue and north of East 51st Street.

INTENT

To amend the text of the Zoning Resolution to facilitate the establishment of tower-on-a-base regulations along narrow streets in the R10 District located east of First Avenue and north of East 51st Street in Manhattan Community District 6.

PUBLIC HEARING

DATE: November 20, 2017

Witnesses in Favor: Nine

Witnesses Against: Six

SUBCOMMITTEE RECOMMENDATION**DATE:** November 21, 2017

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

In Favor:

Richards, Gentile, Garodnick, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

Williams

COMMITTEE ACTION**DATE:** November 21, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mendez, Rodriguez Koo, Lander, Levin, Rose, Richards, Barron, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

Williams

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on November 22, 2017. The City Planning Commission filed a letter dated November 29, 2017, with the Council on November 29, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1758

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180082 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying the bulk regulations of Article II, Chapter 3, Article II, Chapter 4 and Article III, Chapter 5, and related Sections, within R10 Districts located in Community District 6 east of First Avenue and north of East 51st Street, Community District 6, Borough of Manhattan (PRECONSIDERED L.U. No. 821).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on November 15, 2017 its decision dated November 15, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the East River Fifties Alliance, for an amendment of the text of the Zoning Resolution of the City of New York, for an amendment of the Zoning Resolution of the City of New York modifying the bulk regulations of Article II, Chapter 3, Article II, Chapter 4 and Article III, Chapter 5, and related Sections, within R10 Districts located in Community District 6 east of First Avenue and north of East 51st Street, (Application No. N 180082 ZRM), Community District 6, 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 November 20, 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 2, 2017 (CEQR No. 18DCP039M), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-449) (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 180082 ZRM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is to be deleted;
- Matter with # # is defined in Section 12-10 or 81-613;
- Matter in double ~~strikeout~~ is old, deleted by the City Council;
- Matter in double underline is new, added by the City Council;
- * * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE II: RESIDENCE DISTRICT REGULATIONS

Chapter 3 - Residential Bulk Regulations in Residence Districts

* * *

**23-60
HEIGHT AND SETBACK REGULATIONS**

**23-61
Applicability
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

In all districts, as indicated, height and setback regulations for a #building or other structure# shall be as set forth in Section 23-60, inclusive.

* * *

Special height and setback provisions are set forth in Sections 23-67 (Special Height and Setback Provisions for Certain Areas) for #zoning lots# adjoining a #public park#, as well as for certain areas in Community Districts 4, 6, 7 and 9 in the Borough of Manhattan. Additional provisions are set forth in Sections 23-68 (Special Provisions for Zoning Lots Divided by District Boundaries) and 23-69 (Special Height Limitations).

* * *

**23-67
Special Height and Setback Provisions for Certain Area**

* * *

**23-675
Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan**

Except as set forth in Paragraph (c) of this Section, in Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the tower provisions of paragraph (a) of Section 23-65 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#. However, for #zoning lots# with #narrow street# frontages, such provisions shall be modified in accordance with the provisions of this Section.

a) Tower modifications

The tower regulations of paragraph (a) of Section 23-651 shall be modified as follows:

- (1) For #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, the provisions of paragraph (a)(3) of Section 23-651 shall be modified to require at least 45 percent of the total #floor area# permitted on the #zoning lot# to be located in #stories# located either partially or entirely below a height of 150 feet. In addition, when the #lot coverage# of the tower is less than 40 percent, the required 45 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

<u>Percent of #lot coverage# of the tower portion</u>	<u>Minimum percent of total #building floor area# distribution below the level of 150 feet</u>
<u>40.0 or greater</u>	<u>45.0</u>
<u>39.0 to 39.9</u>	<u>45.5</u>
<u>38.0 to 38.9</u>	<u>46.0</u>

<u>37.0 to 37.9</u>	<u>46.5</u>
<u>36.0 to 36.9</u>	<u>47.0</u>
<u>35.0 to 35.9</u>	<u>47.5</u>
<u>34.0 to 34.9</u>	<u>48.0</u>
<u>33.0 to 33.9</u>	<u>48.5</u>
<u>32.0 to 32.9</u>	<u>49.0</u>
<u>31.0 to 31.9</u>	<u>49.5</u>
<u>30.0 to 30.9</u>	<u>50.0</u>

- (2) For #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, the tower setback provisions of paragraph (a)(4) of Section 23-651 shall be modified to permit such required setback along a #narrow street# to be reduced by one foot for every foot that the #street wall# is located beyond the #street line#. However, in no event shall a setback of less than seven feet in depth be provided.
- (3) The tower location restrictions of paragraph (a)(5) of Section 23-651 shall not apply. In lieu thereof, towers shall be permitted on a #narrow street# beyond 100 feet of its intersection with a #wide street#.
- (4) For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof on #zoning lots# with both #narrow street# and #wide street# frontage, that portion of a #zoning lot# located either within 125 feet from the #wide street# frontage along the short dimension of a #block# or within 100 feet from the #wide street# frontage along the long dimension of a #block#, shall be treated as a separate #zoning lot# from that portion beyond, with frontage along a #narrow street#.

(b) #Building# base modifications

The #building# base regulations of paragraph (b) of Section 23-651 shall be modified as follows:

- (1) For #buildings#, or portions thereof, fronting on a #narrow street# beyond 125 feet of its intersection with a #wide street#, the #street wall# location provisions of paragraph (b)(1)(ii) of Section 23-651 shall be modified to require that at least 70 percent of the #aggregate width of street walls# in the #building# base be located within eight feet of the #street line#.
- (2) For #buildings#, or portions thereof, fronting on a #narrow street# beyond 100 feet of its intersection with a #wide street#, the height of #street wall# provisions of paragraph (b)(2)(ii) of Section 23-651 shall be modified so that where the height of an adjacent #building# is between 60 feet and 85 feet, one of the three matching alternatives set forth in paragraphs (b)(2)(i)(a) through (b)(2)(i)(c) shall be applied.
- (3) The dormer provisions of paragraph (b)(3) of Section 23-651 shall be modified to permit dormers on #narrow streets# beyond 70 feet of its intersection with a #wide street#.

~~(c) Vesting modifications~~

~~In the event that a building permit has been issued authorizing construction pursuant to the regulations of this Resolution in effect prior to [date of adoption], and foundations were commenced but not~~

~~completed before [date of adoption], such construction may continue, provided that all foundations have been completed prior to [date of adoption + 1 year]. Such date shall be the effective date for applying the provisions of Section 11-332 (Extension of period to complete construction).~~

* * *

Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

* * *

24-56

Special Height and Setback Provisions for Certain Areas

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

- (b) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a)(1) of Section 24-54 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage#. However, such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan).

- ~~(b)~~(c) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, shall comply with the requirements of Section 23-672 (Special height and setback regulations in R10 Districts within Community District 7, in the Borough of Manhattan).

- ~~(c)~~(d) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section 23-674 (Special height and setback regulations for certain sites in Community District 9, in the Borough of Manhattan).

24-57

Modifications of Height and Setback Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for certain #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-50 through 24-55, inclusive, and paragraphs (b) ~~and through~~ (c) ~~(d)~~ of Section 24-56, relating to height and setback regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses). However, for #Quality

Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Section 24-50, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

* * *

ARTICLE III: COMMERCIAL DISTRICT REGULATIONS

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-61

Applicability

C1 C2 C3 C4 C5 C6

In the districts indicated, height and setback regulations are modified for #mixed buildings# in 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

Height and setback modifications applicable to C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts are set forth in Section 35-62 (Commercial Districts with an R1 through R5 Residential Equivalent).

Height and setback modifications applicable to C1 or C2 Districts mapped within R6 through R10 Districts, and #Commercial Districts# with a residential equivalent of R6 through R10 Districts, are set forth in Sections 35-63 (Basic Height and Setback Modifications), 35-64 (Special Tower Regulations for Mixed Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), as applicable. Special rules for certain areas are set forth in Section 35-66 (Special Height and Setback Provisions for Certain Areas).

* * *

35-66

Special Height and Setback Provisions for Certain Areas

Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a) of Section 35-64 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. Such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan), except that the #building# base modifications set forth in paragraphs (a)(1) through (a)(3) of Section 35-64 shall apply.

* * *

ARTICLE VII – ADMINISTRATION

Chapter 3 – Special Permits by the Board of Standards and Appeals

* * *

73-641**Integration of new buildings or enlargements with existing buildings**

For any such new #building# or #enlargement#, subject to the required findings set forth in this Section, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 24-38, 33-28 or 43-28 (Special Provisions for Through Lots), or in Sections 24-50 through 24-55, inclusive, paragraphs (b) ~~and through~~ (e)(d) of Section 24-56, Sections 33-40 through 33-45, inclusive, or Sections 43-41 through 43-45, inclusive, relating to Height and Setback Regulations, or in Sections 24-61 through 24-65, inclusive, Section 33-51, or Section 43-51, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, provided that on December 15, 1961, the applicant owned the #zoning lot# or any portion thereof, and continuously occupied and used one or more #buildings# located thereon for a specified #community facility use#, from December 15, 1961, until the time of application. However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Sections 24-50 and 33-40, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, November 21, 2017. *Other Council Members Attending: Council Members Perkins, Cumbo and Speaker Mark-Viverito.*

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

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Glenny M. Almonte	110-50 176th Street Queens, N.Y. 11433	27
Yvonna Folkes	140-31 158th Street Queens, N.Y. 11434	31
Scott Carlton	690 Prospect Place #3L Brooklyn, N.Y. 11216	35
April Gilyard	1625 Fulton Street #C604 Brooklyn, N.Y. 11213	36
Ruth Destine	23 East 51st Street #3 Brooklyn, N.Y. 11203	41
Crystal Hill	140 Newport Street #2B Brooklyn, N.Y. 11212	42
Andrew Kaufman	6801 Shore Road #4U Brooklyn, N.Y. 11220	43
Barbara Garcia	2435 Victory Blvd Staten Island, N.Y. 10314	50
Steven A. Welsome	9 Kingsbridge Avenue Staten Island, N.Y. 10314	50

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Monica Cole-Gordon	4030 Murdock Avenue Bronx, N.Y. 10466	12
Daisy Perez	973 Cauldwell Avenue #3 Bronx, N.Y. 10456	16
Carmen Aviles	89-43 146th Street Queens, N.Y. 11435	24
Sandy B. Cruz	83-77 Woodhaven Blvd #2G Woodhaven, N.Y. 11421	30
Kimberly A. Bass	148-55 Hook Creek Blvd Rosedale, N.Y. 11422	31
Andrea R. Luft	217-17 Rockaway Point Blvd Breezy Point, N.Y. 11697	32
Lisa A. Wohl	163-43 97th Street Howard Beach, N.Y. 11414	32
Janet Mason	1035 Washington Avenue #5G Brooklyn, N.Y. 11225	35
Jose L. Gonzalez	1411 Gates Avenue #1H Brooklyn, N.Y. 11221	37
Deanne Negron	281 21st Street Brooklyn, N.Y. 11215	38
Ingrid Francis	305 Ocean Avenue #C5 Brooklyn, N.Y. 11225	40
Khasan Tursunov	596 Argyle Road #8 Brooklyn, N.Y. 11230	40
Vera Grubb	1445 Geneva Loop #6C Brooklyn, N.Y. 11239	42
Gregory E. McCree	1539 East 53rd Street Brooklyn, N.Y. 11234	46
Sandra Rodriguez	2449 Stuart Street Brooklyn, N.Y. 11229	46
Stacey S. Newman	2040 80th Street #2R Brooklyn, N.Y. 11214	47

Dmitriy Aronov	34 Courtney Loop Staten Island, N.Y. 10305	49
Latisha V. Catoe	206 Market Street Staten Island, N.Y. 10310	49
Maria Edwards	65 Westfield Avenue Staten Island, N.Y. 10309	51
Christie Rich	546 Ilyssa Way 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 152-C -** Certification of no harassment prior to approval of construction documents or issuance of permits.
- (2) **Int 231-A -** Scheduled tree planting.
- (3) **Int 443-A -** Crane modernization.
- (4) **Int 461-A -** Information regarding summer meals.
- (5) **Int 799-B -** Commercial rent tax.
- (6) **Int 955-A -** Civil penalties for street construction, maintenance, repair, obstruction, and closure violations.
- (7) **Int 973-B -** City healthcare services.
- (8) **Int 1210-A -** Creating a program for evaluation of certain multiple dwellings and transactions.
- (9) **Int 1251-A -** Repairing of ponding conditions on roadways.
- (10) **Int 1278-A -** Online public searchable database of social adult day cares.
- (11) **Int 1300-A -** Public access to noise mitigation plans.
- (12) **Int 1374-A -** Utilization of preventive services.
- (13) **Int 1376-A -** Department of finance to issue an annual report on the commercial rent tax.
- (14) **Int 1400 -** Participation of minority-and women-owned business enterprises in construction projects.
- (15) **Int 1403-A -** Anemometers on cranes.
- (16) **Int 1431-A -** Registration and duties of lift directors.

- (17) **Int 1461-A -** Department of social services to provide client service training.
- (18) **Int 1590-A -** Training for preventive services employees.
- (19) **Int 1598-A -** Preventive services surveys.
- (20) **Int 1607-A -** Study regarding child protective caseloads and workloads.
- (21) **Int 1609-A -** Administration for children's services to report annually on the aggregate findings and recommendations.
- (22) **Int 1635-A -** HRA job centers.
- (23) **Int 1636-A -** Address erroneous criminal and juvenile records.
- (24) **Int 1650-A -** Prohibiting conversion therapy.
- (25) **Int 1712-A -** City agencies' usage of criminal summonses.
- (26) **Int 1721-A -** Amending the definition of harassment.
- (27) **Int 1723-A -** Outstanding criminal warrants.
- (28) **Int 1750-A -** Department of finance to provide new homeowners with information about real property taxes and exemptions.
- (29) **Res 1730 -** Organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (30) **Res 1740 -** Changes in Membership to certain Standing Committees.
- (31) **L.U. 746 & Res 1734 -** App. **20185049 HAX** Bronx, Community Districts 1 and 3, Council District 17 (**Coupled to be Filed**).
- (32) **L.U. 773 & Res 1741 -** App. **C 170358 ZMM** Manhattan, Community Board 11, Council Districts 8 and 9.

- (33) **L.U. 774 & Res 1742 -** App. **N 170359 ZRM** Manhattan, Community Board 11, Council Districts 8 and 9.
- (34) **L.U. 775 & Res 1743 -** App. **C 170360 HUM** Manhattan, Community Board 11, Council Districts 8 and 9.
- (35) **L.U. 776 & Res 1744 -** App. **C 170361 ZMM** Manhattan, Community Board 11, Council District 8.
- (36) **L.U. 777 & Res 1745 -** App. **N 170362 ZRM** Manhattan, Community Board 11, Council District 8.
- (37) **L.U. 778 & Res 1746 -** App. **C 170363 HAM** Manhattan, Community Board 11, Council District 8.
- (38) **L.U. 779 & Res 1747 -** App. **C 170364 PQM** Manhattan, Community Board 11, Council District 8.
- (39) **L.U. 780 & Res 1748 -** App. **C 170365 ZSM** Manhattan, Community Board 11, Council District 8.
- (40) **L.U. 781 & Res 1749 -** App. **C 170366 ZSM** Manhattan, Community Board 11, Council District 8.
- (41) **L.U. 782 & Res 1750 -** App. **C 170367 ZSM** Manhattan, Community Board 11, Council District 8.
- (42) **L.U. 787 & Res 1751 -** App. **C 170025 ZMK** Brooklyn, Community District 3, Council District 33.
- (43) **L.U. 788 & Res 1752 -** App. **N 170026 ZRK** Brooklyn, Community District 3, Council District 33.
- (44) **L.U. 790 & Res 1735 -** App. **20185083 HAM** Manhattan, Community District 11, Council District 8.
- (45) **L.U. 808 & Res 1753 -** App. **C 170416 ZMK** Brooklyn, Community District 9, Council District 35.

- (46) **L.U. 809 & Res 1754 -** App. **N 170417 ZRK** Brooklyn, Community District 9, Council District 35.
- (47) **L.U. 810 & Res 1755 -** App. **C 170418 ZSK** Brooklyn, Community District 9, Council District 35.
- (48) **L.U. 811 & Res 1756 -** App. **C 170419 ZSK** Brooklyn, Community District 9, Council District 35.
- (49) **L.U. 812 & Res 1757 -** App. **C 170420 PPK** Brooklyn, Community District 9, Council District 35.
- (50) **L.U. 818 & Res 1736 -** App. **20185107 HAM** Manhattan, Community Board 12, Council District
- (51) **L.U. 819 & Res 1732 -** Sydney House, Block 4671, Lot 4; Bronx, Community District No. 12, Council District No. 12.
- (52) **L.U. 820 & Res 1733 -** Mount Hope Preservation Apartments, Bronx, Community District No. 5, Council District Nos. 14 and 15.
- (53) **L.U. 821 & Res 1758 -** App. **N 180082 ZRM** property located in Community District 6, Council Districts 5 and 6.
- (54) **L.U. 822 & Res 1737 -** Appl. **20175072 SCQ** Queens, School District No. 30, Community District 2, Council District 26.
- (55) **L.U. 823 & Res 1738 -** App. **20185108 HAM** Manhattan, Community District 9, Council District 7.
- (56) **L.U. 824 & Res 1739 -** App. **20185110 HAM** Manhattan, Community District 11, Council District 9.
- (57) **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 – Adams, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

Present but Not Voting – Torres.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with Council Member Torres marked as Present, but Not Voting with the exception of the votes for the following legislative items below with Council Member Torres also marked as Present but Not Voting for these items as well:

The following was the vote recorded for **Int. No. 152-C**:

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

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

The following was the vote recorded for **Int. No. 1650-A**:

Affirmative – Adams, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Grodenchik, Johnson, Kallos, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **43**.

Negative – Deutsch and Greenfield – **2**.

Abstention – King – **1**.

The following was the vote recorded for **Int. No. 1721-A**:

Affirmative – Adams, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **43**.

Negative – Borelli, Ulrich, and Matteo – **3**.

The following was the vote recorded for **Int. No. 1723-A**:

Affirmative – Adams, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **41**.

Negative – Borelli, Ulrich, Vacca, Vallone and Matteo – **5**.

The following was the vote recorded for **Preconsidered Res. No. 1730**:

Affirmative – Adams, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Grodenchik, Johnson, Kallos, King, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Abstention – Greenfield – **1**.

The following was the vote recorded for **L.U. No. 808 & Res. No. 1753, L.U. No. 809 & Res. No. 1754, L.U. No. 810 & Res. No. 1755, L.U. No. 811 & Res. No. 1756, and L.U. No. 812 & Res. No. 1757**:

Affirmative – Adams, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vacca, Vallone, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **43**.

Negative – Barron and Mealy – **2**.

Abstention – Williams – **1**.

The following was the vote recorded for **L.U. No. 821 & Res. No. 1758**:

Affirmative – Adams, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vacca, Vallone, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Abstention – Williams – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 152-C, 231-A, 443-A, 461-A, 799-B, 955-A, 973-B, 1210-A, 1251-A, 1278-A, 1300-A, 1374-A, 1376-A,
1400-A, 1403-A, 1431-A, 1461-A, 1590-A, 1598-A, 1607-A, 1609-A, 1635-A, 1636-A, 1650-A, 1712-A, 1723-A,
and 1750-A.*

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote item Res. No. 614

Report of the Committee on Civil Rights in favor of approving a Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.4558B/S.61B, which would prohibit discrimination on the basis of gender expression or identity and expand the State's hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity.

The Committee on Civil Rights, to which the annexed resolution was referred on March 11, 2015 (Minutes, page 795), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil Rights for Int. No. 1650-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 614:)

Res. No. 614

Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.4558B/S.61B, which would prohibit discrimination on the basis of gender expression or identity and expand the State's hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity.

By Council Members Dromm, Johnson, Menchaca, Mendez, Torres, Van Bramer, Chin, Constantinides, Gentile, Gibson, Lander, Levine, Palma, Richards, Rose, Rosenthal, Koslowitz, Rodriguez, Vacca, Cumbo, Lancman, Ferreras-Copeland, Levin, Reynoso, Salamanca, Espinal, Barron, Grodenchik, Perkins, Crowley, Maisel, Garodnick, Kallos, Treyger and Miller.

Whereas, According to the New York State Department of Health, approximately 300,000 individuals living in the state of New York self-identify as transgender; and

Whereas, Despite the progressive reputations of our city and state, transgender individuals continue to endure discrimination and threats to their physical well-being; and

Whereas, According to a 2010 report by the National Coalition of Anti-Violence Programs, 14 percent of victims or survivors of hate violence in the United States in 2009 were transgender men and women; and

Whereas, In New York City, approximately 13 percent of the reports of hate violence received by the New York City Anti-Violence Project in 2009 came from transgender men and women; and

Whereas, According to a 2011 report by the National Gay and Lesbian Taskforce and the National Center for Transgender Equality ("the report"), 90 percent of those surveyed had experienced discrimination at work for reasons related to their gender identity or expression, and 24 percent had lost their jobs for the same reason; and

Whereas, The report also disclosed that 19 percent of respondents had been refused a home or apartment, and 11 percent had been evicted, because of their gender identity or expression; and

Whereas, Transgender individuals are also not safe from anti-trans bias in places of public accommodation, where, according to the report, 53 percent of respondents had experienced harassment and discrimination; and

Whereas, In 2002, the New York City Council passed Local Law 3, which amended the Human Rights Law to define gender as "actual or perceived sex and a person's gender identity, self-image, appearance, behavior or expression, whether or not traditionally associated with the legal sex assigned to that person at birth," thereby including transgender individuals in the class of people to be protected from bias-related harassment and discrimination in housing, employment and public accommodations; and

Whereas, Although New York City extends many protections to transgender individuals, those living in the rest of the State are not guaranteed the same treatment; and

Whereas, If passed, A.4558B/S.61B would address this disparity at the state level by amending the Executive Law, Civil Rights Law and Education Law to prohibit discrimination on the basis of gender identity or expression in housing, employment, public accommodation and other areas; and

Whereas, The legislation would also amend the Penal Law to include gender identity or expression in the list of categories that are currently protected under the State's hate crimes statute; and

Whereas, Eighteen states and the District of Columbia have already enacted laws protecting transgender individuals from discrimination, as well as several cities and counties in New York State, and the United States Department of Education has provided guidance that the federal Title IX law prohibiting discrimination also applies to transgender students; and

Whereas, Without protection from bias-related harassment and discrimination, transgender individuals are placed at a severe disadvantage in every facet of their lives; and

Whereas, It is imperative that the state of New York protect all of its marginalized communities, including the transgender community; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign into law A.4558B/S.61B, which would prohibit discrimination on the basis of gender expression or identity and expand the state's hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity.

DANIEL DROMM, *Acting Chairperson*; MATHIEU EUGENE, RAFAEL SALAMANCA, Jr.: Committee on Civil Rights, November 29, 2017.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following Council Member formally noted his opposition to the passage of this item:
Negative - Council Member Deutsch.

The following Council Member formally noted his abstention from voting on this item:
Abstention - Council Member Greenfield.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 1225

Report of the Committee on Aging in favor of approving a Resolution calling upon the New York State Legislature to significantly increase funding for the New York State Long-Term Care Ombudsman Program.

The Committee on Aging, to which the annexed resolution was referred on September 28, 2016 (Minutes, page 3203), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Aging for Int. No. 1278-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1225:)

Res. No. 1225

Resolution calling upon the New York State Legislature to significantly increase funding for the New York State Long-Term Care Ombudsman Program.

By Council Members Chin, Barron, Palma, Vallone, Kallos and Menchaca.

Whereas, The long-term residential care industry in New York State has had a long history of providing poor care; and

Whereas, Numerous studies have shown that the same problems identified over the last few decades are still causing harm to residents in long-term care facilities today, such as inadequate care and monitoring, inappropriate medication management and neglect; and

Whereas, Residential care facilities include nursing homes, which provide continuous medical or skilled nursing care and related services above the level of room and board; and

Whereas, Residential care facilities also include adult care facilities (such as adult homes, enriched housing and assisted living programs), which provide non-medical residential care services to adults who are substantially unable to live independently; and

Whereas, According to the Kaiser Family Foundation, New York State has the highest number of nursing home residents in the country, with 105,131 residents out of a total of 1,347,983; and

Whereas, According to the New York State Department of Health (“DOH”), nearly 50 percent (250 of 531) of all licensed adult care facilities and nearly 30 percent (175 of 628) of all nursing homes in New York State are located within New York City; and

Whereas, An investigative series by The New York Times in 2002 uncovered widespread abuse, inhumane conditions and suspicious deaths in adult homes in New York City; and

Whereas, The New York Times series detailed numerous instances of squalid and vermin-ridden rooms, assault of residents by workers, suicides of mentally ill residents due to lack of supervision and treatment, forcible treatment and surgical operations for Medicare and Medicaid fees and misappropriation of residents’ funds; and

Whereas, The New York State Office of the Attorney General brought criminal charges against nine employees of a New York City nursing home in 2006 after a hidden camera investigation revealed chronic patient neglect and falsification of patient records; and

Whereas, The hidden camera revealed that a patient developed dangerous pressure sores because the home failed to regularly attend to the patient and also showed that the patient often received no assistance in eating and often went without any food or drink entirely; and

Whereas, A class action was brought in 2013 against New York State on behalf of individuals with serious mental illness residing in 23 adult homes in New York City for failure to provide services to residents in the most integrated setting appropriate to their needs; and

Whereas, The 1978 Amendments to the Older Americans Act required every state to operate a Long-Term Care Ombudsman Program (“LTCOP”) that advocates for the health, safety, welfare and rights of residents of nursing homes, adult homes and other similar adult care facilities; and

Whereas, In New York State, the LTCOP is administratively housed within the New York State Office for the Aging (“NYSOFA”) and provides services through a network of 36 local programs; and

Whereas, According to the NYSOFA, each local ombudsman program has a designated ombudsman coordinator who recruits, trains and supervises a corps of trained volunteers (currently more than 1,000 statewide) that provide a regular presence in nursing homes and adult care facilities; and

Whereas, Under Title VII of the Older Americans Act, LTCOP responsibilities include identifying and resolving complaints made by or on behalf of residents, providing information to residents about long-term care services, representing residents’ interests before governmental agencies, seeking administrative, legal and other remedies to protect residents, and recommending changes to laws and policies on behalf of residents; and

Whereas, While New York State has the largest nursing home population in the country, its LTCOP is severely underfunded and understaffed compared to other states’ LTCOPs; and

Whereas, According to the U.S. Department of Health & Human Services (“HHS”), California, has the second largest nursing home population in the country (97,970 residents) after New York State; and

Whereas, California, despite being second, far surpassed New York State in terms of LTCOP staffing, complaints handled and funding every single year from 2007-2013; and

Whereas, According to HHS, California’s LTCOP closed nearly 20 times as many cases in 2013 as did New York State’s LTCOP, with 30,964 closed cases compared with only 1,606 closed in New York State; and

Whereas, According to HHS, California gave \$3,788,210 to its LTCOP in 2013, while New York State gave only \$229,236 - less than one-tenth of the amount California provided; and

Whereas, According to the Long Term Care Community Coalition, New York State’s LTCOP is the fifth lowest in the nation in terms of percentage of state funding it receives and 16th lowest in the actual dollars it receives; and

Whereas, According to the Long Term Care Community Coalition, given New York State’s size (nearly 20 million residents) and the fact that it has the largest nursing home population in the country, these figures indicate a serious lack of support by the State in ensuring that long-term care residents have meaningful access to LTCOP services; and

Whereas, In order to fulfill its mandate to advocate for and protect nursing home and adult care facility residents, state support for New York State’s LTCOP should rise at least to the level that California provides; and

Whereas, Increased financial support for the LTCOP will help to improve the quality of care and quality of life for the large number of long-term care residents in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to significantly increase funding for the New York State Long-Term Care Ombudsman Program.

MARGARET S. CHIN, Chairperson; KAREN KOSLOWITZ, CHAIM M. DEUTSCH, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, November 29, 2017.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 1226-A

Report of the Committee on Aging in favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2743, in relation to violations of safety conditions in adult care facilities.

The Committee on Aging, to which the annexed amended resolution was referred on September 28, 2016 (Minutes, page 3204), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Aging for Int. No. 1278-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption, as adopted.

(The following is the text of Res. No. 1226-A:)

Res. No. 1226-A

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2743, in relation to violations of safety conditions in adult care facilities.

By Council Members Chin and Palma.

Whereas, The long-term residential care industry in New York State has had a long history of poor care, and numerous studies have shown that the same problems identified over the last few decades are still causing harm to residents in adult care facilities today, such as inadequate care and monitoring, inappropriate medication management, and neglect; and

Whereas, Adult care facilities, such as adult homes, enriched housing and assisted living programs, provide temporary or long-term, non-medical residential care services to adults who are substantially unable to live independently but who do not require a nursing home; and

Whereas, According to the New York State Department of Health (“DOH”), nearly 50 percent of all licensed adult care facilities in New York State (250 of 531) are located within New York City; and

Whereas, An investigative series by The New York Times in 2002 uncovered widespread abuse, inhumane conditions and suspicious deaths in adult homes in New York City; and

Whereas, The New York Times series detailed numerous instances of squalid and vermin-ridden rooms, assault of residents by workers, suicides of mentally ill residents due to lack of supervision and treatment, forcible treatment and surgical operations for Medicare and Medicaid fees and misappropriation of residents’ funds; and

Whereas, The New York State Office of the Attorney General filed a lawsuit in 2002 against the former operators of a Brooklyn adult home for failing to provide for the health, safety and welfare of the residents, while forcing residents to live in deplorable conditions; and

Whereas, The lawsuit detailed numerous occasions where common areas and residents’ rooms were infested with mice, cockroaches and flies and showed how operators diverted payments made by residents for room and board to entities the operators owned, while neglecting to pay for utilities and upkeep of the adult home; and

Whereas, A class action was brought in 2013 against New York State on behalf of individuals with serious mental illness residing in 23 adult homes in New York City for failure to provide services to residents in the most integrated setting appropriate to their needs; and

Whereas, Title 1 of Article 7 of the Social Services Law (“SSL”) provides DOH with oversight and enforcement authority over adult care facilities in New York State; and

Whereas, According to a 2011 study of DOH inspection reports by the Long Term Care Community Coalition (“LTCCC”), although DOH identified regulatory violations in more than 5,000 inspections of adult care facilities between 2002 and 2010, only eight percent of those inspections led to enforcement actions; and

Whereas, Title 1 of Article 7 of the SSL permits DOH to assess civil penalties of up to \$1,000 per day, but not per violation, for regulatory violations that adult care facilities commit; and

Whereas, Under this penalty scheme, a facility with one violation and a facility with many violations are subject to the same penalty cap of \$1,000 per day; and

Whereas, The maximum penalty per day has not been raised since the law’s inception in 1977; and

Whereas, Pursuant to Title 1 of Article 7 of the SSL, DOH is prohibited from imposing penalties if a facility either has corrected a violation within 30 days of receiving notice of the violation or is acting in accordance with a plan to correct the violation, unless the violation endangered or resulted in harm to residents; and

Whereas, According to MFY Legal Services, the current framework provides no incentive for facilities to comply with DOH regulations and instead allows facilities to repeatedly violate the regulations with impunity; and

Whereas, According to the 2011 LTCCC study, even in the case of endangerment violations, only 74 percent of such violations led to the imposition of penalties by DOH between 2006 and 2010; and

Whereas, A.2743 introduced by Assembly Member Richard N. Gottfried and currently pending in the New York State Assembly, seeks to amend the SSL by strengthening DOH enforcement of applicable standards governing adult care facilities; and

Whereas, The bill permits DOH to assess penalties per violation, in addition to the existing daily penalties; and

Whereas, The bill increases the maximum penalty for a violation from \$1,000 to \$5,000; and

Whereas, The bill grants DOH discretion to issue a reduced penalty for a violation if a facility either corrects the violation within 30 days or is acting in accordance with a plan to correct the violation; and

Whereas, The bill also provides that rectifying a violation does not preclude the assessment of a penalty if the violation, although corrected, was a violation in the same category as a violation that DOH cited at the previous facility inspection; and

Whereas, The bill prohibits hospitals, residential health care facilities and other adult care facilities from making referrals for admissions to any adult care facility that currently has its operating certificate revoked, suspended or denied by DOH, has been placed on DOH’s “Do Not Refer” list, or is subject to civil penalties for violating DOH regulations; and

Whereas, The bill prohibits any new admissions to an adult care facility facing an enforcement action if DOH finds that a condition exists that is dangerous to the health, safety or welfare of any resident; and

Whereas, The bill eliminates an SSL provision that permits facilities receiving DOH’s highest rating to undergo inspections only once every 18 months instead of annually, reserving the 18-month inspection schedule for facilities that DOH finds in compliance with applicable statutes and regulations in the most recent inspection; and

Whereas, The bill provides a strong incentive for adult care facilities to comply with DOH regulations and correct violations promptly; and

Whereas, The bill would help to protect the health, safety and quality of life of the large number of vulnerable residents in adult care facilities in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.2743, in relation to violations of safety conditions in adult care facilities.

MARGARET S. CHIN, Chairperson; KAREN KOSLOWITZ, CHAIM M. DEUTSCH, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, November 29, 2017.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 1287

Report of the Committee on Civil Rights in favor of approving a Resolution calling on the United States Congress to pass and the President to sign H.R.2282/S.1006, the Equality Act, which would amend the Civil Rights Acts of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing.

The Committee on Civil Rights, to which the annexed resolution was referred on March 11, 2014 (Minutes, page 3939), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil Rights for Int. No. 1650-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1287:)

Res. No. 1287

Resolution calling on the United States Congress to pass and the President to sign H.R.2282/S.1006, the Equality Act, which would amend the Civil Rights Acts of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing.

By Council Members Dromm, Crowley, Menchaca, Chin, Constantinides, Rosenthal, Kallos and Johnson.

Whereas, Title VII of the Civil Rights Act of 1964 and other federal statutes prohibit employers of 15 or more employees from engaging in workplace discrimination on the basis of “race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information;” and

Whereas, Title II of the Civil Rights Act of 1964 prohibits certain places of public accommodation from discriminating on the basis of “race, color, religion, or national origin;” and

Whereas, The Civil Rights Act of 1968, also known as the Fair Housing Act, prohibits individuals from engaging in housing discrimination on the basis of “race, color, national origin, religion, sex, disability, and the presence of children;” and

Whereas, Absent from this list of protected classes in the Civil Rights Act is the lesbian, gay, bisexual, and transgender (LGBT) community; and

Whereas, According to the American Civil Liberties Union (ACLU), 29 states permit workplace discrimination on the basis of sexual orientation, and 38 permit workplace discrimination on the basis of gender identity; and

Whereas, The ACLU further reports that twenty-nine states permit discrimination in places of public accommodation on the basis of sexual orientation, and thirty-two states permit discrimination in places of public accommodation on the basis of gender identity ; and

Whereas, Finally, the ACLU notes that twenty-nine states permit housing discrimination on the basis of sexual orientation, and 38 permit housing discrimination on the basis of gender identity ; and

Whereas, According to a 2013 Pew Research Center study, 21% of LGBT respondents stated they were discriminated against in hiring, pay, or promotion, and in a 2011 Pew Research Center survey, 78% of transgender respondents stated they were harassed or mistreated at their workplace due to their gender identity ; and

Whereas, According to a 2011 National Center for Transgender Equality report, 53% of transgender and gender-nonconforming respondents stated they were verbally harassed in a place of public accommodation; and

Whereas, According to a 2011 National Gay and Lesbian Task Force and National Center for Transgender Equality joint study, 19% of transgender individuals were denied housing and 11% were evicted from their homes because they were transgender ; and

Whereas, Despite the progressive laws of some states and the progressive policies of some corporations, LGBT individuals throughout the United States still suffer employment discrimination, are denied the equal utilization and access of public accommodation, and are denied access to housing because of their sexual orientation or gender identity; and

Whereas, H.R.2282/S.1006, also known as The Equality Act, would amend the Civil Rights Act of 1964 and the Fair Housing Act to include sexual orientation and gender identity among the prohibited categories of discrimination or segregation in employment, places of public accommodation and housing; and

Whereas, The Equality Act would also expand the categories of public accommodation that may not deny equal utilization or deny admission on the basis of “sex, sexual orientation, or gender identity” to include a greater range of places, goods and services, such as transportation; and

Whereas, The current language of the Act defines sexual orientation as “homosexuality, heterosexuality, and bisexuality” but to cover other orientations, should instead define sexual orientation as an immutable, enduring, emotional, romantic or sexual attraction to other people; and

Whereas, In a nation whose independence was premised on the notion that all citizens are created equal, it is unconscionable that a specific population does not enjoy the same workplace protections, equal utilization of public accommodation and access to housing as its peers simply because of the sexual orientation or gender identity of its members; now, therefore, be it

Resolved, That the Council of City of New York calls on the United States Congress to pass and the President to sign H.R.2282/S.1006, the Equality Act, which would amend the Civil Rights Acts of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing.

DANIEL DROMM, *Acting Chairperson*; MATHIEU EUGENE, RAFAEL SALAMANCA, Jr.: Committee on Civil Rights, November 29, 2017.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following Council Member formally noted his opposition to the passage of this item:
Negative - Council Member Deutsch.

The following 2 Council Members formally noted their abstention from voting on this item:
Abstentions - Council Members Greenfield and King.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1768

By Council Member Barron.

A Local Law to amend the New York city charter, in relation to social services for the wrongfully convicted

Be it enacted by the Council as follows:

Section 1. Section 13 of the New York city charter, as amended by local law number 86 for the year 2015, is amended to read as follows:

§ 13. Office of Criminal Justice. *a. Definitions. For purposes of this section, the following terms have the following meanings:*

Immediate family member. The term “immediate family member” means a spouse, domestic partner, biological or adoptive parent, step-parent, legal guardian, biological or adopted child, child of a domestic partner or step-child of a wrongfully convicted individual.

Wrongfully convicted individual. The term “wrongfully convicted individual” means an individual who has been convicted of one or more felonies or misdemeanors and has served any part of a sentence of criminal imprisonment, and (i) who has been pardoned upon the ground of innocence of the crime or crimes for which the individual was sentenced or (ii) the individual’s judgment of conviction was reversed or vacated and the accusatory instrument dismissed or, if a new trial was ordered, either the individual was found not guilty at the new trial or the individual was not retried and the accusatory instrument dismissed. Such judgement of conviction must have been reversed or vacated and the accusatory instrument dismissed on one of the following grounds:

(1) Paragraph (b), (c), (e), (g) or (g-1) of subdivision 1 of section 440.10 of the criminal procedure law; or

(2) Subdivision 1 (where based upon one of the provisions of section 440.10 of the criminal procedure law as set forth in this definition), 2, 3 (where the count dismissed was the sole basis for imprisonment) or 5 of section 470.20 of the criminal procedure law.

b. There is established in the executive office of the mayor an office of criminal justice, to be headed by a coordinator of criminal justice appointed by the mayor. The coordinator shall:

[(1) advise] 1. Advise and assist the mayor in planning for increased coordination and cooperation among agencies under the jurisdiction of the mayor that are involved in criminal justice programs and activities;

[(2) review] 2. Review the budget requests of all agencies for programs related to criminal justice and recommend to the mayor budget priorities among such programs; [and,]

3. Coordinate with relevant city agencies to promote the availability of social services for wrongfully convicted individuals and immediate family members, including but not limited to housing, medical care, health insurance, mental health counseling, drug addiction screening and treatment, employment, job training, education, personal finances, public benefits, immigration and legal services to seek compensation for wrongful conviction and imprisonment;

4. Work with the municipal division of transitional services to develop methods to improve the coordination of social services for wrongfully convicted individuals and immediate family members;

5. Provide outreach and education on the availability of social services for wrongfully convicted individuals and immediate family members; and

6. Perform [perform] such other duties as the mayor may assign.

c. No later than April 1, 2018, and by April 1 of every year thereafter, the coordinator shall prepare and submit to the mayor and the speaker of the council a report regarding the coordinator’s progress regarding the availability and coordination of social services for wrongfully convicted individuals and immediate family members. Such report shall include, but need not be limited to:

1. An assessment of the type and frequency of social services needed by wrongfully convicted individuals and immediate family members;

2. An assessment of the availability and capacity of existing social services available for wrongfully convicted individuals and immediate family members; and

3. Recommendations for improving the availability and coordination of social services for wrongfully convicted individuals and immediate family members.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1769

By Council Member Constantinides.

A Local Law to amend the administrative code of the city of New York, in relation to renewable natural gas

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 24-163.1 of the administrative code of the city of New York is amended to read as follows:

§ 24-163.1 Definitions. a. When used in this section or in section 24-163.2 of this chapter:

Alternative fuel. The term "[A]alternative fuel" means natural gas, *biomethane or renewable natural gas*, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least [eighty-five] 85 percent, singly or in combination, methanol, ethanol, any other alcohol or ether.

Alternative fuel motor vehicle. The term "[A]alternative fuel motor vehicle" means a motor vehicle that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

Average fuel economy. The term "[A]average fuel economy" means the sum of the fuel economies of all motor vehicles in a defined group divided by the number of motor vehicles in such group.

Biomethane or renewable natural gas. The terms "*biomethane*" or "*renewable natural gas*" means *methane derived from biogas after carbon dioxide and other impurities present in the biogas are chemically or physically separated from the gaseous mixture.*

Bi-fuel motor vehicle. The term "[B]bi-fuel motor vehicle" means a motor vehicle that is capable of being operated by both an alternative fuel and gasoline or diesel fuel, but may be operated exclusively by any one of such fuels.

Equivalent carbon dioxide. The term "[E]equivalent carbon dioxide" means the metric measure used to compare the emissions from various greenhouse gases emitted by motor vehicles based upon their global warming potential according to the California air resources board or the United States environmental protection agency.

Fuel economy. The term "[F]fuel economy" means the United States environmental protection agency city mileage published label value for a particular motor vehicle, pursuant to section 32908(b) of title 49 of the United States code.

Gross vehicle weight rating. The term "[G]gross vehicle weight rating" means the value specified by the manufacturer of a motor vehicle model as the maximum design loaded weight of a single vehicle of that model.

Light-duty vehicle. The term "[L]light-duty vehicle" means any motor vehicle having a gross vehicle weight rating of 8,500 pounds or less.

Medium-duty vehicle. The term "[M]medium-duty vehicle" means any motor vehicle having a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds.

Motor vehicle. The term "[M]motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include

vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, department of correction, or office of the chief medical examiner.

Purchase. The term "[P]urchase" means purchase, lease, borrow, obtain by gift or otherwise acquire.

Use-based fuel economy. The term "[U]se-based fuel economy" means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 1770

By Council Members Cornegy and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to notification of deed fraud investigations

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-517 to read as follows:

§7-517 Notifications regarding deed fraud investigations. When the office of the sheriff commences an investigation into deed fraud involving property within the city, the sheriff shall notify appropriate personnel at the department of finance, the department of environmental protection, and the utility company or companies providing electrical and/or gas service to the applicable property, as well as the council member in whose district such property is located, that such property is the subject of an investigation. At the conclusion of such investigation, the sheriff shall further notify such parties regarding the outcome and that such investigation has been closed by the sheriff's office.

§2. This local law takes effect immediately.

Referred to the Committee on Finance.

Res. No. 1728

Resolution calling upon the United States Congress to pass and the President to sign H.R. 3246, the Teachers and Parents at the Table Act, which would create an advisory committee of teachers and an advisory committee of parents to advise the Congress and Secretary of Education.

By Council Member Dromm.

Whereas, The Every Student Succeeds Act (ESSA), enacted in 2015, is the most recent reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA), the nation's national education law and longstanding commitment to equal opportunity for all students; and

Whereas, According to the U.S. Department of Education, ESSA builds on key areas of progress in recent years, including lower dropout rates and higher graduation and college-going rates, and provides “a firm foundation for further work to expand educational opportunity and improve student outcomes”; and

Whereas, There is currently no requirement in ESSA for consulting with teachers or parents and families on the implementation of the law and monitoring its impact on students; and

Whereas, It would be helpful to include the voices of educators, who are responsible for implementing ESSA requirements in identifying needed changes; and

Whereas, It would also be helpful to include the voices of parents in analyzing the impact of ESSA on children and families; and

Whereas, H.R. 3246, *Teachers and Parents at the Table Act* (“the Act”), introduced by Congresswoman Kathleen Rice in July 2017, seeks to provide a mechanism for such educator and parent input; and

Whereas, The Act amends Title I (Improving the Academic Achievement of the Disadvantaged) of the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to establish a Teacher Advisory Committee and a Parents and Families Advisory Committee; and

Whereas, The role of the Teacher Advisory Committee would be to bring the perspective of expert teachers to policymakers regarding the implementation and impact of ESSA and to make policy recommendations; and

Whereas, The Act requires the Teacher Advisory Committee to be composed of a diverse group of 20 public school classroom teachers who are past or present State Teachers of the Year or nominated from organizations representing teachers and have demonstrated similar evidence of expertise, and have experience working with educational policy; and

Whereas, Further, the Act requires the Teacher Advisory Committee to submit to Congress and the Secretary of Education 2 reports per year on not more than 3 topics per year determined by the Committee in consultation with policymakers; and

Whereas, The role of the Parents and Families Advisory Committee would be to monitor the effects of this Act on children and families, and review and analyze implementation of State and local parent and family engagement policies, school-parent compacts, and other family engagement activities; and

Whereas, The Act requires the Parents and Families Advisory Committee to be composed of a diverse group of 20 parents or family members of children enrolled in a public school who have a demonstrated history of parental involvement and family engagement in schools; and

Whereas, Further, the Act requires the Parents and Families Advisory Committee to submit an annual report and quarterly updates on the effects of this Act on parental involvement and family engagement in education and recommendations for strengthening family engagement policy; and

Whereas, H.R. 3246 seeks to advance student achievement by providing a mechanism for teachers and parents and families to have greater input in policy decisions that impact students; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R. 3246, the *Teachers and Parents at the Table Act*, which would create an advisory committee of teachers and an advisory committee of parents to advise the Congress and Secretary of Education.

Referred to the Committee on Education.

Int. No. 1771

By Council Members Eugene and Chin.

A Local Law to amend the New York city building code, in relation to requiring carbon monoxide detectors in commercial spaces

Be it enacted by the Council as follows:

Section 1. Section 908.7.3 of the New York city building code, as amended by local law number 10 for the year 2014, is amended to read as follows:

908.7.3 Buildings that are equipped with a fire alarm system and that contain Group A-1, A-2, A-3, [or certain] Group B or Group M occupancies. Listed carbon monoxide detectors shall be installed in buildings that are equipped with a fire alarm system and that contain Group A-1, A-2 or A-3, [occupancies or assembly spaces classified as] Group B or Group M occupancies [in accordance with Section 303.1, Exception 1]. Such detectors shall have built-in sounder bases, shall transmit a signal to a central supervising station and shall be permitted to initiate an audible and visual supervisory alarm at a constantly attended location. The department shall adopt rules and/or reference standards governing the installation and location of carbon monoxide detectors provided that such detectors shall be required within rooms containing carbon-monoxide producing equipment.

Exception: Carbon monoxide detectors shall not be required in kitchens.

§2. 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, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 1729

Resolution declaring May 4th New York City Teachers, Educational Administrators and Education Support Staff Recognition Day in order to recognize and highlight the important work they do to keep our city's schools running and to educate our children and provide a suitable environment for learning.

By Council Member Eugene.

Whereas, The New York City public school system is the largest in the United States, serving more than 1 million students in over 1800 schools; and

Whereas, To keep our City's massive school system running and to educate our children and provide a suitable environment for learning requires the efforts of more than 100,000 pedagogical and non-pedagogical staff; and

Whereas, This staff includes more than 75,000 teachers, more than 6,000 educational administrators, more than 15,000 classroom paraprofessionals, along with thousands of others such as school secretaries, attendance teachers, guidance counselors, psychologists, social workers, custodians, school aides and other support staff; and

Whereas, The efforts of these teachers, educational administrators and education support staff often receive scant recognition; and

Whereas, There are some national recognition days for school staff, but they are scattered at different times throughout the year; and

Whereas, According to the National Education Association (NEA), "National Teacher Appreciation Day" is observed on the Tuesday of the first full week in May, which is Teacher Appreciation Week; and

Whereas, Additionally, American Education Week is in November and "National Education Support Professionals Day" falls on the Wednesday of American Education Week, according to NEA; and

Whereas, Further, October has been jointly designated as “National Principals Month” by the National Association of Secondary School Principals, the National Association of Elementary School Principals, and the American Federation of School Administrators; and

Whereas, However, none of these national recognition days for school staff receives adequate attention in New York City; and

Whereas, A joint recognition day for all school staff in New York City public schools would help bring greater attention and support for their efforts serving City residents; now, therefore, be it

Resolved, That the Council of the City of New York declares May 4th New York City Teachers, Educational Administrators and Education Support Staff Recognition Day in order to recognize and highlight the important work they do to keep our city’s schools running and to educate our children and provide a suitable environment for learning.

Referred to the Committee on Education.

Preconsidered Res. No. 1730

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

By Council Member Ferreras-Copeland.

Whereas, On June 6, 2017 the City Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”); and

Whereas, On June 14, 2016 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2017 with various programs and initiatives (the “Fiscal 2017 Expense Budget”); and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2018, Fiscal 2017, and Fiscal 2016 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2018 and Fiscal 2017 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the change in the designation of the agency administering funding pursuant to the Initiative to Address Borough Wide Needs in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the change in the designation of the agency administering funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the change in the designation of the agency administering funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Initiative for Immigrant Survivors of Domestic Violence in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the CUNY Research Institutes initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of certain organizations receiving funding pursuant to the Food Pantries initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Initiative to Address Boroughwide Needs in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the change in the designation, specifically a fiscal conduit information and a name change, of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Food Access and Benefits initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving funding for the Food Pantries Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the organizations that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2018, as set forth in Chart 38.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 1730 printed in these Minutes).

Int. No. 1772

By Council Member Greenfield.

A Local Law to amend the administrative code of the city of New York, in relation to requiring parking permits for rental trailers

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-170.1 to read as follows:

§ 19-170.1 Parking permits for rental trailers parked on residential or commercial streets. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Commercial street. The term “commercial street” means those streets, or parts thereof, that are located within a commercial district under the zoning resolution.

Rental trailer. The term “rental trailer” means a trailer owned by a person engaged in the business of renting or leasing trailers, that is rented or leased to a person other than the owner and is registered in the name of such owner.

Residential street. The term “residential street” means those streets, or parts thereof, that are located within a residential district under the zoning resolution.

Trailer. The term “trailer” has the same meaning as is ascribed to such term in section 156 of the vehicle and traffic law.

b. No person shall park a rental trailer on a commercial or residential street unless the commissioner has issued a parking permit for such rental trailer. A person engaged in the business of renting or leasing trailers shall apply for a permit for each rental trailer to be parked on a commercial or residential street, in such manner and form as the commissioner prescribes. Such application shall include the following information:

1. The name, address and telephone number of the owner of the rental trailer;
2. The license plate number of the rental trailer;
3. The size of the rental trailer;
4. The intended location and dates of parking; and
5. Any other information required by the commissioner.

c. A permit issued pursuant to subdivision b is valid from the date of issuance until the date of expiration as determined by the commissioner, except that no such permit is effective for more than 30 days.

d. The commissioner shall require the payment of a fee for the issuance of a permit pursuant to subdivision b in an amount proportional to the size of the rental trailer and the duration of the permit specified in the application.

e. Notwithstanding the provisions of subdivision b, no more than one rental trailer shall be parked on a commercial or residential street.

f. A violation of this section is punishable by the monetary fine authorized for violation of the rules and regulations of the commissioner in paragraph 1 of subdivision a of section 2903 of the charter.

g. Any misuse of a permit issued pursuant to subdivision b is sufficient cause for revocation of such permit.

h. Any rental trailer parked in violation of subdivisions b or e is subject to impoundment by the department, the police department or any other authorized agency. Any such impounded rental trailer shall not be released until all applicable towing and storage fees have been paid.

i. The fines and fees set forth in this section are in addition to any other fines, fees or remedies provided by law or regulation.

j. Nothing in this section affects the operation of any other law or regulation relating to the parking of vehicles and the movement and conduct of vehicular traffic in the streets of the city.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Res. No. 1731

Resolution calling upon the New York State Legislature to enact, and the Governor to sign, a law that would create an exemption from water and sewer charges for student dormitories owned by primary and secondary parochial schools

By Council Member Greenfield.

Whereas, Since enacting Chapter 696 of the Laws of the State of New York in the year 1887, the New York State Legislature has granted certain types of non-profit organizations exemptions from local water and sewer charges; and

Whereas, To date, 17 categories of organizations have been recognized by the Legislature as exempt, including non-public schools from pre-kindergarten to grade 12 and places of public worship; and

Whereas, Parochial schools owned by religious institutions that are used exclusively for primary and secondary education qualify for exemptions from water and sewer charges as non-public schools; and

Whereas, Some New York City parochial schools own affiliated student dormitories that are not entitled to exemptions from water and sewer charges under any category of state law exemption; and

Whereas, It is commonly accepted that many non-profits such as educational and religious organizations render important, benevolent services to their communities; and

Whereas, These attributes provide a compelling policy rationale for exempting these types of organizations from certain levies such as water and sewer charges; and

Whereas, An exemption from water and sewer charges for student dormitories owned by parochial schools would help these institutions dedicate a greater share of their resources to their religious and educational purposes; and

Whereas, The furtherance of these purposes could help to enhance the communities in which these institutions are located and promote benevolent causes in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact, and the Governor to sign, a law that would create an exemption from water and sewer charges for student dormitories owned by primary and secondary parochial schools.

Referred to the Committee on Education.

Int. No. 1773

By Council Member Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to conduct on-site reviews of stoop line stand license applications, and to repeal section 20-239 of the administrative code of the city of New York, relating to approving stoop line stands

Be it enacted by the Council as follows:

Section 1. Section 20-239 of the administrative code of the city of New York is REPEALED, and a new section 20-239 is added to read as follows:

§ 20-239 Approval. a. The commissioner may not issue or renew a stoop line stand license unless the commissioner has received a written confirmation from the department of transportation that the issuance or renewal of such license will not affect pedestrian safety adversely and will not pose an obstruction to the free use of sidewalks by pedestrians.

b. In order to provide such confirmation, the department of transportation shall:

1. Conduct an on-site analysis of pedestrian traffic volume for each application for a stoop line stand license or for a renewal of such a license; and

2. Prepare a report on its findings.

c. The report shall contain the data used to reach its findings and a description of the methodology used. The commissioner shall forward a copy of each report and the corresponding license issuance or renewal application to the council member and community board in whose district the stoop line stand exists or is proposed to be located within five days of receiving it.

d. Notwithstanding anything in this subchapter to the contrary, if the department of transportation determines that a stoop line stand which is permitted to extend more than four feet in width pursuant to section 20-237 will adversely affect pedestrian safety or will pose an obstruction to the free use of sidewalks by pedestrians solely because the width of such stoop line stand exceeds four feet, the commissioner may certify or renew such license at a width of four feet if such certification is otherwise warranted.

§ 2. This local law takes effect 270 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 1774

By Council Member Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to allowing corporations, partnerships and other business entities to obtain newsstand licenses

Be it enacted by the Council as follows:

Section 1. Section 20-228 of the administrative code of the city of New York is amended by adding two new subdivisions g and h, to read as follows:

g. Emancipated child. Any daughter, son, step-daughter or step-son who is at least eighteen years of age and who is financially independent.

h. Unemancipated child. Any daughter, son, step-daughter or step-son who is under the age of eighteen, unmarried and living in the same household.

§ 2. Section 20-229 of the administrative code of the city of New York, as amended by local law 64 for the year 2003, is amended to read as follows:

§ 20-229 License required. *a. No person shall [maintain or] operate a newsstand or newsstands unless licensed pursuant to this subchapter, and unless [the operation of the newsstand is his or her principal employment]such person has no other income, excluding investment income, which exceeds the income such person earns from the operation of the newsstand or newsstands; provided, however, that if such person is a corporation, partnership, limited liability company or other association, only one shareholder of such corporation, one partner of such partnership, one member of such limited liability company or one principal of such other association, respectively, must have no other income, excluding investment income, which exceeds the income such person earns from the operation of the newsstand or newsstands; and provided further, that if such shareholder, partner, member or principal is the child of the persons authorized to operate a newsstand, such child must be an emancipated child. No license shall be issued to [an individual]a person for the operation of a newsstand that is not a replacement newsstand and that has been constructed and installed by a franchisee pursuant to a franchise unless such operator has reimbursed such franchisee for the costs of construction and installation of such newsstand as determined by the department in accordance with paragraph two of subdivision c of section [20-241.1]20-241 of the code.*

b. 1. No person shall be issued more than two licenses to operate a newsstand pursuant to this subchapter.

2. For purposes of determining the number of licenses held by a person pursuant to paragraph 1 of this subdivision, the following provisions shall apply:

(a) A natural person shall be deemed to hold the license issued in the name of such natural person's unemancipated child, a partnership in which such natural person is a partner, a corporation in which such natural person is an officer, director or shareholder, or a limited liability company in which such natural person is a member, manager or officer.

(b) A corporation shall be deemed to hold the license issued in the name of:

(1) An officer, director or shareholder of such corporation;

(2) Another corporation where such corporation and such other corporation share a common officer, director or shareholder, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such other corporation;

(3) A limited liability company where such corporation or any of its officers, directors or shareholders is a member, manager or officer of such limited liability company, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such limited liability company; or

(4) A partnership where such corporation or any of its officers, directors or shareholders is a partner in such partnership, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such partnership.

(c) A limited liability company shall be deemed to hold the license issued in the name of:

(1) A member, manager or officer of such limited liability company;

(2) Another limited liability company where such limited liability company and such other limited liability company share a common member, manager or officer, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such other limited liability company;

- (3) A corporation where such limited liability company or any of its members, managers or officers is an officer, director or shareholder in such corporation or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such corporation; or
- (4) A partnership where such limited liability company or any of its members, managers or officers is a partner in such partnership, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such partnership.
- (d) A partnership shall be deemed to hold the license in the name of:
- (1) A partner of such partnership;
- (2) Another partnership where such partnership is a partner in such other partnership, such partnership and such other partnership share a common partner, or such partnership or any of its partners has any direct or indirect interest in such other partnership;
- (3) A corporation where such partnership or any of its partners is an officer, director or shareholder in such corporation, or such partnership or any of its partners has any direct or indirect interest in such corporation; or
- (4) A limited liability company where such partnership or any of its partners is a member, manager or officer in such limited liability company, or such partnership or any of its partners has any direct or indirect interest in such limited liability company.

§ 3. Section 20-241 of the administrative code of the city of New York is REPEALED.

§ 4. Section 20-241.1 of the administrative code of the city of New York is renumbered section 20-241.

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

Referred to the Committee on Consumer Affairs.

Int. No. 1775

By Council Member Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to temporary parking restriction permits

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 19-103.1 to read as follows:

§ 19-103.1 *Permits related to temporary parking restrictions. a. Notwithstanding any other local law or rule, the commissioner may issue temporary parking restriction permits, provided, however, that any temporary parking restriction permit related to building construction may only be in effect from 7 a.m. to 6 p.m., and if an after-hours variance permit is obtained from the department of buildings, during the hours specified in such variance permit. The permittee shall be responsible for posting such temporary parking restriction at least 48 hours before such temporary parking restriction takes effect.*

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

Referred to the Committee on Transportation.

Int. No. 1776

By Council Member Treyger.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on housing lottery outcomes

Be it enacted by the Council as follows:

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

*CHAPTER 12
AFFORDABLE HOUSING PLACEMENTS*

§ 26-1201 Definitions.

§ 26-1202 Report.

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

Area median income. The term “area median income” means the median income for households in the city or in the metropolitan area that includes the city.

Department. The term “department” means the department of housing preservation and development.
Extremely low income household. The term “extremely low income household” means households who have an income of no more than 30 percent of the area median income, adjusted for the size of the household.

Low income household. The term “low income unit” means households who have an income of more than 50 percent of the area median income but no more than 80 percent of the area median income, adjusted for the size of the household.

Moderate income household. The term “moderate income household” means households who have an income of more than 80 percent of the area median income but no more than 165 percent of the area median income, adjusted for the size of the household.

Very low income household. The term “very low income household” means households who have an income of more than 30 percent of the area median income but no more than 50 percent of the area median income, adjusted for the size of the household.

§ 26-1202 Report. a. By no later than December 1 of each year, the department shall submit to the mayor and the council, and publicly post on its website, a report on lotteries for affordable housing that are administered by or on behalf of the department, containing at a minimum, for each such lottery that was completed during the previous fiscal year, the number of applications received, the number of applicants selected, the number of applicants selected and subsequently rejected, the number of applicants offered a position on a waiting list for affordable housing and the number of applicants offered affordable housing disaggregated by:

- 1. Applicants who are extremely low income households;*
- 2. Applicants who are very low income households;*
- 3. Applicants who are low income households;*
- 4. Applicants who are moderate income households;*
- 5. Applicant demographic information, where provided; and*
- 6. Applicants who qualified for a preference for such lottery, disaggregated by type of preference.*

b. In each report required by subdivision a of this section, the department shall set forth (i) the area median income used in compiling such report, disaggregated by household size and (ii) if such area median income is, for any household size, different than the area median income established by the United States department of housing and urban development for the fiscal year preceding the report, the department’s rationale for not using the area median income established by the United States department of housing and urban development.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings

Int. No. 1777

By Council Members Treyger, Johnson and Rosenthal

A Local Law to amend the administrative code of the city of New York, in relation to the provision of diapers

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 new section 12-208 to read as follows:

§ 12-208 Availability of diapers. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Child care centers. The term “child care centers” means programs subsidized by the administration for children’s services where certified teachers care for children aged 6 weeks through the end of preschool.

Family justice centers. The term “family justice centers” means the centers and any successor locations through which the office to combat domestic violence or successor entity provides services to victims of domestic violence.

Living for the young family through education (LYFE) programs. The term “living for the young family through education (LYFE) programs” means the programs operated by the department of education to provide early childhood education to children of student parents.

Temporary shelters. The term “temporary shelters” means facilities with the capacity to shelter families with children operated by or under contract or similar agreement with the department of homeless services and the department of youth and community development.

b. The department of citywide administrative services shall make available to child care centers, family justice centers, LYFE programs, and temporary shelters a supply of diapers sufficient to meet the needs of residents or recipients of services at such entities.

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

Referred to the Committee on Governmental Operations.

Int. No. 1778

By Council Members Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to term limits for council members

Be it enacted by the Council as follows:

Section 1. Section 1137 of the New York city charter is amended to read as follows:

§ 1137 Public policy. It is hereby declared to be the public policy of the city of New York to limit the time elected officials can serve as mayor, public advocate, comptroller, borough president and council member so that there is more opportunity for citizen participation in the legislative and executive branches and the airing of a greater diversity of ideas. It is further declared that this policy is most appropriately served by limiting the time such officials can serve to not more than two consecutive full terms *for the offices of mayor, public advocate, comptroller, and borough president and three consecutive full terms for the office of council member*. It is further declared that public confidence in government should be protected by restricting amendments that would affect the application of term limits to any elected official then in office.

§ 2. Subdivision a of section 1138 of the New York city charter is amended to read as follows:

a. Notwithstanding any provision to the contrary contained in this charter, no person shall be eligible to be elected to or serve in the office of mayor, public advocate, comptroller, or borough president [or council member] if that person had previously held such office for two or more consecutive full terms, *or to the office of council member if that person had previously held such office for three consecutive full terms*, unless one full term or more has elapsed since that person last held such office.

§ 3. This local law takes effect 90 days following its ratification by the voters of New York city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Governmental Operations.

Preconsidered L.U. No. 819

By Council Member Ferreras-Copeland:

Sydney House, Block 4671, Lot 4; Bronx, Community District No. 12, Council District No. 12.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 820

By Council Member Ferreras-Copeland:

Mount Hope Preservation Apartments, Block 2807, Lots 16, 22, 52, and 56, Block 2809, Lot 31, Block 2849, Lots 24 and 64, Block 2861, Lots 123 and 135, Block 2867, Lots 134, 139, and 147, Block 3026, Lot 7; Bronx, Community District No. 5, Council District Nos. 14 and 15.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 821

By Council Member Greenfield:

Application No. N 180082 ZRM submitted by the East River Fifties Alliance, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the bulk regulations governing R10 districts located in Community District 6, Borough of Manhattan, Council Districts 4 and 5.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 822

By Council Member Greenfield:

Application No. 20175072 SCQ pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 697-Seat Primary School Facility to be located on 38-04 48th Street (Block 125, Lot 10), Borough of Queens, Community School District 30, Council District 26.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

Preconsidered L.U. No. 823

By Council Member Greenfield:

Application No. 20185108 HAM submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2073, Lot 32, Borough of Manhattan, Community District 9, Council District 7.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

Preconsidered L.U. No. 824

By Council Member Greenfield:

Application No. 20185110 HAM submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1617, Lot 7, Borough of Manhattan, Community District 11, Council District 9.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No, 825

By Council Member Greenfield:

Application No. 20185130 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, for properties located at Block 09801, Lot 2, Block 11131, Lot 6, Block 10366, Lot 143, and Block 10411, Lot 6, 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.

<http://legistar.council.nyc.gov/Calendar.aspx>

A N N O U N C E M E N T S

Monday, December 4, 2017

[Subcommittee on Zoning & Franchises](#) 9:30 a.m.
[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16th Floor

Donovan Richards, Chairperson

[Committee on Fire and Criminal Justice Services](#) 10:00 a.m.

Oversight - Progress in Closing Rikers Island
Council Chambers – City Hall

Elizabeth Crowley, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)11:00 a.m.
[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16th Floor

Peter Koo, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#) 1:00 p.m.
[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16th Floor

Rafael Salamanca, Chairperson

Tuesday, December 5, 2017

[Committee on Parks and Recreation](#) 10:00 a.m.

Int 1466 - By Council Members Van Bramer, Levine, Salamanca, Rodriguez and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to cleaning park playground equipment after the spraying of pesticides.

Int 1680 - By Council Members Levine, Gentile, Crowley, Menchaca and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures.

Committee Room - 250 Broadway, 16th Floor

Mark Levine, Chairperson

[Committee on Public Housing](#) 10:00 a.m.

Oversight - DOI Investigation into Lead-Based Paint Conditions at NYCHA Apartments.

Council Chambers – City Hall

Ritchie Torres, Chairperson

Wednesday, December 6, 2017

★ *Deferred*

[Committee on Public Safety](#) jointly with the
[Committee on Health](#)10:00 a.m.
Agenda to be announce
Council Chambers – City Hall Vanessa L. Gibson, Chairperson
Corey Johnson, Chairperson

★ *Deferred*

[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

Committee on Juvenile Justice1:00 p.m.
Oversight - DYFJ’s Efforts in the Implementation of Raising the Age of Criminal Responsibility.
Committee Room - City Hall Fernando Cabrera, Chairperson

[Committee on Technology](#) 1:00 p.m.
Oversight - MODA’s Data and Verification Plan
Committee Room - 250 Broadway, 16th Floor James Vacca, Chairperson

Thursday, December 7, 2017

★ *Deferred*

[Committee on Governmental Operations](#)10:00 a.m.
Oversight – 2017 Election
Committee Room – 250 Broadway, 14th Floor Ben Kallos, Chairperson

★ *Addition*

[Committee on Land Use](#)11:00 a.m.
[All items reported out of the Subcommittees](#)
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Council Chambers – City Hall David G. Greenfield, Chairperson

[Committee on Education](#)1:00 p.m.
Oversight - Diversity in New York City Schools
Council Chambers – City Hall Daniel Dromm, Chairperson

Monday, December 11, 2017

[Stated Council Meeting](#)

Ceremonial Tributes – 1:00 p.m.
Agenda – 1:30 p.m.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Monday, December 11, 2017.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 336-B, 622-A, 942-B, 1404-A, 1429-A, 1437-A, 1444-A, 1460-A, 1509-A, 1510-B, 1511-A, 1517-A, 1645-A, and 1720-A, all adopted by the Council at the October 17, 2017 Stated Meeting, were returned unsigned by the Mayor on November 17, 2017. These items had become law on November 17, 2017 pursuant to the City Charter due to the lack of Mayoral action within the Charter-prescribed thirty day time period. The bills were assigned subsequently as Local Law Nos. 200 to 213 of 2017, respectively.

Int. No. 1652-A, adopted by the Council at the October 31, 2017 Stated Meeting, was signed into law by the Mayor on November 27, 2017 as Local Law No. 214 of 2017.