

**THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**

*of*

Thursday, June 7, 2018, 2:09 p.m.

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

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Vanessa L. Gibson	Keith Powers
Alicia Ampry-Samuel	Mark Gjonaj	Antonio Reynoso
Diana Ayala	Barry S. Grodenchik	Donovan J. Richards
Inez D. Barron	Robert F. Holden	Carlina Rivera
Joseph C. Borelli	Ben Kallos	Ydanis A. Rodriguez
Justin L. Brannan	Andy L. King	Deborah L. Rose
Fernando Cabrera	Peter A. Koo	Helen K. Rosenthal
Margaret S. Chin	Karen Koslowitz	Rafael Salamanca, Jr
Andrew Cohen	Rory I. Lancman	Ritchie J. Torres
Costa G. Constantinides	Bradford S. Lander	Mark Treyger
Robert E. Cornegy, Jr	Stephen T. Levin	Eric A. Ulrich
Laurie A. Cumbo	Mark D. Levine	Paul A. Vallone
Chaim M. Deutsch	Alan N. Maisel	James G. Van Bramer
Ruben Diaz, Sr.	Steven Matteo	Jumaane D. Williams
Daniel Dromm	Carlos Menchaca	Kalman Yeger
Rafael L. Espinal, Jr	Francisco P. Moya	
Mathieu Eugene	Bill Perkins	

Absent for this Stated Meeting held on June 7, 2018: Council Member Miller.

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 50 Council Members marked present at this Stated Meeting held on June 7, 2018 in the Council Chambers of City Hall, New York, N.Y.*

*\*Editor's Note re: Attendance for the Stated Meeting held on June 7, 2018 and the Recessed Meetings held on June 14, 2018 and June 28, 2018: The Recessed Meetings held subsequently on June 14, 2018 and June 28, 2018 are considered to be the continuation and conclusion of this Stated Meeting which was opened on June 7, 2018. For attendance purposes, therefore, any Council Member who was present at any one of these three Meetings will be considered present for all of the proceedings known collectively as the Stated Meeting of June 7, 2018. Council Member Miller is considered Present but Voting for these June 7<sup>th</sup> proceedings due to his marked presence at the Recessed Meeting held subsequently on June 14<sup>th</sup>.*

## INVOCATION

The Invocation was delivered by Michael Vanacore, Minister for Congregational Life & Social Justice, Trinity Lutheran Church in Sunset Park, 411 46<sup>th</sup> Street, Brooklyn, NY 11220.

Let us pray. Almighty God,  
 we give you thanks for this opportunity  
 to come together to work for the good of this city.  
 God, it is a great privilege and honor  
 to be called forth by the members of this great metropolis  
 to assume the mantle of political leadership.  
 God, we give you thanks for the willingness to serve  
 that you have placed in the hearts  
 of each of the men and women assembled here.  
 As this body convenes oh Lord,  
 we ask that your Holy Spirit also gather here.  
 May your Spirit come to rest upon this body  
 and upon each of the men and women here.  
 Grant them oh Lord, wisdom,  
 wisdom so that they may comprehend  
 the difficult matters they will face today  
 and most importantly God,  
 help them to hold always in their hearts and in their minds  
 before them in their work  
 the men and women and children  
 who struggle daily to survive in this city oh God.  
 Spirit of the living God fall afresh upon this body.  
 Renew the men and women here, their hearts and bodies.  
 Sharpen their minds, oh God.  
 We know that this work is difficult.  
 It is challenging so this morning as we take a breath  
 and breathe in the spirit of life God,  
 we ask that you grant them a moment of peace,  
 a moment of presence so that they may enter this work God with joy,  
 renewed to serve the people of this city  
 and finally God we ask that your spirit of mercy  
 be in this Chamber today.  
 God, from all of our faith traditions we know  
 that your first concern is for the poor, the suffering, the stranger  
 and so we ask God that that spirit of mercy,

that spirit of liberation for the oppressed  
be also the first and guiding spirit  
of the work of this Chamber today and every day.  
God, all of these things we pray in your many names,  
in the name of all that we hold sacred.  
Amen.

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

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

Former Assembly Member Herman “Denny” Farrell, Jr., passed away at the age of 86 on May 26, 2018. The Speaker (Council Member Johnson) noted that Mr. Farrell was a long-time assemblyman in upper Manhattan who represented his constituents with the utmost grace, dedication, and integrity. He extended his deepest condolences to Assembly Member Farrell’s family and his former colleagues.

Former NYPD Chief of Detectives, William Alle, who passed away at the age of 76 of 9-11 related leukemia on May 24, 2018. The Speaker (Council Member Johnson) extended his thoughts and prayers to his family, friends and all of the men and women in the New York City Police Department.

Angel Falcon, long-time advocate for the Latino community, passed away at the age of 66 on May 24, 2018. The Speaker (Council Member Johnson) offered his thoughts and prayers to Mr. Falcon’s loved ones on his untimely passing.

The Speaker (Council Member Johnson) also asked those assembled in the Chambers to remember the workers who died during the course of their employment: Dayanand Shiamsundar, a security guard at JFK Airport was killed in an auto accident in the airport parking lot; Carolina Wilson, a custodial assistant for DCAS serving at the Queens State Supreme Courthouse, died from injuries on her job; and Harry Ramnauth, a security guard crushed by a large falling glass panel while on his job.

The Speaker (Council Member Johnson) asked those assembled in the Chambers to rise for a Moment of Silence in memory of these individuals.

#### **ADOPTION OF MINUTES**

Council Member Ampry-Samuel moved that the Minutes of the Stated Meeting of April 25, 2018 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-58

**Communication from the Mayor – Submitting Executive Order No. 35 of 2018 pursuant to Section 3-113(a)(2) of the New York City Administrative Code, entitled “Deputy Mayors”.**

(For text of the Executive Order, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; also please refer to the City Council website at [www.council.nyc.gov](http://www.council.nyc.gov) for the attachments for [M-58 of 2018](#) )

Received, Ordered, Printed and Filed.

**LAND USE CALL-UPS**

M-59

By Council Member Powers:

**Pursuant to Rule 11.20(b) of the Council and §20-226 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 625 Madison Avenue, Borough of Manhattan, Community District 5, Council District 4, Application No. 20185408 TCM shall be subject to review by the Council.**

Coupled on Call-up vote.

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

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **50**.

*Present but Not Voting (PNV) due to his marked presence at the Recessed Meeting held subsequently of June 14, 2018: Council Member Miller.*

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

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Health

Report for Int. No. 401-A

#### **Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to animal shelters.**

The Committee on Health, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 573), respectfully

#### **REPORTS:**

#### **I. Introduction**

On June 5, 2018, the Committee on Health, chaired by Council Member Mark Levine, held a vote on Proposed Int. 401-A, a local law to amend the administrative code of the city of New York, in relation to animal shelters. This bill was originally heard on April 24, 2018. At that hearing, representatives from the Department of Health and Mental Hygiene (DOHMH), Animal Care Centers of New York City, as well as animal advocates testified. Since the first hearing on Proposed Int. No. 401-A, amendments were made to the legislation. On June 5, 2018, the Committee passed Proposed Int. No. 401-A by a vote of 5 in the affirmative, zero in the negative, and zero abstentions.

#### **II. Background**

##### Animal Care Centers of New York City

Animal Care Centers of New York City (ACC) is a not-for-profit organization under contract with DOHMH with a mission to end animal homelessness in New York City.<sup>1</sup> ACC is the largest pet organization in the northeast; it takes in approximately 30,000 animals per year, and is an open-admissions shelter system that does not turn animals away based on age, breed, health, behavior, or aggressive tendencies. ACC performs numerous services, including receiving, adoption, sheltering, spay and neutering, lost and found services, owner-requested euthanasia and stray animal pick-up.<sup>2</sup>

In calendar year 2017, ACC received 28,417 animals – including dogs, cats, rabbits and other animals – into its shelters. Of those animals, 7,025 were adopted, another 13,577 were transferred to other shelters through the New Hope program,<sup>3</sup> and 1,683 pets were returned to their owner.<sup>4</sup> Excluding owner-requested euthanasia, 1,490 cats and dogs were euthanized in 2017.<sup>5</sup> ACC's live release rate for cats and dogs was 93 percent in 2017, meaning the animals were either adopted, reunited or transferred to placement partners.<sup>6</sup> This is the highest rate in ACC's history.

##### Animal Shelters and Sterilization Act

In 2000, the City Council passed Local Law 26, the Animal Shelters and Sterilization Act.<sup>7</sup> The primary

<sup>1</sup> Animal Care Centers of New York City, *About Us – Statistics*, <http://www.nycacc.org/about/statistics>.

<sup>2</sup> Animal Care Centers of New York City, *Services*, <http://www.nycacc.org/services>

<sup>3</sup> N.Y. City Dep't of Health & Mental Hygiene, 2017 Annual Report to the Council on Animal Care Centers of New York City, Feb. 28, 2018; In partnership with the Mayor's Alliance for New York City Animals ("Mayor's Alliance"), ACC created the New Hope program, through which ACC provides animals to Mayor's Alliance member organizations to facilitate the adoption of animals.

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

<sup>5</sup> Animal Care Centers of New York City, Annual Asilomar Report, 1/1/2017 to 12/31/2017, available at <http://www.nycacc.org/Statistics.htm>.

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

<sup>7</sup> NYC Admin. Code §§ 17-801 *et seq.* (2000).

provisions of this law required a full-service animal shelter to exist in each of the five boroughs and mandated the sterilization of dogs and cats adopted from animal shelters or purchased from pet shops.<sup>8</sup> A “full-service shelter” was defined as one that accepts dogs and cats twenty-four hours per day, seven days per week; has an adoption program seven days a week; and provides veterinary services. At the time of the hearing in April 2000, the Staten Island shelter was not open twenty-four hours, nor did it provide medical services required under the new law. The shelters in the Bronx and Queens were “store front” drop off shelters, only open Tuesday through Saturday from 8:00 a.m. to 4:00 p.m.<sup>9</sup> The new requirements were to take effect on January 1, 2001 for the boroughs of Brooklyn, Manhattan and Staten Island, and July 1, 2002 for the boroughs of the Bronx and Queens.<sup>10</sup> To implement these parameters, the Council appropriated \$4 million in funding. At the time, a potential shelter site was selected in Queens, but one still needed to be selected for the Bronx.<sup>11</sup> Animals that came into the Queens or Bronx facilities were transported to Brooklyn and Manhattan, respectively.<sup>12</sup>

In 2002, the Animal Shelters and Sterilization Act was amended by Local Law 12, which extended the date for the acquisition of sites for the Bronx and Queens shelters until July 1, 2004.<sup>13</sup> The shelters were to be fully operational by July 1, 2006.<sup>14</sup> Additionally, the 2002 law temporarily reduced the number of hours that a full-service shelter was required to operate from twenty-four hours per day to twelve hours per day, seven days per week.<sup>15</sup> Adoption programs in full-service shelters were also reduced from seven days per week to five days each week.<sup>16</sup> The reduction of services was set to sunset on January 1, 2005.<sup>17</sup> The 2002 law also required DOHMH to report to the Council the number of animals euthanized each month.<sup>18</sup>

### Litigation

In 2009, Stray from the Heart, Inc., a non-profit volunteer organization that seeks to rescue, rehabilitate and place homeless dogs, sued DOHMH for non-compliance with the law requiring that a full-service shelter be located in each of the five boroughs.<sup>19</sup> The New York State Supreme Court held that DOHMH violated the Animal Shelters and Sterilization Act by failing to operate full-service shelters in Queens and the Bronx, and ordered DOHMH to submit a plan, within sixty days, to open animal shelters in all five boroughs.<sup>20</sup> The decision was overturned on an appeal to the Appellate Division on the grounds that Stray from the Heart, Inc. (the plaintiffs) did not have standing to bring the claim.<sup>21</sup> Stray from the Heart, Inc. requested leave to appeal the ruling to the Court of Appeals, which was granted on September 13, 2011. In that same year, the City reached an agreement<sup>22</sup> that included the passage of Local Law 59. On December 11, 2012, the Court of Appeals held that Stray from the Heart, Inc. did not have standing to bring the claim.<sup>23</sup>

<sup>8</sup> Comm. on Health, Council of the City of N.Y., *Proposed Int. No. 567-A, Committee Report of the Human Services Division*, Apr. 13, 2000, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=649888&GUID=1CBFBA67-5800-433B-9279-225CFDCC9845>.

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

<sup>10</sup> *Id.* at 7-8.

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

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

<sup>13</sup> Comm. on Health, Council of the City of N.Y., *Proposed Int. No. 234, Committee Report of the Human Services Division*, June 21, 2002, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=438245&GUID=938412CA-3451-4CBA-A6CA-8629E7EE403B>.

<sup>14</sup> *Id.* at 4.

<sup>15</sup> *Id.* at 2.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 3.

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

<sup>19</sup> *Stray from the Heart, Inc. v. Dep't of Health & Mental Hygiene*, 25 Misc. 3d 1214 (N.Y. Sup. Ct. Sept. 11, 2009).

<sup>20</sup> *Id.*

<sup>21</sup> *Stray from the Heart, Inc. v. Dep't of Health & Mental Hygiene*, NY Slip Op. 03101, (N.Y. App. 1st Dept. Apr. 19, 2011).

<sup>22</sup> Press Release, N.Y. City Office of the Mayor, Mayor Bloomberg, Speaker Quinn, Council Member Lappin, Health Commissioner Farley, Animal Care & Control of NYC, ASPCA and the Mayor's Alliance for NYC'S Animals Announce Agreement to Enhance Services for Shelter Animals, July 27, 2011, <http://www1.nyc.gov/office-of-the-mayor/news/274-11/>.

<sup>23</sup> *Stray from the Heart, Inc. v. Dep't of Health & Mental Hygiene*, NY Slip Op. 08438, (20 N.Y.3d 946, 982 N.Y.S.2d 674. Dec. 11, 2012).

### **III. Local Law 59 of 2011 and Concurrent Agreements**

On July 27, 2011, Mayor Michael Bloomberg, City Council Speaker Christine Quinn, Council Member Jessica Lappin, DOHMH Commissioner Thomas Farley, and several animal rights organizations announced an agreement to enhance services for shelter animals.<sup>24</sup> As part of the agreement, the Bloomberg Administration committed to increasing its investment in animal shelters by nearly \$10 million over three years, with the budget for animal shelters expected to top \$12 million dollars by 2014, a 77% increase from the 2011 amount.<sup>25</sup> The increased budget would allow for the hiring of up to 100 additional shelter employees to greatly improve the quality of care for animals at the shelters. This additional investment was made possible, in part, by repealing the requirement that there be full-service animal shelters in every borough.<sup>26</sup>

Furthermore, the Administration committed to pursuing a new animal receiving facility site in Queens (as the existing facility had been deemed too small and unable to accommodate the demand), adding two public members to the ACC board, and launching a citywide public awareness campaign pertaining to dog licensing. As part of that campaign, DOHMH agreed to create simplified enrollment online and at self-service licensing kiosks and further agreed to conduct targeted outreach to educate the public about the benefits of dog licensing.

Some of the details of the 2011 announcement were codified in Local Law 59 of 2011, including requiring that dogs and cats be accepted in the Bronx and Queens twelve hours per day, seven days a week. The law also codified a field services program, which would pick up “lost, stray, homeless, or injured dogs and cats” from all five boroughs, twelve hours a day, seven days a week. The law provided that field services would be available to pick up animals twenty-four hours a day when a threat to public health and safety exists.

Local Law 59 also repealed the requirement that there be a full service shelter in every borough. Instead, full service shelters that are open twelve hours a day, seven days a week were required in three boroughs, one of which would be required to receive animals from the public twenty-four hours a day. In addition, the legislation also required that all free-roaming cats with owners (a/k/a “outdoor cats”) be spayed or neutered to reduce the feral cat population. Owners are required to submit proof of sterilization upon request by DOHMH and can be fined between \$250 and \$500 for letting their unsterilized cats roam free.

Local Law 59 imposed several transparency requirements to the previously existing annual report that DOHMH was required to provide to the City Council and the Mayor, including the following indicators, disaggregated by month:

- the total number of animals per borough picked up by field services during regular business hours and delivered to shelters and receiving facilities;
- the total number of animals per borough picked up by field services during off hours and delivered to shelters and receiving facilities;
- the total number of animals accepted into and transferred from full service shelters to each receiving facility; and
- the staffing levels at each full service shelter and receiving facility.

Under Local Law 59, DOHMH was required to promulgate rules for the registration of individuals or groups conducting trap-neuter-return (“TNR”) activities and establish criteria for such registration. However, Local Law 43 of 2012 amended the law to instead require DOHMH to post and maintain on its website a regularly updated list of organizations in New York City that offer TNR information and conduct TNR activities.<sup>27</sup> TNR is a program which traps feral cats, sterilizes and vaccinates them for rabies and then returns them to the locations where they were found in order to humanely and effectively manage feral cat populations and colonies. While neither the City nor ACC directly provides TNR services, many animal advocacy organizations, including, but not limited to the Mayor’s Alliance for New York City’s Animals,<sup>28</sup> Neighborhood Cats,<sup>29</sup> and the American

<sup>24</sup> *Supra*, Note 22.

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

<sup>26</sup> *Id.*

<sup>27</sup> <https://www1.nyc.gov/site/doh/health/health-topics/trap-neuter-return-of-feral-cats-in-nyc.page>

<sup>28</sup> <http://www.nycferalcat.org/>

<sup>29</sup> <http://www.neighborhoodcats.org/>

Society for the Prevention of Cruelty to Animals,<sup>30</sup> provide training, equipment and spay/neuter services for TNR throughout the five boroughs on a voluntary basis.

#### **IV. Recent Progress**

##### Staff

Additional funding provided by the City since 2011 allowed ACC to hire veterinarians, veterinary technicians, staff to support adoptions and field staff to expand rescue, response and transport services.<sup>31</sup> By January 2014, ACC staff had increased 71 percent since Local Law 59 was adopted in 2011.<sup>32</sup> A new medical director was also hired in January 2014 after four years of this position being vacant.<sup>33</sup>

##### Hours of Operation

Pursuant to Local Law 59 of 2011, Bronx and Queens receiving centers have increased their hours to 12 hours per day, 7 days a week and the Manhattan shelter is now open for intakes 24 hours.<sup>34</sup> The expanded hours have resulted in an increase in intake at the receiving centers, although overall intake at ACC facilities has decreased since 2011.<sup>35</sup>

##### Capital Improvements

After the 2011 agreement was announced, the Mayoral Administration identified an old veterinarian office in Queens as a potential new animal receiving facility;<sup>36</sup> however, DOHMH never acquired the site despite the local community board and the City Planning Commission approving the location.<sup>37</sup>

On January 23, 2015, DOHMH and ACC announced that City will provide more than \$8 million in capital funding to build a new adoption center at the Manhattan facility, modernize the Brooklyn facility, double the organization's current fleet of mobile adoption vans and expand ACC's fundraising capacity.<sup>38</sup> Three years later, the Administration is in the design phase of the new adoption center in Manhattan. The design should be completed around October 2018. Property adjacent to the Manhattan shelter will be used to construct a building dedicated to the adoption of dogs, cats and rabbits.<sup>39</sup>

DOHMH and ACC also planned to redesign and replace the heating, air conditioning and ventilation system at the Brooklyn shelter to improve air flow, help reduce the spread of diseases common in shelters, and maintain comfortable temperature and humidity.<sup>40</sup> In January of this year, DOHMH announced that the renovation plans would be greatly expanded to include a new building on the site of the current shelter, designed to include best practices in animal welfare. Construction is scheduled to start in late 2019 and move in is projected in mid 2022.

At a City Council hearing in 2015, DOHMH Commissioner Mary Bassett testified that "there is a commitment on the part of this administration to full service shelters in all boroughs."<sup>41</sup> Since then, DOHMH has dedicated \$98 million in its capital plan for the construction and renovation of the City's Animal Care

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<sup>30</sup> <https://www.aspca.org/nyc/spay-neuter-services/rescue-professionals>

<sup>31</sup> N.Y. City Dep't of Health & Mental Hygiene, *2013 Annual Report to the Council on Animal Care and Control*, Feb. 28, 2014.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Animal Care & Control of New York, *Our Care Center Locations*, <http://www.nycacc.org/about/locations>.

<sup>35</sup> N.Y. City Dep't of Health & Mental Hygiene, *2013 Annual Report to the Council on Animal Care and Control*, Feb. 28, 2014; N.Y. City Dep't of Health & Mental Hygiene, *2017 Annual Report to the Council on Animal Care and Control*, Feb. 28, 2017

<sup>36</sup> NYC City Planning Commission Report: Queens Animal Shelter - C 120076 PCQ, March 14, 2012, <http://www1.nyc.gov/assets/planning/download/pdf/about/cpc/120076.pdf>.

<sup>37</sup> *Id.*

<sup>38</sup> N.Y. City Dep't of Health & Mental Hygiene Press Release, *Health Department Announces New Efforts to Improve Shelter Animal Care in New York City*, Jan. 23, 2015, <http://www.nyc.gov/html/doh/html/pr2015/pr005-15.shtml>.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> N.Y. City Dep't of Health & Mental Hygiene Testimony, New York City Council Health Committee Executive Budget Hearing Transcript, May 20, 2015, p. 123, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2280273&GUID=F385A6C0-2B44-4DA0-BEB0-8E31305F88CC>.



Centers. On January 23, 2018, the de Blasio Administration announced the location of a new, full service animal shelter in the Baychester neighborhood of the Bronx.<sup>42</sup> The new shelter in the Bronx is slated to open in 2024 and will go through the City's Uniform Land Use Review Procedure (ULURP) before construction begins.

On October 28, 2013, DOHMH, ACC and Staten Island Borough President James Molinaro broke ground on a brand new full-service shelter in Staten Island, which was originally scheduled to be completed in April 2015.<sup>43</sup> The new shelter is now projected to open in June of this year, with demolition of the current shelter starting at that time. The shelter will have a new layout and additional capacity to improve upon the "old, tight and small" space of the current facility.<sup>44</sup>

In Queens, DOHMH is leasing a new site in Middle Village to relocate the existing admissions center.<sup>45</sup> This new location will almost double the space of the current site. Move in is projected for June 2019 and this new location is a temporary site while the Administration continues to look for a location for a full service animal shelter in Queens.

## **VI. Proposed Int. No. 401-A - Bill Analysis**

Proposed Introduction Number 401-A would amend § 17-803 of the Administrative Code of the City of New York. The bill would add the requirement that a full-service shelter be maintained in each borough of the City. The bill would amend subdivision a of § 17-803, replacing the requirement that a full-service shelter be maintained and operated only in each of three boroughs, and substitute it with the requirement that a full-service shelter be maintained and operated in each borough of the City. Subdivision b of § 17-803 currently requires facilities to receive lost, stray or homeless dogs and cats from the public be maintained seven days per week, twelve hours per day in the boroughs in which there is not a full-service shelter. Subdivision c of the same section currently requires that field services having the capacity to pick up and bring to a shelter lost, stray, homeless or injured dogs and cats from all five boroughs be maintained and operated seven days per week, twelve hours per day, and further provides that where public health and safety is threatened, such field services shall have the capacity to pick up such animals twenty-four hours per day. The content of subdivision b of such section relating to receiving centers would be deleted in its entirety and replaced with the content in existing subdivision c relating to field services.

Originally, the proposed local law would take effect 180 days after its enactment into law. However, since the first hearing on Proposed Int. No. 401-A, technical amendments were made to the legislation. Additionally, the enactment date was altered, and a reporting requirement was added.

Therefore, the proposed local law would now take effect on July 1, 2024; provided, however, that the department of health and mental hygiene shall submit to the mayor and the speaker on July 1, 2020 and biennially thereafter, until such date such shelters are open and operating, a report detailing the progress toward the opening of full-service shelters in the boroughs of Queens and the Bronx

**(The following is the text of the Fiscal Impact Statement for Int. No. 401-A:)**

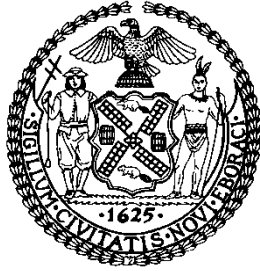
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<sup>42</sup> N.Y. City Office of the Mayor Press Release, *De Blasio Administration Announces Location of Bronx Animal Shelter and Upgrades to Brooklyn Shelter*, Jan. 23, 2018, <http://www1.nyc.gov/office-of-the-mayor/news/056-18/>.

<sup>43</sup> Mark Stein, *Portion of revamped Staten Island animal care facility named after young boy who died for his pets*, Staten Island Live, Oct. 28, 2013, [http://www.silive.com/news/index.ssf/2013/10/portion\\_of\\_revamped\\_staten\\_isl.html](http://www.silive.com/news/index.ssf/2013/10/portion_of_revamped_staten_isl.html)

<sup>44</sup> *Id.*

<sup>45</sup> Lisa L. Colangelo, *City plans to open larger center for homeless pets in Middle Village*, amNewYork, Apr. 9, 2018, <https://www.amny.com/news/queens-animal-center-1.17925186>



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

**PROPOSED INTRO. NO: 401-A**

**COMMITTEE: Health**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to animal shelters. **SPONSOR(S):** Council Members Vallone, Brannan, Holden, and Powers

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Health and Mental Hygiene (DOHMH) to ensure the operation of a full-service animal shelter in each of the City’s five boroughs by July 1, 2024. The boroughs of Manhattan, Brooklyn, and Staten Island currently have full-service animal shelters – facilities that provide medical treatment to relinquished animals, house lost animals, and offer direct animal adoptions. In January 2018, the City identified a site in the Bronx to construct an animal shelter and veterinary medical clinic, but the Administration has not announced plans to implement a full-service shelter in Queens.

The proposed legislation would also require DOHMH to submit a report to the Mayor and to the Speaker of the City Council on July 1, 2020 and biennially thereafter, until such shelters are in operation, detailing the progress toward the opening of full-service shelters in the boroughs of Queens and the Bronx.

**EFFECTIVE DATE:** This local law would take effect on July 1, 2024, provided, however, that the department of health and mental hygiene shall submit to the mayor and the speaker on July 1, 2020 and biennially thereafter, until such date such shelters are open and operating, a report detailing the progress toward the opening of full-service shelters in the boroughs of Queens and the Bronx.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2025

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$3,000,000	\$3,000,000	\$0
<b>Net</b>	(\$3,000,000)	(\$3,000,000)	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** The proposed legislation would result in expenditures totaling approximately \$3 million in Fiscal 2025 in order to provide a full suite of services at shelters in Queens and the Bronx, including sheltering, examining, testing, treating, spaying, and neutering animals.

The proposed legislation would also require \$54 million in capital funding for a full-service shelter in Queens. DOHMH’s Fiscal 2019 Capital Commitment Plan for Fiscal 2018-2022 includes \$59 million for the construction of the full-service animal shelter in the Bronx and \$5 million for a Queens shelter. Assuming comparable costs for the construction of a full-service shelter in Queens, the proposed legislation necessitates \$54 million in additional capital funding.

DOHMH would utilize existing resources to fulfill the reporting component of the proposed legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Jeanette Merrill, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirilhen 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 January 31, 2018 as Intro. 401 and was referred to the Committee on Health. The Committee on Health held a hearing on April 24, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 401-A, will be considered by the Committee on Health on June 5, 2018. Upon successful vote by the Committee on Health, Proposed Intro. No. 401-A will be submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 4, 2018.

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

**(The following is the text of Int. No. 401-A)**

Int. No. 401-A

By Council Members Vallone, Brannan, Holden, Powers, Ampry-Samuel, Constantinides, Levin, Kallos, Koslowitz, Rivera and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to animal shelters**

*Be it enacted by the Council as follows:*

Section 1. Section 17-803 of the administrative code of the city of New York, as amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-803 Animal shelters.

a. A full-service shelter shall be maintained and operated in each [of three boroughs] *borough* of the city of New York. At least one of the full-service shelters shall be open to the public for the purpose of receiving animals twenty-four hours per day, seven days per week.

b. [Facilities to receive lost, stray or homeless dogs and cats from the public shall be maintained seven days per week, twelve hours per day in those boroughs of the city in which there is not a full-service shelter.

c.] Field services having the capacity to pick up and bring to a shelter lost, stray, homeless or injured dogs and cats from all five boroughs shall be maintained and operated seven days per week, twelve hours per day. Where public health and safety is threatened, they shall have the capacity to pick up such animals twenty-four hours per day.

§ 2. This local law takes effect on July 1, 2024; provided, however, that the department of health and mental hygiene shall submit to the mayor and the speaker on July 1, 2020 and biennially thereafter, until such date such shelters are open and operating, a report detailing the progress toward the opening of full-service shelters in the boroughs of Queens and the Bronx.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; INEZ D. BARRON, ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 70

**Report of the Committee on Land Use in favor of approving Application No. 20185240 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Il Posto Trattoria Rustica Corp., for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 221 Dyckman Street, Borough of Manhattan, Community Board 12, Council District 10. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2018 (Minutes, page 1649) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 12**

**20185240 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Il Posto Trattoria Rustica Corp., d/b/a Café Tabu, for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 227 Dyckman Street.

#### **INTENT**

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

#### **PUBLIC HEARING**

**DATE:** May 15, 2018

**Witnesses in Favor:** None

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 30, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera, Torres, Grodenchik.

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

**COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

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

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 383

**Resolution approving the petition for a new revocable consent for an unenclosed sidewalk café located at 227 Dyckman Street, Borough of Manhattan (Non-ULURP No. 20185240 TCM; L.U. No. 70).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on April 19, 2018 its approval dated April 18, 2018 of the petition of Il Posto Trattoria Rustica Corp., d/b/a Café Tabu, for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 227 Dyckman Street, Community District 12, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on May 15, 2018; and

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

**RESOLVED:**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 81

**Report of the Committee on Land Use in favor of approving Application No. 20185336 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, a real property tax exemption for the Disposition Area pursuant to Section 577 of Article XI of the Private Housing Finance Law, for property located at 107 West 105th Street (Block 1860, Lot 27) and 981 Amsterdam Avenue – aka 161 West 108th Street (Block 1863, Lot 1), Borough of Manhattan, Community District 7, Council District 7.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1863) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 7**

**20185336 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, a real property tax exemption for the Disposition Area pursuant to Section 577 of Article XI of the Private Housing Finance Law, waiver of the area designation requirement and waiver of Sections 197-c and 197-d of the New York City Charter for property located at 107 West 105<sup>th</sup> Street (Block 1860, Lot 27) and 981 Amsterdam Avenue – aka 161 West 108<sup>th</sup> Street (Block 1863, Lot 1), Community District 7, Borough of Manhattan, Council District 7.

#### **INTENT**

To approve the Project as an urban development action area project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for the exemption area.

#### **PUBLIC HEARING**

**DATE:** May 15, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 5, 2018

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:**

Kallos, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Kallos offered the following resolution:

Res. No. 384

**Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 107 West 105 Street (Block 1860, Lot 27) and 981 Amsterdam Avenue, aka 161 West 108<sup>th</sup> Street (Block 1863, Lot 1), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 7, Borough of Manhattan (L.U. No. 81; 20185336 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 1, 2018 its request dated April 13, 2018 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 107 West 105 Street (Block 1860, Lot 27) and 981 Amsterdam Avenue, aka 161 West 108<sup>th</sup> Street (Block 1863, Lot 1), Community District 7, Borough of Manhattan (the "Disposition Area"):

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

5. Approve the exemption of the project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 15, 2018;

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

**RESOLVED:**

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

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on April 13, 2018, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Disposition Area from real property taxes as follows:

- a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area ("Effective Date") and terminating upon 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 between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.

- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the 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.

**PROJECT SUMMARY**

- 1. **PROGRAM:** AFFORDABLE NEIGHBORHOOD COOPERATIVE PROGRAM
- 2. **PROJECT:** 105<sup>th</sup> Street & Amsterdam Avenue Project
- 3. **LOCATION:**
  - a. **BOROUGH:** Manhattan
  - b. **COMMUNITY DISTRICT:** 7
  - c. **COUNCIL DISTRICT:** 7
  - d. **DISPOSITION AREA:**

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>
1860	27	107 W. 105 <sup>th</sup> Street
1863	1	981 Amsterdam Avenue (aka 161 W. 108 <sup>th</sup> Street)
- 4. **BASIS OF DISPOSITION PRICE:** Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of up to sixty (60) years following cooperative conversion, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven in the 60th year.
- 5. **TYPE OF PROJECT:** Rehabilitation
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 2 Multiple Dwelling
- 7. **APPROXIMATE NUMBER OF UNITS:** 28
- 8. **HOUSING TYPE:** Cooperative. If units remain unsold at the end of the marketing period and HPD determines in writing that

(i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then Sponsor may operate the building as rental housing in accordance with the written instructions of HPD.

**9. ESTIMATE OF INITIAL PRICE:**

The cooperative interests attributable to occupied apartments will be sold to the existing tenants for \$2,500 per apartment. The cooperative interests attributable to vacant apartments will be sold for a price affordable to families earning no more than 165% of the area median income.

**10. INCOME TARGETS:**

The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 165% of the area median.

**11. PROPOSED FACILITIES:**

Storefront commercial space – 981 Amsterdam Avenue

**12. PROPOSED CODES/ORDINANCES:**

None

**13. ENVIRONMENTAL STATUS:**

Type II

**14. PROPOSED TIME SCHEDULE:**

Approximately six months from authorization to sale.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 82

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20185237 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Coliemore Inc., d/b/a Five Mile Stone, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1640 2nd Avenue, Borough of Manhattan, Community Board 8, Council District 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1863) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB – 8**

**20185237 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Coliemore, Inc., d/b/a Five Mile Stone, for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 1640 2<sup>nd</sup> Avenue.

By letter dated June 5, 2018 and submitted to the City Council on June 5, 2018, the Applicant withdrew the Application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent.

**PUBLIC HEARING**

**DATE:** May 30, 2018

**Witnesses in Favor:** Thirteen

**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 5, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Reynoso, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 385

**Resolution approving a motion to file pursuant to withdrawal of the Application for a new revocable consent for an unenclosed sidewalk café located at 1640 2<sup>nd</sup> Avenue, Borough of Manhattan (Non-ULURP No. 20185237 TCM; L.U. No. 82).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on April 27, 2018 its approval dated April 25, 2018 of the petition of Coliemore, Inc., d/b/a Five Mile Stone, for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 1640 2<sup>nd</sup> Avenue, Community District 8, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on May 30, 2018; and

**WHEREAS**, by letter dated June 5, 2018 and submitted to the City Council on June 5, 2018, the Applicant withdrew the Application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent.

**RESOLVED:**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 83

**Report of the Committee on Land Use in favor of approving Application No. N 180157 ZAK submitted by the Thor 280 Richards Street LLC pursuant to Section 62-822(A) of the Zoning Resolution for a waterfront authorization to modify the requirements of Sections 62-50 and 62-332 to facilitate the development of a five-story building on property located at 280 Richards Street (Block 612, Lot 150), Borough of Brooklyn, Community District 6, Council District 38. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 62-822(A) of the Zoning Resolution.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1863) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 6**

**N 180157 ZAK**

City Planning Commission decision approving an application submitted by Thor 280 Richards Street, LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at 280 Richards Street (Block 612, Lot 150), in an M3-1 district.

**INTENT**

This grant of an authorization, would modify the requirements for the minimum dimensions and areas of waterfront public access and visual corridors and modify the required depth of waterfront yards, the depth of shore public walkways and facilitate the development of a five-story commercial development on the property generally bounded by Beard Street, and the U.S. Pierhead Line (Block 612, Lot 150), in an M3-1 district, Community District 6, Borough of Brooklyn.

**PUBLIC HEARING**

**DATE:** May 30, 2018

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 5, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Reynoso, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 386

**Resolution approving the decision of the City Planning Commission for the grant of an authorization, pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York to modify the location, area and minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at 280 Richards Street (Block 612, Lot 150), in an M3-1 district, Borough of Brooklyn, (Non-ULURP No. N 180157 ZAK; L.U. No. 83).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 7, 2018 its decision dated April 11, 2018 (the "Decision"), on the application submitted by Thor 280 Richards Street, LLC, in the City of New York for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards), in connection with a proposed five-story commercial development on a property generally bounded by Beard Street, and the U.S. Pierhead line (Block 612, Lot 150), in an M3-1 district, Community District 6, Borough of Brooklyn, (Non-ULURP No. N 180157 ZAK) (the "Application");

**WHEREAS**, the Application is related to applications N 180158 ZAK, authorization pursuant to ZR section 62-822(b) to modify regulations pertaining to design requirements for waterfront public access areas and N 180159 ZCK, Chair Certification pursuant to ZR section 62-811 to show compliance with waterfront public access and visual corridor requirements;

**WHEREAS**, the Authorization is subject to review and action by the Council pursuant to Section 62-822 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 May 30, 2018;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 62-822(a)(2) of the Zoning Resolution of the City of New York;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration (CEQR No. 17BSA038K) issued September 9, 2017 (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 62-822(a) of the Zoning Resolution of the City of New York and on the basis of the Authorization and Application, the Council approves the Decision, subject to the following terms and conditions:

1. The properties that are the subject of this application (N 180157 ZAK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans prepared by SCAPE Landscape Architecture DPC, filed with this application and incorporated in this resolution:

<b>Dwg. No.</b>	<b>Title</b>	<b>Last Date Revised</b>
ZL 0.0	Title Sheet	11.20.17
ZL 0.1	Zoning Lot Site Plan	01.12.18
ZL 0.2	WPAA Site Key Plan	01.12.18
ZL 0.3	Site Part Plan A	01.12.18
ZL 0.4	WPAA Site Part Plan B	01.12.18
ZL 1.0	Zoning Analysis and Base Plan Calculations	01.05.18
ZL 1.1	Waterfront Zoning Calculations and Compliance	01.05.18
ZL 1.2	Waterfront Zoning Calculations and Compliance	01.05.18
ZL 2.1	WPAA Plan Part Plan A	01.12.18
ZL 2.2	WPAA Plan Part Plan B	01.12.18
ZL 3.1	WPPA Circulation Part Plan A	01.12.18
ZL 3.2	WPPA Circulation Part Plan B	01.12.18
ZL 4.1	Site Grading Part Plan A	11.20.17
ZL 4.2	Site Grading Part Plan B	01.12.18
ZL 5.1	Seating Plan Part Plan A	01.12.18
ZL 5.2	Seating Plan Part Plan B	01.12.18

ZL 5.3	Seating Schedule	01.12.18
ZL 6.1	Site Furnishings Part Plan A	01.12.18
ZL 6.2	Site Furnishings Part Plan B	01.12.18
ZL 6.3	Site Furnishings Part Plan B	11.20.17
ZL 7.1	Site Materials Part Plan A	01.12.18
ZL 7.2	Site Materials Part Plan B	01.12.18
ZL 8.1	Planting Part Plan A	01.12.18
ZL 8.2	Planting Part Plan B	01.12.18
ZL 9.1	Site Lighting Part Plan A	01.12.18
ZL 9.2	Site Lighting Part Plan B	01.12.18
ZL 9.3	Photometric Part Plan A	01.12.18
ZL 9.4	Photometric Part Plan B	01.12.18
ZL 9.5	Lighting Fixture Details	01.12.18
ZL 10.0	Site Sections Key Plan	01.12.18
ZL 10.1	East Site Sections	11.20.17
ZL 10.2	South Site Sections	11.20.17
ZL 10.3	Southwest Site Sections	01.12.18
ZL 10.4	Northwest Site Sections	01.12.18
ZL 10.5	Visual Corridor/ PAA Site Sections	11.20.17
ZL 10.6	Longitudinal Site Sections	01.12.18
ZL 10.7	Longitudinal Site Sections	11.20.17
ZL 10.8	Longitudinal Site Sections	01.12.18
ZL 10.9	Longitudinal Site Sections	01.12.18
ZL 11.1	Paving and Curb Details	11.20.17



ZL 11.2	Stair and Wall Details	11.20.17
ZL 11.3	Fences and Gate Details	01.12.18
ZL 11.4	Site Furnishings Details	01.12.18
ZL 11.5	Site Furnishings Details	01.12.18
ZL 11.6	Site Furnishings Details	01.12.18
ZL 11.7	Planting Details	01.12.18

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.
3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report, with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, King County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
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 restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any 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 to disapprove any application for modification, cancellation or amendment of the authorization.
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 authorization.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 84

**Report of the Committee on Land Use in favor of approving Application No. C 180063 ZSM submitted by Madison 45 Broad Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus on a zoning lot where major improvements to adjacent subway stations are provided in accordance with the provisions of Section 74-634, in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10), Borough of Manhattan, Community District 1, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1864), respectfully

**REPORTS:****SUBJECT****MANHATTAN CB - 1****C 180063 ZSM**

City Planning Commission decision approving an application submitted by the Madison 45 Broad Development LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio for a development located on a zoning lot where major improvements to adjacent subway stations are provided in accordance with the provisions of Section 74-634, in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10), in a C5-5 District, within the Special Lower Manhattan District.

**INTENT**

To approve the grant for the Special Permit, pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus of up to 20 percent of the basic maximum floor area ratio (FAR) in order to facilitate the development of a mixed-use development on property located at 45 Broad Street in connection with proposed subway improvements to the Broad Street J/Z station and the Wall Street 4/5 station in Manhattan, Community District 1.

**PUBLIC HEARING****DATE:** May 15, 2018**Witnesses in Favor:** Eight**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 30, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission with modifications. The modifications to the restrictive declaration achieve additional signage, clarifications to definitions, and required the location of the bonus floor area to be specified.

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya.

**Against:**

None

**Abstain:**

None

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

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. 85

**Report of the Committee on Land Use in favor of approving Application No. N 180238 ZRM 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, amending Article IX, Chapter 3 (Special Hudson Yards District) for the purpose of modifying floor area regulations in the Phase 2 Hudson Boulevard and Park, Borough of Manhattan Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1864) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**N 180238 ZRM**

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, for the purpose of modifying floor area regulations for Phase 2 of Hudson Boulevard and Park in Article IX, Chapter 3 (Special Hudson Yards District).

**INTENT**

To approve an amendment to the text of the Zoning Resolution, which would modify and clarify the transfer of floor area and contribution-in-kind regulations for Phase 2 of the Hudson Boulevard and Park within the Special Hudson Yards District in Manhattan Community District 4.

**PUBLIC HEARING**

**DATE:** May 15, 2018

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 30, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca. Gibson. Barron. Constantinides. Deutsch. Kallos. King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 387

**Resolution approving the decision of the City Planning Commission on Application No. N 180238 ZRM, for an amendment of the Zoning Resolution of the City of New York, for the purpose of modifying**

**floor area regulations for Phase 2 of Hudson Boulevard and Park in Article IX, Chapter 3 (Special Hudson Yards District), Community District 4, Borough of Manhattan (L.U. No. 85).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 7, 2018 its decision dated April 23, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, for the purpose of modifying floor area regulations for Phase 2 of Hudson Boulevard and Park in Article IX, Chapter 3 (Special Hudson Yards District), (Application No. N 180238 ZRM), Community District 4, Borough of Manhattan (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 15, 2018;

**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 Generic Environmental Impact Statement (FGEIS) for which a Notice of Completion was issued on November 8, 2004 (CEQR No. 03DCP031M) for which the proposed action would not result in any new or different significant adverse impacts or require any new or different mitigation measures than those identified in the 2004 FGEIS and the Technical Memoranda referenced in the Decision (the "Technical Memoranda");

**RESOLVED:**

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

- (1) the FGEIS 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, the proposed action is the one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FGEIS; and
- (3) consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement will be minimized or avoided by incorporating as conditions to the approval those mitigative measures which were identified as practicable; and

The Decision, together with the FGEIS 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).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Section 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, N 180238 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.

\* \* \*

## **ARTICLE IX - SPECIAL PURPOSE DISTRICTS**

### **Chapter 3**

#### **Special Hudson Yards District**

#### **93-00**

#### **GENERAL PURPOSES**

The “Special Hudson Yards 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) to facilitate and guide the development of an environmentally beneficial, transit-oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation and avoidance of conflicts with vehicular traffic;
- (b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area and the surrounding neighborhoods;
- (c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;
- (d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;
- (e) to preserve the low- and medium-scale residential character of the Hell’s Kitchen area;
- (f) to provide a transition between the Hudson Yards District and the Clinton community to the north;
- (g) to provide a transition between the Hudson Yards District and the Garment Center to the east;
- (h) to provide a transition between the Hudson Yards District and the West Chelsea area to the south;
- (i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;
- (j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;
- (k) to provide a transition between the Hudson Yards District and the Hudson River to the west;

- (l) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations;
- (m) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City’s tax revenues; and
- (n) to limit the amount of off-street parking based on regulations that address the anticipated needs of residents, workers and visitors to the Hudson Yards Area, consistent with the objective of creating an area with a transit- and pedestrian-oriented neighborhood character.

\* \* \*

**93-30  
SPECIAL FLOOR AREA REGULATIONS**

\* \* \*

**93-32  
Floor Area Regulations in the Phase 2 Hudson Boulevard and Park**

In the #Phase 2 Hudson Boulevard and Park#, no #development# shall be permitted and, except as provided in Section 93-051 (Applicability of Article I, Chapter 1), no #building# shall be #enlarged#. However, #floor area# from a granting site within the #Phase 2 Hudson Boulevard and Park# may be transferred to a receiving site in accordance with the provisions of paragraph (a) of this Section.

For the purposes of this Section, a “granting site” shall mean a #zoning lot#, or portion thereof, within the #Phase 2 Hudson Boulevard and Park# and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a “receiving site” shall mean a #zoning lot#, or portion thereof, within Subareas A2 through A5 of the Large-Scale Plan Subdistrict A or Subareas D1 or D2 of Hell’s Kitchen Subdistrict D, to which #floor area# from a granting site has been transferred.

Special regulations for certain #zoning lots# partially within the #Phase 2 Hudson Boulevard and Park# are set forth in Section 93-33.

- (a) Transfer of floor area by certification

The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# of a receiving site to be increased up to the maximum amount specified in Section 93-21 or 93-22, as applicable, through the transfer of #floor area# from a granting site, provided that:

- (1) the maximum amount of #floor area# transferred from a granting site shall not exceed the #floor area ratio# permitted on the granting site, as listed below, less any existing #floor area# to remain on the granting site:

District	Maximum #floor area ratio#
C2-8	7.5
C6-2	6.02
C6-4	10.0
M1-5	5.0

- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer pursuant to Section 93-21 or 93-22, as applicable. In the event a granting site generates more #floor area# than is permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# transfers pursuant to this Section; and.
- (4) where all #floor area# shall be transferred from a granting site pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement, where applicable, as a #public park# or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area# pursuant to this paragraph (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in Row B in the table in Section 93-21 and Row C in the table in Section 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31 (District Improvement Fund Bonus), an increase in #floor area# pursuant to paragraph (b) of this Section or Section 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park), or the Inclusionary Housing Program pursuant to Section 23-154, as modified by Section 93-23.

An application filed with the Chairperson for the transfer of #floor area# pursuant to this paragraph (a) shall be made jointly by the owners of the granting site and receiving site, and shall include a site plan and #floor area# zoning calculations for the granting site and the receiving site, and a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with notice of the restrictions upon further development of the granting site and the receiving site.

Notices of restrictions shall be filed by the owners of the granting site and receiving site in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site which incorporates #floor area# transferred pursuant to this paragraph (a).

- (b) Authorization for contribution-in-kind

The City Planning Commission may authorize a contribution-in-kind to the #Hudson Yards District Improvement Fund# for a receiving site, provided that:

- (1) the conditions for transferring #floor area# set forth in paragraph (a) of this Section have been met as of the date of the authorization or will be met in accordance with agreements or instruments entered into pursuant to paragraph (b)(3) of this Section;
- (2) the granting site will be improved, at the applicant's expense, as a #public park# or #street#, as provided for on the City Map, prior to conveyance to the City; and
- (3) the applicant, or an affiliate of such applicant, has entered into an agreement or provided instruments in a form satisfactory to the City, providing for the improvement of the granting site as a #public park# or #street# pursuant to an agreed-upon construction schedule. The



construction schedule may be adjusted from time to time in accordance with the provisions of such agreement or instruments and shall include progress milestones, including the date by which the improvements will be 50 percent complete, and a date by which the improvements will be substantially complete and usable by the public. In the event that the conditions for transferring #floor area# set forth in paragraph (a) of this Section have not been completed as of the date of this authorization, such agreement or instruments shall also provide that such conditions will be met, to the extent applicable, pursuant to an agreed-upon schedule.

In order to grant such authorization, the Commission shall find that the #public park# or #street# has been designed in accordance with the approved plan for the Hudson Boulevard and Park, or as an appropriate interim design, in consultation with the Department of Parks and Recreation or Department of Transportation.

[All of the following text of this section, which was not previously indented, is indented 0.5" and included as part of paragraph (b).]

~~The amount of increased #floor area# generated by the contribution-in-kind shall be as determined by the Commission, which~~ The Commission shall determine the reasonable cost of such improvement, including any acquisition and site preparation costs, and shall permit a #floor area# bonus in relation thereto divide this reasonable cost by the contribution amount per square foot of the District Improvement Bonus, as determined pursuant to Section 93-31, and in effect on the date of authorization of the contribution-in-kind pursuant to this paragraph (b), in order to determine the amount of increased #floor area# generated by the contribution-in-kind. In making such determination, the Commission may consult with an appraiser or engineer at the applicant's expense. In the event the contribution-in-kind results in an amount of #floor area# in excess of what is permitted on the receiving site, the Commission shall authorize that such excess #floor area# be credited towards future #floor area# increases pursuant to Section 93-31.

The owner of the receiving site shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this paragraph (b), and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion until the Chairperson has certified that the improvements are substantially complete and usable by the public. 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 until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson. A restrictive declaration in a form acceptable to the Chairperson shall be recorded against the receiving site in the Office of the Register of the City of New York in order to implement such restrictions.

An application filed with the Chairperson ~~of the Commission~~ for the ~~transfer of #floor area# contribution-in-kind pursuant to this Section paragraph (b)~~ shall be made jointly by the owners or contract vendees of the granting site and receiving site and shall, in all instances, include the party responsible either directly or through its affiliate, for the improvement of the granting site as a #public park# or #street# pursuant to the agreement or instruments entered into pursuant to paragraph (b)(3) of this Section, a site plan and #floor area# zoning calculations for the granting site and the receiving site, and a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with notice of the restrictions upon further development of the granting site and the receiving site.

~~Notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified executed~~

copies thereof shall be a pre-condition of the agreement or instruments required pursuant to paragraph (b)(3) of this Section, and of copies of the recorded restrictive declaration, shall be a precondition to the issuance of any a building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site that incorporates a #floor area# bonus granted pursuant to this paragraph (b).

In no event shall a building permit for a #development# or #enlargement# utilizing a #floor area# increase pursuant to this paragraph (b) be granted for the receiving site until the Chairperson provides notice to the Commissioner of Buildings that the applicant, or affiliate responsible for the improvement of the granting site, has provided acceptable evidence of site control for purposes of construction of the improvement.

**93-33**

**Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park**

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 86

**Report of the Committee on Land Use in favor of approving Application No. C 180088 ZMX submitted by Markland 745 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b, changing from an M1-2 District to an M1-2/R6A District, changing from an M1-2 District to an M1-4/R7D District, changing from an M1-2/R6A District to an M1-4/R7D District, and establishing a Special Mixed Use District (MX-1), on property in the vicinity of Willow Avenue and East 133rd Street, Borough of the Bronx, Community District 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1864) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 1**

**C 180088 ZMX**

City Planning Commission decision approving an application submitted by Markland 745, LLC, 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 zoning map amendment, which in conjunction with the related actions, would facilitate the construction of a mixed-use building with affordable residential units and ground floor retail space in the Port Morris neighborhood of Bronx Community District 1.

### **PUBLIC HEARING**

**DATE:** May 15, 2018

**Witnesses in Favor:** Five

**Witnesses Against:** One

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 30, 2018

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

#### **In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera, Torres, Grodenchik.

#### **Against:**

None

#### **Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

#### **In Favor:**

Salamanca, Gibson, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

#### **Against:**

Barron

#### **Abstain:**

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

## Res. No. 388

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180088 ZMX, a Zoning Map amendment (L.U. No. 86).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on May 4, 2018 its decision dated April 11, 2018 (the "Decision"), on the application submitted by Markland 745 LLC, 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 construction of a mixed-use building with affordable residential units and ground floor retail space in the Port Morris neighborhood of the Bronx (ULURP No. C 180088 ZMX), Community District 1, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to applications N 180089 ZRX (L.U. No. 87), Zoning text amendments to modify and include the project area within the MX-1 Special Mixed Use District and to Appendix F to establish a new Mandatory Housing (MIH) area and 20185334 HAX (L.U. No. 88), a real property tax exemption pursuant Section 577 of Article XI of the Private Housing Finance 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**, upon due notice, the Council held a public hearing on the Decision and Application on May 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 18DCP007X) issued on November 27, 2017, which include (E) designation to avoid any potential impacts associated with hazardous materials and air quality which would apply to the entirety of the project area, which includes both the development site (Block 2565, Lot 49, 56, 58, 60) and the additional site to be rezoned (Block 2562, Lot 41) (E-454) (the "Negative Declaration").

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 180088 ZMX, 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. changing from an M1-2 District to an M1-2/R6A District property bounded by a line 280 feet northwesterly of Willow Avenue, East 134th Street, a line 100 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;

2. changing from an M1-2 District to an M1-4/R7D District property bounded by a line 100 feet northwesterly of Willow Avenue, East 134th Street, Willow Avenue, East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;
3. changing from an M1-2/R6A District to an M1-4/R7D District property bounded by a line 100 feet northwesterly of Willow Avenue, a line 100 feet northeasterly of East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and East 133rd Street; and
4. establishing a Special Mixed Use District (MX-1) bounded by a line 280 feet northwesterly of Willow Avenue, East 134th Street, Willow Avenue, East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;

as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-454, Community District 1, Borough of the Bronx.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 87

**Report of the Committee on Land Use in favor of approving Application No. N 180089 ZRX submitted by Markland 445 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1864) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 1**

**N 180089 ZRX**

City Planning Commission decision approving an application submitted by Markland 745 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve the zoning text amendment, which in conjunction with the related actions, would facilitate the construction of a mixed-use building with affordable residential units and ground floor retail space in the Port Morris neighborhood of the Bronx.

**PUBLIC HEARING**

**DATE:** May 15, 2018

**Witnesses in Favor:** Five

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 30, 2018

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

**In Favor:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

Barron

**Abstain:**

None

In connection herewith, Council Members Salamanca and Kallos offered the following resolution:

Res. No. 389

**Resolution approving the decision of the City Planning Commission on Application No. N 180089 ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) and Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 1, Borough of the Bronx (L.U. No. 87).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the City Planning Commission filed with the Council on May 4, 2018 its decision dated April 11, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Markland 745 LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) and 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 actions, would facilitate the construction of a mixed-use building with affordable residential units and ground floor retail space in the Port Morris neighborhood of the Bronx (Application No. N 180089 ZRX), Community District 1, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to application nos. C 180088 ZMX (L.U. No. 86), a zoning map amendment to change an M1-2 and M1-2/R6A zoning district to M1-2/R6A and M1-4/R7D districts and to extend the adjacent MX-1 Special Mixed Use District; and 20185334 HAX (L.U. No. 88), a real property tax exemption pursuant Section 577 of Article XI of the Private Housing Finance 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**, upon due notice, the Council held a public hearing on the Decision and Application on May 15, 2018;

**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 (CEQR No. 18DCP007X) issued on November 27, 2017, which include (E) designation to avoid any potential impacts associated with hazardous materials and air quality which would apply to the entirety of the project area, which includes both the development site (Block 2565, Lot 49, 56, 58, 60) and the additional site to be rezoned (Block 2562, Lot 41) (E-454) (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 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 180089 ZRX, 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.

**ARTICLE XII**

**SPECIAL PURPOSE DISTRICTS**

**Chapter 3**

**Special Mixed Use District**

\* \* \*

**123-60**

**SPECIAL BULK REGULATIONS**

\* \* \*

**123-63**

**Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts**

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections 23-153 (For Quality Housing buildings) or 23-155 (Affordable independent residences for seniors), as applicable.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Sections 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in APPENDIX F of this Resolution.

#Special Mixed Use District

Designated #Residence District#

---

MX-1 – Community District 1,

R6A R7D



---

Bronx

MX 2 - Community District 2,  
Brooklyn R7A R8A

MX 4 – Community District 3,  
Brooklyn R6A

MX 8 - Community District 1,  
Brooklyn R6 R6A R6B R7A

MX 11 - Community District 6,  
Brooklyn R7-2

MX 13 – Community District 1,  
The Bronx R6A R7A R7X R8A

MX 14 - Community District 6,  
The Bronx R7A R7X

MX 16 - Community Districts 5 and 16  
Brooklyn R6A R7A R7D R8A

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

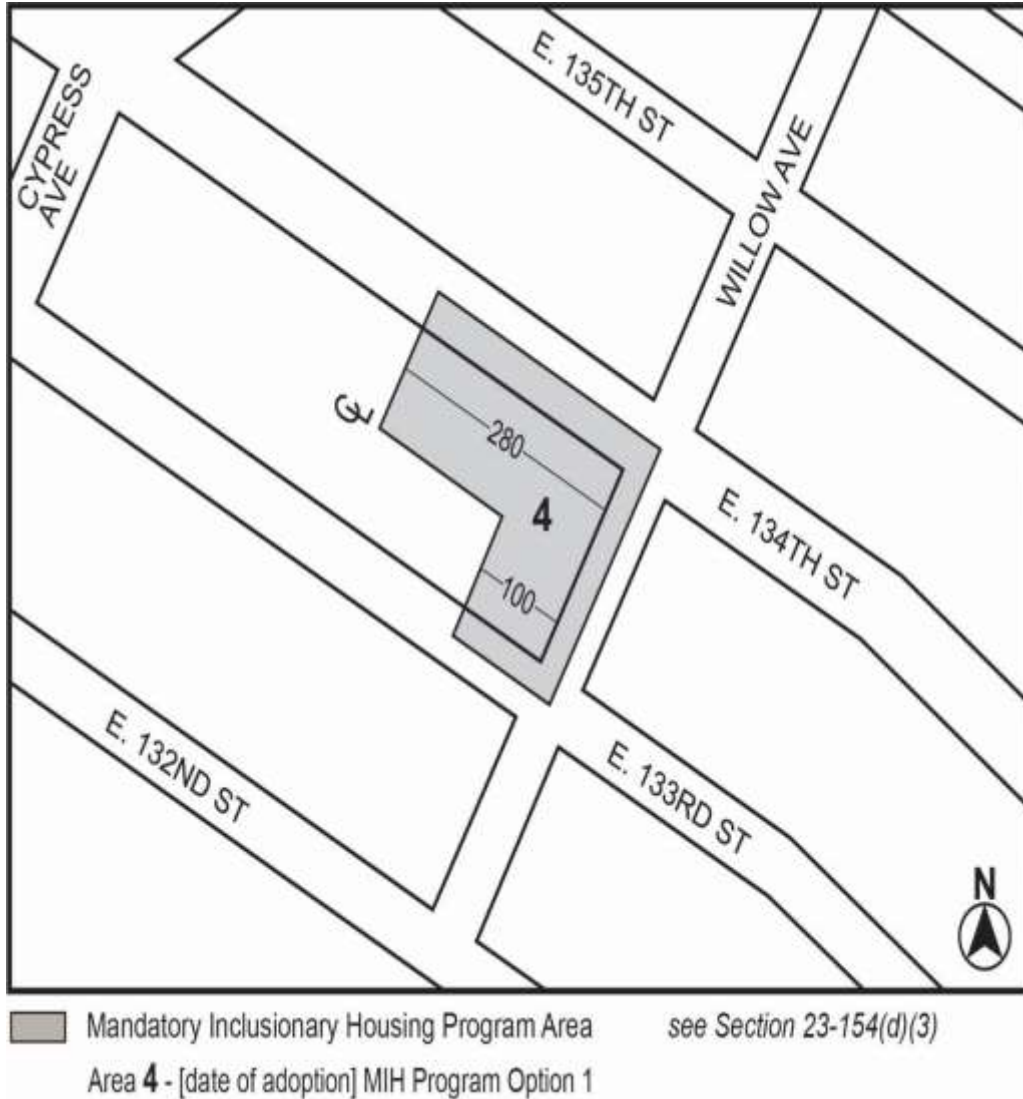
**THE BRONX**

**The Bronx Community District 1**

\* \* \*

Map 4 – [date of adoption]

[PROPOSED MAP]



Portion of Community District 1, The Bronx

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 88

**Report of the Committee on Land Use in favor of approving Application No. 20185334 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 2562, Lots 49, 56, 58 and 60, Community District 1, Borough of the Bronx, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 9, 2018 (Minutes, page 1865) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BRONX - 1****20185334 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 2562, Lots 49, 56, 58 and 60, Community District 1, Borough of the Bronx, Council District 17.

**INTENT**

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for the exemption area.

**PUBLIC HEARING****DATE:** May 15, 2018**Witnesses in Favor:** Five**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 30, 2018

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:**

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

Barron

**Abstain:**

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 390

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2562, Lots 49, 56, 58, and 60, Community District 1, Borough of the Bronx, (L.U. No. 88; Non-ULURP No. 20185334 HAX).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 2, 2018 its request dated April 30, 2018 that the Council approve an exemption from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 2562, Lots 49, 56, 58, and 60, Community District No. 1, Borough of the Bronx, Council District No. 17 (the "Exemption Area");

**WHEREAS**, the Application is related to applications C 180088 ZMX (L.U. No. 86), a zoning map amendment to change an M1-2 and M1-2/R6A zoning district to M1-2/R6A and M1-4/R7D districts and to extend the adjacent MX-1 Special Mixed Use District; and N 180089 ZRX (L.U. No. 87), zoning text amendments to modify and include the project area within the MX-1 Special Mixed Use District and to Appendix F to establish a new Mandatory Housing (MIH) area;

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on May 15, 2018; and

**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. "Company" shall mean Willow 111 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” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2562, Lots 49, 56, 58, and 60 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 HP Willow Housing Development Fund Company, Inc. 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 102

**Report of the Committee on Land Use in favor of approving Application No. 20185357 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1452, Lots 66, 70, 71, 72, 73, 74, 75, 76, 77 and 78, and termination of the prior exemption, Borough of Brooklyn, Community District 16, Council District 41.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1993) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 16**

**20185357 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1452, Lots 66, 70, 71, 72, 73, 74, 75, 76, 77 and 78, and termination of the prior exemption, Community District 16, Council District 41.

**INTENT**

To approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and terminate the prior exemption for the Exemption Area which contains one multiple dwelling known as Berean Gardens, that provides rental housing for low income seniors.

**PUBLIC HEARING**

**DATE:** May 30, 2018

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 5, 2018

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:**

Kallos, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Kallos offered the following resolution:

Res. No. 391

**Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 1452, Lots 66, 70, 71, 72, 73, 74, 75, 76, 77 and 78, Community District 16, Borough of Brooklyn, (L.U. No. 102; Non-ULURP No. 20185357 HAK).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 15, 2018 its request dated May 14, 2018 that the Council approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") and termination of the prior exemption for property located at Block 1452, Lots 66, 70, 71, 72, 73, 74, 75, 76, 77 and 78, Community District No. 16, Borough of Brooklyn, Council District No. 41 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on May 30, 2018;



**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. “Effective Date” shall mean 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 Brooklyn, City and State of New York, identified as Block 1452, Lots 66, 70, 71, 72, 73, 74, 75, 76, 77, and 78 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. “Gross Rent” shall mean the gross potential rents from all commercial and residential units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
  - f. “Gross Rent Tax” shall mean an amount equal to seven percent (7%) of the Gross Rent in the tax year in which such real property tax payment is made.
  - g. “HDFC” shall mean Berean Housing Development Fund Corporation 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. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - j. “Owner” shall mean the HDFC.
  - k. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on August 3, 1993 (Resolution No. 1554).
  - l. “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 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.
4. Commencing upon the fourth anniversary of the Effective Date and during each year thereafter until the Expiration Date, the Owner shall make a real property tax payment in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the 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 in the applicable year.
5. 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.
6. 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 103

**Report of the Committee on Land Use in favor of approving Application No. 20185358 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2072, Lot 30 and Block 2073, Lot 29, and termination of the prior exemption, Borough of Manhattan, Community District 9, Council District 7.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1993) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 9**

**20185358 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2072, Lot 30 and Block 2073, Lot 29, and termination of the prior exemption, Community District 9, Council District 7.

**INTENT**

To approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and terminate the prior exemption for the Exemption Area which contains two multiple dwellings known as Hudson Piers II, that provide rental housing for low income families.

**PUBLIC HEARING**

**DATE:** May 30, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 5, 2018

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:**

Kallos, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Kallos offered the following resolution:

Res. No. 392

**Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 2072, Lot 30 and Block 2073, Lot 29, Community District 9, Borough of Manhattan, (L.U. No. 103; Non-ULURP No. 20185358 HAM).**

By Council Members Salamanca and Kallos

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 15, 2018 its request dated May 14, 2018 that the Council approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") and termination of the prior exemption for property located at Block 2072, Lot 30 and Block 2073, Lot 29, 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 May 30, 2018;**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. 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) "Current Owner" shall mean 141st Street Associates.

- (2) “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.
  - (3) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2072, Lot 30 and Block 2073, Lot 29 on the Tax Map of the City of New York.
  - (4) “Expiration Date” shall mean the earlier to occur of (i) a date which is 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.
  - (5) “HDFC” shall mean Hudson Piers Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - (6) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (7) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (8) “New Owner” shall mean, collectively, the HDFC and the Partnership.
  - (9) “Partial Tax Payment” shall mean the sum of (i) \$241,320, 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 December 31, 2018.
  - (10) “Partnership” shall mean 141st Street Associates, L.P. or a limited partnership that acquires the beneficial interest in the Exemption Area with the approval of HPD.
  - (11) “PHFL” shall mean the Private Housing Finance Law.
  - (12) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on December 4, 1980 (Cal. No. 4).
  - (13) “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 the Partial Tax Payment. 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 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 buildings on the Exemption Area that exist on the Effective Date.
  - (3) Nothing herein shall entitle the HDFC, the New 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) 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.
- 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 104

**Report of the Committee on Land Use in favor of approving Application No. 20185359 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112 and 113, Borough of Brooklyn, Community District 12, Council District 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1994) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 12**

**20185359 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112 and 113, Community District 12, Council District 39.

**INTENT**

To approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for the exemption area which will contain nine multiple dwellings, known as Culver El Phase I, that will provide homeownership housing for families with a household income of 80-100 percent of AMI.

**PUBLIC HEARING**

**DATE:** May 30, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 5, 2018

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:**

Kallos, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Kallos offered the following resolution:

Res. No. 393

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112, and 113, Community District 12, Borough of Brooklyn, (L.U. No. 104; Non-ULURP No. 20185359 HAK).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 15, 2018 its request dated May 14, 2018 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 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112, and 113, Community District No. 12, Borough of Brooklyn, Council District No. 39 (the "Exemption Area");

**WHEREAS**, HPD's request is related to previously approved City Council Resolution No. 656; L.U. No. 307 of 2011 (the "Prior Resolution");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on May 30, 2018;

**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. “Company” shall mean Culver Housing Developments LLC.
  - b. “Effective Date” shall mean November 25, 2014.
  - 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 Brooklyn, City and State of New York, identified as Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112, and 113 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean with respect to any individual tax lot, now existing or hereafter created, within the Exemption Area, the earlier to occur of (i) a date which is six (6) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which any such tax lot 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 NYC Partnership Housing Development Fund Company, Inc. 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 on or after the date such Regulatory Agreement is executed.
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 buildings on the Exemption Area that have a permanent certificate of occupancy or temporary certificate of occupancy for all the residential areas on or before six 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 shall (a) execute and record the Regulatory Agreement, and (b) for so long as the Exemption shall remain in effect, 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 105

**Report of the Committee on Land Use in favor of approving Application No. 20185360 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of a second amendment to a previously amended approved urban development action area project for property located at Block 1791, Lots 17, 18, 19; Block 1789, Lot 80; Block 1814, Lot 15; Block 1795, Lot 15; Block 1852, Lots 9, 8; Block 1641, Lot 68; and Block 1801, Lot 8, Borough of Brooklyn, Community District 3, Council District 36.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1994) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

:  
**SUBJECT**

**BROOKLYN CB - 3**

**20185360 HAK**

Application submitted by the New York City Department of Housing Preservation and Development for an amendment to a previously amended approved Urban Development Action Area Project under Article 16 of the General Municipal Law (GML) for property located at Block 1791, Lots 17, 18, 19; Block 1789, Lot 80; Block 1814, Lot 15; Block 1795, Lot 15; Block 1852, Lots 9, 8; Block 1641, Lot 68; and Block 1801, Lot 8, Community Board 3, Council District 36.

**INTENT**

To approve the amendment of a previously amended approved City Council Resolution dated June 8, 2016 (Resolution No. 1109 of 2016, L.U. No. 384), by approving the second amended Project Summary.

**PUBLIC HEARING****DATE:** May 30, 2018**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 5, 2018

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:**

Kallos, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Kallos offered the following resolution

Res. No. 394

**Resolution approving a second amended project to a previously amended approved Urban Development Action Area Project Block 1791/Lots 17, 18, 19; Block 1789, Lot 80; Block 1814/Lot 15; Block 1795/15; Block 1852/Lots 9, 8; Block 1641/Lot 68; and Block 1801/Lot 8; Borough of Brooklyn, pursuant to Article 16 of the General Municipal Law (L.U. No. 105; 20185360 HAK).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 15, 2018 its request dated May 14, 2018 that the Council approve a second amended Urban Development Action Area Project (the "Amended Project") for property located at Block 1791, Lots 17, 18, and 19; Block 1814, Lot 15; Block 1852, Lots 9 and 8; and Block 1641, Lot 68 (the "Disposition Area"), and Block 1791, Lots 17, 18, and 19; Block 1789, Lot 80; Block 1814, Lot 15; Block 1795, Lot 15; Block 1852, Lots 9 and 8; Block 1641, Lot 68; and Block 1801, Lot 8 (the "Exemption Area"), Community District 3, Borough of Brooklyn;

**WHEREAS**, the request made by the New York City Department of Housing Preservation and Development is related to a previously amended approved City Council Resolution on June 8, 2016 (Resolution No. 1109 of 2016, L.U. No. 384);

**WHEREAS**, upon due notice, the Council held a public hearing on the Second Amended Project on May 30, 2018;

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

**RESOLVED:**

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

The Second Amended Project shall be developed upon the terms and conditions in the Amended Project Summary that HPD has submitted to the Council on May 15, 2018, a copy of which is attached hereto.

**PROJECT SUMMARY**

- 1. **PROGRAM:** NEW INFILL HOMEOWNERSHIP OPPORTUNITIES PROGRAM
- 2. **PROJECT:** Van Buren/Greene
- 3. **LOCATION:**
  - a. **BOROUGH:** Brooklyn
  - b. **COMMUNITY DISTRICT:** 3
  - c. **COUNCIL DISTRICT:** 36
  - d. **DISPOSITION AREA:**

<u>BLOCKS</u>	<u>LOTS</u>
1791	17
1791	18
1791	19
1814	15
1852	9
1852	8
1641	68
  - e. **EXEMPTION AREA:**

<u>BLOCKS</u>	<u>LOTS</u>
1791	17
1791	18
1791	19
1789	80

1814	15
1795	15
1852	9
1852	8
1641	68
1801	8

- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of twenty (20) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits.
- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** Up to 10 2-Family Homes
- 7. APPROXIMATE NUMBER OF UNITS:** Up to 20
- 8. HOUSING TYPE:** 2-Family Homes. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
- 9. ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (AMI).
- 10. LIENS FOR LAND DEBT:** The difference between the appraised value of the land and the purchase price (“Land Debt”) and the amount of any construction financing provided through loans from the City (“City Subsidy”) are apportioned pro rata to each home and may be unsecured at the time of sale based on the home’s post-construction appraised value. HPD may forgive the Land Debt (but not the City Subsidy) apportioned to a home upon conveyance of the home to an eligible purchaser, based on the home’s appraised value and/or if HPD determines that the forgiveness is necessary to reduce the taxable consideration for the home. Purchasers repay the Land Debt and City Subsidy, if any, attributable to their homes by delivering a note and mortgage and/or conditional grant agreement to the City. The sum evidenced by the note and secured by the security instruments will be reduced to zero after 20 years of owner occupancy. Initial purchasers and subsequent owners are required to make payments to the City out of resale or refinancing profits.

- |                                       |   |
|---------------------------------------|---|
| <b>11. INCOME TARGETS:</b>            | Families with annual household incomes between 80% and 130% of AMI. |
| <b>12. PROPOSED FACILITIES:</b>       | None  |
| <b>13. PROPOSED CODES/ORDINANCES:</b> | None  |
| <b>14. ENVIRONMENTAL STATUS:</b>      | Type II   |
| <b>15. PROPOSED TIME SCHEDULE:</b>    | Approximately 18 months from closing to completion of construction. |

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 106

**Report of the Committee on Land Use in favor of approving Application No. 20185362 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1080, p/o Lot 28, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 23, 2018 (Minutes, page 1994) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 4**

**20185362 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1080, p/o Lot 28, Community District 4, Council District 3.

#### **INTENT**

To approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for the exemption area, which will contain one multiple dwelling that will continue to provide 22 affordable rental housing units for low income families.

**PUBLIC HEARING****DATE:** May 30, 2018**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 5, 2018

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:**

Kallos, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** June 5, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Kallos offered the following resolution:

Res. No. 395

**Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 1080, p/o Lot 28, Community District 4, Borough of Manhattan, (L.U. No. 106; Non-ULURP No. 20185362 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 23, 2018 its request dated May 21, 2018 that the Council approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 1080, p/o Lot 28, Community District No. 4, Borough of Manhattan, Council District No. 3 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on May 30, 2018;

**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. “Company” shall mean 501 West 51 Associates 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 July 28, 2010.
  - 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 Manhattan, City and State of New York, identified as Block 1080, p/o Lot 28 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 Clinton 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 Lower Income Housing Plan Written Agreement dated October 19, 2004 between HPD and Owner, recorded and filed on April 26, 2007 CFRN No. 2007000217095 and the Lower Income Housing Plan Regulatory Agreement dated July 28, 2010 between HPD and the Owner, recorded and filed on March 25, 2011 CRFN No. 2011000108043, as amended by that First Amendment to Lower Income Housing Plan Regulatory Agreement dated June 3, 2015, recorded and filed on July 17, 2015 CRFN No. 2015000248291.
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 December 27, 2013.
  - 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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 Mental Health, Disabilities and Addiction**

Report for Int. No. 615-A

**Report of the Committee on Mental Health, Disabilities and Addiction 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 syringe exchange programs.**

The Committee on Mental Health, Disabilities and Addictions, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 975), respectfully

**REPORTS:**

## INTRODUCTION

On June 5, 2018 the Committee on Mental Health, Disabilities and Addiction, chaired by Council Member Diana Ayala, will hold a hearing on a package of seven bills aimed at combating the City's opioid epidemic. This will be the second hearing on these bills. This committee previously heard this package of bills during a joint oversight hearing held on February 27, 2018 with the Committee on General Welfare, chaired by Council Member Steven Levin.

## BACKGROUND

Throughout the United States, the opioid epidemic has emerged as one of the most significant public health challenges of the 21st century. Opioids are drugs that interact with opioid receptors in the body to alleviate pain. However, regular usage of these substances can lead to dependence and addiction due to the euphoria that they can produce. Drugs that can be classified as opioids include prescription pills such as oxycodone (OxyContin), hydrocodone (Vicodin) as well as illegal drugs like Heroin and its synthetic variant, Fentanyl. According to the Centers for Disease Control (CDC), more than 600,000 people have died due to drug overdoses between 2000 and 2016 and opioids account for approximately two-thirds of all 3 overdose deaths (66 percent).<sup>1</sup> Additionally, statistics from the United States Department of Health and Human Services (HHS) indicate that deaths from prescription opioids have more than quadrupled since 1999 and that 116 people die every day from opioid-related overdoses.<sup>2</sup> CDC figures show that opioids were involved in 42,249 deaths in 2016.<sup>3</sup> This crisis has also taken root in the state of New York, outside of and within the five boroughs. Between 2010 and 2014, opioid-related outpatient emergency department visits increased from 12,554 to 21,576 outside of New York City (an increase of 71.8 percent) and from 8,409 to 14,691 (an increase of 74.7 percent) in the city.<sup>4</sup>

The New York City Office of the Chief Medical Examiner found that 1,374 people died from overdoses in New York City in 2016, up from 937 in 2015, an increase of 46.6 percent.<sup>5</sup> The Office of the Special Narcotics Prosecutor has reported that although overdose deaths have increased for six consecutive years in all five boroughs, the crisis has been particularly severe in the Bronx and Staten Island. In both 2015 and 2016, for example, the Bronx had the highest number of fatal overdoses (252 in 2015 and 279 in 2016, a 10.7 percent increase).<sup>6</sup> Staten Island, however, had the highest rate of fatal overdoses, with 31.8 per 100,000, a 66 percent increase from 2015.<sup>7</sup>

New York State's fiscal year (FY) 2018 budget allocated \$213 million for prevention, treatment, and recovery services, which represents a 13 percent increase from FY 2017. \$94 million of the \$213 million was earmarked for New York City.<sup>8</sup> In January of 2018, the executive budget proposed by the governor included a 2 cent tax per milligram of active opioid ingredient in prescription drugs, which was expected to raise approximately \$170 million, which would be used to support the Opioid Prevention and Rehabilitation Fund.<sup>9</sup>

<sup>1</sup> Opioid Overdose. (2017, August 30). Retrieved February 06, 2018, from <https://www.cdc.gov/drugoverdose/epidemic/index.html>

<sup>2</sup> About the Epidemic. (2017, December 21). Retrieved February 06, 2018, from <https://www.hhs.gov/opioids/about-the-epidemic/>

<sup>3</sup> Opioid Overdose. (2017, December 19). Retrieved February 06, 2018, from <https://www.cdc.gov/drugoverdose/data/statedeaths.html>

<sup>4</sup> *Opioid Poisoning, Overdose and Prevention: 2015 Report to the Governor and NYS Legislature* (2015). Albany, NY: New York State Department of Health.

<sup>5</sup> Del Real, J. A. (2017, October 12). The Bronx's Quiet, Brutal War With Opioids. Retrieved February 06, 2018, from <https://www.nytimes.com/2017/10/12/nyregion/bronx-heroin-fentanyl-opioid-overdoses.html>

<sup>6</sup> *Epi Data Brief* (2016). Queens, New York: New York City Department of Health and Mental Hygiene.

<sup>7</sup> Health Department Releases 2016 Drug Overdose Death Data in New York City - 1,374 Deaths Confirmed, a 46 Percent Increase From 2015. (n.d.). Retrieved February 06, 2018, from <https://www1.nyc.gov/site/doh/about/press/pr2017/pr048-17.page>

<sup>8</sup> Riback, L. (2017, April 21). More NY money to combat heroin, opioids. Retrieved February 15, 2018, from <https://www.lohud.com/story/news/politics/politics-on-the-hudson/2017/04/21/more-ny-money-combat-heroin-opioids/100750542/>

<sup>9</sup> Harding, R. (2018, January 18). Cuomo's 'revenue raisers': Health care windfall tax, opioid surcharge and more. Retrieved February 15, 2018, from [http://auburnpub.com/blogs/eye\\_on\\_ny/cuomo-s-revenue-raisers-health-care-windfall-tax-opioid-surcharge/article\\_d20a0a7b-7149-5c72-90d4-03d2d7d5e760.html](http://auburnpub.com/blogs/eye_on_ny/cuomo-s-revenue-raisers-health-care-windfall-tax-opioid-surcharge/article_d20a0a7b-7149-5c72-90d4-03d2d7d5e760.html)

## **ANALYSIS OF LEGISLATION**

### **ANALYSIS OF PROPOSED INT. NO. 615-A**

This bill would require the Department of Health and Mental Hygiene (DOHMH) to provide opioid antagonists and overdose prevention and reversal training to staff at syringe exchange programs.

Bill section one would require DOHMH to provide opioid antagonists such as Narcan to all syringe exchange programs operating within the City for as long as there is an urgent public health need. It also would require DOHMH to ensure that staff at syringe exchange programs receive overdose prevention and reversal training. Should DOHMH determine there is no longer an urgent public health need, DOHMH would be required to submit a report to the Speaker of the Council detailing the reasons why such determination was made.

Bill section two would provide that this legislation takes effect on the same date that proposed introduction number 668-A for the year 2018, takes effect.

### **SIGNIFICANT AMENDMENTS TO INT. NO. 615**

Int. No. 615 was amended to omit a section requiring the Department of Social Service to participate in training staff at syringe exchange program. Technical amendments were also made.

### **ANALYSIS OF PROPOSED INT. NO. 618-A**

This bill would require DOHMH the Department of Youth and Community Development (DYCD) and the Department of Education (DOE) to distribute age appropriate educational materials on drugs and opioids to middle and high school students.

Bill section one would define key terms used in the bill and would require DOHMH to develop age appropriate educational materials on drugs and opioids. DOHMH would be required to distribute such materials to DOE and DYCD at the beginning of each calendar year. DOHMH would also be required to translate such materials into each of the citywide languages and post on their website.

Bill section two would require DYCD to make the educational materials developed by DOHMH available to youth in DYCD's afterschool programs. DYCD would also be required to translate such materials into each of the citywide languages and post on their website.

Bill section three would define key terms and would require DOE to make the educational materials developed by DOHMH available to every student at each school at the beginning of each academic year. DOE would also be required to post these materials on their website in English and in the designated citywide languages.

Bill section four would provide that this legislation takes effect 90 days after it becomes law.

### **SIGNIFICANT AMENDMENTS TO INT. NO. 618**

This bill was amended to require DOHMH to develop the educational materials by the beginning of the calendar year instead of the academic year. Additional technical amendments were also made.

### **ANALYSIS OF PROPOSED INT. NO. 623-A**

This bill would require the Fire Department of New York (FDNY) to submit a report to the Mayor, the Speaker of the City Council, and the Department of Health and Mental Hygiene in relation to the department's use of opioid antagonists.

Bill section one defines key terms used in the bill and would require that the commissioner of FDNY submit a quarterly report comprised of the number of opioid antagonists the department has available for use, the number of EMTs trained to administer opioid antagonists, and the number of times EMTs or other first responders administered an opioid antagonist to a patient. The commissioner of FDNY would be required to submit the report 30 days before the end of the corresponding quarter and may use preliminary data if necessary.

Bill section two would provide that this legislation takes effect 60 days after it becomes law.

#### **SIGNIFICANT AMENDMENTS TO INT. NO. 623**

This bill was amended to omit reporting on the number of fatalities that were declared after an EMT administered an opioid antagonist to an overdose victim. There were also additional technical amendments.

#### **ANALYSIS OF PROPOSED INT. NO. 667-A**

This bill would require the Department of Social Services (DSS) and the Department of Homeless Services (DHS) to refer individuals receiving opioid antagonists in their respective facilities to additional services to help address their underlying drug use. <sup>7</sup>

Bill section one would require DSS to refer individuals who received an opioid antagonist to combat the effects of an overdose occurring within a HASA facility and who disclosed such overdose to their case manager to appropriate service providers for additional services.

Bill section two would require DHS to refer individuals who received an opioid antagonist to combat the effects of an overdose occurring within a shelter and who disclosed such overdose to their case manager to appropriate service providers for additional services.

Bill section three would provide that this legislation takes effect 60 days after it becomes law.

#### **SIGNIFICANT AMENDMENTS TO INT. NO. 667-A**

This bill was amended to require individuals suffering non-fatal overdoses to first disclose their overdose to their case managers before DSS and DHS are required to refer them to appropriate additional services.

#### **ANALYSIS OF PROPOSED INT. NO. 668-A**

This bill would require DOHMH to offer overdose prevention and reversal training to the public.

Bill section one would define key terms used throughout the bill and would require DOHMH to train members of the public on recognizing an opioid overdose and on proper usage of common opioid antagonists. DOHMH would also be required to develop a public awareness campaign to inform the public of the existence of such training and on the dangers of opioid addiction and abuse.

Bill section two would provide that this legislation takes effect 120 days after it becomes law.

#### **SIGNIFICANT AMENDMENTS TO INT. NO. 668**

There were no significant amendments made to Int. No. 668 since it was first introduced.

**ANALYSIS OF PROPOSED INT. NO. 669-A**

This bill would add to Local Law 48 of 2017 and require the Municipal Drug Strategy Advisory Council, a council made up of health care professionals, advocates, and persons suffering from substance misuse disorder, to report on the number of opioid overdose reversal drugs that are distributed to City agencies

Section one of this bill would require the Municipal Drug Strategy Advisory Council to include in their biennial report to the Mayor and Speaker of the City Council the projected number of opioid antagonists needed by all relevant City agencies, the actual number of opioid antagonists distributed to relevant City agencies, and the number of opioid antagonists distributed to opioid overdose prevention programs citywide.

Bill section two would provide that this legislation take effect immediately, and shall expire and be deemed repealed on the same date local law number 48 for the year 2017 expires and is deemed repealed.

**SIGNIFICANT AMENDMENTS TO INT. NO. 669**

Int. No. 669 was amended to omit reporting on the number of fatalities that were declared after an officer administered an opioid antagonist to an overdose victim.

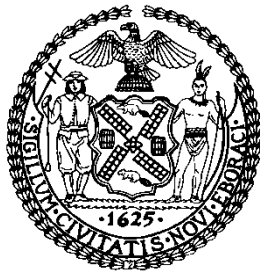
**ANALYSIS OF RES. NO. 197**

This resolution would call on the New York City Department of Education to include drug awareness education concerning opioids in the school curriculum.

**SIGNIFICANT AMENDMENTS TO RES. NO. 197**

There were no changes or amendments to Res. No. 197 since it was first introduced.

**(The following is the text of the Fiscal Impact Statement for Int. No. 615-A:)**



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

**PROPOSED INTRO. NO: 615-A**

**COMMITTEE: Mental Health, Disabilities and  
Addiction**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to syringe exchange programs.

**SPONSOR(S):** Council Members Ayala, Reynoso, Ampry-Samuel, and Holden

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Health and Mental Hygiene (DOHMH) to provide opioid overdose reversal drugs, such as naloxone, to all syringe exchange programs operating in the City. It would also require DOHMH to ensure that all syringe exchange staff members receive proper training in overdose prevention and reversal.

**EFFECTIVE DATE:** This local law would take effect on the same day that a local law amending the administrative code of the city of New York, in relation to overdose prevention and reversal training, as proposed in Intro. No. 668-A, would take effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 615-A because DOHMH would utilize existing resources to provide opioid overdose reversal drugs to the City's syringe exchange programs and to ensure proper training in overdose prevention and reversal.

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

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

**ESTIMATE PREPARED BY:** Jeanette Merrill, 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 considered as a preconsidered introduction by the Committee on Mental Health, Disabilities and Addiction and the Committee on General Welfare at a joint hearing held on February 27, 2018. The legislation was introduced to the full Council on March 7, 2018 as Intro. 615 and referred to the Committee on Mental Health, Disabilities and Addiction. The legislation was subsequently amended and the amended version, Proposed Intro. 615-A, will be considered by the Committee on Mental Health, Disabilities and Addiction on June 5, 2018. Upon successful vote by the Committee on Mental Health, Disabilities and Addiction, Proposed Intro. No. 615-A will be submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 4, 2018.

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

**(The following is the text of Int. No. 615-A:)**

Int. No. 615-A

By Council Members Ayala, Reynoso, Ampry-Samuel, Holden, Cornegy, Levin, Kallos and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to syringe exchange programs**

*Be it enacted by the Council as follows:*

Section 1. Section 17-180.1 of the administrative code of the city of New York, as added by a local law amending the administrative code of the city of New York, in relation to overdose prevention and reversal training, as proposed in introduction number 668-A for the year 2018, is amended to add subdivisions d, e and f to read as follows:

*d. For as long as the department determines there is an urgent public health need, the department shall provide opioid antagonists to all syringe exchange programs operating within the city.*

*e. The department shall require that the staff at all syringe exchange programs operating in the city receive overdose prevention and reversal training. Such training shall teach staff:*

*1. How to recognize an opioid overdose; and*

*2. How to properly administer common opioid antagonists to reverse an opioid overdose.*

*f. Thirty days prior to the department's determination that there is no longer an urgent public health need, pursuant to subdivisions b, c and d of this section, the department shall submit a report to the speaker of the council detailing the reasons for such determination.*

§ 2. This local law takes effect on the same date that a local law amending the administrative code of the city of New York, in relation to overdose prevention and reversal training, as proposed in introduction number 668-A for the year 2018, takes effect.

DIANA AYALA, *Chairperson*; FERNANDO CABRERA, JAMES G. VAN BRAMER, ROBERT F. HOLDEN, ALICKA AMPRY-SAMUEL; Committee on Mental Health, Disabilities and Addictions; June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 618-A

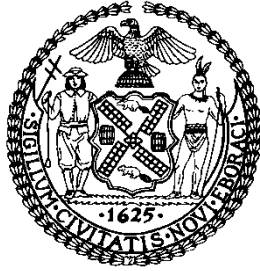
**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to distributing educational materials on drugs and opiates awareness and prevention to middle and high school students.**

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 979), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 615-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 618-A:*



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

**PROPOSED INTRO. NO: 618-A**

**COMMITTEE: Mental Health, Disabilities and  
Addiction**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to distributing educational materials on drug and opiate awareness and prevention to middle and high school students.

**SPONSOR(S):** Council Members Brannan, Holden, and Ampry-Samuel

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Health and Mental Hygiene (DOHMH) to develop age-appropriate educational materials on drug and opioid awareness and prevention. This legislation would also require the Department of Youth and Community Development and the Department of Education to distribute such materials to youth service programs and to students, respectively.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 618-A because DOHMH and the other relevant agencies would utilize existing resources to develop and distribute the educational materials.

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

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

**ESTIMATE PREPARED BY:** Jeanette Merrill, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirilhen R. Francisco, Unit Head, NYC Council Finance Division  
Rebecca Chasan, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was considered as a preconsidered introduction by the Committee on Mental Health, Disabilities and Addiction and the Committee on General Welfare at a joint hearing held on February 27, 2018. The legislation was introduced to the full Council on March 7, 2018 as Intro. 618 and referred to the Committee on Mental Health, Disabilities and Addiction. The legislation was subsequently amended and



the amended version, Proposed Intro. 618-A, will be considered by the Committee on Mental Health, Disabilities and Addiction on June 5, 2018. Upon successful vote by the Committee on Mental Health, Disabilities and Addiction, Proposed Intro. No. 618-A will be submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 4, 2018.

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

**(The following is the text of Int. No. 618-A:)**

Int. No. 618-A

By Council Members Brannan, Holden, Ampy-Samuel, Cornegy, Levin, Kallos, Rivera and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to distributing educational materials on drugs and opiates awareness and prevention to middle and high school students**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.9 to read as follows:

*§ 17-199.9 Educational materials on drugs and opiates awareness and prevention. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*DOE. The term "DOE" means the department of education.*

*DYCD. The term "DYCD" means the department of youth and community development.*

*b. The department shall develop age appropriate educational materials regarding drugs and opiates awareness and prevention.*

*c. Such materials shall be made available by the department to DYCD and DOE at the beginning of each calendar year.*

*d. The department shall make available such educational materials on the department's website in English and in each of the designated citywide languages as defined in section 23-1101.*

§ 2. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-410 to read as follows:

*§ 21-410 Distribution of educational materials on drugs and opiates to youth services programs.*

*a. The department shall make available the educational materials on drugs and opiates awareness and prevention developed by the department of health and mental hygiene pursuant to section 17-199.9 to youth attending afterschool programs funded by the department for students in grades six to twelve.*

*b. The department shall ensure that such educational materials are available on the department's website in English and in each of the designated citywide languages as defined in section 23-1101.*

§ 3. Chapter 8 of Title 21-A of the administrative code of the city of New York is amended by adding a new section 21-969 to read as follows:

*§ 21-969 Distribution of educational materials on drugs and opiates awareness and prevention. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Middle and high school. The term "middle and high school" means any school of the city school district that contains any combination of grades from grade 6 through grade 12.*

*Student. The term "student" means any pupil under the age of 21 as of September 1 of the relevant academic year, who does not have a high school diploma and who is enrolled in grade 6 or higher.*

*b. Each academic year, the department shall make available educational materials on drugs and opiates awareness and prevention developed by the department of health and mental hygiene pursuant to section 17-199.9 to students at each middle and high school.*

*c. The department shall make available such educational materials in English and in each of the designated citywide languages as defined in section 23-1101 in each middle and high school and on the department's website.*

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

DIANA AYALA, *Chairperson*; FERNANDO CABRERA, JAMES G. VAN BRAMER, ROBERT F. HOLDEN, ALICKA AMPRY-SAMUEL; Committee on Mental Health, Disabilities and Addictions; June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 623-A

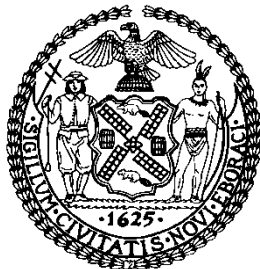
**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to submit to the council reports relating to the administration of opioid antagonists.**

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 984), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 615-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 623-A:*



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

**PROPOSED INTRO. NO: 623-A**

**COMMITTEE: Mental Health, Disabilities and  
Addiction**

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**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring the fire department to submit to the council reports relating to the administration of opioid antagonists.

**SPONSOR(S):** Council Members Cohen, Holden, and Ampry-Samuel

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Fire Department of New York (FDNY) to report quarterly – to the Mayor, City Council, and the Department of Health and Mental Hygiene – on the number of opioid antagonists FDNY has available. The proposed legislation would also require the FDNY to report on the number of Emergency Medical Technicians (EMTs) trained to administer opioid antagonists and the number of opioid overdose reversal drugs administered by EMTs.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 623-A because the FDNY would utilize existing resources to fulfill the reporting requirements.

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

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

**ESTIMATE PREPARED BY:** Jeanette Merrill, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Crilhien R. Francisco, Unit Head, NYC Council Finance Division  
Rebecca Chasan, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was considered as a preconsidered introduction by the Committee on Mental Health, Disabilities and Addiction and the Committee on General Welfare at a joint hearing held on February 27, 2018. The legislation was introduced to the full Council on March 7, 2018 as Intro. 623 and referred to the Committee on Mental Health, Disabilities and Addiction. The legislation was subsequently amended and the amended version, Proposed Intro. 623-A, will be considered by the Committee on Mental Health, Disabilities and Addiction on June 5, 2018. Upon successful vote by the Committee on Mental Health, Disabilities and Addiction, Proposed Intro. No. 623-A will be submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 4, 2018.

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

**(The following is the text of Int. No. 623-A:)**

## Int. No. 623-A

By Council Members Cohen, Holden, Ampry-Samuel, Levin and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to submit to the council reports relating to the administration of opioid antagonists**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-136 to read as follows:

*§ 15-136 Opioid antagonist report a. Definitions. For the purpose of this section, the following terms have the following meanings:*

*De-identified. The term “de-identified” means health information that cannot be used to identify an individual as established in section 164.514 of title 45 of the code of federal regulations.*

*Division. The term “division” has the same meaning as defined in section 15-129.*

*Opioid antagonist. The term “opioid antagonist” means naloxone, narkan or other medication approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.*

*Patient. The term “patient” shall mean a person receiving emergency medical care and treatment from the department.*

*Patient information. The term “patient information” shall have the same meaning as set forth in section 18 of the public health law.*

*b. Beginning with the calendar quarter starting on January 1, 2019, the commissioner shall submit to the speaker of the council and the department of health and mental hygiene, within 25 days of the end of each quarter and post to the department’s website five days thereafter, a report comprised of de-identified patient information relating to the administration of opioid antagonists.*

*c. Such report shall include:*

*1. The number of opioid antagonists the department has available, disaggregated by borough and division;*  
*2. The number of emergency medical technicians and other first responders employed by the department that are trained to administer opioid antagonists, disaggregated by borough and division;*

*3. The number of instances in the quarter that an emergency medical technician or other first responder employed by the department administered an opioid antagonist to a patient, disaggregated by borough, division, and by method of administration, such as syringe injection or nasal atomizer; and*

*4. The number, expressed in both absolute terms and as a percentage of all administrations, of instances in which the patient responded to the administration of an opioid antagonist.*

*d. The report created pursuant to this section shall be provided within 30 days of the end of the quarter to which the report corresponds. Where necessary, the department may use preliminary data to prepare the required report. If preliminary data is used, the department shall include an acknowledgment that such preliminary data is non-final and subject to change.*

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

DIANA AYALA, *Chairperson*; FERNANDO CABRERA, JAMES G. VAN BRAMER, ROBERT F. HOLDEN, ALICKA AMPRY-SAMUEL; Committee on Mental Health, Disabilities and Addictions; June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 667-A

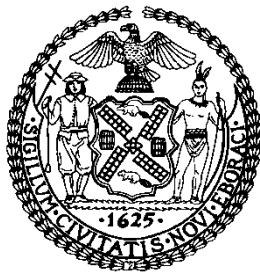
**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services and the department of homeless services to refer individuals receiving opioid antagonists for additional services**

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1039), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 615-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 667-A:*



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

**PROPOSED INTRO. NO: 667-A**

**COMMITTEE: Mental Health, Disabilities and  
Addiction**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring the department of social services and the department of homeless services to refer individuals receiving opioid antagonists for additional services.

**SPONSOR(S):** Council Members Torres, Holden, and Ampry-Samuel

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Social Services (DSS) to refer individuals who are residing in Department of Homeless Services shelters or HIV/AIDS Service Administration (HASA) facilities and have experienced a non-fatal overdose to additional services.

**EFFECTIVE DATE:** This local law would take effect 60 days after becoming law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 667-A because DSS and the relevant City agencies would utilize existing resources to fulfill the referral requirements.

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

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

**ESTIMATE PREPARED BY:** Jeanette Merrill, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Crilhien R. Francisco, Unit Head, NYC Council Finance Division  
Rebecca Chasan, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was considered as a preconsidered introduction by the Committee on Mental Health, Disabilities and Addiction and the Committee on General Welfare at a joint hearing held on February 27, 2018. The legislation was introduced to the full Council on March 7, 2018 as Intro. 667 and referred to the Committee on Mental Health, Disabilities and Addiction. The legislation was subsequently amended and the amended version, Proposed Intro. 667-A, will be considered by the Committee on Mental Health, Disabilities and Addiction on June 5, 2018. Upon successful vote by the Committee on Mental Health, Disabilities and Addiction, Proposed Intro. No. 667-A will be submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 4, 2018.

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

**(The following is the text of Int. No. 667-A:)**

Int. No. 667-A

By Council Members Torres, Holden, Ampry-Samuel, Cornegy, Levin, Rivera and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services and the department of homeless services to refer individuals receiving opioid antagonists for additional services**

*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 21-129.1 to read as follows:

§ 21-129.1 Referral of additional services. a. Definitions. For the purposes of this section, the term “HASA facility” means single room occupancy hotels or congregate facilities that serve HASA recipients and are managed by a provider under contract or similar agreement with the department.

b. The department shall refer any individual who discloses to their case manager, as defined in section 21-127, that while in a HASA facility, they received an opioid antagonist to combat symptoms consistent with those of an opioid overdose occurring within a HASA facility, to appropriate service providers for appropriate additional services.

§ 2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-323 to read as follows:

§ 21-323 Referral of additional services. a. Definitions. For the purposes of this section, the term “shelter” means temporary emergency housing provided to homeless individuals by the department or by a provider under contract or similar agreement with the department.

b. The department shall refer any individual who discloses to their case manager, as defined in section 21-314, that while in shelter they have received an opioid antagonist to combat the symptoms consistent with those of an opioid overdose, to appropriate service providers for appropriate additional services.

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

DIANA AYALA, Chairperson; FERNANDO CABRERA, JAMES G. VAN BRAMER, ROBERT F. HOLDEN, ALICKA AMPRY-SAMUEL; Committee on Mental Health, Disabilities and Addictions; June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 668-A

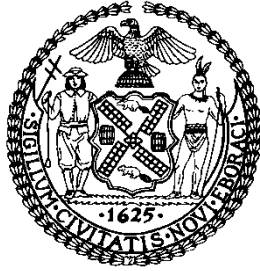
**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to overdose prevention and reversal training.**

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1040), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 615-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 668-A:*



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

**PROPOSED INTRO. NO: 668-A**

**COMMITTEE: Mental Health, Disabilities and  
Addiction**

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**TITLE:** A local law to amend the administrative code of the city of New York, in relation to overdose prevention and reversal training. **SPONSOR(S):** Council Members Torres and Holden

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Health and Mental Hygiene (DOHMH) to provide opioid overdose prevention and reversal training to the public. DOHMH already provides such trainings, but this law would codify existing trainings and ensure they occur as long as necessary to combat the City's opioid epidemic.

**EFFECTIVE DATE:** This local law would take effect on 120 days after becoming law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Intro. 668-A because DOHMH would utilize existing resources to continue to provide opioid overdose prevention and reversal training to the public.

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

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

**ESTIMATE PREPARED BY:** Jeanette Merrill, 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 considered as a preconsidered introduction by the Committee on Mental Health, Disabilities and Addiction and the Committee on General Welfare at a joint hearing held on February 27, 2018. The legislation was introduced to the full Council on March 7, 2018 as Intro. 668 and referred to the Committee on Mental Health, Disabilities and Addiction. The legislation was subsequently amended and the amended version, Proposed Intro. 668-A, will be considered by the Committee on Mental Health, Disabilities



and Addiction on June 5, 2018. Upon successful vote by the Committee on Mental Health, Disabilities and Addiction, Proposed Intro. No. 668-A will be submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 4, 2018.

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

Int. No. 668-A

By Council Members Torres, Holden, Cornegy, Levin, Kallos, Rivera and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to overdose prevention and reversal training**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-180.1 to read as follows:

*§ 17-180.1 Overdose prevention and reversal training. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Opioid. The term "opioid" means an opiate as defined in section 3302 of the public health law.*

*Opioid antagonist. The term "opioid antagonist" means naloxone, narkan or other medication approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.*

*b. For as long as the department determines there is an urgent public health need, the department shall offer overdose prevention and reversal training to the general public. Such training shall include:*

*1. How to recognize an opioid overdose; and*

*2. How to properly administer common opioid antagonists to reverse an opioid overdose.*

*c. For as long as the department determines there is an urgent public health need, the department shall offer a public awareness strategy to inform the public of the existence of such trainings and the danger of opioid addiction and abuse.*

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

DIANA AYALA, *Chairperson*; FERNANDO CABRERA, JAMES G. VAN BRAMER, ROBERT F. HOLDEN, ALICKA AMPRY-SAMUEL; Committee on Mental Health, Disabilities and Addictions; June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 669-A

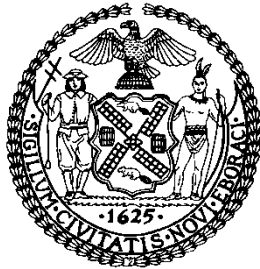
**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the charter of the city of New York, in relation to requiring the municipal drug strategy advisory council to report on opioid antagonist distribution.**

The Committee on Mental Health, Disabilities and Addiction to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1044), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 615-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 669-A:*



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

**PROPOSED INTRO. NO: 669-A**

**COMMITTEE: Mental Health, Disabilities and  
Addiction**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring the municipal drug strategy advisory council to report on opioid antagonist distribution.

**SPONSOR(S):** Council Members Torres and Holden

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Municipal Drug Strategy Advisory Council, a council established by Local Law 48 of 2017 and comprised of health care professionals, advocates, and persons suffering from substance misuse disorder, to include in its biennial report the number of opioid overdose reversal drugs that are distributed to City agencies.

**EFFECTIVE DATE:** This local law would take effect immediately and would expire and be deemed repealed on the same date local law number 48 for the year 2017 expires and is deemed repealed.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2019

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 669-A because the Municipal Drug Strategy Advisory Council and the relevant City agencies would utilize existing resources to fulfill the reporting requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A****SOURCE OF INFORMATION:** New York City Council Finance Division**ESTIMATE PREPARED BY:** Jeanette Merrill, Financial Analyst**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Crilhien R. Francisco, Unit Head, NYC Council Finance Division  
Rebecca Chasan, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was considered as a preconsidered introduction by the Committee on Mental Health, Disabilities and Addiction and the Committee on General Welfare at a joint hearing held on February 27, 2018. The legislation was introduced to the full Council on March 7, 2018 as Intro. 669 and referred to the Committee on Mental Health, Disabilities and Addiction. The legislation was subsequently amended and the amended version, Proposed Intro. 669-A, will be considered by the Committee on Mental Health, Disabilities and Addiction on June 5, 2018. Upon successful vote by the Committee on Mental Health, Disabilities and Addiction, Proposed Intro. No. 669-A will be submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 4, 2018.

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

Int. No. 669-A

By Council Members Torres, Holden, Levin, Kallos and Rivera.

**A Local Law to amend the charter of the city of New York, in relation to requiring the municipal drug strategy advisory council to report on opioid antagonist distribution**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 20-c of the New York city charter, as added by local law number 48 for the year 2017, is amended to read as follows:

b. No later than February 1, 2018, and no later than February 1 biennially thereafter, the designated agency shall prepare and submit to the mayor and the speaker of the city council a report on municipal drug strategy. The department shall consult with relevant stakeholders, including but not limited to community-based harm reduction programs, licensed substance use disorder treatment programs, healthcare providers, prevention programs, drug policy reform organizations, community-based criminal justice programs, persons directly affected by drug use, persons formerly incarcerated for drug related offenses, and experts in issues related to illicit and non-medical drug use and policies, in preparing the report. Such report shall include, but not be limited to:

1. A summary of current drug policies, programs, and services in the city, including an overview of goals to address the use of illicit and non-medical drugs such as the use of prescription drugs for non-prescription purposes;
2. A summary of interventions needed in order to reduce drug-related disease, mortality, and crime, and any inequities and disparities related to race, ethnicity, age, income, gender, geography, and immigration status;
3. An overview of programs, legislation or administrative action to promote and support health and wellness related to drug use, as well as to improve the public health and safety of the city's individuals, families, and communities by addressing the health, social and economic problems associated with illicit and non-medical drug use, past or current drug policies, and to reduce any stigma associated with drug use;
4. An overview of the city's efforts to collaborate with existing substance use, medical, and mental health services, including community-based harm reduction programs, licensed substance use disorder treatment

programs, healthcare providers, formalized recovery support programs, youth prevention programs, drug policy reform programs and community-based criminal justice programs to develop and foster effective responses to illicit and non-medical drug use in the city;

5. An overview of pilot programs related to illicit and non-medical drug use; [and]

6. An overview of any other proposals to achieve the city-wide goals and objectives related to illicit and non-medical drug use, including, if available, timelines for implementation; *and*

7. *Data on the projected number of opioid antagonists needed by all relevant city agencies, the actual number of opioid antagonists distributed to all relevant city agencies and the number of opioid antagonists distributed to registered opioid overdose prevention programs citywide.*

§ 2. This local law takes effect immediately, and shall expire and be deemed repealed on the same date local law number 48 for the year 2017 expires and is deemed repealed.

DIANA AYALA, *Chairperson*; FERNANDO CABRERA, JAMES G. VAN BRAMER, ROBERT F. HOLDEN, ALICKA AMPRY-SAMUEL; Committee on Mental Health, Disabilities and Addictions; June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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. 717-A

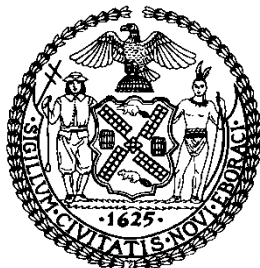
**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports relating to opioid antagonists.**

The Committee on Mental Health, Disabilities and Addiction to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1089), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 615-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 717-A:*



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

PROPOSED INTRO. NO: 717-A

COMMITTEE: Mental Health, Disabilities and  
Addiction

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports relating to opioid antagonists.

**SPONSOR(S):** Council Members Williams, Holden and Ampry-Samuel

**SUMMARY OF LEGISLATION:** The proposed legislation would require the New York City Police Department (NYPD) to report quarterly – to the Mayor, City Council, and the Department of Health and Mental Hygiene – on the number of opioid antagonists the NYPD has available. The proposed legislation would also require the NYPD to report on the number of NYPD officers trained to administer opioid antagonists and the number of opioid overdose reversal drugs administered by NYPD Officers.

**EFFECTIVE DATE:** This local law would take effect 60 days after becoming law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Intro. 717-A because the NYPD would utilize existing resources to fulfill the reporting requirements.

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

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

**ESTIMATE PREPARED BY:** Jeanette Merrill, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirilhen R. Francisco, Unit Head, NYC Council Finance Division  
Rebecca Chasan, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was considered as a preconsidered introduction by the Committee on Mental Health, Disabilities and Addiction and the Committee on General Welfare at a joint hearing held on February 27, 2018. The legislation was introduced to the full Council on March 7, 2018 as Intro. 717 and referred to the Committee on Mental Health, Disabilities and Addiction. The legislation was subsequently amended and the amended version, Proposed Intro. 717-A, will be considered by the Committee on Mental Health, Disabilities and Addiction on June 5, 2018. Upon successful vote by the Committee on Mental Health, Disabilities and Addiction, Proposed Intro. No. 717-A will be submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 4, 2018.

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

## Int. No. 717-A

By Council Members Williams, Holden, Ampry-Samuel, Levin, Kallos and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports relating to opioid antagonists**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-176 to read as follows:

*§ 14-176 Opioid antagonist report. a. For the purpose of this section, the following terms have the following meanings:*

*Officer. The term “officer” has the same meaning as defined under section 14-174.*

*Opioid antagonist. The term “opioid antagonist” means naloxone, narkan or other medication approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.*

*b. Beginning with the calendar quarter starting on January 1, 2019, the commissioner shall submit to the speaker of the council and the department of health and mental hygiene, within 25 days of the end of each quarter and post to the department’s website five days thereafter, a report relating to opioid antagonists, which shall include:*

*1. The number of opioid antagonists the department has available for use in reversing the effects of a heroin or opioid overdose, disaggregated by patrol borough;*

*2. The number of officers trained in the department to administer opioid antagonists to overdose victims, disaggregated by patrol borough; and*

*3. The number of times in the quarter that an officer administered an opioid antagonists to an overdose victim, disaggregated by patrol borough and by the way in which the opioid antagonist was administered to such overdose victim, such as by syringe injection or nasal atomizer. Such number shall be expressed in both absolute terms and as a percentage of all administrations.*

*c. The report created pursuant to this section shall be provided within 30 days of the end of the quarter to which the report corresponds. Where necessary, the department may use preliminary data to prepare the required report. If preliminary data is used, the department shall include an acknowledgment that such preliminary data is non-final and subject to change.*

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

DIANA AYALA, *Chairperson*; FERNANDO CABRERA, JAMES G. VAN BRAMER, ROBERT F. HOLDEN, ALICKA AMPRY-SAMUEL; Committee on Mental Health, Disabilities and Addictions; June 5, 2018.

On motion of the Speaker (Council Member Johnson), 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 State and Federal Legislation**

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 1

**Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Savino, S.8497, and Assembly Member Abbate, A.10696, “AN ACT to amend the retirement and social security law, in relation to amending the contribution provisions applicable to certain New York City Employees’ Retirement System (NYCERS) Special Plans subject to Retirement and Social Security Law (RSSL) Articles 14 and 15 to allow using any excess basic or additional member contributions to offset any deficits in such other contribution account prior to date of retirement”.**

The Committee on State and Federal Legislation, to which the annexed preconsidered State and Legislation Resolution (SLR) was referred on June 7, 2018, respectfully

### **REPORTS:**

*(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)*

### **BACKGROUND:**

The purpose of this legislation is to cure several administrative ailments that currently exist at the New York City Employees’ Retirement System (NYCERS). This bill will expand the definition of additional member contributions and basic member contributions by permitting a participant at any point during membership of one of the Special Plans to use a surplus in their additional member contributions account to offset a deficit in their basic member contributions, and likewise use a surplus in their basic member contributions account to offset a deficit in their additional member contributions account. This legislation will further increase the administrative efficiency of NYCERS and eliminate burdens on Special Plan participants from the improvements made with the passage of Chapter 467 of the laws of 2017 which limited the offsets at retirement.

### **PROPOSED LEGISLATION:**

Section 1 of this legislation amends subparagraph (i) of paragraph 8 of subdivision (e) of section 504-a of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system’s contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 2 of the legislation amends subparagraph (i) of paragraph 12 of subdivision (e) of section 504-a of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system’s contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 3 of the legislation amends subparagraph (i) of paragraph 9 of subdivision (e) of section 504-d of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 4 of this legislation amends subdivision (d) of Section 517 of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a plan participant may elect to use a surplus of basic member contributions to offset a deficit of additional member contributions.

Section 5 of the legislation amends subparagraph (i) of paragraph 8 of subdivision (e) of section 604-a of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 6 of the legislation amends subparagraph (i) of paragraph 9 of subdivision (e) of section 604-b of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 7 of the legislation amends subparagraph (i) of paragraph 9 of subdivision (e) of section 604-c of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 8 of the legislation amends subparagraph (i) of paragraph 8 of subdivision (e) of section 604-c of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 9 of the legislation amends subparagraph (i) of paragraph 6 of subdivision (e) of section 604-d of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 10 of the legislation amends subparagraph (i) of paragraph 10 of subdivision (e) of section 604-e of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 11 of the legislation amends subparagraph (i) of paragraph 10 of subdivision (e) of section 604-e of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 12 of the legislation amends subparagraph (i) of paragraph 10 of subdivision (e) of section 604-f of the Retirement and Social Security Law as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 13 of the legislation amends subparagraph (i) of paragraph 10 of subdivision (e) of section 604-f of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at



any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 14 of the legislation amends subparagraph (i) of paragraph 10 of subdivision (e) of section 604-g of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 15 of the legislation amends subparagraph (i) of paragraph 10 of subdivision e of section 604-h of the Retirement and Social Security Law, as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

Section 16 of the legislation amends section 613 of the Retirement and Social Security Law as amended by chapter 467 of the laws of 2017 to hold that at any point in membership, a participant may use any excess basic member contributions to offset a deficit of additional member contributions as required by the previous sections of this law. Further, the use of basic member contributions to offset a deficit of additional member contributions does not affect the contributions' tax designation pursuant to section 414(h) of the Internal Revenue Code.

Section 17 is the effective date.

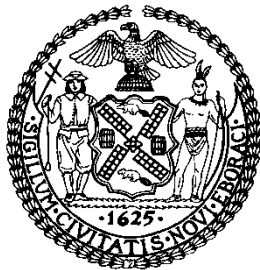
**FISCAL IMPLICATIONS:**

See Council Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

The law shall take effect immediately.

**(The following is the text of the Fiscal Impact Statement for SLR No. 1:)**



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

**PRECONSIDERED SLR NO. 1:** S.8497 (Savino)  
A.10696 (Abbate)

**COMMITTEE:** State and Federal Legislation

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**TITLE:** AN ACT to amend the retirement and social security law, in relation to amending the contribution provisions applicable to certain New York City Employees' Retirement System (NYCERS) Special Plans subject to Articles 14 and 15 to allow using any excess basic or additional member contributions to offset any deficits in such other contribution account prior to date of retirement

**SPONSOR(S):** Council Member Cohen

**SUMMARY OF LEGISLATION:** This Preconsidered SLR would eliminate the need for the New York City Employees’ Retirement System (NYCERS) to request payment from certain Special Plan members if they have a deficit in their Member Contribution Accumulation Fund (MCAF) at any time, so long as he or she has a surplus in their Retirement Reserve Fund (RRF). Similarly, at any time, a member would be able to use a surplus from their MCAF to offset a deficit in their RRF.

In June of 2017, the City Council passed Preconsidered SLR S6460 (A8055), which allowed retirees (but not active employees) to use a surplus from one account to offset a deficit in another. This Preconsidered SLR would allow the same thing for active members, as well. This legislation would increase the administrative efficiency of NYCERS and eliminate burdens on Special Plan participants. According to the City’s Office of the Actuary, this legislation would have no impact on benefits of NYCERS’ members.

**EFFECTIVE DATE:** This act would take effect upon enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2019

**FISCAL IMPACT STATEMENT:**

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY19
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** The City’s Office of the Actuary estimates that the proposed legislation would not result in any change in employer contributions, and thus would not have any impact on City expenditures.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Office of the Actuary “Fiscal Note 2018-26”

**ESTIMATE PREPARED BY:** Kendall Stephenson, Economist

**ESTIMATE REVIEWED BY:** Raymond Majewski, Deputy Director/Chief Economist  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 7, 2018. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 5, 2018.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.8497; A.10696), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).**

ANDREW COHEN, *Chairperson*; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on State and Federal Legislation, June 7, 2018.

On motion of the Speaker (Council Member Johnson), 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 Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

#### Report for State Legislation Res. No. 2

**Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Holyman and Golden, S.7780, and Assembly Member Gottfried, A.9943, "AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera".**

The Committee on State and Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on June 7, 2018, respectfully

#### **REPORTS:**

*(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)*

#### **BACKGROUND:**

On March 21, 2015 at the age of 37 years old, New York City Police Officer Mark Rivera died from a heart attack. At the time of his death, Officer Rivera was a Tier 3 member of the Police Pension Fund (PPF). He is survived by his wife, Abigail Rivera, and their young son, Lincoln Rivera.

Beginning on September 8, 2016, certain Tier 3 Revised members of the PPF could elect to join the Tier 3 Enhanced Plan, which extended the statutory presumptions in the Heart Bill (General Municipal Law section 207-k) to Enhanced Plan members, pursuant to Chapter 298 of the laws of 2016. Tier 3 police officers became eligible to participate in the Enhanced Plan on April 10, 2017 pursuant to Part SSS of Chapter 59 of the laws of 2017. If Officer Rivera had been alive, he would have been eligible to apply for Enhanced Tier 3 benefits under this provision of the law.

This legislation would permit Mrs. Rivera to apply for Enhanced Tier 3 membership in the PPF on behalf of her late husband, and to file for any associated death benefits had Mr. Rivera been a member of Enhanced Tier 3 on the date of his death.

**PROPOSED LEGISLATION:**

Section 1 of the legislation authorizes Abigail Rivera to apply for Enhanced Tier 3 membership in the PPF on behalf of her late husband, Officer Mark Rivera. Mrs. Rivera is also authorized to file for any retirement options or death benefits that would have been available to Officer Rivera if he had been a member of Enhanced Tier 3 on the date of his death.

Section 2 of this legislation states that all costs pursuant to this act shall be borne by the city of New York.

Section 3 of this legislation includes the effective date and fiscal note.

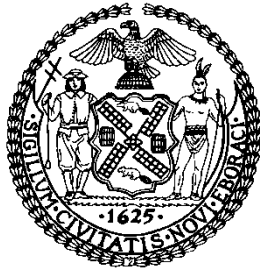
**FISCAL IMPLICATIONS:**

See Council Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

This legislation shall take effect immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 2:)



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

**PRECONSIDERED SLR NO. 2:** S.7780 (Golden)  
 A.9943 (Gottfried)

**COMMITTEE:** State and Federal Legislation

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**TITLE:** AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera

**SPONSOR(S):** Council Member Cohen

**SUMMARY OF LEGISLATION:** This bill would authorize the surviving spouse of Mark Rivera to apply for Enhanced Tier 3 membership in the Police Pension Fund, and allow the surviving spouse to file for any retirement options or death benefits that would have been available to Mr. Rivera had he been a member of Enhanced Tier 3 on the date of his death.

Mark Rivera was employed as a New York City Police Officer – and was a member of the Tier 3 Revised pension plan – until March 21, 2015 when he passed away due to a heart attack. On April 10, 2017 Tier 3 Revised members of the City police force could elect to join the Tier 3 Enhanced Plan, which extended certain benefits and eligibility requirements, including the statutory presumptions contained in the Heart Bill. If this legislation is passed, Mr. Rivera’s death could be deemed as a line-of-duty death under such presumptions, increasing the benefit available to his spouse. Additionally, his spouse would become eligible to receive an Accidental Death Benefit as well as a New York State-paid Special Accidental Death Benefit (SADB), less any amount previously paid as an ordinary death benefit.

**EFFECTIVE DATE:** This act would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$1,758,343	\$1,758,343
<b>Net</b>	\$0	(\$1,758,343)	(\$1,758,343)

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

**IMPACT ON EXPENDITURES:** The City's Office of the Actuary estimates that the proposed legislation would increase City expenditures by \$1,758,343. If this legislation is passed, Ms. Rivera would become eligible for an Accidental Death Benefit worth \$25,343, a Special Accidental Death Benefit (SADB) worth \$58,854, and retirement benefits for her own remaining lifetime worth an estimated \$1,900,000. The SADB would be paid for by the State, meaning the increase in City contributions if this legislation is passed comes to \$1,925,343. However, this total would be subtracted by the value of the Ordinary Death Benefit already received by the spouse, which totals \$167,000. Thus, the final Fiscal Impact totals \$1,758,343. This cost would normally be amortized over the remaining working lifetime of the officer, but because Officer Rivera is deceased, the entire increase would be recognized in the first year. Because the City uses a One-Year Lag Methodology to determine employer contributions, the increased employer contribution would be reflected in Fiscal 2020.

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

**SOURCE OF INFORMATION:** The New York City Council Finance Division  
New York City Office of the Actuary "Fiscal Note 2018-26"

**ESTIMATE PREPARED BY:** Kendall Stephenson, Economist

**ESTIMATE REVIEWED BY:** Raymond Majewski, Deputy Director/ Chief Economist  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 7, 2018. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 5, 2018.

*Accordingly, this Committee recommends its adoption.*

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.7780](#); [A.9943](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, *Chairperson*; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on State and Federal Legislation, June 7, 2018.

On motion of the Speaker (Council Member Johnson), 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 Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

### Report for State Legislation Res. No. 3

**Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Peralta, Alcantara, Avella, Bailey, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Klein, Krueger, Montgomery, Persaud, Rithchie, Sanders, Savino. Sepulveda, Serrano, Stavisky, Valesky, S.6046-C, and Assembly Members Glick, Vanel, Ortiz, DenDekker, Cymbrowitz, Quart, Barron, Williams, Hevesi, Simon, Thiele, L. Rosenthal, Cook, Gottfried, Rodriguez, D'Urso, Carroll, Blake, De La Rosa, Dinowitz, Dickens, Seawright, Jaffee, Mosley, Aubry, Bichotte, Kim, Rivera, Simotas, Pichardo, Rozic, Benedetto, Titus, Pellegrino, Paulin, Taylor, Arroyo, Espinal, et al., A.7798-C, "AN ACT to amend the vehicle and traffic law, in relation to photo speed violation monitoring systems in school speed zones in the city of New York; to amend chapter 43 of the laws of 2014, amending the vehicle and traffic law, the public officers law and the general municipal law relating to photo speed violation monitoring systems in school speed zones in the city of New York, in relation to making technical corrections thereto; and to amend chapter 189 of the laws of 2013, amending the vehicle and traffic law and the public officers law relating to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, in relation to the effectiveness thereof".**

The Committee on State and Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on June 7, 2018, respectfully

### **REPORTS:**

*(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)*

### **BACKGROUND:**

In 2013 the New York State Legislature passed Chapter 180 of the Laws of 2013 which established a five-year demonstration program to permit the installation of a small amount of speed safety cameras near schools in New York City at certain hours of the day. The New York City Department of Transportation reports an average drop of almost 60 percent in speeding infractions at the locations since installation began<sup>1</sup>. Currently, only 7 percent of New York City school children attend a school with a nearby speed safety camera. This legislation expands on this speed safety camera program to cover more school children by increasing the cap to 290 schools from the current cap of 140.

### **PROPOSED LEGISLATION:**

<sup>1</sup> See <http://www.nyc.gov/html/dot/html/pr2016/pr16-091.shtml>

Sections 1 of the legislation amends subdivision (a) of section 1180-b of the Vehicle and Traffic law, as amended by chapter 43 of the laws of 2014 to expand the use of speed cameras to 290 schools within New York City. The section prohibits the installation of speed cameras within 300 feet of a highway exit ramp. New York City will prioritize the placement of speed safety cameras based upon school zone's speed data or the crash history of a school speed zone.

Section 2 of the legislation amends subdivision (a) of section 1180-b of the Vehicle and Traffic law, as amended by chapter 189 of the laws of 2013 by mandating that the City install signs providing notice that a speed camera is in use within 300 feet of such camera. The legislation also requires the installation of signage notifying drivers of the use of speed cameras within a designated school speed zone.

Sections 3 of the legislation amends subdivision (c) of section 1180-b of the Vehicle and Traffic law, as amended by chapter 189 of the laws of 2013 by defining a "school speed zone" as being a radial distance not to exceed 1,320 feet from a school building, entrance or exit.

Section 4 sets forth a reporting requirement.

Sections 5 amends the opening paragraph section 12 of chapter 43 of the laws of 2014, amending the Vehicle and Traffic law, the Public Officers law, and the General Municipal law, by amending the expiration date of sections one through ten of this act.

Sections 6 amends section 15 of chapter 189 of the laws of 2013 to set a new sunset date of July 1, 2022.

Section 7 sets forth a timeline for the addition of 150 new school speed zones, as authorized by Section 1 of this legislation.

Section 8 is the effective date.

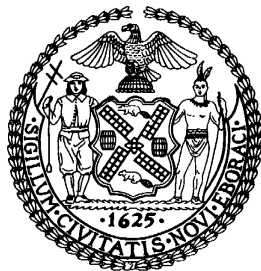
**FISCAL IMPLICATIONS:**

See Council Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

This legislation shall take effect immediately; provided that the amendments to section 1180-b of the vehicle and traffic law made by sections one, two, three and four of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

**(The following is the text of the Fiscal Impact Statement for SLR. No. 3:)**



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

**FISCAL IMPACT STATEMENT**

**Preconsidered SLR No. 3: S.6046-C Peralta)  
A.7798-C (Glick)**

**COMMITTEE: State and Federal Legislation**

**TITLE:** An act to amend the vehicle and traffic law, in relation to photo speed violation monitoring systems in school speed zones in the city of New York; to amend chapter 43 of the laws of 2014, amending the vehicle and traffic law, the public officers law and the general municipal law relating to photo speed violation monitoring systems in school speed zones in the city of New York, in relation to

**SPONSOR:** Council Member Cohen

making technical corrections thereto; and to amend chapter 189 of the laws of 2013, amending the vehicle and traffic law and the public officers law relating to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, in relation to the effectiveness thereof

**SUMMARY OF LEGISLATION:** This legislation would amend the vehicle and traffic law, the public officers law and the general municipal law to increase, from 140 to 290, the number of school speed zones within the City of New York where photo speed violation monitoring systems may be installed and operated. The law would also require the City to install signs giving notice to motorists that a photo speed violation monitoring system is in place.

**EFFECTIVE DATE:** This act would take effect immediately, except that the signage requirements would take effect on the ninetieth day after the act becomes a law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues (+)</b>	<b>\$5,505,938</b>	<b>\$13,758,055</b>	<b>\$18,338,205</b>
<b>Expenditures (-)</b>	<b>\$5,294,472</b>	<b>\$7,768,472</b>	<b>\$15,181,472</b>
<b>Net</b>	<b>\$211,466</b>	<b>\$5,989,582</b>	<b>\$3,156,732</b>

**IMPACT ON REVENUES:** When fully implemented, it is estimated that the revenue impact of the 150 school zones camera locations added by this legislation would be approximately \$18.3 million per school year. In Fiscal 2019, it is anticipated that 50 camera locations would be operational and therefore the anticipated fiscal impact on revenue is projected to be \$5million, or \$110,119 per location. It is anticipated that the Department of Transportation (DOT) will install cameras in 50 locations in Fiscal 2019, 50 locations in Fiscal 2020, and 50 locations in Fiscal 2021, with two cameras installed at each location. This estimate is based on the assumption that DOT will have full use of the additional camera locations for at least 209 school days, including summer schooldays, each year.

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would impact expenditures in that implementation would include both operating costs and a one-time capital expenditure for the purchase and installation of the additional new cameras. The one time capital cost would be approximately \$33.6 million, or \$224,132 per school speed zone. In addition, there is an expense cost of \$117,000 for the installation of 750 signs in the first three fiscal years. The annual operating costs for the additional cameras when all 150 locations are fully implemented would be approximately \$15.2 million. This includes \$257,000 for two clerical positions, \$14.9 million for camera maintenance, and \$20,000 for space costs. In Fiscal 2019, assuming that 50 new camera locations are fully operational the anticipated operating costs would be approximately \$5 million.

**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:** Chima Obichere, Unit Head  
Nathan Toth, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR at a hearing on June 7, 2018. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted for a vote to the full Council on June 7, 2018.

**Date Prepared:** June 6, 2018

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.6046-C; A.7798-C), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).**

ANDREW COHEN, *Chairperson*; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on State and Federal Legislation, June 7, 2018.

On motion of the Speaker (Council Member Johnson), 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 Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 4

**Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.8941, and Committee on Rules (at request of Assembly Member Weprin), A.11123, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year two thousand nineteen".**

The Committee on State and Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on June 7, 2018, respectfully

**REPORTS:**

*(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)*

### **BACKGROUND:**

New York State Law requires that the City of New York adopt class shares based on rates calculated by the State Board of Real Property Services (SBRPS) for the purpose of distributing the tax levy among the four classes of real property. This year SBRPS' class equalization rates would cause the tax burden on property tax class one, comprised of one-, two- and three-family homes, to increase, as it has over the past several years.

The purpose of this bill is provide relief for the residential property tax class one without placing a burden on to class two, which is the other residential tax class. The "uncapped" current base proportions of class one would grow by over 6.6 percent from fiscal year 2018, under SBRPS' calculations. Currently, State Law provides that the current base proportion of any one class may not exceed the adjusted base proportion for that class from the prior year by more than five percent.

This legislation would adjust that rule, for one year only, to cap the maximum class growth at 0.5 percent for New York City. The effect of this change would be to reduce the amount by which the current base proportions for any class, including class one, is allowed to grow, resulting in citywide savings of about \$272 for a typical owner of a class one single family home. Under a cap of 0.5 percent, class two properties will see a decrease in the tax rate, making the rate the lowest it has been since fiscal year 2009. Class three's rate is expected to increase, by 1.7 percent however, this rate is expected to be lower than it has been from fiscal 2009 through fiscal 2013. Class four properties would see no change in rate from fiscal 2018, keeping the rate lower than it had been from fiscal 2015 through fiscal 2017. If this bill does not become law, the New York City Council has to adopt the default SBRPS formula for establishing class shares. The estimated tax rate increase for class one would be over 7 percent, which when coupled with assessment increases would cause significant increases in the tax bills for residential homeowners.

### **PROPOSED LEGISLATION:**

Section one of this bill amends subdivision 1 of section 1803-a of the real property tax law by adding a new paragraph (dd) which caps the maximum class growth rate at 0.5 percent for fiscal year 2019.

Section two of this bill holds that in the event that the special assessing unit has sent out real property tax bills for its fiscal year 2019 before this act becomes law, the city of New York will take such as actions as are necessary to effect the provisions of section one of this act.

Section three states that this bill shall take effect immediately.

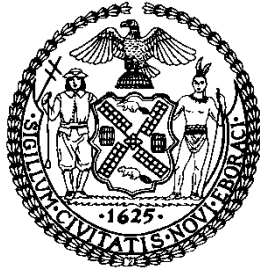
### **FISCAL IMPLICATIONS:**

See Council Finance Division fiscal impact statement.

### **EFFECTIVE DATE:**

Immediately

(The following is the text of the Fiscal Impact Statement for SLR. No. 4:)



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

**PRECONSIDERED SLR NO. 4:** A.11123 / S.8941

**COMMITTEE:** State and Federal Legislation

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**TITLE:** AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2019. **SPONSOR(S):** Council Member Cohen

**SUMMARY OF LEGISLATION:** This legislation would limit the increase in the Fiscal 2019 current base proportions of any class of real property over the Fiscal 2018 adjusted base proportions for purposes of taxation to 0.5 percent, down from the current five percent. The bill also provides for revising the current base proportions and adjusted base proportions, resetting the real property tax rates, and sending out amended real property tax bills in the event that the Department of Finance has mailed out property tax bills before enactment of this law.

**EFFECTIVE DATE:** This act would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2019

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**FISCAL IMPACT STATEMENT:**

	Effective FY19	FY Succeeding Effective FY20	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 the enactment of this legislation because it would not impact the overall size of the property tax levy for Fiscal 2019.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures as a result of the enactment of this legislation.

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

**SOURCE OF INFORMATION:** New York State Board of Real Property Services (SBRPS)  
 New York City Department of Finance  
 New York City Council Finance Division

**ESTIMATE PREPARED BY:** William Kyeremateng, Economist  
 Davis Winslow, Economist

**ESTIMATE REVIEWED BY:** Raymond Majewski, Deputy Director/Chief Economist  
 Emre Edev, Assistant Director  
 Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on State and Federal Legislation Committee as a Preconsidered SLR on June 7, 2018. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 7, 2018.

**DATE PREPARED:** June 6, 2018.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.8941; A.11123, please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).**

ANDREW COHEN, *Chairperson*; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on State and Federal Legislation, June 7, 2018.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 720

**Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the New York city building code, in relation to clarifying the requirements for site safety training providers.**

The Committee on Housing and Buildings, to which the annexed preconsidered proposed local law was referred on March 7, 2018 (Minutes, page 1092), and which same item has been laid over by the Council since the March 7, 2018 Stated Meeting (Minutes, page 924), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 720 printed in the Minutes of March 7, 2018, page 1092)**

*Accordingly, this Committee recommends its adoption.*

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 6, 2018.

Laid Over by the Council.

**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Derrick Westerman Taitt	47 East 126th Street New York, New York 10035	9
Shaniqua Moore	14 Morningside Avenue #45 New York, New York 10026	10
Dwane Camejo	73 Vemilyea Avenue New York, New York 10034	10
Racquel Redman	722 East 229th Street Bronx, New York 10466	12
Nancy Castillo	79 W 182nd Street #3E Bronx, New York 10453	14
Cristina J. Pabon	40 Richman Plaza #2C Bronx, New York 10453	16
Robert R. Isaac	780 Concourse Village West #18E Bronx, New York 10451	16
Shirley Colon	510 E 156th St #18E Bronx, New York 10455	17
Daniel Randell	17-37 215th Street Queens, New York 11360	19
Jason M. Smith	31-50 103rd Street #2 New York, New York 11369	21
Alina Fattakhova	6790 Groton St Queens, New York 11375	29
Irene Connolly-Dougherty	556 Beach 128th St Queens, New York 11694	32
Nicolette Peters	451 Beach 136th St Queens, New York 11694	32

Sharon Washington	755 Gates Ave # 6F Brooklyn, New York 11221	36
Aldalicia Espinal	125 E 18th Street #2C Brooklyn, New York 11226	40
Nilsa Toledo	244 Sumpter Street #3R Brooklyn, New York 11233	41
Nathaniel Kelliehan	140 Newport Street #2B Brooklyn, New York 11212	42
Patti Griffin	1612 Remsen Ave Ground Fl Brooklyn, New York 11236	46
Sara Ballou	14 Albert Ct Staten Island, New York 10303	49
Rick Livan	172 Manila Ave Staten Island, New York 10306	50
Vanessa Wallace	1296 Rockland Avenue #1H Staten Island, New York 10314	51

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Athena Chu	145 Hester Street #14 New York, New York 10002	1
Jennifer Salerno	12 Monroe Street #3A New York, New York 10002	1
Rosa Valentin	46 Madison Street #9G New York, New York 10038	1
Beverly Dubrino	457 FDR Drive #A702 New York, New York 10002	2
Diane Acevedo	765 FDR Drive #3B New York, New York 10009	2
Erundina Rivera	77 Columbia Street #14G New York, New York 10002	2
Sarah C. Medrano	645 East 5th Street #3A New York, New York 10009	2

Shirley Ann Segarra	130 Columbia Street #13B New York, New York 10002	2
Antonia Diaz	1806 1st Avenue #23F New York, New York 10128	5
Danielle E. Burns	560 West 148th Street #3E New York, New York 10031	7
Ana L. Pena	587 East 139th St #5G Bronx, New York 10454	8
Confesor Roman Rosa	461 East 136th Street #1E Bronx, New York 10454	8
Enrique Benitez	315 East 106th Street #6C New York, New York 10029	8
Mercedes Henry	683 East 140th Street #51 Bronx, New York 10454	8
Aishah Fields	247 West 145th Street #4A New York, New York 10039	9
Barbara J. Hollins	2289 5th Avenue #12T New York, New York 10037	9
Lillian Delgado	159-38 Harlem River Drive #2H New York, New York 10039	9
Ramon A. Sosa	24 Laurel Hill Terrace New York, New York 10033	10
Freddy Sepulveda	2922 Grand Concourse #1F Bronx, New York 10458	11
Diana A. Thillet	725 East 230th Street Bronx, New York 10466	12
Awilda Cordero	251 Longstreet Avenue Bronx, New York 10465	13
Laura Castellanos-Arroyo	2919 Scott Place Bronx, New York 10465	13
Mary C. Ramirez	2165 Prospect Avenue Bronx, New York 10457	15
Rosa Hurtado	212 East 182nd Street #6A Bronx, New York 10457	15

Adalgisa Mena	1849 Sedgwick Avenue #14A Bronx, New York 10453	16
Camella Price	875 Morrison Avenue #13H Bronx, New York 10473	16
Catrice Houser	1338 Franklin Avenue #2D Bronx, New York 10456	16
Dorothy Merritt	1010 Sherman Avenue #4J Bronx, New York 10456	16
Jeannette Cosom	1075 University Avenue #GF Bronx, New York 10452	16
Beryl M. Wright	820 Boynton Avenue #14H Bronx, New York 10473	17
Carmen Velez	856 East 175th Street #1 Bronx, New York 10460	17
Monique E. Jackson	890 Courtlandt Avenue #5B Bronx, New York 10451	17
Desirae Taylor	1460 Bronx River Avenue #4H Bronx, New York 10472	18
Maria Ortiz	1594 Metropolitan Avenue #6E Bronx, New York 10462	18
John Mulvey	125-03 6th Avenue Queens, New York 11356	19
Margaret Wei Fang	42-26 Corporal Kennedy Street Bayside, New York 11361	19
George Filippidis	47-02 111th Street Queens, New York 11368	21
Albert Garnill	53-11 Oceania Street Queens, New York 11364	23
Soumendu Bhattacharyya	87-63 Francis Lewis Blvd #1A Queens Village, New York 11427	23
Frances S. Antigone	64-49 138th Street Queens, New York 11367	24
Linda Willingham	142-35 84th Drive #53 Briarwood, New York 11435	24
Mary Baker	115-12 210th Street Queens, New York 11411	27



Zobida Ramnanan	127-06 109th Avenue South Ozone Park, New York 11420	28
Harvey L. Stone	144-39 168th Street Queens, New York 11434	31
Vincent Garrett	149-82 254th Street Rosedale, New York 11422	31
Anke M. Long	6 Beach 219th Street Breezy Point, New York 11697	32
Martha Ilegbameh	7400 Shorefront Pkwy #8K Queens, New York 11692	32
Monika Szoke- Ench	159-18 85th Street Howard Beach, New York 11414	32
Nadeem Veerapen	80-24 89th Avenue Queens, New York 11421	32
Angela I. Lorenzo Collado	287 Division Avenue #3E Brooklyn, New York 11211	33
Eric P. Payne	215 Hoyt Street #2D Brooklyn, New York 11217	33
Sakinah Springs	33 Eagle Street #2N Brooklyn, New York 11222	33
William Parker MacLure	107 Havemeyer Street #27 Brooklyn, New York 11211	33
Carmen Bonilla	384 Central Avenue #6 Brooklyn, New York 11221	34
Eileen Boykin	1130 Berriman Street #2 Brooklyn, New York 11239	35
Kim Best	181A Halsey Street Brooklyn, New York 11216	36
Lisa M. Halley	917 Greene Avenue #3C Brooklyn, New York 11221	36
Sharon Joseph	1287 Park Place Brooklyn, New York 11213	36
Daisy Perez	197 Coverta Street #A Brooklyn, New York 11207	37

Debbie Lawrence	109 Christopher Avenue #15E Brooklyn, New York 11212	37
Julio Segura	856 Wyckoff Avenue Brooklyn, New York 11237	37
Tiffany Iglesias	1256 Hancock Street #3 Brooklyn, New York 11221	37
Robert Santos	506 40th Street #3 Brooklyn, New York 11232	38
Carlton N. Lee	530 2nd Street #F6 Brooklyn, New York 11215	39
Sinai Halbertstam	1214 43rd Street Brooklyn, New York 11219	39
Herbert Marshell	570 Westminster Road #F8 Brooklyn, New York 11230	40
Blanche Marie Riddick	210 East 96th Street #2F Brooklyn, New York 11212	41
Loraine Hopkinson	1880 Strauss Street Brooklyn, New York 11212	41
Maxine Davis	1647 Sterling Place #1B Brooklyn, New York 11233	41
Sylvia Williams	629 Kingsboro 6th Walk #1F Brooklyn, New York 11233	41
Ann Doheny	580 Blake Avenue #4E Brooklyn, New York 11207	42
Debra Davis	539 Schroeders Avenue Brooklyn, New York 11239	42
Sunday Ayanfodun	735 Lincoln Avenue #13E Brooklyn, New York 11208	42
Walter H. Campbell	1381 Linden Blvd #9K Brooklyn, New York 11212	42
Wendy Remy	786 Schenck Avenue Brooklyn, New York 11207	42
Brunilda Rivera	902 72nd Street #3D Brooklyn, New York 11228	43
Dennis J. Sedita	95 76th Street Brooklyn, New York 11209	43

Diana T. Howe	168 81st Street Brooklyn, New York 11209	43
Robert Howe	601 79th Street #D20 Brooklyn, New York 11209	43
Carolyn D. Baskin	859 East 10th Street Brooklyn, New York 11230	45
Daniel D. Wright	1510 East 45th Street Brooklyn, New York 11234	45
Sara Teitelbaum	1250 East 29th Street Brooklyn, New York 11210	45
Shelly-Ann O. Wilkinson	855 East 39th Street Brooklyn, New York 11210	45
Althea Satenay	1271 East 86th Street #1 Brooklyn, New York 11236	46
Dorothy Goldberg	1274 East 72nd Street Brooklyn, New York 11234	46
Peter P. Massaro	1674 East 38th Street Brooklyn, New York 11234	46
Tomi P. Marshall	1511 East 55th Street Brooklyn, New York 11234	46
Eric Wollman	2209 East 28th Street Brooklyn, New York 11229	48
Jessica Rosas	2964 Avenue Z #2 Brooklyn, New York 11235	48
Phyllis Pomerantz	601A Surf Avenue #6B Brooklyn, New York 11224	48
Stuart Goldstein	2727 Ocean Parkway #D28 Brooklyn, New York 11235	48
Diane E. Kent	67 Pendleton Place Staten Island, New York 10301	49
Vanessa Raggi	422 Maryland Avenue #3B Staten Island, New York 10305	49
Domenick Barone	43 New Dorp Plaza Staten Island, New York 10306	50

Eleanor Rowe	240 Mill Road Staten Island, New York 10306	50
J. Mary Wanamker	27 Park Street Staten Island, New York 10306	50
Johanna Gonzalez-Batista	106 Pearsall Street Staten Island, New York 10305	50
Erik Pistek	137 Cros'sfield Avenue Staten Island, New York 10312	51
Karen Lyon	120 Surfside Plaza Staten Island, New York 10307	51
Lara S. Schoenberg	51 Darnell Lane Staten Island, New York 10309	51

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

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

- |     |                     |   |
|-----|---------------------|---|
| (1) | <b>Int. 401-A -</b> | Animal shelters.  |
| (2) | <b>Int. 615-A -</b> | Syringe exchange programs.  |
| (3) | <b>Int. 618-A -</b> | Distributing educational materials on drugs and opiates awareness and prevention.   |
| (4) | <b>Int. 623-A -</b> | Fire department to submit to the council reports relating to the administration of opioid antagonists.  |
| (5) | <b>Int. 667-A -</b> | Department of social services and the department of homeless services to refer individuals receiving opioid antagonists for additional services.  |
| (6) | <b>Int. 668-A -</b> | Overdose prevention and reversal training.  |
| (7) | <b>Int. 669-A -</b> | Municipal drug strategy advisory council to report on opioid antagonist distribution.   |
| (8) | <b>Int. 717-A -</b> | Police department to submit to the council reports relating to opioid antagonists.  |
| (9) | <b>SLR 1 -</b>      | Senator Savino, <b>S.8497</b> , and Assembly Member Abbate, <b>A.10696</b> , Special Plans subject to Retirement and Social Security Law (RSSL) Articles 14 and 15 to allow using any excess basic or additional member contributions to offset any deficits in such other contribution account prior to date of retirement” ( <b>Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage</b> ). |

- (10) **SLR 2 -** Senators Holyman and Golden, **S.7780**, and Assembly Member Gottfried, **A.9943**, retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera” (**Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage**).
- (11) **SLR 3 -** Senators Peralta, Alcantara, Avella, Bailey, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Klein, Montgomery, Persaud, Rithchie, Sanders, Savino, Sepulveda, Serrano, Stavisky, Valesky, **S.6046-C**, and Assembly Members Glick, Vanel, Ortiz, DenDekker, Cymbrowitz, Quart, Barron, Williams, Hevesi, Simon, Thiele, L. Rosenthal, Cook, Gottfried, Rodriguez, D’Urso, Carroll, Blake, De La Rosa, Dinowitz, Dickens, Seawright, Jaffee, Mosley, Aubry, Bichotte, Kim Rivera, Simotas, Pichardo, Rozic, Benedetto, Titus, Pellegrino, Paulin, Taylor, Arroyo, Espinal, et al., **A.7798-C**, making technical corrections thereto; and to amend chapter 189 of the laws of 2013, amending the vehicle and traffic law and the public officers (**Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage**).
- (12) **SLR 4 -** Senator Golden, **S.8941**, and Committee on Rules, **A.11123**, adjusted base proportions in special assessing units (**Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage**).
- (13) **L.U. 70 & Res. 383 -** App. **20185240 TCM** Manhattan, Community Board 12, Council District 10.

- (14) **L.U. 81 & Res. 384 -** App. **20185336 HAM** Manhattan, Community District 7, Council District 7.
- (15) **L.U. 82 & Res. 385 -** App. **20185237 TCM** Manhattan, Community Board 8, Council District 5 (**Coupled to be Filed pursuant to a Letter of Withdrawal**).
- (16) **L.U. 83 & Res. 386 -** App. N **180157 ZAK** Brooklyn, Community District 6, Council District 38.
- (17) **L.U. 85 & Res. 387 -** App. N **180238 ZRM** Manhattan Community District 4, Council District 3.
- (18) **L.U. 86 & Res. 388 -** App. C **180088 ZMX** Bronx, Community District 1, Council District 17.
- (19) **L.U. 87 & Res 389 -** App. N **180089 ZRX** Bronx, Community District 1, Council District 17.
- (20) **L.U. 88 & Res. 390 -** App. **20185334 HAX** Bronx, Council District 17.
- (21) **L.U. 102 & Res. 391 -** App. **20185357 HAK** Brooklyn, Community District 16, Council District 41.
- (22) **L.U. 103 & Res 392 -** App. **20185358 HAM** Manhattan, Community District 9, Council District 7.
- (23) **L.U. 104 & Res. 393 -** App. **20185359 HAK** Brooklyn, Community District 12, Council District 39.
- (24) **L.U. 105 & Res. 394 -** App. **20185360 HAK** Brooklyn, Community District 3, Council District 36.
- (25) **L.U. 106 & Res. 395 -** App. **20185362 HAM** Manhattan, Community District 4, Council District 3.
- (26) **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, Ampy-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **50**.

*Present but Not Voting (PNV) due to marked presence at the Recessed Meeting held subsequently on June 14, 2018: Council Member Miller.*

**The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with Council Member Miller considered as Present but Not Voting. The following legislative items listed below had individual votes differing from the General Order vote above with Council Member Miller considered Present but Not Voting throughout as well:**

The following was the vote recorded for **Preconsidered SLR No. 3**:

**Affirmative** – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Williams, Cumbo, and the Speaker (Council Member Johnson) – **45**.

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

The following was the vote recorded for **L.U. No. 86 & Res. No. 388; L.U. No. 87 & Res. No. 389; L.U. No. 88 & Res. No. 390**:

**Affirmative** – Adams, Ampy-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **49**.

**Negative** – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int. Nos. 401-A, 615-A, 618-A, 623-A, 667-A, 668-A, 669-A, and 717-A.*

Official blue-backs verifying the Council's passage of Preconsidered SLR Nos. 1, 2,3, and 4 were signed and certified by the City Clerk and Clerk of the Council (Mr. McSweeney) and were sent subsequently to Albany for filing with the State Senate and State Assembly.



## 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. 197

**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving a Resolution calling upon the New York City Department of Education to include drug awareness education concerning opioids in the school curriculum.**

The Committee on Mental Health, Disabilities and Addiction, to which the annexed resolution was referred on March 7, 2018 (Minutes, page 981), respectfully

### REPORTS:

**(For text of the report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 615-A)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 197:)**

Res. No. 197

**Resolution calling upon the New York City Department of Education to include drug awareness education concerning opioids in the school curriculum.**

By Council Members Brannan, Holden and Kallos.

**Whereas**, According to the National Institute on Drug Abuse, opioids are drugs that include heroin, certain legally prescribed pain relievers, and synthetic opioids; and

**Whereas**, The New York City Department of Health and Mental Hygiene reported that more than 80 percent of drug overdose deaths from January 2017 to July 2017 included opioid use; and

**Whereas**, As the National Institute on Drug Abuse notes, drug consumption at an early age is a predictive factor of the development of a substance addiction, and most individuals with a substance use disorder began using substances prior to age 18; and

**Whereas**, The Federal Substance Abuse and Mental Health Services Administration acknowledged that one out of four teenagers believe prescription drugs can be taken to assist with studying, and according to a media source, some teenagers misuse prescription opioids because they believe it will help them with their school work; and

**Whereas**, As reported by the New York Daily News, in 2017, the Realization Center, an addiction treatment program in New York City, observed that they were treating almost double the amount of high school students for drug addiction at the time than in previous years, including drug addictions to opioids; and

**Whereas**, Data from the New York City Youth Risk Behavior Survey in 2015 shows that 7 percent of New York City high school students misused prescription opioid analgesics, and 3 percent of youth reported that they had used heroin previously; and

**Whereas**, The use of opioids can be life threatening for teens, and research conducted by the National Center for Health Statistics shows that in 2015, drug overdoses for youth ages 15-19, nationwide, were highest for opioid usage; and

**Whereas**, Research based interventions such as social supports and educational activities can help prevent early misuse of drugs, and numerous school districts across the country have adopted health curriculums that address the misuse of opioids among youth; and

**Whereas**, New York City's Department of Education contracts with the HealthSmart program to provide health education to middle school and high school students; and

**Whereas**, While HealthSmart includes information about drug addiction, the middle school and high school curricula fail to provide minimal information about opioid addiction; and

**Whereas**, It is imperative that New York City students are informed about the risk factors and preventative measures concerning opioid usage, especially at a time in which there is a growing opioid crisis; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to include drug awareness education concerning opioids in the school curriculum.

DIANA AYALA, *Chairperson*; FERNANDO CABRERA, JAMES G. VAN BRAMER, ROBERT F. HOLDEN, ALICKA AMPRY-SAMUEL; Committee on Mental Health, Disabilities and Addictions; June 5, 2018.

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.

## INTRODUCTION AND READING OF BILLS

Int. No. 954

By The Speaker (Council Member Johnson) and Council Member Koslowitz.

### **A Local Law to amend the administrative code, in relation to amending sex designation on birth records**

*Be it enacted by the Council as follows:*

Section 1. Section 17-167.1 of the administrative code of the city of New York, as added by local law 1 of the year 2015, is amended to read as follows:

§ 17-167.1 Sex designation on birth records. a. *Definitions. For the purposes of this section, the term “x” means a sex designation that is not exclusively male or female.*

b. The department shall make a new birth record when an applicant submits an application and supporting documentation pursuant to this subdivision and subdivision [b]c of this section requesting the correction of sex designation to the applicant's birth record. Such application shall be made in a form or manner to be provided or approved by the department. If the department requests information, documentation or a copy of an acceptable current signed photographic identification, the department may not take into account the sex designation listed on such identification in reviewing such application.

[b]c. An application made pursuant to subdivision [a]b of this section shall be accompanied by [supporting documentation that is an affirmation from a physician licensed to practice medicine in the United States, or an affidavit from a professional licensed to practice in the United States who is a: doctoral level psychologist (Ph.D. or Psy.D.) in clinical or counseling psychology, clinical social worker, master social worker, physician assistant, nurse practitioner, marriage and family therapist, mental health counselor or midwife. Such affirmation or affidavit shall include a declaration affirming or attesting under penalty of perjury that:

1. the professional is licensed and in good standing in the jurisdiction in the United States in which such professional is licensed; and

2. in keeping with contemporary expert standards regarding gender identity, the applicant's requested correction of sex designation of male or female more accurately reflects the applicant's sex or gender identity.] *a signed and notarized statement from the registrant requesting that the sex designation be changed to female, male, or x in order to conform to the registrant's gender identity.*

d. *In the event the registrant is less than 18 years old, an application made pursuant to subdivision b of this section shall be accompanied by notarized statements from the parents listed on the birth record or legal guardian(s) of the registrant, requesting that the sex designation on the record be changed to female, male or x to conform to the registrant's gender identity.*

§ 2. Section 17-169 of the administrative code of the city of New York, as amended by local law 64 of the year 2007, is amended to read as follows:

§ 17-169 Certified copies of records of birth, fetal death, and death; certificates of birth.

a. Upon request the department shall issue a certified copy of the birth record or a certification of birth under the following conditions:

1. A certified copy of the record of birth shall be issued only upon order of a court of competent jurisdiction or, *if the person for whom the record of birth relates is still living*, upon a specific request therefor by the person, if eighteen years of age or more, or by a parent or to the legal representative of the person to whom the record of birth relates or by an attorney of law authorized in writing by the person if of the age of eighteen years or over to whom the record of birth relates. *If the person for whom the record of birth relates is deceased, the department may allow family members of that person to have access to a certified copy of the record of birth.* The department may issue a certified copy of a birth record *for any person* for official use upon the request of a department, agency, or officer of any state government or subdivision thereof or the United States government.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 955

By Council Members Ampry-Samuel, Brannan and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to report information regarding veterans entering and exiting shelter**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-323 to read as follows:

§ 21-323. *Veterans in shelter report. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Residential rehabilitation facilities. The term “residential rehabilitation facilities” means facilities for veterans and service members recovering from injuries or illnesses.*

*Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*Subsidized housing. The term “subsidized housing” means dwelling units aided by one or more federal, state or city programs designed to provide low or moderate income housing.*

*Supportive housing. The term “supportive housing” means affordable housing, combined with recovery-oriented services, where tenants pay up to thirty percent of their income towards rent and utilities.*

*Veteran. The term “veteran” means a person who has served in the active military of the United States and who has been released from such service otherwise than by dishonorable discharge.*

*b. Beginning no later than September 1, 2018 and on the first day of each succeeding calendar quarter thereafter, the department shall submit to the city council a report and post such report on its website detailing the following information relating to the previous calendar quarter:*

*1. Total number of veterans entering shelter, disaggregated by number and percent of veterans who are new to the shelter system and those who have had prior shelter stays;*

*2. For the total number of veterans staying in shelter, average length of stay, disaggregated by male and female veterans; and*

*3. Total number and percent of veterans placed in permanent housing, disaggregated by type including but not limited to supportive housing, subsidized housing, residential rehabilitation facilities and veterans who return to their family or to independent living.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 956

By Council Members Ayala, Ampry-Samuel, Brannan and Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to make crime statistics at each New York city housing authority operated housing development available through the department’s website, as well as making other crime information regarding such housing developments available to the city council**

*Be it enacted by the Council as follows:*

Section 1. Paragraph four of subdivision a of section 14-150 of the administrative code of the city of New York is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct *as well as a subset of complaints for each housing development operated by the New York city housing authority*; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of complaints of all sex offenses as defined in article 130 of the New York state penal law, in total and disaggregated by the following offenses: rape as defined in sections 130.25, 130.30, and 130.35; criminal sexual act as defined in sections 130.40, 130.45, and 130.50; misdemeanor sex offenses as defined in sections 130.20, 130.52, 130.55, and 130.60; sexual abuse as defined in sections 130.65, 130.65-a, 130.66, 130.67, and 130.70; course of sexual conduct against a child as defined in sections 130.75 and 130.80; and predatory sexual assault as defined in sections 130.95 and 130.96. Such report shall also include the total number of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation, pursuant to the following timetable:

1. Beginning January first, two thousand fourteen, the thirty largest parks, as determined by acreage;
2. Beginning June first, two thousand fourteen, the one hundred largest parks, as determined by acreage;
3. Beginning January first, two thousand fifteen, the two hundred largest parks, as determined by acreage;
4. Beginning January first, two thousand sixteen, the three hundred largest parks, as determined by acreage;
5. Beginning January first, two thousand seventeen, all parks one acre or greater in size; and
6. Beginning January first, two thousand eighteen, all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size.

The department shall conspicuously post all quarterly reports of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation online via the department's website within five business days of the department's submission of such report to the council.

§2. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-175, to read as follows:

*§14-175. Crime data by housing development posted to the department's website. The department shall make available to the public, through its website, crime data for each housing development operated by the New York city housing authority. Crime data, as used in this section, refers to the crime data that the police department places on its website for each precinct and patrol borough.*

§3. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Public Housing.

## Int. No. 957

By Council Members Borelli, Cohen and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to the replacement of city-owned trees that have been lawfully removed**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 18-107 of the administrative code of the city of New York is amended to read as follows:

e. The department shall promulgate such rules as may be necessary to implement the provisions of this section, including but not limited to rules governing the fee to be paid to the department and any method used to calculate the number and size of the replacement trees required to be planted, provided that: [such]

1. *Such* replacement trees shall, at a minimum, equal one caliper inch of replacement tree for each caliper inch of tree removed;

2. *The number of caliper inches of replacement trees to be required in zoning districts R1, R2 and R3 shall be no greater than twice the number of caliper inches removed;*

3. *The number of caliper inches of replacement trees to be required in zoning districts R4 and R5 shall be no greater than three times the number of caliper inches removed and;*

4. *In promulgating such rules, the department shall [substantially] comply with guidelines set forth [by the international society of arboriculture] in the most recent version of the guide for plant appraisal, published by the council of tree and landscape appraisers on or before December 31, 2017, except that, after December 31, 2017, the department shall review each update to such standards and guide to determine whether any new rules should be promulgated consistent with such updated standards and guide.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of parks and recreation may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

Referred to the Committee on Parks and Recreation.

## Int. No. 958

By Council Members Cabrera and Diaz.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing certain penalties for taxi and for-hire vehicle drivers**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision b of section 19-507 of the administrative code of the city of New York, as amended by local law number 52 for the year 2016, is amended to read as follows:

b. 1. [(a)] Any driver who has been found to have violated a provision of paragraph 1, 2, [or] 3 or 4 of subdivision a of this section, or any combination thereof, shall be fined not less than [\$200] \$100 nor more than [\$500] \$200 for the first offense. Any driver who has been found in violation of any of the provisions of such paragraphs, or any combination thereof, for a second time within a 24 month period shall be fined not less than [\$350] \$200 nor more than [\$1,000] \$400, and the commission may suspend the driver's license of such driver for a period not to exceed 30 days. Any driver who has been found to have violated any of the provisions of such paragraphs, or any combination thereof, three or more times within a 36 month period shall be fined not more than [\$1,000] \$400 for each such third or subsequent offense, and the commission shall revoke the driver's license of such driver.

[(b)(1) Any driver who has been found to have violated any of the provisions of paragraph 4 of subdivision a of this section shall be fined not less than \$200 nor more than \$350 for the first offense. Any driver who has been found in violation of any of the provisions of such paragraph for a second time within a 24 month period shall be fined not less than \$350 nor more than \$500, and the commission may suspend the driver's license of such driver for a period not to exceed 30 days. The commission shall revoke the driver's license of any driver who has been found to have violated any of the provisions of paragraph 4 of such subdivision three or more times within a 36 month period.

(2) Notwithstanding clause 1 of this subparagraph, any driver who has been found to have violated any of the provisions of paragraph 4 of subdivision a of this section shall be fined \$2,000 for the first offense, \$4,000 for a second offense within a 24 month period, and \$10,000 for a third or subsequent offense within a 120 month period, with these enhanced fines not affecting any otherwise applicable license revocation or penalty, if the violation occurred in any of the following areas: (i) airports in the city of New York; (ii) that area of Manhattan that is south of east 96th street and south of west 110th street in which a HAIL vehicle is prohibited from picking up passengers by street hail; and (iii) in such other areas as the commission shall identify by rule.]

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

Referred to the Committee on For-Hire Vehicles.

Int. No. 959

By Council Members Chin and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to expanding the prohibited street-vending zone around the World Trade Center**

*Be it enacted by the Council as follows:*

Section 1. Subdivision k of section 17-315 of the administrative code of the city of New York is amended to read as follows:

k. No food vendor shall vend on any street at any time where and when the operation of any food vending business is prohibited pursuant to either local law or section 20-465.1 of the code and any rules promulgated pursuant thereto. No food vendor shall vend in the area including and bounded on the east by the easterly side of Broadway, on the south by the southerly side of Liberty Street, on the west by the westerly side of West Street and on the north by the [northerly]southerly side of [Vesey]Barclay Street. *In addition:*

*1. No food vendor shall vend on the easterly or westerly side of Greenwich Street between Liberty Street and Thames Street;*

*2. No food vendor shall vend on the easterly or westerly side of West Broadway between Barclay Street and Park Place;*

*3. No food vendor shall vend on the northerly or southerly side of Liberty Street between Trinity Place to West Street;*

*4. No food vendor shall vend on the easterly or westerly side of West Street between Liberty Street and Cedar Street;*

*5. No food vendor shall vend on the westerly side of Trinity Place between Liberty Street and Cedar Street; and*

*6. Notwithstanding the restriction in subdivision k, food vending shall be permitted on the easterly and westerly side of Broadway between Barclay Street and Vesey Street.*

§ 2. Paragraph 2 of subdivision g of section 20-465 of the administrative code of the city of New York, as added by local law 11 for the year 2004, is amended to read as follows:

(2) No general vendor shall vend on any street which is in the area including and bounded on the east by the easterly side of Broadway, on the south by the southerly side of Liberty Street, on the west by the westerly side of West Street and on the north by the [northerly]southerly side of [Vesey]Barclay Street. *In addition:*

(a) No general vendor shall vend on the easterly or westerly side of Greenwich Street between Liberty Street and Thames Street;

(b) No general vendor shall vend on the easterly or westerly side of West Broadway between Barclay Street and Park Place;

(c) No general vendor shall vend on the northerly or southerly side of Liberty Street between Trinity Place to West Street;

(d) No general vendor shall vend on the easterly or westerly side of West Street between Liberty Street and Cedar Street;

(e) No general vendor shall vend on the westerly side of Trinity Place between Liberty Street and Cedar Street; and

(f) Notwithstanding the restrictions in paragraph 2 of subdivision g, general vending shall be permitted on the easterly and westerly side of Broadway between Barclay Street and Vesey Street.

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

Referred to the Committee on Consumer Affairs and Business Licensing.

Preconsidered State Legislation Resolution No. 1

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Savino, S.8497, and Assembly Member Abbate, A.10696, “AN ACT to amend the retirement and social security law, in relation to amending the contribution provisions applicable to certain New York City Employees' Retirement System (NYCERS) Special Plans subject to Retirement and Social Security Law (RSSL) Articles 14 and 15 to allow using any excess basic or additional member contributions to offset any deficits in such other contribution account prior to date of retirement”.**

By Council Members Cohen and Kallos.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Savino, S.8497, and Assembly Member Abbate, A.10696, “AN ACT to amend the retirement and social security law, in relation to amending the contribution provisions applicable to certain New York City Employees' Retirement System (NYCERS) Special Plans subject to Retirement and Social Security Law (RSSL) Articles 14 and 15 to allow using any excess basic or additional member contributions to offset any deficits in such other contribution account prior to date of retirement”; *and*

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).



## Preconsidered State Legislation Resolution No. 2

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Holyman and Golden, S.7780, and Assembly Member Gottfried, A.9943, “AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera”.**

By Council Members Cohen and Kallos.

**Whereas**, Bills have been introduced in the New York State Legislature by Senators Holyman and Golden, S.7780, and Assembly Member Gottfried, A.9943, “AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera”; *and*

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

## Preconsidered State Legislation Resolution No. 3

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Peralta, Alcantara, Avella, Bailey, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Klein, Krueger, Montgomery, Persaud, Rithchie, Sanders, Savino, Sepulveda, Serrano, Stavisky, Valesky, S.6046-C, and Assembly Members Glick, Vanel, Ortiz, DenDekker, Cymbrowitz, Quart, Barron, Williams, Hevesi, Simon, Thiele, L. Rosenthal, Cook, Gottfried, Rodriguez, D’Urso, Carroll, Blake, De La Rosa, Dinowitz, Dickens, Seawright, Jaffee, Mosley, Aubry, Bichotte, Kim, Rivera, Simotas, Pichardo, Rozic, Benedetto, Titus, Pellegrino, Paulin, Taylor, Arroyo, Espinal, *et al.*, A.7798-C, “AN ACT to amend the vehicle and traffic law, in relation to photo speed violation monitoring systems in school speed zones in the city of New York; to amend chapter 43 of the laws of 2014, amending the vehicle and traffic law, the public officers law and the general municipal law relating to photo speed violation monitoring systems in school speed zones in the city of New York, in relation to making technical corrections thereto; and to amend chapter 189 of the laws of 2013, amending the vehicle and traffic law and the public officers law relating to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, in relation to the effectiveness thereof”.**

By Council Members Cohen and Kallos.

**Whereas**, Bills have been introduced in the New York State Legislature by Senators Peralta, Alcantara, Avella, Bailey, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Klein, Krueger, Montgomery, Persaud, Rithchie, Sanders, Savino, Sepulveda, Serrano, Stavisky, Valesky, S.6046-C, and Assembly Members Glick, Vanel, Ortiz, DenDekker, Cymbrowitz, Quart, Barron, Williams, Hevesi, Simon, Thiele, L. Rosenthal, Cook, Gottfried, Rodriguez, D’Urso, Carroll, Blake, De La Rosa, Dinowitz, Dickens, Seawright, Jaffee, Mosley, Aubry, Bichotte, Kim, Rivera, Simotas, Pichardo, Rozic, Benedetto, Titus, Pellegrino, Paulin, Taylor, Arroyo, Espinal, *et al.*, A.7798-C, “AN ACT to amend the vehicle and traffic law, in relation to photo speed violation monitoring systems in school speed zones in the city of New York; to amend chapter 43 of the laws of 2014, amending the vehicle and traffic law, the public officers law and the general

municipal law relating to photo speed violation monitoring systems in school speed zones in the city of New York, in relation to making technical corrections thereto; and to amend chapter 189 of the laws of 2013, amending the vehicle and traffic law and the public officers law relating to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, in relation to the effectiveness thereof”; *and*

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 4

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.8941, and Committee on Rules (at request of Assembly Member Weprin), A.11123, “AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year two thousand nineteen”.**

By Council Members Cohen and Kallos.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Golden., S.8941, and Committee on Rules (at request of Assembly Member Weprin), A.11123, “AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year two thousand nineteen”; *and*

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Int. No. 960

By Council Member Constantinides

**A Local Law to amend the administrative code of the city of New York, in relation air quality monitoring at designated “heavy use” thoroughfares.**

*Be it enacted by the Council as follows:*

Section 1. Section 24-108 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

(g) (1) For purposes of this subdivision the following terms shall have the following meanings:

(i) "Heavy use thoroughfare" means any highway, roadway or other traffic corridor that has traffic volume greater than the fiftieth percentile of the average New York city roadway corridors or have traffic in excess of 100,000 vehicles on an annual basis. Designation of heavy use thoroughfares shall be based upon verifiable usage and traffic volume data obtained from transportation planning agencies including, but not limited to, the New York metropolitan transportation council, the New York city department of transportation and the New York state department of transportation.

(ii) "Recreational area" means any park, playground, ball field and school playground that abuts a heavy use thoroughfare.

(iii) "Regulated air contaminant" means oxides of nitrogen, volatile organic compounds, sulfur dioxide, particulate matter, carbon monoxide, carbon dioxide, polycyclic aromatic hydrocarbons or any other air contaminant for which a national ambient air quality standard has been promulgated; or any air contaminant that is regulated under section 112 of the Clean Air Act, as amended.

(iv) "At risk populations" means infants and children sixteen years of age or younger, pregnant women, adults sixty years of age or older, and persons with weakened immune systems.

(2) The department shall, no later than December thirtieth, two thousand eighteen, designate heavy use thoroughfares in every borough.

(3) The department shall install street level air monitors at a minimum at two major intersections on every designated heavy use thoroughfare and at every recreational area by December thirtieth, two thousand nineteen. Commencing on December thirtieth, two thousand twenty and every December thirtieth thereafter, the department shall issue a report to the mayor and to the speaker of the council containing the results of the air quality monitoring of designated heavy use thoroughfares. Such report shall also be posted on the department's website annually.

(4) Where the results of the air quality monitoring on adjoining heavy use thoroughfares indicate that levels of any regulated air contaminant constitute a violation of an existing standard for that regulated air contaminant or contribute to an actual or potential danger to public health or the environment or present a health risk to at-risk populations based upon the most recent research available, the department of environmental protection along with the departments of transportation and education shall collaboratively identify, develop and require the implementation of corrective mitigation measures that significantly reduce or eliminate short-term and long term exposure risks.

§3. This local law shall take effect ninety days after enactment, provided, however, that the commissioner of environmental protection shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date

Referred to the Committee on Environmental Protection.

Int. No. 961

By Council Members Constantinides, Brannan, Koslowitz and Yeger (at the request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to extending J-51 benefits to owners of multiple dwellings for green roofs.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 11-243 of the administrative code of the city of New York is amended by adding new paragraphs 9, 10 and 11 to read as follows:

9. "Green roof" means a roofing system covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane.

10. "Solar panel roof" means a roofing system that utilizes solar panels or a photovoltaic device.

11. "White roof" means a roofing system that utilizes white paint to reflect radiation back into space.

§ 2. Subdivision b of section 11-243 of the administrative code of the city of New York is amended by adding a new paragraph 11 to read as follows:

; or (11) the installation or alteration of a green roof, solar panel roof, or a white roof.

§3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 962

By Council Member Constantinides

**A Local Law to amend the New York city building code, in relation to allowed amount of impermeable area at zoning lots**

*Be it enacted by the Council as follows:*

Section 1. Appendix A of the New York city building code is amended to read as follows:

**APPENDIX A  
[RESERVED] PERMEABILITY OF LOTS**

**SECTION BC A101  
PERMEABILITY OF LOTS**

**A101.1 Definitions.** *As used in this appendix, the following terms have the following meanings:*

**IMPERMEABILITY FACTOR.** *For a zoning lot, the percentage obtained by dividing the (i) the area of such lot that is covered with asphalt, concrete, or other impervious materials designated by the commissioner by (ii) the total area of such lot.*

**MAXIMUM IMPERMEABILITY FACTOR.** *For a zoning lot, the greater of:*

1. 50 percent; or
2. *The impermeability factor of such lot on the effective date of the local law that added this section or, if such lot did not exist on such effective date, the date that such lot was created.*

**A101.2 Impermeable surfaces at zoning lots.** *Zoning lots shall comply with the following requirements:*

1. *No permit may be issued for work at a zoning lot unless the applicant demonstrates to the satisfaction of the commissioner that such work will not increase the impermeability factor of such lot to greater than the maximum impermeability factor for such lot.*
2. *If the impermeability factor of zoning lot exceeds 50 percent, no permit may be issued for work at such lot unless the applicant demonstrates to the satisfaction of the commissioner that such work will not increase the impermeability factor of such lot.*

**Exceptions:**

1. A zoning lot that contains, or will upon the completion of such work contain, a Group F or H occupancy, a Group M motor fuel-dispensing facility, or another type of building specified by rule of the commissioner after consulting with the department of environmental protection.

2. A zoning lot for which the permit applicant demonstrates, in a manner established by the commissioner, that at least 75 percent of such lot will be shaded on June 21.

3. The commissioner may, in consultation with the department of environmental protection, by rule establish a procedure for varying the application of this section where the commissioner determines that compliance with this section is reasonably likely to result in flooding or other damage to property.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings and the commissioner of environmental protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 963

By Council Member Deutsch.

**A Local Law requiring an assessment of the density of development in flood-prone areas in order to determine whether such density interferes with the ability of the inhabitants of such areas to reach safety in response to storms and other natural disasters**

*Be it enacted by the Council as follows:*

Section 1. The department of city planning, in consultation with the department of buildings, the office of emergency management and the office of sustainability, shall conduct an assessment of the density of development in flood-prone areas, including but not limited to areas of special flood hazard and shaded X-Zones, as such terms are defined in appendix G of the New York city building code, in order to determine whether such density interferes with the ability of the inhabitants of such areas to reach safety during storms and other natural disasters and shall report the findings of such assessment to the speaker of the council and the mayor by no later than March 1, 2019.

§2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 964

By Council Members Deutsch, Torres, Levine, Brannan, Holden and Koslowitz.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring smoke detecting devices and carbon monoxide detecting devices in certain dwellings and common areas**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2045 of the administrative code of the city of New York, as amended by local law number 157 for the year 2016, is amended to read as follows:

§ 27-2045 Duties of owner and occupant with respect to installation and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices.

a. As used in this section:

Class A multiple dwelling. The term “class A multiple dwelling” means a class A multiple dwelling as defined in paragraph 8 of subdivision a of section 27-2004, except that such term shall include garden-type maisonette dwellings constructed before April 18, 1954.

Garden-type maisonette dwelling. The term “garden-type maisonette dwelling” means a dwelling project consisting of a series of dwelling units that, together and in their aggregate, are arranged or designed to provide three or more apartments; are provided as a group collectively with all essential services such as, but not limited to, house sewers and heat; and are operated as a unit under single ownership, notwithstanding that certificates of occupancy were issued for portions thereof as private dwellings, as such term is defined in paragraph 6 of subdivision a of section 27-2004.

[Private dwelling. The term “private dwelling” means a dwelling unit in a one-family or two-family home that is occupied by a person or persons other than the owner of such unit or the owner’s family.]

b. The owner of a class A multiple dwelling, class B multiple dwelling or private dwelling shall:

1. (a) Provide and install one or more approved and operational smoke detecting devices in each dwelling unit *and any common area of the building as defined in section 27-2056.2* in accordance with section 907.2 of the New York city building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968 building code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned smoke detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings[, except that this paragraph shall not apply to private dwellings];

(b) Provide and install one or more approved and operational carbon monoxide detecting devices in each dwelling unit *and any common area of the building as defined in section 27-2056.2* in accordance with section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned carbon monoxide detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings or by the commissioner in consultation with the department of buildings and the fire department;

(c) Provide and install one or more approved and operational natural gas detecting devices in accordance with section 908.10 of the New York city building code or section 28-315.2.3 of the code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned natural gas detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings or by the commissioner in consultation with the department of buildings and the fire department;

2. Periodically replace any device required under paragraph 1 of this subdivision upon expiration of its useful life in accordance with article 312 of title 28 of the code;

3. (a) For a class A multiple dwelling or private dwelling, replace any such device that has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the dwelling unit and that has not been replaced by the prior occupant before commencement of a new occupancy of such dwelling unit [, except that this paragraph shall not apply to smoke detecting devices in private dwellings];

(b) For a class B multiple dwelling, replace any such device that has been stolen, removed, found missing or rendered inoperable before commencement of a new occupancy of such dwelling unit;

4. Where any such device becomes inoperable within one year after installation due to a defect in the manufacture of such device and through no fault of the occupant of such dwelling unit, replace such device within 30 calendar days after receiving written notice that such device is inoperable, except that this paragraph shall not apply to class B multiple dwellings [or smoke detecting devices in private dwellings];

5. Post a notice in a form approved by the commissioner in a common area of the building or, for private dwellings, provide to the occupants thereof a notice, indicating that (i) the owner is required by law to install such devices and to periodically replace such devices upon the expiration of their useful life, and (ii) each occupant is responsible for the maintenance and repair of such devices that are battery-operated and within such occupant’s dwelling unit and for replacing, in accordance with article 312 of title 28 of the code, any or all such devices which are stolen, removed, found missing or rendered inoperable during such occupant’s occupancy of

such dwelling unit, except that this paragraph shall not apply to class B multiple dwellings [or smoke detecting devices in private dwellings];

6. Provide to at least one adult occupant of such dwelling unit information relating to (i) the risks posed by carbon monoxide poisoning and, if natural gas detecting devices are required to be installed in such dwelling unit by rules promulgated by the commissioner of buildings, the risks posed by natural gas leaks, (ii) the testing and maintenance of smoke detecting devices, carbon monoxide detecting devices and, if natural gas detecting devices are required to be installed in such dwelling unit by rules promulgated by the commissioner of buildings, natural gas detecting devices, (iii) what to do if such devices alert, (iv) the useful life of such devices, (v) the owner's duty to replace such devices pursuant to article 312 of title 28 and (vi) the occupant's duty to maintain and repair such devices that are battery-operated and within such occupant's dwelling unit and replace any or all such devices within such dwelling unit that are stolen, removed, found missing or rendered inoperable during such occupant's occupancy of such dwelling unit; provided that the information provided in accordance with this paragraph may include material that is distributed by the manufacturer or material prepared or approved by the department of buildings; except that this paragraph shall not apply to class B multiple dwellings [or smoke detecting devices in private dwellings]; and

7. Keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices in the dwelling, including the manufacturer's suggested useful life of such devices and records showing that such devices meet the requirements of all applicable laws and rules, and make such records available to the commissioner upon request.

c. Notwithstanding the provisions of subdivision a of section 27-2005 and subdivision c of section 27-2006, the occupant of each dwelling unit in a class A multiple dwelling or private dwelling in which a device required by paragraph 1 of subdivision b of this section has been provided and installed shall:

1. Keep and maintain such device in good repair; and

2. Replace such device if it is stolen, removed, found missing or rendered inoperable during the occupant's occupancy of such dwelling unit.

d. It shall be unlawful for any person to tamper with or render inoperable a required smoke detecting device, carbon monoxide detecting device or natural gas detecting device, except to replace the batteries of such device or for other maintenance purposes.

e. The occupant of a dwelling unit within a class A multiple dwelling or private dwelling in which a battery-operated smoke detecting device, carbon monoxide detecting device or natural gas detecting device is newly installed, or installed to replace a device that has exceeded the manufacturer's useful life or that has been lost or damaged by such occupant or installed as a result of such occupant's failure to maintain such device, shall reimburse the owner for the cost of providing and installing such device an amount not to exceed (i) \$25 for each smoke detecting device, carbon monoxide detecting device or natural gas detecting device, (ii) \$50 for each combined smoke and carbon monoxide detecting device, combined smoke and natural gas detecting device or combined carbon monoxide and natural gas detecting device and (iii) \$75 for each combined smoke, carbon monoxide and natural gas detecting device.

f. This section may be enforced by the department, the department of buildings, the fire department and the department of health and mental hygiene.

§ 2. Section 907.2.9 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**907.2.9 Group R-2.** A fire alarm system without alarm notification appliances and smoke alarms shall be installed in accordance with this section in Group R-2 occupancies, other than student apartments, where such occupancy satisfies any one of the following conditions:

1. Any dwelling unit is located three or more stories above the lowest level of exit discharge, including dwelling units in penthouses of any area;

2. Any dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit; or

3. The building contains more than 16 dwelling units.

Actuation of smoke detectors shall not initiate a signal to alarm notification appliances. The activation of any detector required by this section shall initiate a signal at a central supervising station or a constantly attended location. Smoke detectors shall be located as follows:

1. In each mechanical equipment, electrical, transformer, telephone equipment or similar room, greater than 75 square feet (6.96 m<sup>2</sup>) in area.
2. In air distribution systems in accordance with Section 606 of the *New York City Mechanical Code*.
3. In elevator machine rooms and in elevator lobbies.
4. *In any common area of the building as defined in Section 27-2056.2 of the Administrative Code.*

§ 3. Title 28 of the administrative code of the city of New York is amended by adding new sections 28-315.2.5, 28-315.2.6 and 28-315.2.7 to read as follows:

**§ 28-315.2.5 Smoke detecting devices for occupant group R-3.** *All dwelling units within occupancy group R-3 shall be equipped with approved and operational smoke detecting devices in accordance with section 907.2.11.1 of the New York city building code.*

**Exception:** *Dwelling units which contain operational automatic wet sprinkler systems pursuant to article four of subchapter 17 of title 27 of the code.*

**§ 28-315.2.6 Smoke detecting devices for occupancy group R-2 common areas.** *Common areas in spaces classified in occupancy group R-2 shall be equipped with approved and operational smoke detecting devices in accordance with section 907.2.9 of the New York city building code.*

**§ 28-315.2.7 Carbon monoxide detecting devices for occupancy group R-2 common areas.** *Common areas in spaces classified in occupancy group R-2 shall be equipped with approved and operation carbon monoxide detecting devices in accordance with section 908.7.1.1.2 of the New York city building code.*

§ 4. Section 908.7 of the New York city building code, as amended by local law number 10 for the year 2014, is amended by renumbering section 908.7.1.1.2 and 908.7.1.1.3 as section 908.7.1.1.3 and section 908.7.1.1.4 and by adding a new section 908.7.1.1.2 to read as follows:

**908.7.1.1.2 Required locations outside dwelling units.** *For buildings within occupancy group R-2 where carbon monoxide alarm or detectors are required under section 908.7.1.1, carbon monoxide alarms or detectors shall be located in any common area of the building as defined in Section 27-2056.2 of the Administrative Code.*

§ 5. This local law takes local law takes effect on the same date that sections two through eight of local law number 157 for the year 2016 takes effect, except that the commissioner of buildings and the commissioner of housing preservation and development may take such measures as are necessary for the implementation of such sections, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.



## Int. No. 965

By Council Members Espinal, Ampry-Samuel and Koslowitz.

**A Local Law in relation to applications for retail dealer licenses for sale of cigarettes or tobacco products**

*Be it enacted by the Council as follows:*

Section 1. For a period of 180 days after the effective date of this local law, subparagraph D of paragraph 1 of subdivision d of section 20-202 of the administrative code of the city of New York shall not apply to any applicant for a retail dealer license that, prior to February 24, 2018, held a valid and current certificate of registration pursuant to paragraph (a) of subdivision 1 of section 480-a of the tax law, but did not hold a retail dealer license pursuant to section 20-202 of the administrative code of the city of New York, and was not required to hold such a license pursuant to such section.

§ 2. The department of consumer affairs shall engage in outreach efforts to notify all persons eligible to apply for a retail dealer license pursuant to section one of this local law about the process and deadline for such application.

§ 3. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

## Res. No. 377

**Resolution calling upon the Governor and the Metropolitan Transportation Authority to commit to an expeditious transition to an electric bus fleet and to use electric buses as a robust part of its replacement service during the upcoming L train shutdown.**

By Council Members Espinal and Levin

**Whereas**, According to the Metropolitan Transportation Authority (“MTA”), in 2019 it will shut down L train service between Manhattan and Brooklyn for 15 months in order to make Hurricane Sandy-related repairs, disrupting the commutes of over 200,000 daily weekday riders; and

**Whereas**, Many alternative service plans are under consideration, including increased bus service; and

**Whereas**, The pending L train shutdown, and the increased demand for bus service that it will create, presents a prime opportunity to utilize clean bus technology that would bring significant environmental and health benefits to the city; and

**Whereas**, Exhaust from diesel buses is a significant contributor to smog-creating nitrogen oxide pollution and particulate pollution, which contribute to high levels of asthma and other respiratory problems among the New York Metropolitan Area’s residents, including nearly half a million children; and

**Whereas**, The City has set a goal of reducing greenhouse gas emissions by 80 percent below 2005 levels by 2050; and

**Whereas**, According to a Columbia University analysis, converting the entire fleet to all-electric buses would result in an annual reduction of emissions within the city limits of approximately 575,000 metric tons of equivalent carbon dioxide (CO<sub>2</sub>e) and an estimated \$100 of health care savings per resident per year; and

**Whereas**, Zero emission buses produce no pollution at the tailpipe and, according to the Sierra Club, even after factoring in emissions from electricity generation, each contributes up to 270,000 pounds less climate change-creating CO<sub>2</sub>e pollution per year compared to diesel or compressed natural gas buses (CNG); and

**Whereas**, According to an analysis by the Sierra Club, zero emission buses cost less to fuel and maintain than diesel or CNG buses and have a lower lifetime cost than either diesel or CNG buses; and

**Whereas**, Zero emission buses can increase the livability of New York City neighborhoods through noise and pollution reduction; and

**Whereas,** The MTA should commit to adding at least 200 zero emission buses to its fleet by 2019 and to purchasing exclusively zero emission buses by 2030; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Governor and the Metropolitan Transportation Authority to commit to an expeditious transition to an electric bus fleet and to use electric buses as a robust part of its replacement service during the upcoming L train shutdown.

Referred to the Committee on Transportation.

Int. No. 966

By Council Members King, Yeger, Ampry-Samuel, Adams, Cabrera, Cornegy, Cumbo, Holden, Levin, Reynoso and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to designating a housing resources liaison**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-208 to read as follows:

*§12-208 City employee housing resources liaison. a. Definitions. For the purposes of this section, the following term has the following meaning:*

*City service. The term "city service" shall have the same meaning as the term is defined in section 12-119.*

*b. The department of citywide administrative services shall designate one or more persons to provide information on available housing resources to employees in city service who are seeking housing within the city.*

*c. The department shall post the name, office address, email address, and phone number of such person or persons designated and shall make available on its website housing resources and related information to assist such employees in city service.*

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

Referred to the Committee on Civil Service and Labor.

Int. No. 967

By Council Members King, Diaz, Cumbo, Ampry-Samuel, Adams, Cabrera, Cornegy, Gibson, Holden, Levin, Reynoso, Salamanca, Torres, Williams and Gjonaj.

**A Local Law to amend the administrative code of the city of New York, in relation to panic buttons for drivers of taxicabs, street hail liveries and for-hire vehicles**

*Be it enacted by the Council as follows:*

Section 1. Section 19-508 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. 1. For purposes of this section, the term "panic button" means a help or distress signaling system as designated by the rules of the commission that connects a driver in distress with the police department.*

*2. Every taxicab, HAIL vehicle and for-hire vehicle shall have a panic button within reach of the driver's seat.*

§ 2. This local law takes effect 120 days after it becomes a law, except that the taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on For-Hire Vehicles.

Int. No. 968

By Council Members King, Yeger, Ampry-Samuel, Holden, Adams, Cabrera, Cornegy and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to hookah paraphernalia advertisements**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-720 to read as follows:

§ 17-720 *Requirements related to the advertisement of hookah paraphernalia. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Hookah paraphernalia. The term “hookah paraphernalia” means any hookah or water pipes, including any component, part, or accessory of such product.*

*Child day care center. The term “child day care center” means (i) any child care arrangement, public, private or parochial child care center, school-age child care program, day nursery school, kindergarten, play school or other similar school or service operating pursuant to authorization, license or permit of the city or state, (ii) any facility that provides child care services as defined in section four hundred ten-p of the New York state social services law, or (iii) any child day care center as defined in section three hundred ninety of the New York state social services law. The definition of “child day care center” applies whether or not care is given for compensation but does not include child day care centers located in private dwellings and multiple dwelling units.*

*School building. The term “school building” means any building or structure or any portion thereof, owned, occupied by, or under the custody or control of any public, private or parochial institution and lawfully used for the primary purpose of providing educational instruction to students at or below the twelfth grade level.*

*Youth center. The term “youth center” means any building or structure or portion thereof, lawfully occupied by any person for the primary purpose of operating a trade school (including those conducting after-school, vocational, remedial, tutorial, educational assistance programs) or an indoor recreational center (including recreational, cultural, physical fitness, or sports programs) for persons under the age of eighteen years.*

*Covered retailer. The term “covered retailer” means any retail establishment that sells hookah paraphernalia and is located within a certain distance, as determined by the commissioner pursuant to subdivision d of this section, of school buildings, child daycare centers, or youth centers.*

*Covered advertisement. The term “covered advertisement” means any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other written indicia of product identification identical or similar to, or identifiable with, those used for any brand of hookah paraphernalia, the purpose or effect of which is to promote the use or sale of hookah paraphernalia, that is visible from a public area.*

*b. The department shall conduct a study to review existing research linking advertising to youth smoking rates, and to assess the estimated number of retail establishments that would be impacted by a prohibition on covered advertisements, with models using various distances from school buildings, child daycare centers, and youth centers. The study will also examine the city-wide impact of prohibiting covered advertisements on youth smoking rates.*

*c. On or before April 1, 2019, the department shall submit a report to the council detailing the findings of the study conducted pursuant to subdivision b of this section.*

*d. Effective September 1, 2019, covered advertisements are prohibited within a certain distance, to be determined by rule, of school buildings, child daycare centers, and youth centers. Such distance shall be based on the findings of the study conducted pursuant to subdivision b of this section.*

§2. This local law takes effect 120 days after it becomes law, except that the commissioner may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 969

By Council Members Koo and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to stoop line stands and vendors in certain areas of downtown Flushing**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-136 of the administrative code of the city of New York is amended by adding new paragraphs 29 through 34 to read as follows:

*29. Such an obstruction is hereby forbidden from the building line on Main Street between Northern Boulevard and Sanford Avenue in the borough of Queens. Such an obstruction is also forbidden on any intersecting street from the building line of any building on such portion of Main Street.*

*30. Such an obstruction is hereby forbidden from the building line on Roosevelt Avenue between College Point Boulevard and Union Street in the borough of Queens. Such an obstruction is also forbidden on any intersecting street from the building line of any building on such portion of Roosevelt Avenue.*

*31. Such an obstruction is hereby forbidden from the building line on Kissena Boulevard between 41st Avenue and Barclay Avenue in the borough of Queens. Such an obstruction is also forbidden on any intersecting street from the building line of any building on such portion of Kissena Boulevard.*

*32. Such an obstruction is hereby forbidden from the building line on 40th Road between Prince Street and Main Street in the borough of Queens.*

*33. Such an obstruction is hereby forbidden from the building line on 41st Avenue between Main Street and Union Street in the borough of Queens.*

*34. Such an obstruction is hereby forbidden from the building line on 41st Road between Main Street and Frame Place in the borough of Queens.*

§ 2. Subdivision g of section 20-465 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

*(4) No general vendor shall vend on any street that is in the area including and bounded on the east by the easterly side of Union Street, on the south by the southerly side of Sanford Avenue, on the west by the westerly side of College Point Boulevard and on the north by the northerly side of Northern Boulevard.*

§ 3. Subdivision l of section 17-315 of the administrative code of the city of New York is amended to read as follows:

1. Food vendors shall be prohibited from vending on the following streets at the following days and times:

**BOROUGH OF MANHATTAN**

Third Avenue: East 40th to East 57th Street, Monday through Friday, 8 am to 6 pm; East 58th to East 60th Street, Monday through Saturday, 8 am to 9 pm; Lexington Avenue: East 40th to East 57th Street, Monday through Saturday, 8 am to 7 pm; East 58th to East 60th Street, Monday through Saturday, 8 am to 9 pm; East 61st to East 69th Street, Monday through Saturday, 8 am to 6 pm; Park Avenue: East 34th to East 42nd Street, Monday through Friday, 8 am to 7 pm; East 55th to East 59th Street, Monday through Friday, 10 am to 7 pm; Vanderbilt Avenue: East 42nd to East 45th Street, Monday through Friday, 8 am to 7 pm; Madison Avenue: East 34th to East 45th Street, Monday through Friday, 8 am to 6 pm; East 46th to East 59th Street, Monday through

Saturday, 10 am to 7 pm; Fifth Avenue: 32nd to 59th Street, Monday through Saturday, 8 am to 7 pm; Avenue of the Americas: West 32nd to West 59th Street, Monday through Saturday, 8 am to 7 pm; Broadway: West 32nd to West 52nd Street, Everyday, 8 am to 8 pm; Seventh Avenue: West 33rd to West 34th Street, Monday through Saturday, 8 am to 6 pm; West 35th to West 45th Street, Monday through Saturday, 8 am to midnight; West 46th to West 52nd Street, Monday through Saturday, 2 pm to 7 pm; Fourteenth Street: Broadway to Seventh Avenue, Monday through Saturday, noon to 8 pm; West Thirty-fourth Street: Fifth Avenue to Seventh Avenue, Monday through Saturday, 8 am to 7 pm; Forty-second Street: Third Avenue to Eighth Avenue, Monday through Saturday, 8 am to 7 pm; West Forty-third Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-fourth Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-fifth Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-sixth Street: Seventh to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-seventh Street: Fifth to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-eighth Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-ninth Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fiftieth Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fifty-first Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fifty-second Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Fifty-third Street: Broadway to Eighth Avenues, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm.

#### *BOROUGH OF QUEENS*

*Main Street: Northern Boulevard to Sanford Avenue, every day, noon to midnight; 38th Avenue: Prince Street to 138th Street, every day, noon to midnight; Prince Street: 38th Avenue to 39th Avenue, every day, noon to midnight; 39th Avenue: College Point Boulevard to Union Street, every day, noon to midnight; Lippman Plaza: 39th Avenue to Roosevelt Avenue, every day, noon to midnight; Roosevelt Avenue: College Point Boulevard to Union Street, every day, noon to midnight; 41st Avenue: College Point Boulevard to Union Street, every day, noon to midnight; Kissena Boulevard: 41st Avenue and Barclay Avenue, every day, noon to midnight; Sanford Avenue: Frame Place to Main Street, every day, noon to midnight.*

§ 4. Subchapter 7 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-237.1 to read as follows:

§ 20-237.1 *Stoop Line Stands; Location Restrictions. a. The department shall not issue licenses for stoop line stands at the following locations:*

- 1. Main Street between Northern Boulevard and Sanford Avenue in the borough of Queens.*
- 2. Roosevelt Avenue between College Point Boulevard and Union Street in the borough of Queens.*
- 3. Kissena Boulevard between 41st Avenue and Barclay Avenue in the borough of Queens.*
- 4. Fortieth Road between Prince Street and Main Street in the borough of Queens.*
- 5. Forty-first Avenue between Main Street and Union Street in the borough of Queens.*
- 6. Forty-first Road between Main Street and Frame Place in the borough of Queens.*

§ 5. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

## Int. No. 970

By Council Members Koo and Koslowitz

**A Local Law to amend the administrative code of the city of New York, in relation to banning the use of under-fired char broilers at mobile food vending units**

*Be it enacted by the Council as follows:*

Section 1. Title 24 of the administrative code of the city of New York is amended by adding a new section 24-149.7 to read as follows:

§ 24-149.7 *Commercial under-fired char broiling. No person shall operate a commercial under-fired char broiler on a mobile food vending unit.*

§ 2. This local law takes effect 1 year after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

## Int. No. 971

By Council Members Lander, Torres, Reynoso, Rodriguez, Richards, Menchaca, Adams, Levin, Van Bramer, Gibson, Treyger, Rosenthal, Powers, Brannan, Ayala, Rivera, Ampry-Samuel, Holden, Koslowitz, Constantinides and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to dangerous driving**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-199.1 to read as follows:

§ 19-199.1 *Dangerous Driving. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Camera violation. The term “camera violation” means, on or after the date this section becomes law, the failure of an operator to comply with traffic-control indications pursuant to section 1111-a of the vehicle and traffic law and section 19-210 of the administrative code, or the failure of an operator to comply with certain posted maximum speed limits pursuant to section 1180-b of the vehicle and traffic law and section 39-21 of title 19 of the rules of the city of New York, other than any such violation that occurred in a time period during which the vehicle was reported to the police department as having been stolen.*

*Covered vehicle. The term “covered vehicle” means any motor vehicle, other than a rental vehicle as defined in section 137-a of the vehicle and traffic law, that has been documented by a photo violation monitoring device for a camera violation at least five times within a 12-month period or any motor vehicle determined by the department to be a covered vehicle pursuant to subdivision h.*

*Traffic safety program. The term “traffic safety program” means a traffic safety program approved by the department.*

*b. The department shall notify, by certified mail, the owner of a motor vehicle after the vehicle's fourth documentation for a camera violation in a 12-month period that such owner shall be required to complete a traffic safety program after the fifth camera violation or such vehicle will be subject to impoundment and informing such owner of the opportunity to complete such traffic safety program voluntarily prior to the fifth camera violation.*

*c. The department shall notify, by certified mail, the owner of any covered vehicle that such owner is required to complete a traffic safety program and that such covered vehicle shall be subject to impoundment if the owner does not register for such traffic safety program within 10 days or complete such traffic safety program within 30 days following receipt of such notice.*

*d. Any individual who completes a traffic safety program pursuant to this section shall be required to pay the fees for such traffic safety program. The department shall provide the option to pay such fees in installments.*

*e. Following completion of a traffic safety program and payment of fees for such traffic safety program, any camera violation that occurred prior to the completion of such traffic safety program shall not be taken into account for purposes of this section.*

*f. Any covered vehicle owned by a person who fails to complete a traffic safety program in accordance with subdivision c of this section shall be subject to impoundment by the department.*

*g. Any covered vehicle impounded pursuant to this section shall not be released until the owner of the covered vehicle completes a traffic safety program and pays the fees for the traffic safety program and all applicable towing and storage fees.*

*h. One year following the effective date of this section, the department shall promulgate rules and regulations designating vehicles as covered vehicles for the purposes of this section based on the indicators of dangerous driving identified by the study conducted pursuant to section 19-199.2.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 972

By Council Members Lander, Torres, Reynoso, Rodriguez, Richards, Menchaca, Adams, Levin, Van Bramer, Gibson, Treyger, Rosenthal, Powers, Brannan, Ayala, Rivera, Ampry-Samuel and Koslowitz

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a study of dangerous driving**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-199.2 to read as follows:

*§ 19-199.2 Study of dangerous driving. The office of operations, in collaboration with the department, the police department and any other appropriate agencies identified by the mayor, shall conduct a study of driving behavior to identify specific behaviors indicating a pattern of dangerous driving associated with traffic crashes, injuries and fatalities. As part of such study the department shall analyze data including, but not limited to: hit-and-run police reports; convictions for traffic-related violations or crimes, including convictions pursuant to section 1212 of the vehicle and traffic law and section 19-190; MV104AN crash reports attributing dangerous conduct to the driver; driving activity of vehicles registered to people with suspended or revoked licenses; and, to the extent feasible, motor vehicle insurance information. Within one year of the effective date of this section, the office of operations shall submit to the council and post on its official website a report on the indicators of dangerous driving identified by such study and the office of operations' recommendations for reducing dangerous driving. Each year thereafter, the office of operations shall submit to the council and post on its official website a report on any interventions undertaken by any agency with respect to dangerous driving and any increases or decreases in patterns of dangerous driving in the prior year.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

## Int. No. 973

By Council Members Maisel, Holden, Koslowitz and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for operating a taxicab or for-hire vehicle without a license**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision b of section 19-506 administrative code of the city of New York is amended to read as follows:

b. 1. Except as provided in paragraph 2 of this subdivision, any person who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle as a taxicab, coach, wheelchair accessible van, HAIL vehicle or for-hire vehicle in the city, without first having obtained or knowing that another has obtained a license for such vehicle pursuant to the provisions of section 19-504 of this chapter, shall be guilty of a violation, and upon conviction in the criminal court shall be punished by a fine of not less than [one thousand dollars] \$2,000 or more than [two thousand dollars] \$4,000 or imprisonment for not more than sixty days, or both such fine and imprisonment. This paragraph shall apply to the owner of such vehicle and, if different, to the operator of such vehicle.

§ 2. Subdivision d of section 19-506 of the administrative code of the city of New York is amended to read as follows:

d. Any person, other than a person holding a driver's license issued pursuant to section 19-505 and a New York state class A, B, C or E license, neither of which is revoked or suspended, who drives or operates for hire a licensed vehicle in the city except a commuter van, shall be guilty of a violation, and upon conviction in the criminal court, shall be punished by a fine of not less than [five hundred dollars] \$1,000 nor more than [one thousand dollars] \$2,000 or imprisonment for a term not exceeding thirty days, or both such fine and imprisonment.

§ 3. This local law takes effect in 60 days.

Referred to the Committee on For-Hire Vehicles.

## Int. No. 974

By The Public Advocate (Ms. James) and Council Members Rosenthal, Miller and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to the disclosure in employment advertisements of mandatory arbitration and non-disparagement clauses in employment contracts**

*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 20 to read as follows:

*SUBCHAPTER 20  
EMPLOYMENT ADVERTISEMENTS*

§ 20-830 *Employment advertisements. a. Definitions. As used in this subchapter, the following terms have the following meanings:*

*Employment advertisement. The term "employment advertisement" means any public solicitation, in print or electronic format, for applications for paid work in the city of New York.*

*Mandatory arbitration clause. The term "mandatory arbitration clause" means a contract clause that requires the settlement of some or all disputes through arbitration.*



*Non-disparagement clause. The term “non-disparagement clause” means a contract clause that restricts signatories from speaking in ways that damage a person’s reputation.*

*b. Disclosure of mandatory arbitration clauses and non-disparagement clauses. Persons in the city of New York shall, in employment advertisements for which the employment will be subject to a contract that includes a mandatory arbitration clause or non-disparagement clause, clearly and plainly disclose in such advertisement that the employment will be subject to a contract with such a clause or clauses.*

*c. Civil penalties. Any person who violates any provision of this section or any rule promulgated pursuant thereto is liable for a civil penalty of not less than \$500 or more than \$1,000 for each violation. For purposes of this section, each position for which an employment advertisement is published in violation of this section shall constitute a separate violation. A proceeding to recover any civil penalty authorized pursuant to this chapter is 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.*

*d. Enforcement. The department is authorized to enforce the provisions of this section.*

§ 2. This local law takes effect 120 days after it becomes law; provided, however, that the department of consumer affairs may promulgate rules as may be necessary for the implementation of this local law prior to such effective date.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 975

By The Public Advocate (Ms. James) and Council Members Brannan, Holden, Koslowitz and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to denying building permits where a residential building has an excessive number of violations**

*Be it enacted by the Council as follows:*

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.3 to read as follows:

**§ 28-105.1.3 Denial of permits for excessive violations.** *The department shall, not issue permits for a multiple dwelling where (i) such multiple dwelling contains fewer than 35 units and has a ratio of open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations that equal in the aggregate three or more such violations for every dwelling unit in such multiple dwelling or (ii) such multiple dwelling contains 35 units or more and has a ratio of open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations that equal in the aggregate two or more such violations for every dwelling unit in such multiple dwelling.*

**Exception:** *The commissioner may issue a permit for a property where the issuance of such permit is necessary to correct an outstanding violation of this code, the housing maintenance code or any other applicable provisions of law or rule or where the commissioner determines that issuance of such permit is necessary to perform work to protect public health and safety.*

§ 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.

## Int. No. 976

By Council Member Reynoso.

**A Local Law to amend the New York city charter, in relation to community board membership applications**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 2800 of the New York city charter is amended to read as follows:

a. For each community district created pursuant to chapter sixty-nine there shall be a community board which shall consist of (1) not more than fifty persons appointed by the borough president for staggered terms of two years, at least one-half of whom shall be appointed from nominees of the council members elected from council districts which include any part of the community district, and (2) all such council members as non-voting members. The number of members appointed on the nomination of each such council member shall be proportional to the share of the district population represented by such council member.

b. *All candidates for appointment or reappointment to a community board shall file an application with the borough president on forms furnished by the department of citywide administrative services. Such application shall include:*

1. *The name, residential address, primary phone number and email address of the applicant;*
2. *Whether the applicant's primary residence is public housing, a market rate rental, rent-regulated, part of a co-operative development, a condominium, a house, a dormitory, or other type of housing, a brief description of which shall be provided by the applicant;*
3. *The council district, community district and neighborhood where the applicant resides;*
4. *The employment status of the applicant, including whether the applicant is employed, unemployed, not employed by choice, retired, self-employed, employed by the city, employed by a governmental unit other than the city, or employed by a non-profit corporation;*
6. *Whether the applicant is a member of a union, and if so, the name of the union and the local unit to which the applicant belongs;*
7. *The applicant's occupation, title and area of specialization;*
8. *The name and address of the applicant's employer;*
9. *Whether the applicant owns a business in the community district, and if so, the type of business, the address of the business, and the number of employees;*
10. *Whether the applicant, an immediate family member, or any person with whom the applicant has a financial relationship is employed by, an owner of, or a member of any entity that has or may have proposals, programs, requests, applications, licenses, or any other matters that may come before the community board for review, funding, support, or approval during the applicant's term; the name of any such entities; the nature of any such interests; and the applicant's relationship to the person or persons having such interest or interests;*
11. *Whether the applicant is a student, and if so the name of the educational institution and anticipated date of graduation;*
12. *To the extent that the applicant chooses to respond, the applicant's age, veteran status, gender identity, sexual orientation, and disabilities;*
13. *To the extent the applicant chooses to respond, whether the applicant identifies as African American/black, South Asian, European/white, Native American, Caribbean/West Indian, Latino(a)/Hispanic, Middle Eastern, or other race or ethnicity;*
14. *The levels of education the applicant has started and completed, including graduate degrees, professional licenses and certifications;*
15. *Whether the application is for a new appointment or reappointment to the community board;*
16. *If the application is for reappointment to the community board, the number of years the applicant has been a member of the such board;*
17. *If the application is for a new appointment, whether the applicant has ever been a member of the community board and the years of membership; and*
18. *The person or entity who is nominating the applicant, including whether the applicant is being nominated by the borough president, a council member, the community board, or other civic group or community*

*association.*

*c. Each borough president shall make community board membership applications available on such borough president's website. Nothing in subdivision b of this section shall limit a borough president's ability to require applicants for community board membership to submit additional information on additional forms.*

*d. The city planning commission, after each council redistricting pursuant to chapter two-A, and after each community redistricting pursuant to section twenty-seven hundred two, shall determine the proportion of the community district's population represented by each council member. Copies of such determinations shall be filed with the appropriate borough president, community board, and council member. One-half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each odd-numbered year in which they take office and one half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the borough president. Not more than twenty-five percent of the appointed members shall be city employees. No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the district. The borough president shall assure adequate representation from the different geographic sections and neighborhoods within the community district. In making such appointments, the borough president shall consider whether the aggregate of appointments fairly represents all segments of the community. Community boards, civic groups and other community groups and neighborhood associations may submit nominations to the borough president and to council members.*

*e. No later than May 1 of each year, each borough president shall report on the composition of each community board including a quantitative analysis of the information provided on the application form required pursuant to subdivision b of this section. Such analysis shall include a comparison to information provided by all applicants to the same community board and information provided by applicants who were not appointed to such board. The borough presidents shall report such information to the mayor, the public advocate, and the speaker of the council. Such reports shall be published on the websites of the borough presidents.*

[b]f. An appointed member may be removed from a community board for cause, which shall include substantial nonattendance at board or committee meetings over a period of six months, by the borough president or by a majority vote of the community board. Vacancies among the appointed members shall be filled promptly upon the occurrence of the vacancy by the borough president for the remainder of the unexpired term in the same manner as regular appointments.

[c]g. Members of community boards shall serve as such without compensation but shall be reimbursed for actual and necessary out-of-pocket expenses in connection with attendance at regularly scheduled meetings of the community board.

[d]h. Each community board shall:

- (1) Consider the needs of the district which it serves;
- (2) Cooperate with, consult, assist and advise any public officer, agency, local administrators of agencies, legislative body, or the borough president with respect to any matter relating to the welfare of the district and its residents;
- (3) At its discretion hold public or private hearings or investigations with respect to any matter relating to the welfare of the district and its residents, but the board shall take action only at a meeting open to the public;
- (4) Assist city departments and agencies in communicating with and transmitting information to the people of the district;
- (5) Cooperate with the boards of other districts with respect to matters of common concern;
- (6) Render an annual report to the mayor, the council and the borough board within three months of the end of each year and such other reports to the mayor or the borough board as they shall require (such reports or summaries thereof to be published in the City Record);
- (7) Elect its own officers; adopt, and make available for reasonable public inspection, by-laws and statements of the duties assigned by the board to its district manager and other professional staff appointed pursuant to subdivision f of this section; and keep a public record of its activities and transactions, including minutes of its meetings, majority and minority reports, and all documents the board is required by law to review, which shall be made available, in accordance with law, to elected officials upon request and for reasonable public inspection;
- (8) Request the attendance of agency representatives at meetings of the community board;

(9) Prepare comprehensive and special purpose plans for the growth, improvement and development of the community district;

(10) Prepare and submit to the mayor, on or before a date established by the mayor, an annual statement of community district needs, including a brief description of the district, the board's assessment of its current and probable future needs, and its recommendations for programs, projects, or activities to meet those needs;

(11) Consult with agencies on the capital needs of the district, review departmental estimates, hold public hearings on such needs and estimates and prepare and submit to the mayor capital budget priorities for the next fiscal year and the three succeeding fiscal years;

(12) Conduct public hearings and submit recommendations and priorities to the mayor, the council and the city planning commission on the allocation and use within the district of funds earmarked for community development activities under city, state or federal programs;

(13) Consult with agencies on the program needs of the community district to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor expense budget priorities for the next fiscal year;

(14) Assist in the planning of individual capital projects funded in the capital budget to be located in the community district and review scopes of projects and designs for each capital project provided, however, that such review shall be completed within thirty days after receipt of such scopes or designs;

(15) Evaluate the progress of capital projects within the community district based on status reports to be furnished to the board;

(16) Be authorized to assign a representative to attend any meeting held by a city agency to determine, in advance of drafting, the form and content of any environmental impact statement required by law for a proposal or application for a project in such board's district;

(17) Exercise the initial review of applications and proposals of public agencies and private entities for the use, development or improvement of land located in the community district, including the conduct of a public hearing and the preparation and submission to the city planning commission of a written recommendation;

(18) Assist agencies in the preparation of service statements of agency objectives, priorities, programs and projected activities within the community district and review such statements;

(19) Evaluate the quality and quantity of services provided by agencies within the community district;

(20) Within budgetary appropriations for such purposes, disseminate information about city services and programs, process complaints, requests, and inquiries of residents of the community district; and

(21) Conduct substantial public outreach, including identifying the organizations active in the community district, maintaining a list of the names and mailing addresses of such community organizations, and making such names and, with the consent of the organization, mailing addresses available to the public upon request.

[e]i. Each agency shall furnish promptly to each community board on request any information or assistance necessary for the board's work. Each agency shall also report periodically to each board on its service activities programs and operations within the community district.

[f]i. Each community board, within the budgetary appropriations therefor, shall appoint a district manager and shall be authorized to utilize the services of such other professional staff and consultants, including planners and other experts, as it may deem appropriate, all of whom shall serve at the pleasure of the community board and shall provide the board with the staff support and technical assistance it requires to fulfill the duties assigned to it by this charter or other law. The district manager shall (1) have responsibility for processing service complaints, (2) preside at meetings of the district service cabinet and (3) perform such other duties as are assigned by the community board in accordance with the statement of duties required by paragraph seven of subdivision d of this section. One of the board members shall be elected by the other members to serve as chairperson. The chairperson shall use no title other than chair or chairperson of the community board and the other members shall use no title other than member of the community board or community board member, except that any member who is elected or appointed to an official position on the board, including but not limited to, vice-chairperson, secretary, treasurer, or chair of a committee or subcommittee of the board shall be allowed to use such title when acting in such capacity. The department of investigation shall investigate any allegations concerning the misuse of a community board title and shall report its findings to the mayor, the council and the borough president in whose borough the community board is located. The knowing and intentional use of an improper title by any member of a community board shall be punishable by a civil penalty of not less than one hundred dollars nor more than two hundred and fifty dollars for every infraction thereof. The chairperson of the

community board or his or her representative shall be a member of the district service cabinet. A member of a community board shall be eligible for appointment to the position of district manager provided that such member does not participate in any manner in the selection of the district manager by the board and resigns as a member of any board prior to or upon assuming the duties of district manager.

[g]k. Each community board may employ such other assistants as it may require within budgeted appropriations for such purposes or funds contributed for such purpose. Any funds appropriated by the city to enable the community boards to conduct their duties and responsibilities pursuant to this chapter shall be allocated directly to each board subject to the terms and conditions of such appropriations. The basic budget appropriation for the personal service and other than personal service needs of each community board shall not include rent. Within reasonable limits appropriate to each board's location, rent shall be separately appropriated for the board.

[h]i. Except during the months of July and August, each community board shall meet at least once each month within the community district and conduct at least one public hearing each month. Notwithstanding the foregoing, a community board shall be required to meet for purposes of reviewing the scope or design of a capital project located within such community board's district when such scope or design is presented to the community board. Such review shall be completed within thirty days after receipt of such scope or design. Each board shall give adequate public notice of its meetings and hearings and shall make such meetings and hearings available for broadcasting and cablecasting. At each public meeting, the board shall set aside time to hear from the public. The borough president shall provide each board with a meeting place if requested by the board.

[i]j. Each community board may create committees on matters relating to its duties and responsibilities. It may include on such committees persons with a residence or significant interest in the community who are not members of the board, but each such committee shall have a member of the board as its chairperson. Except as otherwise provided by law, meetings of such committees shall be open to the public.

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

Referred to the Committee on Governmental Operations.

Int. No. 977

By Council Members Reynoso and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to mandatory sanctions for submitting incorrect professionally certified applications for construction document approval**

*Be it enacted by the Council as follows:*

Section 1. Section 28-104.2.1.3.2 of the administrative code of the city of New York is amended to read as follows:

**§ 28-104.2.1.3.2 Mandatory sanctions.** The commissioner shall, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend, or otherwise condition the participation of a registered design professional who (i) knowingly or negligently submits a professional certification of an application and/or construction and other related documents that contains false information or is not in compliance with all applicable provisions of law, or (ii) submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in revocation of an associated permit, *result in a stop work order* or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws. The term "otherwise condition" shall mean limitation on such professional's participation in the program, such as, but not limited to, audits and monitoring of the registered design professional's applications and other submissions. For purposes of this section, a professionally certified application shall include the professional certification of and other related documents and the satisfaction of objections issued at plan examination.

§ 2. Section 28-104.2.1.4 of the administrative code of the city of New York is amended to read as follows:

**§ 28-104.2.1.4 Database.** The department shall create and maintain a database of all registered design professionals who have been excluded, suspended or otherwise sanctioned by the department. Within 7 business days of the date a sanction is imposed, the department shall post on its website and shall make available upon request, the name of the registered design professional, a description of the sanction, the initial date of the sanction, the reinstatement date, if applicable, the address of the premises for which the application associated with the sanction was submitted, and whether the sanction was imposed after a hearing or a settlement. *No later than January 15, 2019, and annually thereafter, the department shall compile and submit to the council a report on all such information, disaggregated by community board.* The department shall provide requested information concerning the exclusion, suspension or other sanction of a specific registered design professional within 30 days of such request.

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

Referred to the Committee on Housing and Buildings.

Int. No. 978

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to a truck route GPS study**

*Be it enacted by the Council as follows:*

Section 1. Section 19-178.1 of the administrative code of the city of New York, as added by local law number 57 for the year 2015, is amended to read as follows:

§ 19-178.1 Truck route compliance study. The department shall conduct a study of compliance with the rules of the city of New York by truck drivers related to truck routes. Such study shall also include locations where large numbers of truck drivers routinely operate off designated truck routes, which may include areas identified by council members and community boards. *Such study shall also include information on the feasibility of integrating the truck route map into an interactive, web-based application that can be used with global positioning systems technology.* Based on the study, the department shall institute measures designed to increase truck route compliance based on best practices for roadway design and operations, including but not limited to, converting two-way streets to one-way streets, posting of signs regarding the permissible use of certain routes by trucks, as appropriate, and education and outreach to the trucking industry. The department shall post on the department's website and submit to the speaker of the council such study, including the locations of such measures, no later than January 1, [2017] 2019.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 979

By Council Members Richards and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to community land trusts**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions b and c of section 26-2001 of the administrative code of the city of New York, as added by local law number 67 for the year 2018, are amended to read as follows:

b. The supervising agency [shall] *may* enter into a regulatory agreement with an eligible community land trust [that applies for such regulatory agreement and meets such supervising agency's standardized terms and conditions for such agreement] *provided that such trust agrees to such terms and conditions as such agency deems necessary; and (i) is a recipient of a loan or grant from the city of New York; (ii) acquires real property or an interest therein from the city of New York; or (iii) receives a tax exemption approved by the council of the city of New York, upon the recommendation of the supervisory agency.* Such regulatory agreement shall also require that the community land trust enter into a 99-year ground lease agreement with the owners of structures or improvements located on land which is subject to the regulatory agreement.

[c. The supervising agency may enter into a regulatory agreement with an eligible community land trust, provided that such trust agrees to such terms and conditions as such agency deems necessary; and (i) is a recipient of a loan or grant from the city of New York; (ii) acquires real property or an interest therein from the city of New York; or (iii) receives a tax exemption approved by the council of the city of New York, upon the recommendation of the supervising agency.]

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of May 19, 2018.

Referred to the Committee on Housing and Buildings.

Int. No. 980

By Council Member Richards and Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to phasing out the use of fuel oil grade no. 4**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 24-168 of the administrative code of the city of New York, as amended by a local law for the year 2017, amending 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, as proposed in introduction number 1465-A, is amended to read as follows:

(d) Except as provided in subdivision (f), 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] *(i) March 1, 2018, for a boiler that uses natural gas as primary fuel and fuel oil grade no. 4 as a backup fuel, other than a boiler used to generate electricity and/or steam in an electric, steam, or combined electric and steam generation facility, (ii) January 1, 2024, for a boiler that uses an above-ground oil storage tank, other than a boiler used to generate electricity and/or steam in an electric, steam, or combined electric and steam generation facility or (iii) January 1, 2025 for all other boilers.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 981

By Council Members Rivera, Cumbo, Rosenthal, the Speaker (Council Member Johnson), Adams, Ampry-Samuel, Ayala, Brannan, Chin, Cohen, Constantinides, Deutsch, Diaz, Dromm, Espinal, Eugene, Gjonaj, Grodenchik, Kallos, King, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Moya, Powers,

Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Williams, Cabrera, Van Bramer, Holden, Koo, Miller, Cornegy and Gibson.

**A Local Law to amend the administrative code of the city of New York, in relation to the regulation of short-term residential rentals**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended to add a new chapter 21 to read as follows:

*CHAPTER 21  
SHORT-TERM RESIDENTIAL RENTALS*

*§ 26-2101 Definitions.*

*§ 26-2102 Requirements for booking services.*

*§ 26-2103 Exemptions for certain class B multiple dwellings.*

*§ 26-2104 Penalties.*

*§ 26-2101 Definitions. As used in this chapter:*

*Administering agency. The term “administering agency” means the office of special enforcement, as established under executive order number 96 for the year 2006, or such other agency as the mayor may designate by executive order.*

*Booking service. The term “booking service” means a person who engages in a business that:*

*(1) provides to another person an online, computer or application-based, platform through which such other person may offer the rental of a dwelling unit or part thereof or of housing accommodations within a dwelling unit for occupancy of fewer than 30 consecutive days; and*

*(2) charges, collects and/or receives a fee from such other person, either directly or indirectly, for providing (i) the means by which an offer of rental of a dwelling unit or part thereof or of housing accommodations within a dwelling unit for occupancy for fewer than 30 consecutive days may be made to the public through advertisement or listing on such platform or (ii) the means by which an offer of rental of a dwelling unit or part thereof or of housing accommodations within a dwelling unit for occupancy for fewer than 30 consecutive days may be accepted by a member of the public in response to an advertisement or listing on such platform.*

*Person. The term “person” means an individual, corporation, partnership, limited liability company or other legal entity.*

*Class B multiple dwelling. The term “class B multiple dwelling” shall have the meaning ascribed to such term in the housing maintenance code.*

*Dwelling unit. The term “dwelling unit” means a dwelling unit, as such term is defined in the housing maintenance code, that is located in the city.*

*Non-short-term occupant. The term “non-short-term occupant” means, with respect to a dwelling unit, a natural person who (i) owns such unit or is a lawful occupant of such unit pursuant to a lease with a term of 30 or more days and (ii) occupies such unit.*

*Short-term rental. The term “short-term rental” means rental of a dwelling unit or part thereof for a period of less than 30 days.*

*§ 26-2102 Requirements for booking services. A person who acts as a booking service shall:*

*1. Submit to the administering agency on a monthly basis, in a time and manner established by such agency, including but not limited to, electronically, a report of transactions during the preceding month relating to the receipt of payments, either directly or indirectly, regarding listings or advertisements offering short-term rentals. Where a payment is for more than one listing or advertisement, each such listing or advertisement is considered to be a separate transaction. Such report shall include the following information for each dwelling unit where a fee was accepted to facilitate a short-term rental:*

*(a) The address of such unit, including unit or apartment number;*

*(b) The name and address of the person offering such unit for short-term rental;*



(c) *The individualized name or number of each such advertisement or listing connected to such unit and the uniform resource locator (URL) for each such listing or advertisement, where applicable;*

(d) *A statement as to whether such booking services will be provided in connection with (i) short-term rental of the entirety of such unit, (ii) short-term rental of part of such unit, but not the entirety of such unit, and/or (iii) short-term rental of the entirety of such unit, or part thereof, in which a non-short-term occupant will continue to occupy such unit for the duration of such short-term rental;*

(e) *Such other information as such agency may by rule require; and*

2. *Obtain lawful consent from the person offering such unit for short-term rental to provide the information described in paragraph 1 to such agency.*

§ 26-2103 *Exemptions for certain class B multiple dwellings. The administering agency shall publish a list of class B multiple dwellings lawfully used for transient occupancy, as determined by such agency. The provisions of paragraphs 1 and 2 of section 26-2102 shall not apply to advertisements or listings with respect to accommodations in a class B multiple dwelling on such published list. Such agency shall promulgate rules that (i) establish a process for an owner of a class B multiple dwelling to be included on such list and (ii) provide for the review and updating of such list no less than every 180 days.*

§ 26-2104 *Penalties. A booking service that violates section 26-2102 with respect to a dwelling unit shall be liable for a civil penalty of no less than \$5,000 and no greater than \$25,000 for each such unit. The civil penalties established by this section may be recovered in a proceeding before the environmental control board or a court of competent jurisdiction.*

§ 2. This local law takes effect 180 days after it becomes law, except that (i) the head of the administering agency, as such term is defined in section 26-2101 of the administrative code of the city of New York, as added by this local law, may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date and (ii) the mayor may designate an administering agency, as such term is defined in such section, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 982

By Council Members Rose and Brannan.

**A Local Law to amend the New York city charter, in relation to establishing an office of the waterfront**

*Be it enacted by the Council as follows:*

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

§ 20-f. *Office of the Waterfront. a. Definitions. As used in this section, the following terms have the following meanings:*

*Applicant. The term “applicant” means a person seeking to engage in a waterfront use that requires a permit from any federal, state or local agency.*

*Body of water. The term “body of water” means any ocean, estuary, harbor, river, tidal strait, bay, basin, cove, stream, pond or lake sharing a boundary with any part of the city of New York.*

*Director. The term “director” means the director of the office of the waterfront.*

*Waterfront. The term “waterfront” means the geographical area adjacent to a body of water at least 800 feet landward from the shoreline.*

*Waterfront use. The term “waterfront use” means an activity on the waterfront that requires direct access or proximity to the water in order to function; or an activity with a primarily recreational, cultural or retail function whose location on the waterfront would add to public use and enjoyment of the water’s edge.*

*b. The mayor shall establish an office of the waterfront. Such office may be established as a separate office or within any other office of the mayor or within any department the head of which is appointed by the mayor.*

*Such office shall be headed by a director who shall be appointed by the mayor or by the head of such office or department.*

*c. Powers and duties. The director shall have the power and duty to:*

- 1. Coordinate and collaborate with city agencies responsible for matters related to waterfront use, including, but not limited to, issuing permits and disseminating information about the waterfront to the public;*
- 2. Liaise with state and federal agencies involved in the waterfront permitting process and provide applicants with information on federal and state permitting requirements;*
- 3. Serve as the primary point of contact for all applicants regarding waterfront use and assist applicants in filing applications;*
- 4. Serve as an advocate for the waterfront within city government;*
- 5. Manage and implement the New York city comprehensive waterfront plan published pursuant to section 205;*
- 6. Assist the waterfront management advisory board established pursuant to section 1303 in the implementation of the duties and responsibilities of such advisory board; and*
- 7. Perform other relevant duties as the mayor may assign.*

*d. Report. Within 18 months of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and post on the city's website and submit to the mayor and the speaker of the council a report that shall include, but not be limited to, the activities undertaken in fulfillment of the duties specified in subdivision c of this section, issues affecting commercial, recreational or other use of the waterfronts and recommendations for addressing such issues.*

§ 2. This local law takes effect 60 days after it becomes law, except that the mayor may take any steps as are necessary for the implementation of this local law before such date.

Referred to the Committee on Governmental Operations.

Res. No. 378

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A6640/S7828, A7021, and A7023/S63 in relation to the establishment and funding of the gun research safety fund.**

By Council Member Rose.

**Whereas**, The prevalence of gun violence in the United States is a growing national concern; and

**Whereas**, According to the Gun Violence Archive, in 2017, over 60,000 gun violence incidents were reported in the United States, resulting in 15,581 deaths and 31,181 injuries; and

**Whereas**, In response to the federal government's failure to aggressively act to end gun violence and study its causes, several representatives at the New York State Legislature have introduced legislation to fund gun safety research; and

**Whereas**, A6640/S7828 sponsored by Assemblyman Matthew Titone and Senator Diane Savino establishes the gun research safety fund, appropriating \$10 million; and

**Whereas**, Pursuant to A6640/S7828, the Department of Health and the State University of New York will establish the eligibility criterion for which grant will be issued for the purpose of advancing gun safety research; and

**Whereas**, A7021 sponsored by Assemblyman Matthew Titone and Assemblywoman Jo Anne Simon amends the tax law, in relation to providing taxpayer gifts for gun violence research; and

**Whereas**, Pursuant to A7021, the Tax Commission will include a space on the personal income tax return to enable taxpayers to make contributions to the fund; and

**Whereas**, Pursuant to A7021, taxpayers who contribute to the gun violence research fund would be allowed to apply their donations to reduce the amount of State tax they owe; and

**Whereas**, A7023/S63 sponsored by Assemblyman Matthew Titone, Assemblyman Thomas Abinanti, and Senator Brad Hoylman, amends the tax law in relation to establishing a special fee on firearms, rifles, and shotguns; and

**Whereas**, A7023/S63 imposes a \$5 fee on every retail sale, or use of, each firearm, rifle or shotgun; and

**Whereas**, Pursuant to A7023/S63, such fee shall be collected by the vendor of the firearm from the purchaser, and where the fee imposed is not required to be collected by a vendor the purchaser is required to remit the fee directly to the Tax Commission; and

**Whereas**, Additionally, pursuant to A7023/S63, all revenue collected will be credited to the gun violence research fund; and

**Whereas**, Investing in gun violence research and providing a means to allow the public to contribute, will strengthen the City and States ability to learn about gun violence and develop methods of prevention; 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 A6640/S7828, A7021, and A7023/S63 in relation to the establishment and funding of the gun research safety fund

Referred to the Committee on Public Safety.

Int. No. 983

By Council Members Rosenthal, Rose, Rivera, Kallos, Richards, Reynoso, Ayala, Menchaca and Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a rebuttable presumption that retaliation or discrimination has occurred if a negative employment action occurs within 180 days of a person partaking in a protected activity under the city's human rights law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 7 of section 8-107 of the administrative code of the city of New York, as amended by local law number 85 for the year 2005, is amended to read as follows:

7. Retaliation. (a) It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii) commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter, (iv) assisted the commission or the corporation counsel in an investigation commenced pursuant to this title, or (v) provided any information to the commission pursuant to the terms of a conciliation agreement made pursuant to section 8-115 of this chapter. The retaliation or discrimination complained of under this subdivision need not result in an ultimate action with respect to employment, housing or a public accommodation or in a materially adverse change in the terms and conditions of employment, housing, or a public accommodation, provided, however, that the retaliatory or discriminatory act or acts complained of must be reasonably likely to deter a person from engaging in protected activity.

(b) *There shall be a rebuttable presumption that an employer retaliated or discriminated against a person if an employer subjects such person to a negative employment action within 180 days of such person engaging in the activities listed under paragraph (a) of this subdivision. For the purposes of this subdivision, the term "negative employment action" means any adverse action by an employer including, but not limited to, firing, demotion, suspension, harassment, denied promotion, reassignment to less desirable work duties, a negative change in benefits, reduced workplace opportunities, or any other similar adverse treatment.*

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

Referred to the Committee on Civil and Human Rights.

## Res. No. 379

**Resolution to recognize “Meatless Monday” in New York City.**

By Council Members Rosenthal, Cabrera, Brannan, Salamanca and Constantinides.

**Whereas**, Meatless Monday is an international campaign that encourages people to enjoy meat-free meals on Mondays to improve their personal and public health, animal welfare, wildlife protection, and environmental and agricultural sustainability; and

**Whereas**, The Meatless Monday campaign initially began in the United States (U.S.) as a nationwide war rationing effort during World Wars I and II, and was revived as a health campaign in 2003 by The Monday Campaigns in association with the Johns Hopkins Bloomberg School of Public Health; and

**Whereas**, According to the national nonprofit organization Compassion Over Killing, over 50% of Americans are familiar with Meatless Monday and nearly 1 in 5 participate in the campaign; and

**Whereas**, Several cities across the U.S., including Los Angeles, South Miami, Washington, D.C., San Francisco, Philadelphia and others have either passed resolutions or written proclamations to promote Meatless Monday; and

**Whereas**, Monday was chosen because several studies, including “What’s the Healthiest Day? Circaseptan (Weekly) Rhythms in Healthy Considerations,” *American Journal of Preventive Medicine* (2014), have demonstrated that people are more likely to try to quit smoking, begin a diet or exercise regimen, schedule a doctors’ appointment, or adopt other health behaviors on Monday than any other day; and

**Whereas**, According to the Johns Hopkins Bloomberg School of Public Health website, “In 2000, the Surgeon General released the Healthy People 2010 report outlining health objectives for the nation to serve as goals for the next decade. Healthy People 2010 specifically called for a 15% reduction in saturated fat in the American diet. Since saturated fat in the diet is almost exclusively of animal origin and one day of the week is just under 15% of the week, the campaign began by encouraging people to refrain from eating meat one day a week to help reach this goal”; and

**Whereas**, Proponents of Meatless Monday argue that going meatless one day a week can reduce the risk of chronic preventable conditions like cancer, cardiovascular disease, diabetes and obesity; and

**Whereas**, Proponents also argue that it can help limit one’s carbon footprint and save precious resources like fresh water because the water usage for livestock is much greater than it is for vegetables and grains and according to the Intergovernmental Panel on Climate Change, livestock production accounts for 10-31% of global greenhouse gas emissions; and

**Whereas**, FGI Research, a nationwide online survey that tracks awareness and behavior related to the Meatless Monday campaign, surveyed approximately 1,000 participants in 2012, and found that awareness of Meatless Monday increased from 26% to 43% from November 2010 to July 2012, among adults living in the U.S., and 62% of respondents reported that health was the primary reason for cutting back or considering cutting back on meat; and

**Whereas**, Furthermore, of those influenced by Meatless Monday, 62% tried to incorporate Meatless Monday in their weekly routine and 40% incorporated more meatless meals the rest of the week; and

**Whereas**, According to the Meatless Monday website, approximately 40 schools in New York City have participated in the campaign, including public, private and charter schools at all grade levels, New York City colleges and universities have also participated in Meatless Monday, including Barnard College, Brooklyn Law School, Columbia University, Fordham University, LaGuardia Community College and Manhattan College; and

**Whereas**, In October 2017, Mayor Bill de Blasio, New York City Department of Education Schools Chancellor Carmen Fariña and Brooklyn Borough President Eric Adams announced that 15 Brooklyn public schools will participate in Meatless Mondays in spring 2018; and

**Whereas**, The program will provide participating schools with healthy, all-vegetarian breakfast and lunch menus every Monday; and

**Whereas**, Reputable restaurant owners in New York City such as Bill Telepan, Mario Batali, John Fraser, and Marisa May among others, participate in Meatless Mondays by offering vegetarian options to their customers; and

**Whereas**, According to a 2013 article in *Nation’s Restaurant News*, restaurateurs found that Meatless Mondays can be beneficial to their businesses because Meatless Monday choices entice people to dine out on Monday, a day of the week that can be slow for businesses; and

**Whereas**, Given the health and environmental benefits from participating in Meatless Monday, it would be advantageous for more New Yorkers to participate in Meatless Monday through New York City schools, cafeterias and dining services, local restaurants, and community organizations; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes “Meatless Monday” in New York City.

Referred to the Committee on Health.

Int. No. 984

By Council Members Salamanca and Holden

**A Local Law to amend the administrative code of the city of New York, in relation to transportation of sewage sludge**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-154.1 to read as follows:

*§ 24-154.1 Transportation of sewage sludge. a. Definitions. For the purposes of this section, the term “sewage sludge” means the dewatered sewage sludge or biosolids generated by wastewater treatment facilities.*

*b. No person shall transport sewage sludge on a public roadway or permit any person to transport sewage sludge on a public roadway, except in a container that is completely enclosed by solid materials sufficient to prevent the emission of noxious odors.*

§ 2. The table of civil penalties following subparagraph (i) of paragraph (3) of subdivision (a) of section 24-178 of the administrative code of the city of New York, as amended by local law number 58 for the year 2018, is amended by adding a row below the row setting the minimum and maximum penalties for violation of 24-153, to read as follows:

24-154.1	500	1000
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§ 3. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Environmental Protection.

Int. No. 985

By Council Member Torres.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city police department to implement policies regarding social media**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-176 to read as follows:

*§ 14-176 Social media policies.*

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

*Online alias. The term “online alias” means a false online identity created for a law enforcement purpose.*

*Social media monitoring. The term “social media monitoring” means accessing any information available online, including geospatial information, any form of social media and any aggregated or automated access, for any purpose other than the investigation of a particular past or ongoing crime. The term “social media monitoring” also means the retention and transmission of data so collected.*

*b. Social media policies. The department shall implement policies for the use of social media monitoring and online aliases. In so implementing, the department shall consider the extent to which such practices harmfully invade privacy, particularly where the public may be unaware of the extent to which the department may access their personal information, and the impact of these practices on public trust of the department, as well as the law enforcement benefit such practices provide. The department shall provide such policies to the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of the New York city charter.*

§2. Paragraph 1 of subdivision c of Section 803 of the New York city charter is amended to read as follows:

The commissioner shall, on an ongoing basis, investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies *and social media policies as described in section 14-176 of the administrative code*, of the new york city police department with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public's confidence in the police force, thus building stronger police-community relations.

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

Referred to the Committee on Public Safety,

Res. No. 380

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.10091, to prohibit firearms as prizes in any game of chance.**

By Council Members Treyger, Brannan and Yeger.

**Whereas**, Gun violence is a national and local problem affecting many Americans and New Yorkers on a daily basis; and

**Whereas**, According to the Gun Violence Archive, there were 58,019 incidents of gun violence in the United States in 2017, resulting in 14,635 deaths and 29,669 injuries; and

**Whereas**, the National Rifle Association’s political lobbying efforts have prevented common-sense gun safety legislation from being enacted nationwide; and

**Whereas**, National Rifle Association fundraisers have used firearm raffles, most recently at a proposed event in Brooklyn, New York, as a tool for increasing monetary donations to the organization, thereby bolstering the organization’s lobbying capacity to the detriment of public safety; and

**Whereas**, New York State law regulates raffles and other games of chance, and prohibits the distribution of alcohol as a prize in games of chance; and

**Whereas**, Firearms should be treated similarly to alcohol and be prohibited from being a prize in a game of chance; now, therefore, be it

**Resolved**, That the Council of the City of New York calls up on the New York State Legislature to pass, and the Governor to sign, A. 10091, sponsored by Assembly Member Jo Anne Simon, to prohibit firearms as prizes in any game of chance.

Referred to the Committee on Public Safety.

## Res. No. 381

**Resolution calling upon the Metropolitan Transportation Authority to make all subway stations in hurricane evacuation zones accessible to people with disabilities.**

By Council Members Treyger, Brannan and Yeger.

**Whereas**, Superstorm Sandy offered a stark lesson that New York City must be prepared to face serious coastal storms, which experts predict will become more severe in terms of both frequency and ferocity due to the effects of climate change; and

**Whereas**, Nearly 3 million New Yorkers live in designated hurricane evacuation zones, accounting for 37 percent of all City residences; and

**Whereas**, The City's experience during Sandy illustrated that seniors and people with disabilities, particularly those with mobility impairments, are among the most vulnerable during an emergency evacuation; and

**Whereas**, Only 117 out of a total of 493 stations in the City's subway system, which is operated by the Metropolitan Transportation Authority ("MTA"), are accessible to people with disabilities; and

**Whereas**, If seniors and people with disabilities in hurricane evacuation zones had access to accessible subway stations, it would provide them with a valuable alternative means of reaching safety in the event of an emergency and would relieve pressure on other road-based modes of evacuation; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to make all subway stations in hurricane evacuation zones accessible to people with disabilities.

Referred to the Committee on Transportation.

## Res. No. 382

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A8134/S6427, which would allow certain New York City agencies to use Design-Build contracts for construction projects.**

By Council Member Vallone.

**Whereas**, In Fiscal Year 2016 the City of New York spent \$52.2 billion on construction projects, the highest amount since 1995, after adjusting for inflation; and

**Whereas**, According to the International construction market survey of 2017, New York City had the highest construction costs in the world, an increase of 3.5 percent since the previous year; and

**Whereas**, The current process by which construction projects are procured for the City requires firms to create a design, submit it to the City as a bid, and if the bid meets the project specifications and is the lowest price, the firm is awarded the contract and then works with the builder to build the design; and

**Whereas**, This process is inefficient, requiring the use of extra time and money because it entails separate contracts and approval processes for the design and construction phases; and

**Whereas**, An alternative model is for the design and the construction firms to jointly submit design bids, allowing the construction firm to be fully engaged in the project from the outset; and

**Whereas**, In streamlining the process, the Design-Build method is expected to save the City \$450 million; and

**Whereas**, In 2011, New York State passed a law that allowed certain State authorities to use design-build contracts, but did not give that option to municipalities; 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 A8134/S6427, which would allow certain New York City agencies to use Design-Build contracts for construction projects.

Referred to the Committee on Housing and Buildings.

L.U. No. 114

By Council Member Salamanca:

**Application No. 20185408 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Madison Entertainment Associates, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 625 Madison Avenue, Borough of Manhattan, Community District 5, Council District 4. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 20-226 of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 115

By Council Member Salamanca:

**Application No. 20185230 HKM, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the The Emmet Building, located at 95 Madison Avenue (Block 858, Lot 58), as an historic landmark, Borough of Manhattan, Community District 5, Council District 2.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses

L.U. No. 116

By Council Member Salamanca:

**Application No. 20185229 HKM, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of Hotel Seville (now The James NoMadHotel), located at 22 East 29<sup>th</sup> Street (Block 858, p/o Lot 17), as an historic landmark, Borough of Manhattan, Community District 5, Council District 4.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses

L.U. No. 117

By Council Member Salamanca:

**Application No. 20185275 HKM, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of Public School 109 (now El Barrio's Artspace PS 109), located at 215 East 99<sup>th</sup> Street (Block 1649, Lot 9), as an historic landmark, Borough of Manhattan, Community District 11, Council District 8.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses



L.U. No. 118

By Council Member Salamanca:

**Application No. 20185274 HKM, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of Benjamin Franklin High School (now Manhattan Center for Science and Mathematics), located at 260 Pleasant Avenue (aka 260-300 Pleasant Avenue, 500-528 East 116<sup>th</sup> Street) (Block 1713, p/o Lot 1), as an historic landmark, Borough of Manhattan, Community District 11, Council District 8.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses

L.U. No. 119

By Council Member Salamanca:

**Application No. 20185273 HKM, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of Richard Webber Harlem Packing House, located at 207-215 East 119<sup>th</sup> Street (Block 1784, p/o Lot 5), as an historic landmark, Borough of Manhattan, Community District 11, Council District 8.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses

L.U. No. 120

By Council Member Salamanca:

**Application No. 20185231 HKK, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Dr. Maurice T. Lewis House, located at 404 55<sup>th</sup> Street (Block 831, Lot 8), as an historic landmark, Borough of Brooklyn, Community District 7, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses

L.U. No. 121

By Council Member Salamanca:

**Application No. 20185276 HKK, pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the The Dime Savings Bank of Williamsburgh, located at 209 Havemeyer Street (aka 257 South 5<sup>th</sup> Street) (Block 2447, p/o Lot 36), as an historic landmark, Borough of Brooklyn, Community District 1, Council District 34.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

<http://legistar.council.nyc.gov/Calendar.aspx>

**A N N O U N C E M E N T S**

**DUE TO THE EXIGENCIES OF THE BUDGET ADOPTION,  
THE STATED MEETING OF THE COUNCIL IS RECESSED  
AND SUBJECT TO CALL AND THE MEETINGS OF ANY UPCOMING FINANCE AND STATE AND FEDERAL  
LEGISLATION COMMITTEES MAY BE RECESSED AND SUBJECT TO CALL AS WELL.  
WE WILL KEEP YOU ADVISED ACCORDINGLY**

**Monday, June 18, 2018**

**★ Deferred**

~~[Committee on Public Housing](#).....Alicia Ampry-Samuel, Chairperson~~

~~Off-site Hearing— Oversight— NYCHA Development and Privatization.~~

~~Location: Seth Low Community Center  
137 Belmont Avenue  
Brooklyn, NY 11212~~

~~Details attached.....10:00 a.m.~~

[Committee on Civil & Human Rights](#)

Mathieu Eugene, Chairperson

**Int 136** - By Council Members Lander, Rosenthal, Rose, Chin, Brannan, Kallos, Reynoso, Powers, Van Bramer, Ayala, Menchaca, Perkins, Rivera, Richards, Levin, Williams and Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to protections for workers under the city’s human rights law.

**Int 799** - By Council Members Williams and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting retaliation against individuals who request a reasonable accommodation under the city’s human rights law.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

**★ Deferred**

~~[Committee on Fire and Emergency Management](#).....Joseph Borelli, Chairperson~~

~~Oversight— New York City’s Emergency Planning for Coastal Storms.~~

~~**Int 13**— By Council Members Borelli and Brannan— **A Local Law** to amend the administrative code of the city of New York, in relation to the use of outdoor residential fire pits.~~

~~Committee Room— City Hall.....1:00 p.m.~~

**Tuesday, June 19, 2018**

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....9:30 a.m.

[Committee on Veterans](#)

Chaim M. Deutsch, Chairperson

**Int 391** - By Council Members Ulrich and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to benefits counseling services for veterans.

**Int 394** - By Council Members Ulrich and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to creating veterans resource centers.

**Int 396** - By Council Members Ulrich and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a veterans resource guide.

**Int 647** - By Council Member Eugene - **A Local Law** to amend the administrative code of the city of New York, in relation to peer support services for veterans.  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....10:00 a.m.

Subcommittee on Landmarks, Public Siting & Maritime Uses Adrienne Adams, Chairperson  
**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....12:00 p.m.

**★Deferred**

Committee on Economic Development Paul Vallone, Chairperson

**Oversight** – Supermarket Closures and Limited Food Access.

Committee Room – City Hall.....1:00 p.m.

**★Deferred**

Committee on Justice System Rory Laneman, Chairperson

**Oversight** – Addressing the Opioid Crisis in Criminal Court

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

Committee on Sanitation and Solid Waste Management Antonio Reynoso, Chairperson

**Proposed Int 157-B** - By Council Members Levin, Reynoso, Cumbo, Lander, Richards, Menchaca, Cornegy, Espinal, Rosenthal, Van Bramer, Williams, Perkins, Rodriguez, Chin, Miller, Cohen, Adams, Brannan and Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to reducing permitted capacity at putrescible and non-putrescible solid waste transfer stations in overburdened districts.

Committee Room – City Hall.....1:00 p.m.

Committee on Women jointly with the Helen Rosenthal, Chairperson  
Committee on Governmental Operations Fernando Cabrera, Chairperson

**Int 380** - By Council Members Treyger, Ampry-Samuel, Rosenthal, Cumbo, Levin, Reynoso, Brannan, Salamanca, Kallos and Rivera - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision of diapers.

**Int 853** - By The Public Advocate (Ms. James) and Council Members Kallos, Miller, Levin, Ayala, Ampry-Samuel, Powers and Rivera - **A Local Law** in relation to providing on-site childcare for city employees.

**Int 878** - By Council Members Cornegy, Cumbo, Koslowitz, Powers and Rivera - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring lactation rooms in certain city spaces.

**Int 879** - By Council Members Cumbo, Cornegy, Rosenthal, Chin, Rivera, Rose, Ayala, Ampry-Samuel and Koslowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring certain employers to provide lactation spaces.

**Int 899** - By Council Members Powers, Cumbo, Ayala, Levine, Torres, Rosenthal, Brannan, Moya, Van Bramer, Cabrera, Holden, Koslowitz, Rivera, Constantinides, Lander, Chin and Adams - **A Local Law** to amend the administrative code of the city of New York, in relation to permitting the use of campaign funds for certain childcare expenses.

**Int 905** - By Council Members Rivera, Cumbo and Powers - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring employers to implement a lactation accommodation policy.

Council Chambers – City Hall.....1:00 p.m.

Subcommittee on Planning, Dispositions & Concessions Ben Kallos, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....2:00 p.m.

**Wednesday, June 20, 2018**

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....11:00 a.m.

[Committee on Fire and Emergency Management](#)

Joseph Borelli, Chairperson

**Oversight** - New York City’s Emergency Planning for Coastal Storms

**Int 13** - By Council Members Borelli and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to the use of outdoor residential fire pits.

Council Chambers – City Hall.....1:00 p.m.

[Committee on Hospitals](#)

Carlina Rivera, Chairperson

[Committee on Mental Health, Disabilities & Addition](#)

Diana Ayala, Chairperson

**Off-site Hearing – Oversight** - The Future of Psychiatric Care in New York City’s Hospital Infrastructure.

**Location:** The Metropolitan Hospital Center  
1901 First Avenue  
New York, NY 10029

Details attached.....1:00 p.m.

**Thursday, June 21, 2018**

[Committee on Aging](#)

Margaret Chin, Chairperson

**Oversight** - Senior Center Model Budgets.

Council Chambers – City Hall.....10:00 a.m.

**★ Deferred**

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....11:00 a.m.

[Committee on Economic Development](#) jointly with the  
[Subcommittee on Zoning & Franchises](#)

Paul Vallone, Chairperson  
Francisco Moya, Chairperson

**Oversight** - REFRESH: Assessing the zoning and financial incentives of the Food Retail Expansion to Support Health program.

Committee Room – City Hall.....10:00 a.m.

**★ Note Location Change**

[Committee on Consumer Affairs & Business Licensing](#)

Rafael L. Espinal, Chairperson

**Int 823** - By Council Members Borelli, Cumbo and Powers - **A Local Law** to amend the administrative code of the city of New York, in relation to allowing restaurant surcharges.

**Int 936** - By Council Members Espinal, Rosenthal, Grodenchik, Levine, Constantinides, Lander, Moya, Ayala and Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting single-use plastic beverage straws and beverage stirrers.

**Int 965** - By Council Member Espinal - **A Local Law** in relation to applications for retail dealer licenses for sale of cigarettes or tobacco products.

★Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

[Committee on Contracts](#) jointly with the  
[Committee on General Welfare](#)

Justin Brannan, Chairperson  
Stephen Levin, Chairperson

**Oversight** - Model Budget for Human Services Contractors.  
Council Chambers – City Hall.....1:00 p.m.

[Committee on Justice System](#)

Rory Lancman, Chairperson

**Oversight** - Addressing the Opioid Crisis in Criminal Court  
Committee Room – City Hall.....1:00 p.m.

**Monday, June 25, 2018**

[Committee on For-Hire Vehicles](#)

Ruben Diaz, Sr., Chairperson

**Int 897** - By Council Members Miller, Adams and Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to commuter vans.

**Int 925** - By Council Members Williams, Miller and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to for-hire vehicles and commuter vans with a seating capacity greater than

**Int 958** - By Council Members Cabrera and Diaz - **A Local Law** to amend the administrative code of the city of New York, in relation to reducing certain penalties for taxi and for-hire vehicle drivers.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Parks and Recreation](#)

Barry Grodenchik, Chairperson

**Oversight** – How to Protect the City’s Beaches from Increased Erosion.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....11:00 a.m.

[Subcommittee on Zoning & Franchises](#) jointly with the  
[Committee on Technology](#)

Francisco Moya, Chairperson  
Peter Koo, Chairperson

**Oversight** - The City’s Cable Television Franchises.

Committee Room – City Hall.....11:00 a.m.

[Committee on Environmental Protection](#)

Costa Constantinides, Chairperson

**Int 268** - By Council Member Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to backflow prevention device reporting and certification, and the repeal and replacement of subdivision d of section 24-343.1 of such code.

**Int 424** - By Council Members Constantinides and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to reducing sewer system backups.

**Int 425** - By Council Member Constantinides - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the city to prepare a plan to prevent sewer system backups.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

[Committee on Juvenile Justice](#)

Andy King, Chairperson

**Tour:** **Bronx Family Resource Center**

**Location:** **260 E. 161st Street**

**Bronx, N.Y. 10451**

Details Attached.....1:00 p.m.

Tuesday, June 26, 2018

★ *Deferred*

★ ~~Committee on Cultural Affairs, Libraries & International Intergroup Relations~~ jointly with the ~~Committee on Criminal Justice~~ James Van Bramer, Chairperson  
Keith Powers, Chairperson

~~Oversight - Library Services at Rikers Island.~~  
~~Committee Room - City Hall.....10:00 a.m.~~

Committee on Housing and Buildings Robert Cornegy, Jr., Chairperson

**Int 981** - By Council Members Rivera, Cumbo, Rosenthal, the Speaker (Council Member Johnson), Adams, Ampry-Samuel, Ayala, Brannan, Chin, Cohen, Constantinides, Deutsch, Diaz, Dromm, Espinal, Eugene, Gjonaj, Grodenchik, Kallos, King, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Moya, Powers, Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Williams, Cabrera, Van Bramer, Holden and Koo - **A Local Law** to amend the administrative code of the city of New York, in relation to the regulation of short-term residential rentals.

Council Chambers - City Hall.....10:00 a.m.

Committee on Criminal Justice Keith Powers, Chairperson

**Oversight** - Programming at Rikers  
Committee Room - City Hall.....1:00 p.m.

★ *Deferred*

~~Committee on Education~~ jointly with the ~~Committee on General Welfare~~ Mark Treyger, Chairperson  
Stephen Levin, Chairperson

~~Oversight - Implementation of UPK and 3K Expansion and the Transition of EarlyLearn NYC to DOE.~~  
~~Res 358 - By Council Members Cumbo and Treyger - Resolution calling upon the City of New York to eliminate the disparity in compensation paid to teachers, staff and directors at community-based EarlyLearn NYC centers, as compared to the compensation paid to Department of Education instructors for similar employment.~~

~~Council Chambers - City Hall.....1:00 p.m.~~

Wednesday, June 27, 2018

Committee on Health jointly with the Committee on Women Mark Levine, Chairperson  
Helen Rosenthal, Chairperson

**Oversight** - Maternal Mortality in New York City  
**Int 913** - By Council Members Rosenthal, Ampry-Samuel, Cumbo, Rivera, Chin and Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to access to doulas in New York City.

**Int 914** - By Council Members Rosenthal, Cumbo, Rivera, Chin and Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on maternal mortality.

Council Chambers - City Hall.....10:00 a.m.

★ *Deferred*

~~Committee on Parks and Recreation~~ Barry Grodenchik, Chairperson

~~Oversight - How to Protect the City's Beaches from Increased Erosion?~~  
~~Committee Room - 250 Broadway, 14<sup>th</sup> Floor.....10:00 a.m.~~

[Committee on Transportation](#)

Ydanis Rodriguez, Chairperson

**Off-site Hearing – Oversight** – Evaluating the Latest Mitigation Plans for the 2019 L Train Tunnel Closure.

**Location:** Benjamin N. Cardozo School of Law Brookdale Center  
Jacob Burns Moot Court Room  
55 Fifth Avenue  
New York, NY 10029

Details attached.....1:00 p.m.

[Committee on Education](#) jointly with the

Mark Treyger, Chairperson

[Committee on General Welfare](#)

Stephen Levin, Chairperson

**Oversight** - Implementation of UPK and 3K Expansion and the Transition of EarlyLearn NYC to DOE.

**Res 358** - By Council Members Cumbo and Treyger - **Resolution** calling upon the City of New York to eliminate the disparity in compensation paid to teachers, staff and directors at community-based EarlyLearn NYC centers, as compared to the compensation paid to Department of Education instructors for similar employment.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....2:30 p.m.

**Thursday, June 28, 2018**

[Stated Council Meeting](#)..... *Ceremonial Tributes – 1:00 p.m.*

..... *Agenda – 1:30 p.m.*

**MEMORANDUM**

Tuesday, May 22, 2018

**TO:** ALL COUNCIL MEMBERS**RE: OFF-SITE HEARING BY THE COMMITTEE ON PUBLIC HOUSING  
OVERSIGHT – NYCHA DEVELOPMENT AND PRIVATIZATION.****Seth Low Community Center  
137 Belmont Avenue  
Brooklyn, NY 11212**

The off-site hearing will be held on **Monday, June 18, 2018 beginning at 10:00 a.m.** A van will be leaving City Hall at **8:00 a.m.**

Hon. Alicka Ampry-Samuel, Chairperson  
Committee on Public Housing

Hon. Corey Johnson  
Speaker of the Council



**MEMORANDUM**

Thursday, May 31, 2018

**TO:** ALL COUNCIL MEMBERS**RE: OFF-SITE HEARING BY THE COMMITTEE ON HOSPITALS AND MENTAL HEALTH,  
DISABILITIES & ADDICTION  
OVERSIGHT – THE FUTURE OF PSYCHIATRIC CARE IN NEW YORK CITY’S HOSPITAL  
INFRASTRUCTURE.**

**The Metropolitan Hospital Center  
6<sup>th</sup> Floor Auditorium, Main Building  
1901 First Avenue  
New York, NY 10029**

The off-site hearing will be held on **Wednesday, June 20, 2018 beginning at 1:00 p.m.** A van will be leaving City Hall at **11:00 a.m.**

**Hon. Carlina Rivera, Chairperson**  
Committee on Hospitals

**Hon. Corey Johnson**  
Speaker of the Council

Hon. Diana Ayala, Chairperson  
Committee on Mental Health, Disabilities & Addition

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged the presence of municipal legislators from the town of Loiza in Puerto Rico, home of Afro-Puerto Rican music: Jose Osario, Denise Lanzo Cortio, and Dwight Calone Fuentes. The Speaker (Council Member Johnson) mentioned that the town of Loiza was still recovering from Hurricane Maria and that the Council was ready to offer more help. At this point, the Speaker (Council Member Johnson) yielded the floor to Council Members Ayala and Rivera, respectively, who both spoke about the relief effort.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that staffer Fohat Aird-Bombo was leaving the Council. As senior lead advance and event coordinator, Mr. Aird-Bombo was responsible for coordinating events with the community engagement, press, and legislative divisions and also worked closely with the senior management team. He is departing the Council to serve as director of advance for Lt. Governor Kathy Hochul. The Speaker (Council Member Johnson) congratulated Mr. Aird-Bombo and described him as a very good person and expressed a sense of loss with his departure. At this point, those assembled in the Chambers broke into applause for Mr. Aird-Bombo.

At the request of the Speaker (Council Member Johnson), the Public Advocate (Ms. James) recessed the Meeting subject to call.

*Editor's Local Law Note: Int. Nos. 48-A, 50-A, 96-A, 598-A, and preconsidered Int. No. 858, all adopted at the April 25, 2018 Stated Meeting, were returned unsigned by the Mayor on May 29, 2018. These bills had become law on May 26, 2018 pursuant to the City Charter due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 104 to 108 of 2018, respectively.*