

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, March 13, 2019, 2:07 p.m.

*Council Member and Public Advocate-Elect Williams
presiding as the Acting President Pro Tempore*

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Members Cumbo, Espinal, and Reynoso.

There is a vacancy in the office of Public Advocate pending the swearing-in of the certified winner of the citywide non-partisan Special Election that was held on Tuesday, February 26, 2019. Pursuant to the City Charter, the Speaker (Council Member Johnson) assumes the role of Acting Public Advocate until the new Public Advocate is officially certified to take the oath of office.

Council Member and Public Advocate-Elect Williams 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 Acting President Pro Tempore and Public Advocate-Elect (Council Member Williams).

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

INVOCATION

The Invocation was delivered by Reverend Dr. Cheryl Anthony of Judah International Christian Center, Inc. located at 141 Rogers Avenue, Brooklyn, New York, 11216.

Well, first let me say that it is an honor and a privilege to have been asked to deliver the invocation on this afternoon.

Let us pray.

Eternal God our Father,
 the Father, the God of Abraham, Isaac and Jacob,
 the God of Pharaoh, Rebecca and Leah,
 the God of Rehab, Ruth, Fannie Lou Hamer, Rosa Parks,
 Golda Meir, Sonya Sotomayer, Ruth Ginsburg, Carlina Rivera,
 Vanessa Gibson, Alicka Ampy-Samuel, Karen Koslowtiz,
 Inez Barron and Laurie Cumbo.
 We acknowledge the greatness in these women
 and those little girls yet unborn.
 We pause, pray and invoke the presence and power
 as the City Council gathers to conduct the business of your children.
 We thank you for our grace and mercy
 that you have extended to us today.
 Your word says that this is the day you have made.
 We shall rejoice and be glad in it.
 Yes, there are many issues in our city that need attention and care.
 Thank you for blessing us with these men and women
 that have been placed in office to do our bidding.
 Oh, Lord, give them the wisdom, knowledge and understanding needed
 to bring healing to our city and wholeness to the broken.
 Let them ever be mindful that they represent various communities:
 Staten Island, the Bronx, Manhattan, Queens and yes even Brooklyn,
 but ultimately it is not the voters that have put them in office,
 but they have answered your call.
 Let them not be weary in their well doing
 for they will reap a harvest if they faint not.
 Teach them to trust in you with all their heart
 and lean not to their own understanding.
 If in all their ways they acknowledge you,
 you promised to direct their path.
 As we gather to address the business of the city,
 you handle their business, their families, their finances, their future.
 Bless their families, keep them day-by-day.
 We lift up our city, New York City up to you.

Make us a city that cares for its people,
 the seniors sharing diabetic needles
 because they must choose between food and medication,
 the homeless, the working family that lost their home
 and now live in the shelter.
 The young man who can't find employment
 and thinks nobody cares, and contemplates homicide and suicide,
 for the teenager who is still struggling to find his place in the world.
 Meet every need according to your riches in glory
 and we will continue to honor and reverence you.
 We pray this prayer in the name of the teacher,
 the rabbi, the prophet, the Messiah and the King.
 God bless this City Council, God bless New York City,
 and God bless America,
 God bless you.

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

ADOPTION OF MINUTES

Council Member Dromm moved that the Minutes of the Stated Meeting of January 24, 2019 be adopted as printed.

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:

Ganiou Gandonou, 27, was a for-hire vehicle driver who was stabbed to death on March 2, 2019 after picking up a late fare in the Bronx. The Speaker (Council Member Johnson) offered the Council's love and support to his friends, his wife, and his two-year-old son.

New York City labor leader Kevin P. Lynch died on March 8, 2019 at the age of 73. The Speaker (Council Member Johnson) noted that Mr. Lynch committed his life to the labor movement and fought tirelessly for the working men and women of New York City. He leaves behind his wife, Queens Supreme Court Justice Bernice Siegel, and daughters Rebecca and Sara Lynch.

Three more 9/11 first responders passed away from illnesses developed from their time spent at the Ground Zero pile: Paramedic Lasandro Rios; 52nd Precinct Police Officer Kevin "Birdie" Joyce; and East Hampton Marine Patrol Member Frank Kennedy. The Speaker (Council Member Johnson) asked everyone to remember the sacrifices of these responders and keep their families and loved ones at heart. He continued to urge Congress to fully fund the September 11th Victim Compensation Fund.

At this point, a Moment of Silence was observed in the Chambers.

* * *

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-144

Communication from the Comptroller - Charter Mandated Report to The Mayor and City Council on City Comptroller Audit Operations Fiscal Year 2018.

(For text, please refer to the New York City Council website at <https://council.nyc.gov> and see the attachment section of the [M-144-2019 file](#))

Received, Ordered, Printed & Filed.

M-145

Communication from the Comptroller - Submitting certified statement containing a schedule of the appropriations required during the ensuing fiscal year for debt service, pursuant to Section 242 of the New York City Charter.

(For text, please refer to the New York City Council website at <https://council.nyc.gov> and see the attachment section of the [M-145-2019 file](#))

Received, Ordered, Printed & Filed.

LAND USE CALL-UPS

M-146

By the Chair of the Land Use Committee (Council Member Salamanca):

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Application Nos. C 190084 ZSK and C 190085 ZSK (103 North 13th Street Special Permit) shall be subject to Council review. These applications are related to Application No. N 190083 ZRK.

The Acting President Pro Tempore and Public Advocate-Elect (Mr. Williams) 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, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **47**.

Present, but Not Voting (PNV) – Williams.

At this point, the Acting President Pro Tempore and Public Advocate-Elect (Mr. Williams) 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 Environmental Protection**

Report for Int. No. 709-A

Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to identifying lead water supply mains and service lines through an online interactive map and providing educational resources and tools for preventing lead contamination

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1074), respectfully

REPORTS:**I. INTRODUCTION**

On March 13, 2019, the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, will hold a hearing on two bills related to lead contamination. Proposed Int. No. 709-A would identify lead water supply mains and service lines through an online interactive map, and provide educational resources and tools for preventing lead contamination. Proposed Int. No. 1063-A would require notice to the community board and to the council member within five business days of discovering or becoming aware of a hazardous level of lead in soil as a result of an environmental subsurface investigation in any city development project. The Committee previously held a hearing on these bills on September 27, 2018, and received testimony from the New York City Housing Preservation and Development (HPD), New York City Department of Health and Mental Hygiene (DOHMH), New York City Department of Environmental Protection (DEP), lead experts, environmental and health advocates, and interested members of the public. More information about these bills is available with the materials for that hearing, which can be accessed online at <http://legistar.council.nyc.gov/>.

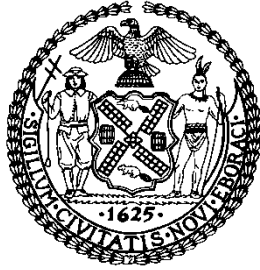
II. PROPOSED INT. NO. 709-A

Proposed Int. No. 709-A would require the DEP to provide to the public, on the city's website, an online interactive map with information regarding the known lead water service lines and to make best efforts to identify all lead water service lines, including privately owned service lines, by consulting relevant city or public records or by any other relevant means. The legislation also requires the DEP to provide information to users about lead contamination prevention, lead water test kits and how to replace lead service lines. The DEP must replace any known lead water service lines that are owned by the DEP no later than December 31, 2025. Thereafter, the DEP must provide to the council and the mayor an annual report on the locations of all known lead water service lines, efforts underway to replace lead water supply mains and service lines and the status of public outreach and education efforts on the prevention of lead contamination. This local law takes effect immediately.

III. PROPOSED INT. NO. 1063-A

Proposed Int. No. 1063-A would require that within five business days of discovering or becoming aware of a hazardous level of lead in soil as a result of an environmental subsurface investigation in any city development project, the city agency or entity supervising that project must provide notice to the community board and to the council member in whose district such project is located. The legislation also requires the city agency or economic development entity to post such results within the appropriate website, and to develop air monitoring instructions for all relevant parties in contract with the city, including a community air monitoring plan that complies with all applicable local, state and federal guidance documents. This local law shall take effect 180 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 709-A:)



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

PROPOSED INTRO. NO: 709-A

COMMITTEE: Environmental Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to identifying lead water supply mains and service lines through an online interactive map and providing educational resources and tools for preventing lead contamination

SPONSOR: By Council Members Van Bramer, Koo, Cumbo and Kallos

SUMMARY OF LEGISLATION: Proposed Int. No. 709-A would require the Department of Environmental Protection (DEP) to develop a public facing online interactive map with information regarding known lead water service lines citywide, including privately owned service lines, by consulting relevant city or public records or by other relevant means. In addition, this legislation would require DEP to provide information to users about lead contamination prevention, lead water test kits and how to replace lead service lines. Furthermore, the legislation would require DEP to replace any known lead water service lines that are owned by DEP no later than December 31, 2025. Lastly, DEP would be required to provide to the Council and the mayor an annual report on the locations of known lead water service lines, efforts underway to replace lead water supply mains and service lines and the status of public outreach and education efforts on the prevention of lead contamination.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

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

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: Jonathan Seltzer, Senior Financial Analyst, Finance Division

ESTIMATE REVIEWED BY: Crilhien Francisco, Unit Head, Finance Division
 Nathan Toth, Deputy Director, Finance Division
 Stephanie Ruiz, Assistant Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the City Council on March 7, 2018 and was referred to the Committee on Environmental Protection. A joint hearing was held by the Committee on Health, the Committee on Housing and Buildings, and the Committee on Environmental Protection on September 27, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. 709-A, will be voted on by the Committee on Environmental Protection at a hearing on March 13, 2019. Upon a successful vote by the Committee on Environmental Protection, Proposed Intro. No. 709-A will be submitted to the Council for a vote on March 13, 2019.

DATE PREPARED: March 12, 2019.

(For text of Int. Nos. 1063-A and its Fiscal Impact Statement, please see the Report of the Committee on Environmental Protection for Int. No. 1063-A, respectively, printed in these Minutes; for text of Int. No. 709-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 709-A and 1063-A.

(The following is the text of Int. No. 709-A:)

Int. No. 709-A

By Council Members Van Bramer, Koo, Cumbo, Kallos, Menchaca, Richards, Yeger, Holden, Levin, Ayala and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to identifying lead water supply mains and service lines through an online interactive map and providing educational resources and tools for preventing lead contamination

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-803 to read as follows:

§ 23-803 *Online interactive map.* The department of environmental protection shall provide to the public, at no charge, on the city's website, an online interactive map pursuant to section 24-309.1. All information required by section 24-309.1 shall be available on the city's website on or before June 1, 2019 and updated, at minimum, in June of each year. The mayor shall ensure that agencies provide such department with assistance and information as it requires to compile and update the interactive map.

§ 2. Subchapter 1 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-309.1 to read as follows:

§ 24-309.1 *Tracking lead water service lines; online interactive map.*

a. No later than June 1, 2019, the department of environmental protection shall make information about known lead water service lines available on the city's website in the form of an online interactive map, pursuant to section 23-803. The department of environmental protection, or individuals authorized by such department, shall make best efforts to identify all lead water service lines, including privately owned service lines, by consulting relevant city or public records or by any other relevant means.

b. Such online interactive map shall:

1. Be searchable by address or borough, block and lot number;

2. Identify, to the best of the department of environmental protection's ability, through a color scheme or other identification method, lead water service lines, and, if the composition is unknown, mark it as such until such department can determine its composition;

3. Indicate which lead water service lines are owned by the city; and

4. Provide relevant information to users, including information about lead contamination prevention, lead water test kits and any other relevant resources.

c. If a property is serviced by a lead water service line, the department of environmental protection shall:

1. If applicable, provide information to relevant property owners about the process and permissions required in making a connection to a pipe for the purposes of replacing lead water service lines; and

2. Replace any known lead water service lines that are owned by the city as soon as practicable but no later than December 31, 2025.

d. No later than June 1, 2019 and every June 1 thereafter, the department of environmental protection shall provide to the council and the mayor an annual report containing information on the following:

1. Locations of all known lead water service lines;

2. Efforts underway to replace lead water supply mains and service lines; and

3. The status of public outreach and education efforts on the prevention of lead contamination.

e. The department of environmental protection may include with any such report a recommendation to the mayor and the council about whether continued reporting on such topic is necessary and appropriate.

§ 3. This local law takes effect immediately.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, KALMAN YEGER; Committee on Environmental Protection, March 13, 2019. *Other Council Members Attending: Council Member Holden.*

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. 1063-A

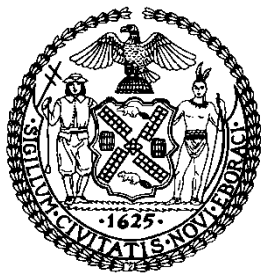
Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring notice when contaminants are found in soil.

The Committee on Environmental Protection, to which the annexed proposed amended local law was re-assigned on September 19, 2018 after having been originally referred to the Committee on Governmental Operations on August 8, 2018 (Minutes, page 3250), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 709-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1063-A:



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

PROPOSED INTRO. NO: 1063-A

COMMITTEE: Environmental Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring notice when contaminants are found in soil.

SPONSOR: By Council Members Holden, Yeger, Cabrera, Vallone, Dromm, Gjonaj, Cumbo Ayala, Kallos, Borelli and Ulrich.

SUMMARY OF LEGISLATION: Proposed Int. No. 1063-A would require the relevant agency, or the city economic development entity that is supervising a capital project, to notify the community board and the Council member within five business days of discovering or becoming aware of a hazardous level of lead in soil as a result of an environmental subsurface investigation in any City development project. Furthermore, this legislation would require that the relevant agency or the city economic development entity post such results within an appropriate public website, and develop an air monitoring plan that complies with local, state and federal guidance documents.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

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

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: Jonathan Seltzer, Senior Financial Analyst, Finance Division

ESTIMATE REVIEWED BY: Crilhien Francisco, Unit Head, Finance Division
 Nathan Toth, Deputy Director, Finance Division
 Stephanie Ruiz, Assistant Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the City Council on May 8, 2018 and was referred to the Committee on Governmental Operations. The legislation was re-referred to the Committee on Environmental Protection on September 19, 2018. A joint hearing was held by the Committee on Health, the

Committee on Housing and Buildings, and the Committee on Environmental Protection on September 27, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1063-A, will be voted on by the Committee on Environmental Protection at a hearing on March 13, 2019. Upon successful vote by the Committee on Environmental Protection, Proposed Intro. 1063-A will be submitted to the Council for a vote on March 13, 2019.

DATE PREPARED: March 12, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1063-A:)

Int. No. 1063-A

By Council Members Holden, Yeager, Cabrera, Vallone, Dromm, Gjonaj, Cumbo, Ayala, Kallos, Constantinides, Menchaca, Richards, Levin, Rivera, Borelli and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring notice when contaminants are found in soil

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-214 to read as follows:

§ 4-214 *Notice of soil contaminants in city development projects. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

City development project. The term "city development project" means a project undertaken by an agency, a city economic development entity, or by a party in contract with the city, for the purpose of improvement or development of real property, including, but not limited to, street, road and sewer improvements and maintenance.

City economic development entity. The term "city economic development entity" means an entity that provides or administers economic development benefits under contract with the department of small business services.

Hazardous level of lead in soil. The term "hazardous level of lead in soil" means soil containing a lead level of five parts per million or above as determined by the toxicity characteristic leaching procedure as defined in subpart C of part 261 of subchapter I of chapter I of title 40 of the code of federal regulations or any subsequent provisions.

b. Within five business days of discovering or becoming aware of a hazardous level of lead in soil as a result of an environmental subsurface investigation in any city development project that will expose such soil as part of the project, the agency or city economic development entity that is supervising a capital project shall:

1. Notify the community board and the council member in whose district the city development project is located of such results;

2. Post such results within the appropriate website; and

3. Develop air monitoring instructions for all relevant parties in contract with the city, including a community air monitoring plan that complies with all applicable local, state and federal guidance documents.

§ 2. This local law takes effect 180 days after it becomes law.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, KALMAN YEGER; Committee on Environmental Protection, March 13, 2019. *Other Council Members Attending: Council Member Holden.*

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 Health

Report for Int. No. 865-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 lead reference/action levels and standards relating to lead-based paint hazards.

The Committee on Health, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1787), respectfully

REPORTS:

INTRODUCTION

On March 12, 2019, the Committee on Health, chaired by Council Member Mark Levine, held a vote on a package of 7 bills related to lead exposure and enforcement in New York City. These bills were originally heard at a hearing of this committee on September 27, 2018, at which the Committee received testimony from the Department of Buildings (“DOB”), Department of Environmental Protection (“DEP”), Department for Health and Mental Hygiene (“DOHMH”), and Department for Housing Preservation and Development (“HPD”), as well as health and environmental advocates, real estate representatives, tenant advocates, and members of the public. On March 12, 2019, the Committee passed these bills by a vote of four in the affirmative, zero in the negative, and zero abstentions.

BACKGROUND

The City’s Current Lead Laws

The use of lead-based paint in residential buildings was first banned in New York City in 1960.¹ It was subsequently banned by the federal government in 1978.² However, exposure to this toxic substance, which is especially harmful to children, has continued. Local Law 1 of 2004 (“Local Law 1”), also known as the Childhood Lead Poisoning Prevention Act, was enacted to reduce the likelihood of childhood exposure to lead, with a particular focus on identifying and remediating lead-based paint hazards in apartments and day care facilities.³

Local Law 1 requires, in part, that building owners investigate units and common areas in which lead-based paint may be present, with special attention paid to units where a child under age six resides.⁴ Any lead-based paint hazards or violations must be addressed using safe work practices to prevent additional exposure to lead, and detailed records of investigation and remediation efforts must be maintained.⁵ Owners are also required to inquire as to the presence of children under age six residing in the building, and to provide all tenants with information regarding the presence of lead-based paint (if applicable) and the owner’s responsibilities under Local Law 1.⁶

¹ N.Y.C. Department of Housing Preservation and Development, <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>.

² U.S. Environmental Protection Agency, <https://www.epa.gov/lead/protect-your-family-exposures-lead>.

³ Local Law 1 for the year 2004 available at <https://www1.nyc.gov/assets/hpd/downloads/pdf/lead-local-local1-2004.pdf>

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

In addition to the requirements placed on building owners, Local Law 1 also creates a presumption that lead-based paint is present in any day care facility built before 1978.⁷ Any lead-based paint or paint of unknown lead content that is peeling or on a deteriorated, impact, or friction surface must be immediately remediated, and only lead-free paint can be used to paint equipment within the facility.⁸ The operator of a day care facility is required to conduct an annual survey to ensure that surface-coating material throughout the facility is in compliance.⁹

Pursuant to Local Law 1, the Department of Housing Preservation and Development (“HPD”) is primarily responsible for the implementation and enforcement of the law’s requirements, with DOHMH also maintaining a significant role in the development of rules and procedures.¹⁰ Local Law 1 requires that the agencies provide training and create inspection and remediation standards as well as safe work practices.¹¹ Further, Local Law 1 requires effective collaboration between the agencies throughout the process of conducting inspections and correcting violations by, among other things, requiring HPD to audit and/or inspect multiple dwellings for lead-based paint following a commissioner’s order to abate from DOHMH.¹²

However, despite the requirements of Local Law 1, lead continues to pose a substantial hazard to the health of children in the City.¹³ Moreover, Local Law 1 has not kept pace with what is now considered best practices with respect to blood lead level testing and what constitutes elevated blood lead levels in children.

Recent Developments

In 2012, the Centers for Disease Control and Prevention (“CDC”) updated their recommendations regarding what constitutes elevated blood lead levels in children, and reported that blood lead levels above five micrograms per deciliter (mcg/dL) were harmful for young children.¹⁴ In 2016, the Loyola University Chicago School of Law, along with numerous advocates, submitted a petition for rulemaking under the United States Department of Housing and Urban Development (HUD).¹⁵ The petition recommended, among other things, that HUD align their definition of lead poisoning with the CDC blood lead level reference value, and update the dust and soil lead risk assessment and clearance standards with scientifically supported levels.¹⁶ In 2017, HUD published a new rule lowering the Department’s blood lead level threshold to match the level established by the CDC.¹⁷

New York State and City laws do not meet these standards, and continue to allow for higher blood lead levels before requiring intervention. Local Law 1 requires DOHMH to conduct an investigation to identify potential sources of lead when individuals under eighteen years of age are found to have a blood lead level of 15mcg/dL or higher,¹⁸ which matches the CDC reference level at the time the law was passed in 2004. The New York City Health Code (“Health Code”) still defines lead poisoning as a blood lead level of 10 mcg/dL or greater.¹⁹ As a result, until summer 2018, DOHMH only inspected the homes of children under the age of six found to have a blood lead level of 10 mcg/dL or higher, although it did conduct inspections for children under sixteen months with blood lead levels of 8 mcg/dL or higher.²⁰

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ N.Y.C. DOHMH, Report to the New York City Council on Progress in Preventing Childhood Lead Poisoning in New York City, August 30, 2018, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/lead/lead-rep-cc-annual-18.pdf>.

¹⁴ *Recommended Actions Based on Blood Lead Level*, Centers for Disease Control and Prevention (2018) available at https://www.cdc.gov/nceh/lead/acclpp/actions_blls.html

¹⁵ *Petition for Rulemaking Under U.S. Department of Housing and Urban Development “Lead Based Paint Poisoning Prevention in Certain Residential Structures” Regulations to Prevent Lead Poisoning Among Program Participant Children*, available at <https://www.childrensdefense.org/wp-content/uploads/2018/06/petition-for-rulemaking-24.pdf>

¹⁶ *Id.*

¹⁷ *HUD Issues Final Rule to Help Children Exposed to Lead Paint Hazards*, The U.S. Department of Housing and Urban Development (2017) available at https://www.hud.gov/press/press_releases_media_advisories/2017/HUDNo_17-006

¹⁸ Local Law 1 for the year 2004, *supra* note 3.

¹⁹ *Health Department Releases Data on Blood Lead Levels in Children Showing a 13 Percent Decline from 2016 to 2017*, DOHMH (2018) available at <https://www1.nyc.gov/site/doh/about/press/pr2018/pr034-18.page>

²⁰ *NYC Undercounts Thousands of Children Most At Risk for Lead Exposure*, WNYC (2018) available at <https://www.wnyc.org/story/nyc-undercounts-thousands-children-at-risk-lead/>

After the CDC updated their recommendations in 2012, the City began sending letters to families and medical providers of children found to have blood lead levels of 5-9 mcg/dL, warning them about the risks of lead exposure and providing tips on preventing such exposure.²¹ These letters also reminded the affected families that they should call 311 to ensure any chipping paint in their apartment is remediated.²² Nevertheless, these prevention efforts did not include an automatic investigation of the affected children's homes, despite the change in the CDC's blood lead reference level recommendations. Rather, DOHMH continued to comply with the letter of relevant City and State laws.

In 2018, federal prosecutors in Manhattan accused the New York City Housing Authority ("NYCHA"), which houses at least 400,000 residents, of systematic misconduct, including presenting false reports to the government and to the public about its compliance with lead-paint regulations.²³ These actions focused the public's attention on the City's lead poisoning prevention efforts, particularly with regards to individuals residing in public housing. NYCHA now has a federal monitor to oversee the City's practices.²⁴ Additionally after reports that landlords were not complying with federal rules for removing or remediating potential lead-based paint, the City rushed to re-inspect 2,300 building common areas and 201 additional apartments.²⁵

Under the Health Code's definition of lead poisoning (blood lead levels of 10 mcg/dL or more), only 702 children under six years old would have been diagnosed with lead poisoning in 2016;²⁶ yet, when utilizing the CDC's reference level of 5 mcg/dL, 4,928 children under six years old would have been considered to have elevated blood lead levels.²⁷ Although DOHMH complied with existing City and State lead laws, the discrepancy in protocols for those with blood lead levels between 5-9 mcg/dL and those with levels of 10 mcg/dL or more has come into question.

On August 30, 2018, DOHMH released a report tracking the amount of children with elevated blood lead levels above 5 mcg/dL, reporting that 5,317 children under eighteen years old had blood lead levels at or above 5 mcg/dL, 4,261 of which were under the age of six.²⁸ The report highlights the dramatic decrease in lead poisoning in New York City. Since 2010, there has been a 69 percent decrease both citywide and in public housing in the number of children under eighteen years old with blood lead levels of 5 mcg/dL or greater.²⁹ The report also notes that lead poisoning rates are lower for children residing in public housing than they are for children living in private housing.³⁰ Moreover, DOHMH has recently announced that it will inspect all NYCHA apartments where children under 18 years old have been found to have blood lead levels of 5 mcg/dL or more, and this policy will be expanded citywide by the end of the year.³¹

The City's Department of Education (DOE) has also faced scrutiny over reports of elevated lead levels being detected in many schools' drinking water taps. A report released in 2017 found that 8 percent of water outlets in New York City Public Schools had lead levels above 15 parts per billion, the Environmental Protection Agency's (EPA) threshold for elevated lead levels in water, and 83 percent of school buildings had at least one outlet with a lead level above this threshold.³² In September 2018, DOE claimed that it had made progress in eliminating lead in school drinking water over the last year and stated that 91 percent of contaminated water fixtures in

²¹ *Id.*

²² *Id.*

²³ *New York City Housing Authority, Accused of Endangering Residents, Agrees to Oversight*, The New York Times (2018) available at <https://www.nytimes.com/2018/06/11/nyregion/new-york-city-housing-authority-lead-paint.html?module=Uisil>

²⁴ *More Than 1,100 School Faucets Still Have Lead, City Says*, The New York Times (2018) available at <https://www.nytimes.com/2018/09/11/nyregion/lead-nyc-schools.html>

²⁵ *NYC is frantically reinspecting buildings for lead*, The New York Post (2018) available at <https://nypost.com/2018/09/11/nyc-is-frantically-reinspecting-buildings-for-lead/>

²⁶ Report to the New York City Council on Progress in Preventing Childhood Lead Poisoning in New York City, submitted on September 30, 2017

²⁷ *Childhood Blood Lead Level Surveillance Quarters 1 & 2, 2018, New York City August 2018*, DOHMH (2018) available at <https://www1.nyc.gov/assets/doh/downloads/pdf/lead/lead-quarterly-report.pdf>

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *820 Children Under 6 in Public Housing Tested High for Lead*, The New York Times (2018) available at <https://www.nytimes.com/2018/07/01/nyregion/nycha-lead-paint-children.html>

³² *Most New York City Schools Had High Lead Levels, Retests Find*, The New York Times (2017) available at <https://www.nytimes.com/2017/04/28/nyregion/new-york-schools-lead-water.html>

schools have been fixed.³³ However, more than 1,100 water fixtures in city school buildings still have lead levels above 15 parts per billion.³⁴ DOE will continue to address these issues and plans to retest all school water taps for lead again before 2020.³⁵

Additional Sources of Lead

Lead was ubiquitous in the environment, particularly in air, more than 45 years ago when it was used as an additive to gasoline. The EPA commenced the phase-out of lead in all gasoline in 1973.³⁶ Today, lead can still be found in some soils, although lead levels in soils have generally declined over time as lead was phased out of gasoline.³⁷ Based on 84 soil lead studies across 62 US cities, evidence suggests that soil lead quantities in city centers were highest and tended to decline towards the suburbs and exurbs of the city.³⁸ In New York City, in lieu of greater soil testing regulations many urban soil researchers and practitioners urge residents to get soil tested, especially in areas where children are digging or playing in dirt.³⁹ The EPA has also intervened, as in 2015 it ordered several Red Hook fields in Brooklyn to be closed off and remediated due to soil pollution from lead smelting facilities operated nearby.⁴⁰ The Department of Parks and Recreation (“DPR”) agreed to remediate the rest of the fields by 2018.⁴¹ However, DPR has pushed back field remediation to 2020, as it still seeks to find a contractor.⁴²

Lead can also be found in drinking water as a result of the use of plumbing materials that are brass- and bronze-based.⁴³ Although lead pipe was banned for use in drinking water supply lines by most countries in the 1980s, it remains an additive in many plumbing materials due to its malleability.⁴⁴ Unfortunately, brass- and bronze-based plumbing materials still release dangerous levels of lead.⁴⁵ Lead weight percentages of plumbing material obtained using strong acid digestion were found to positively correlate with lead release. “Flushing” pipes, or the practice of running tap water before use, is a common approach to address water lead exposure reduction that is low-cost and recommended by some governmental entities.⁴⁶ Unfortunately, while flushing could be an effective short-term approach to remediate high lead levels, flushing recommendations may be inconsistently effective as a prevention measure and may inadvertently increase exposures.⁴⁷ Public health messages should reflect the inadequacies of this solution and its limitations.⁴⁸

INT. NO. 865-A

Int. No. 865-A would reduce the City’s blood lead reference level to 5 mcg/dL, reduce the City’s lead-based paint definition from 1 milligram per centimeter square (mg/cm²) of lead per or greater to 0.5 mg/cm² for x-ray fluorescence analyzer (XRF) testing and from 0.5 percent metallic lead content to 0.25 percent for lab paint chip

³³ *More Than 1,100 School Faucets Still Have Lead, City Says*, The New York Times (2018) available at <https://www.nytimes.com/2018/09/11/nyregion/lead-nyc-schools.html>

³⁴ *Id.*

³⁵ *Id.*

³⁶ <https://archive.epa.gov/epa/aboutepa/epa-requires-phase-out-lead-all-grades-gasoline.html>

³⁷ Datko-Williams L, WilkieA, Richmond-Bryant J., *Analysis of U.S. soil lead (Pb) studies from 1970-2012*, Sci Total Environ, 2014 Jan 15; 468-469; 845-63. Doi 10. 1016/j.scitotenv. 2013.08.089.Epub 2013 Sep 25.

³⁸ *Id.*

³⁹ Laura Bliss and Jessica Leigh Hester, “How to Build a Safer Urban Garden” CityLab (December 18, 2015), <https://www.citylab.com/life/2015/12/urban-garden-lead-soil/420987/>

⁴⁰ CBS New York, “Red Hook Residents Frustrated Over Delay Cleaning Up Lead-Contaminated Playing Fields” (May 31, 2018), <https://newyork.cbslocal.com/2018/05/31/red-hook-polluted-fields/>

⁴¹ *Id.*

⁴² *Id.*

⁴³ Lei II, Ng DQ, Sable SS and Lin YP, *Evaluation of lead release potential of new premise plumbing materials*, Environ Sci Pollut Res Int., 2018 July 31. Doi: : 10,.1007/s11356-018-2816-2 [Epub ahead of print].

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Adrian Katner, Kelsey Pieper, Komal Brown, Hui Yi Lin, Jeffrey Parks, Xinnan Wang, Chih-Yang Hu, Sheldon Masters, Howard Mielke, and Marc Edwards, *Effectiveness of Prevailing Flush Guidelines to Prevent Exposure to Lead in Tap Water*, Int J Environ Res Public Health, 2018 Jul; 15 (7); 1537.

⁴⁷ *Id.*

⁴⁸ *Id.*

sample analysis, and reduce the lead dust definition from 40 micrograms per square foot (mcg/f²) to 10mcg/f² for floors, from 250mcg/f² to 50mcg/f² for window sills, and from 400 mcg/f² to 100mcg/f² for window wells. As of June 1, 2021, the lead dust definition would be lowered to 5 mcg/f² for floors, 40 mcg/f² for window sills, and remain 100 mcg/f² for window wells.

This legislation would take effect 120 days after it becomes law, except that the lowered dust definition would go into effect 60 days after the bill becomes law, and the lower lead-based paint definition would go into effect at least 12 months after the bill becomes law, contingent on the commercial availability of XRF machines certified to detect the relevant lead-based paint levels.

INT. NO. 871-A

Int. No. 871-A would require that any testing of water from a fixture or other source for lead that is required by law includes a first-draw sample from such source. If a water lead action level is established by federal, state, or local law or rule that requires new sampling requirements, this legislation would allow the Department of Health and Mental Hygiene (DOHMH) to adopt new sampling requirements by rule.

This legislation would take effect one year after it becomes law.

INT. NO. 877-A

Int. No. 877-A would require certain City agencies to provide a pamphlet or other materials regarding lead hazards, including information on how to obtain a blood lead screening, to the parents or guardians of a child under 7 years of age, when such parents or guardians seek a service from such agencies.

This legislation would take effect 120 days after it becomes law.

INT. NO. 881-A

Int. No. 881-A would require DOHMH to establish and implement an education and outreach program to increase awareness of childhood lead poisoning prevention. The bill would also require the program to include linguistically and culturally competent education and outreach tailored to limited English proficient individuals and specific immigrant populations. To achieve this end, measures identified in the bill include language assistance tools, production of education materials, community outreach, and advertisements in multiple public locations.

This legislation would take effect one year after it becomes law.

INT. NO. 918-A

Int. No. 918-A would expand reporting requirements under the City's existing lead laws for the Department of Health and Mental Hygiene (DOHMH) and the Department of Housing Preservation and Development (HPD). The legislation would also strengthen the City's auditing of landlords to ensure compliance with their requirements under the City's lead laws.

This legislation would take effect one year after it becomes law, except that the auditing requirements would go into effect 180 days after it becomes law.

INT. NO. 920-A

Int. No. 920-A would extend current requirements for day care facilities operating in structures erected before January 1, 1978 to other facilities serving children under 6, including preschools, nursery schools, and schools when applicable.

This legislation would take effect 120 days after it becomes law.

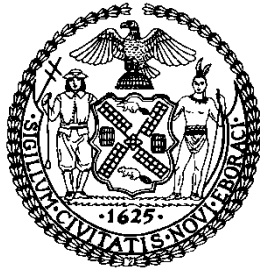
INT. NO. 1117-A

Int. No. 1117-A would require certain City agencies to provide a pamphlet or other materials describing, among other things, building owners' responsibilities under the City's lead laws, including their duty to

remediate all lead-based paint hazards upon turnover of any dwelling unit, to parents or guardians of a child under 7 years of age, when such parents or guardians seek services from such agencies. These agencies would also be required to inform parents or guardians, when they seek services, that they can obtain, without cost or payment, an inspection of their dwelling unit for peeling paint by calling 311, and a lead testing kit for drinking water from the Department of Environmental Protection.

This legislation would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 865-A:)



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

PROPOSED INTRO. NO: 865-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to lead reference/action levels and standards relating to lead-based paint hazards.

SPONSORS: The Speaker (Council Member Johnson) and Council Members Holden, Kallos, Moya, Cohen, Powers, Rose, Cornegy, Jr., Justin L. Brannan, Levine, Rivera, Constantinides, Miller, Ayala, Koo, Williams, Rodriguez, Dromm, Cabrera, Salamanca, Jr., Grodenchik, Yeger, Torres, Richards, Van Bramer, Gibson, Reynoso, Vallone, Rosenthal, Koslowitz, Deutsch, Treyger, Lancman, Perkins, Lander, Ampry-Samuel, Eugene, Adams, Levin, Chin, Menchaca, Maisel, Barron, Espinal, Jr., Cumbo, Ulrich.

SUMMARY OF LEGISLATION: Proposed Intro. 865 would reduce the blood lead reference level to five micrograms per deciliter. This legislation would also create a soil lead reference level of 400 parts per million (ppm) for areas where children may play and 1,200 ppm for other areas, as well as create a water lead reference level of 15 parts per billion (ppb). These reference and action levels would require the City to adopt reference levels corresponding to future federal Centers for Disease Control and Prevention or Environmental Protection Agency lower reference level standards or to submit a report detailing why the City should not adopt a lower level.

EFFECTIVE DATE: This local law would take effect on the same day as a local law amending the administrative code of the city of New York, related to investigation by DOHMH of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, except that the Commissioner of DOHMH and the Commissioner of Housing Preservation and Development may take such measures as are necessary for the implementation of the law prior to such date, including the promulgation of rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that the proposed 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. 865 because DOHMH would utilize existing resources to fulfill the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on May 9, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on September 27, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 865-A, will be voted on by the Committee on Health at a hearing on March 12, 2019. Upon successful vote by the Committee on Health, Proposed Intro. No. 865-A will be submitted to the full Council for a vote on March 13, 2019.

DATE PREPARED: March 12, 2019.

For text of the related Environmental Assessment Statement (EAS), please refer to the New York City Council website at <https://council.nyc.gov> and see the attachment section of the [Int. No. 865-A of 2018 file](#).

(For text of Int. Nos. 871-A, 877-A, 881-A, 918-A, 920-A, and 1117-A and their Fiscal Impact Statements, please see the Report of the Committee on Health for Int. Nos. 871-A, 877-A, 881-A, 918-A, 920-A, and 1117-A, respectively, printed in these Minutes; for text of Int. No. 865-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 865-A, 871-A, 877-A, 881-A, 918-A, 920-A, and 1117-A.

(The following is the text of Int. No. 865-A:)

Int. No. 865-A

By The Speaker (Council Member Johnson) and Council Members Holden, Kallos, Moya, Cohen, Powers, Rose, Cornegy, Brannan, Levine, Rivera, Constantinides, Miller, Ayala, Koo, Williams, Rodriguez, Dromm, Cabrera, Salamanca, Grodenchik, Yeger, Torres, Richards, Van Bramer, Gibson, Reynoso, Vallone,

Deutsch, Treyger, Lancman, Perkins, Lander, Ampry-Samuel, Eugene, Adams, Levin, Chin, Menchaca, Maisel, Barron, Espinal, Cumbo, Rosenthal, Koslowitz and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to lead reference/action levels and standards relating to lead-based paint hazards

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York, as amended by a local law for the year 2019, relating to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, as proposed in introduction number 464-b, is amended by adding a new section 17-912 to read as follows:

§ 17-912 *Lead reference levels and action levels. a. For the purposes of this subchapter, section 27-2056.14 and any local law referring to a blood lead reference level except as otherwise provided by such local law, the blood lead reference level shall be five micrograms per deciliter, except that, if the federal centers for disease control and prevention or a successor agency defines a lower blood lead reference level the department shall (i) by rule define such lower level as the blood lead reference level for the purposes of this subchapter, section 27-2056.14 and any local law referring to a blood lead reference level except as otherwise provided by such local law or (ii) submit a report to the mayor and the speaker of the council detailing the reasons why such lower blood lead reference level should not be adopted for the city or should result in alternative public health actions other than those provided for in this subchapter.*

b. Notwithstanding subdivision a of this section, for the purposes of this subchapter, section 27-2056.14 and any local law referring to a blood lead reference level except as otherwise provided by such local law, the board of health may define in the health code a lower blood lead reference level than that defined by the federal centers for disease control and prevention or a successor agency that shall apply to this subchapter, section 27-2056.14, and any local law referring to a blood lead reference level except as otherwise provided by such local law, if the board determines that defining such a lower blood lead reference level is in the interest of public health.

§ 2. Subdivisions (7) and (8) of section 27-2056.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, are amended to read as follows:

(7)(a) "Lead-based paint" means paint or other similar surface coating material containing 1.0 milligrams of lead per square centimeter or greater, as determined by laboratory analysis, or by an x-ray fluorescence analyzer. If an x-ray fluorescence analyzer is used, readings shall be corrected for substrate bias when necessary as specified by the performance characteristic sheets released by the United States environmental protection agency and the United States department of housing and urban development for the specific x-ray fluorescence analyzer used. X-ray fluorescence readings shall be classified as positive, negative or inconclusive in accordance with the United States department of housing and urban development "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" [(June 1995, revised 1997)] (July 2012) and the performance characteristic sheets released by the United States environmental protection agency and the United States department of housing and urban development for the specific x-ray fluorescence analyzer used. X-ray fluorescence readings that fall within the inconclusive zone, as determined by the performance characteristic sheets, shall be confirmed by laboratory analysis of paint chips, results shall be reported in milligrams of lead per square centimeter and the measure of such laboratory analysis shall be definitive. If laboratory analysis is used to determine lead content, results shall be reported in milligrams of lead per square centimeter. Where the surface area of a paint chip sample cannot be accurately measured or if an accurately measured paint chip sample cannot be removed, a laboratory analysis may be reported in percent by weight. In such case, lead-based paint shall mean any paint or other similar surface-coating material containing more than [0.5%] 0.5 percent of metallic lead, based on the non-volatile content of the paint or other similar surface-coating material.

(b) Notwithstanding paragraph (a) of this subdivision, no less than 10 months after the effective date of this section and upon the promulgation of a rule by the department stating that the federal department of housing and urban development has provided at least one performance characteristic sheet or other sufficient written technical guidance approving a commercially available x-ray fluorescence analyzer tested at the level of 0.5 milligrams of lead per square centimeter, "lead-based paint" shall mean paint or other similar surface coating

material containing 0.5 milligrams of lead per square centimeter or greater, as determined by laboratory analysis, or by an x-ray fluorescence analyzer. X-ray fluorescence readings shall be classified as positive or negative in accordance with such performance characteristic sheet or other guidance. If laboratory analysis is used to determine lead content, results shall be reported in milligrams of lead per square centimeter. Where the surface area of a paint chip sample cannot be accurately measured or if an accurately measured paint chip sample cannot be removed, a laboratory analysis may be reported in percent by weight. In such case, lead-based paint shall mean any paint or other similar surface-coating material containing more than 0.25 percent of metallic lead, based on the non-volatile content of the paint or other similar surface-coating material.

(c) Before and until the effective date of the rule described in paragraph (b) of this subdivision, for the purposes of the department of health and mental hygiene finding unsafe lead paint in a dwelling unit and issuing an order to abate a condition in a dwelling unit where a child of applicable age with an elevated blood lead level resides, pursuant to section 173.13 of the health code, nothing in this article shall prevent the board of health from determining that unsafe lead paint may include paint with a concentration of lead content that is less than the concentration of lead content in paint set forth in paragraph (a) of this subdivision. Such a determination of unsafe lead paint may include paint with a concentration of lead content no less than 0.5 milligrams of lead per square centimeter, as determined by laboratory analysis, or by an x-ray fluorescence analyzer. X-ray fluorescence readings shall be classified as positive or negative in accordance with the manufacturer's instructions. If laboratory analysis is used to determine lead content, results shall be reported in milligrams of lead per square centimeter. Where the surface area of a paint chip sample cannot be accurately measured or if an accurately measured paint chip sample cannot be removed, a laboratory analysis may be reported in percent by weight. For such purposes, such concentration determined by the board of health pursuant to this paragraph shall be no less than 0.25 percent of metallic lead, based on the non-volatile content of the paint or other similar surface-coating material.

(8)(a) "Lead-contaminated dust" shall mean dust containing lead at a mass per area concentration of [40] 10 or more micrograms per square foot on a floor, [250] 50 or more micrograms per square foot on window sills, and [400] 100 or more micrograms per square foot on window wells, or such more stringent standards as may be adopted by rule of the department of health and mental hygiene, provided that, if the federal environmental protection agency or a successor agency, or the federal department of housing and urban development or a successor agency, adopts lower definitions of lead-contaminated dust, the board of health shall define in the health code such lower levels for the purposes of this subchapter.

(b) Notwithstanding subdivision (a) of this section, on and after June 1, 2021, "lead-contaminated dust" shall mean dust containing lead at a mass per area concentration of 5 or more micrograms per square foot on a floor, 40 or more micrograms per square foot on window sills, and 100 or more micrograms per square foot on window wells, or such more stringent standards as may be adopted by the board of health, provided that, if the federal environmental protection agency or a successor agency, or the federal department of housing and urban development or a successor agency, adopts lower definitions of lead-contaminated dust, the board of health shall define in the health code such lower levels for the purposes of this subchapter.

§ 3. Section 27-2056.5 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. Any exemption for a dwelling unit granted pursuant to this section prior to the effective date of this subdivision shall remain in effect until: (i) the turnover of such unit on or after the effective date of the rule promulgated by the department pursuant to paragraph (b) of subdivision (7) of section 27-2056.2, (ii) issuance of a denial of a rebuttal of a lead-based paint violation based upon the presumption of lead paint for such dwelling unit filed pursuant to subdivision a of section 27-2056.5, (iii) issuance of a lead-based paint violation based upon testing by the department for such dwelling unit, or (iv) issuance of an order to abate lead-based paint hazards or unsafe lead paint by the department of health and mental hygiene, or upon issuance of a denial of an objection to such a commissioner's order to abate filed pursuant to section 173.13 of the health code. Upon the expiration of an exemption pursuant to this subdivision, such exemption shall no longer apply and such dwelling unit shall be subject to all applicable provisions of this article. The owner of such a dwelling unit that was previously exempted may apply for a new exemption pursuant to subdivision b of section 27-2056.5. The department shall establish requirements for the owner of a dwelling unit that has been granted an exemption by the department prior to the effective date of this subdivision to notify the department of the turnover of the dwelling unit.

§ 4. Subdivision a of section 27-2056.7 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

a. When the department of health and mental hygiene issues a commissioner's order to abate pursuant to section 173.13 of the New York city health code or a successor rule that addresses lead-based paint hazards or unsafe lead paint in a specific dwelling unit in a multiple dwelling, the department, within fifteen days of such order, shall notify the owner of the multiple dwelling where the dwelling unit is located that the owner shall, within forty-five days of the department's notice, provide to the department all records required to be maintained under this article. Upon the department's receipt of those records and a determination that there may exist uncorrected lead-based paint hazards in dwelling units where a child of applicable age resides, the department within ten days shall attempt to inspect such units to determine whether there are any violations of section 27-2056.6 of this article.

§ 5. Paragraph (1) of subdivision a of section 27-2056.11 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

(1) where an owner is performing work in order to comply with a notice of violation or order to correct issued by the department pursuant to this article, which shall be no less stringent than the safety standards required by the commissioner of health and mental hygiene whenever such commissioner shall order the abatement of lead-based paint hazards *or unsafe lead paint* pursuant to section 173.13 of the health code or a successor rule. Such rules shall provide for temporary relocation provided by the owner of the occupants of a dwelling or dwelling unit to appropriate housing when work cannot be performed safely. Such rules shall provide that all such work be performed only by firms which have received certification to perform lead abatement under the regulations issued by the United States environmental protection agency at subpart L of part 745 of title 40 of the code of federal regulations, or any successor regulations.

§ 6. Section 27-2056.14 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

§ 27-2056.14 Inspections by Department of Health and Mental Hygiene and Removal of Health Code Violations by Department of Housing Preservation and Development. Whenever a report has been made to the department of health and mental hygiene of a person under eighteen years of age with an elevated blood lead level [of fifteen micrograms per deciliter or higher] *that is at or above the blood lead reference level established pursuant to section 17-912* residing in any dwelling unit, the department of health and mental hygiene shall conduct such investigation as may be necessary to identify potential sources of the elevated blood lead level, including but not limited to, an inspection of the dwelling unit where such person resides. If the department of health and mental hygiene issues an order to correct any violation, the department of health and mental hygiene shall notify the department of each dwelling unit in a dwelling for which the department of health and mental hygiene has issued an order to correct a violation. Where the owner of the dwelling or relevant dwelling unit within such dwelling fails to comply with an order of the department of health and mental hygiene to correct a violation placed by the department of health and mental hygiene, the department of health and mental hygiene shall certify such conditions to the department of housing preservation and development. The certification procedure shall be completed within sixteen days of the report of the elevated blood lead level. The conditions so certified shall be corrected within eighteen days of certification to the department.

§ 7. This local law takes effect on the same day as a local law amending the administrative code of the city of New York, relating to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, as proposed in introduction number 464-b for the year 2018, takes effect, except that:

(i) subdivisions (7) and (8) of section 27-2056.2 of the administrative code of the city of New York, as amended by section three of this local law, subdivision a of section 27-2056.7 of such administrative code, as amended by section five of this local law, and paragraph (1) of subdivision a of section 27-2056.11 of such administrative code, as amended by section six of this local law, take effect 60 days after they become law; and

(ii) the commissioner of health and mental hygiene and the commissioner of housing preservation and development may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS;
Committee on Health; March 12, 2019.

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. 871-A

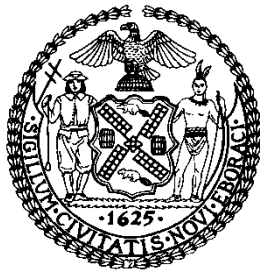
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring first-draw samples when testing for lead in water.

The Committee on Health, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1797), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int. No. 865-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 871-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 871-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to requiring first draw samples when testing for lead in water.

SPONSORS: Council Members Borelli, Holden, Kallos, Lander, Cumbo, Ayala, and Ulrich.

SUMMARY OF LEGISLATION: Proposed Intro. 871 would require all legally required testing of water for lead, from a fixture or other source, such testing shall include: a first-draw sample from such source, at least one additional sample, and analysis of such samples by a laboratory certified to analyze water samples for lead.

EFFECTIVE DATE: This local law would take effect one year after being law, except that the Commissioner of DOHMH may take such measures as are necessary for the implementation of the law prior to such date, including the promulgation of rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that the proposed 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. 871 because DOHMH would utilize existing resources to fulfill the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Cirilhien 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 May 9, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on September 27, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 871-A, will be voted on by the Committee on Health at a hearing on March 12, 2019. Upon successful vote by the Committee on Health, Proposed Intro. No. 871-A will be submitted to the full Council for a vote on March 13, 2019.

DATE PREPARED: March 12, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 871-A:)

Int. No. 871-A

By Council Members Borelli, Holden, Kallos, Lander, Cumbo, Ayala, Levin, Yeger, Rivera and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring first-draw samples when testing for lead in water

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York, as added by a local law for the year 2019, relating to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-

based paint hazards in facilities providing day care services, as proposed in introduction number 464-b, is amended by adding a new section 17-913 to read as follows:

§ 17-913 Testing water for lead. a. Whenever testing water for lead from a fixture or other source is required by law or rule, or an order issued by a court or agency of appropriate jurisdiction, such testing shall include (i) taking a first-draw sample from such source, (ii) taking at least one additional sample, when practicable, from such source, except that the department may by rule determine specific circumstances in which a first-draw sample is sufficient, and (iii) analysis of such samples by a laboratory certified to analyze water samples for lead by the federal environmental protection agency or a state agency having appropriate jurisdiction, unless otherwise provided for by federal, state, or local law or rule. For the purposes of this section, the term “first-draw sample” means a first draw tap sample for lead and copper, as such term is defined in section 5-1.1 of title 10 of the New York codes, rules and regulations.

b. Nothing in this section shall prohibit the department from requiring an additional sample from such source.

c. Notwithstanding subdivisions a and b of this section: (i) if the federal environmental protection agency or a successor agency provides any guidance on testing standards that differs from the requirements of this section, the department may by rule adopt such guidance in lieu of the testing standards requirements of this section; and (ii) if a water lead action level is established by federal, state, or local law or rule that requires new sampling requirements, the department may by rule adopt such sampling requirements in lieu of the sampling requirements of this section.

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; March 12, 2019.

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. 877-A

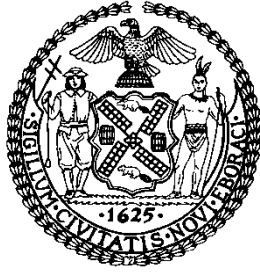
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to agency referrals for blood lead screenings

The Committee on Health, to which the annexed amended proposed local law was referred on May 9, 2018 (Minutes, page 1804), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int. No. 865-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 877-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 877-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to agency referrals for blood lead screenings. **SPONSORS:** Council Members Cornegy, Holden, Cumbo, Kallos, Ayala, and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. 877-A would amend administrative code of the city of New York, relating to investigation by department of health and mental hygiene of place in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services by adding that lead screening referrals by agencies. When the parent or guardian of a child of applicable age seeks a service from a covered agency for such child, such agency shall provide a pamphlet developed by the department or other materials approved by the department that include information on how to obtain a blood lead screening.

EFFECTIVE DATE: This local law would take effect the same date as a local law amending administrative code of the city as proposed in introduction 464-b for the year 2018, except that the DOHMH Commissioner may take such measures as are necessary for the implementation of the law prior to such date, including the promulgation of rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that the proposed 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. 877-A because DOHMH would utilize existing resources to fulfill the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on May 9, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on September 27, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 871-A, will be voted on by the Committee on Health at a hearing on March 12, 2019. Upon successful vote by the Committee on Health, Proposed Intro. No. 865-A will be submitted to the full Council for a vote on March 13, 2019.

DATE PREPARED: March 12, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 877-A:)

Int. No. 877-A

By Council Members Cornegy, Holden, Cumbo, Kallos, Ayala, Rosenthal, Levin and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to agency referrals for blood lead screenings

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York, as added by a local law for the year 2019 amending the administrative code of the city of New York, relating to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, as proposed in introduction number 464-b for the year 2018, is amended by adding a new section 17-914 to read as follows:

§ 17-914 Lead screening referrals by agencies. When the parent or guardian of a child of applicable age seeks a service from a covered agency for such child, such agency shall provide a pamphlet developed by the department or other materials approved by the department that include information on how to obtain a blood lead screening.

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, as proposed in introduction number 464-b for the year 2018, takes effect, except that the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; March 12, 2019.

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. 881-A

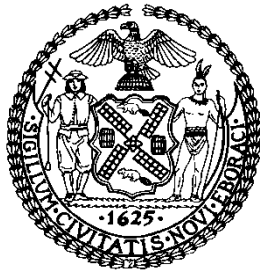
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to education and outreach regarding childhood lead poisoning prevention.

The Committee on Health, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1809), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int. No. 865-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 881-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 881-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to education and outreach regarding childhood lead poisoning prevention.

SPONSORS: Council Members Dromm, Holden, Cumbo, Kallos, Moya, Cohen, Powers, Rose, Cornegy Jr., Brannan, Levine, Rivera, Constantinides, Miller, Ayala, Koo, Williams, Rodriguez, Cabrera, Salamanca Jr., Grodenchik, Yeger, Torres, Richards, Lancman, Van Bramer, Gibson, Reynoso, Vallone, Rosenthal, Koslowitz, Deutsch, Treyger, Perkins, Espinal Jr., Lander, Ampry-Samuel, Eugene, Adams, Levin, Chin, Menchaca, King, Gjonaj, Maisel, Barron, and Ulrich.

SUMMARY OF LEGISLATION: Proposed Intro. 881-A would require the Department of Health and Mental Hygiene (DOHMH) to establish and implement an education and outreach program to increase awareness of childhood lead poisoning prevention. The proposed legislation would require such a program to include linguistically and culturally competent education and outreach tailored to limited English proficient individuals and specific immigrant populations. Accordingly, the proposed legislation would require the program to include language assistance tools, education materials, community outreach, and advertisements in multiple languages in subway trains, buses, and other public transportation. Any educational materials produced shall be made available on the department's website and submitted to commissioner of the mayor's office of immigrant affairs. All educational material made available shall be made available in English, in the six languages most commonly spoken by limited English proficient individuals and any other languages deemed appropriate by the commissioner.

EFFECTIVE DATE: This local law would take effect one year after being law.

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

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

IMPACT ON REVENUES: It is anticipated that the proposed 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. 881-A because DOHMH would utilize existing resources to fulfill the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Cirilhien 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 May 9, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on September 27, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 881-A, will be voted on by the Committee on Health at a hearing on March 12, 2019. successful vote by the Committee on Health, Proposed Intro. No. 881-A will be submitted to the full Council for a vote on March 13, 2019.

DATE PREPARED: March 12, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 881-A:)

Int. No. 881-A

By Council Members Dromm, Holden, Cumbo, Kallos, Moya, Cohen, Powers, Rose, Cornegy, Brannan, Levine, Rivera, Constantinides, Miller, Ayala, Koo, Williams, Rodriguez, Cabrera, Salamanca, Grodenchik, Yeger, Torres, Richards, Lancman, Van Bramer, Gibson, Reynoso, Vallone, Rosenthal, Koslowitz, Deutsch, Treyger, Perkins, Espinal, Lander, Ampry-Samuel, Eugene, Adams, Levin, Chin, Menchaca, King, Gjonaj, Maisel, Barron and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to education and outreach regarding childhood lead poisoning prevention

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 17-186.1 to read as follows:

§ 17-186.1 Education and outreach regarding childhood lead poisoning prevention. a. The department shall establish and implement an education and outreach program to increase awareness of childhood lead poisoning prevention. Such education and outreach program shall at a minimum include the following information:

- 1. Health effects of lead poisoning in children and pregnant women;*
- 2. Major sources of lead exposure for children;*
- 3. Ways to prevent lead exposure and to address lead hazards;*
- 4. Importance of lead screening and blood lead testing requirements for children and pregnant women; and*
- 5. Requirements related to inspection and remediation of lead hazards in certain housing and facilities.*

b. The education and outreach program required by subdivision a of this section shall include linguistically and culturally competent education and outreach tailored to limited English proficient individuals and specific immigrant populations. To meet such requirement, the department, in consultation with the mayor's office of immigrant affairs, shall identify and implement measures including but not limited to production of educational materials, language assistance tools, community outreach and advertisements in multiple languages in public locations.

c. Any educational materials produced pursuant to subdivision b of this section shall be made available on the department's website and submitted to the commissioner of the mayor's office of immigrant affairs. The educational materials made available on the department's website pursuant to this subdivision shall be made available in English; in the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning; and in any other languages deemed appropriate by the commissioner.

§ 2. This local law takes effect one year after it becomes law.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS;
Committee on Health; March 12, 2019.

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. 918-A

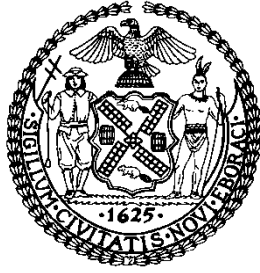
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on lead poisoning prevention and control.

The Committee on Health, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1856), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int. No. 865-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 918-A:



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

PROPOSED INTRO. NO: 918-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to poisoning prevention and control. **SPONSORS:** Council Members Torres, Holden, Cumbo, Kallos and Ayala

SUMMARY OF LEGISLATION: Proposed Intro. 918-A would require the Department of Health and Mental Hygiene (DOHMH), with the cooperation of the Department of Housing Preservation and Development, to submit to the Mayor and the Speaker of the Council, and to make publicly available on DOHMH's website, a comprehensive annual report regarding (i) the implementation, enforcement, and efficacy of all lead poisoning prevention and control measures required by local law or rule and (ii) incidences of lead poisoning in children and pregnant women. The legislation would also strengthen the city's auditing of landlords to ensure compliance with their requirements under the City's lead laws.

EFFECTIVE DATE: This local law takes effect one year after it becomes law, except local law relating to education and outreach regarding childhood lead poisoning prevention takes effect same day. The commissioner of housing prevention and development and the commissioner of health may take such actions as are necessary for implementation before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that the proposed 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. 918-A because the relevant City agencies would utilize existing resources to fulfill the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, 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 May 9, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on September 27, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 918-A, will be voted on by the Committee on Health at a hearing on March 12, 2019. Upon a successful vote by the Committee on Health, Proposed Intro. No. 918-A will be submitted to the full Council for a vote on March 13, 2019.

DATE PREPARED: March 12, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 918-A:)

Int. No. 918-A

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

A Local Law to amend the administrative code of the city of New York, in relation to reporting on lead poisoning prevention and control

Be it enacted by the Council as follows:

Section 1. Section 27-2056.12 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

§ 27-2056.12 Reporting.

a. Within four months after the close of the first fiscal year after which this article takes effect and for every fiscal year thereafter, the commissioner shall provide to the council a written report on the department's implementation of this article during the preceding year. Such report shall include, at a minimum, an analysis of the department's program, a detailed statement of revenue and expenditures and statistical section designed to provide a detailed explanation of the department's enforcement including, but not limited to, the following:

(1) the number of complaints for peeling paint in pre-1960 dwelling units where a child of applicable age resides, disaggregated by city or non-city ownership of the building which is the subject of the complaint;

(2) the number of inspections by the department pursuant to [this article] *section 27-2056.9*, disaggregated by the city or non-city ownership of the building where the inspection occurred;

(3) *the number of jobs performed by the department in city-owned buildings to address lead-based paint hazards and any underlying defects;*

(4) the number of violations issued by the department pursuant to this article, *disaggregated by the number of violations issued pursuant to subdivision a of section 27-2056.9;*

[(4)] (5) the number of violations issued pursuant to this article that were certified as corrected by the owner, the number of such certifications that did not result in the removal of such violations, and the number of civil actions brought by the department against such owners; [and

(5)] (6) the number of jobs performed in which violations issued pursuant to this article were corrected by the department, *the average time between the issuance of such violations and their correction*, the total amount spent by the department to [correct the conditions that resulted in] *address* the violations, and the average amount spent per dwelling unit [to correct] *where correction of such conditions was completed;* [and

(6)] (7) a statistical profile with geographic indexing, such as by community district, council district, and/or zip code, of multiple dwellings in which violations are placed, indicating the ages of the multiple dwellings and other factors relevant to the prevalence of lead-based paint hazards, which may include the prior lead poisoning of a child in the multiple dwelling, outstanding violations, and emergency repair charges;

(8) *the number of investigations conducted pursuant to section 27-2056.4, and the number of violations issued pursuant to subdivision g of section 27-2056.4;*

(9) the number of investigations conducted pursuant to section 27-2056.8, and the number of violations issued pursuant to subdivision c of section 27-2056.8;

(10) the number of dwelling units in which violations for underlying defects were placed in addition to violations for lead-based paint;

(11) the number of inspectors assigned at the end of the fiscal year to conduct inspections using XRF machines; and

(12) the number of audits conducted under subdivision b of section 27-2056.17 and the number of violations issued pursuant to subdivision c of section 27-2056.17, disaggregated by the section of this article for which such violations were issued.

b. The department of health and mental hygiene shall prepare a report on progress toward increasing screening rates and reducing the incidence rates of children newly identified with elevated blood lead levels. This report shall be utilized by the department in its implementation of this article. Such report shall be submitted to the council within nine months after the close of each calendar year. *Such report shall include comprehensive information for the prior calendar year regarding the implementation and enforcement of all lead poisoning prevention and control measures required by local law or rule, and shall include, but not be limited to:*

(1) the number of addresses inspected and the number of commissioners orders and violations issued pursuant to section 27-2056.11 and any regulations promulgated thereunder;

(2) the number of incidences of lead poisoning in children and pregnant women; and

(3) information on the implementation of the education and outreach program required by subdivision a of section 17-186.1.

c. The department shall maintain a central register of all department orders to correct a violation under this article. Such register shall indicate, if applicable, the date of the complaint, address of the premises, and the date of each inspection and reinspection.

§ 2. Section 27-2056.17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

§ 27-2056.17 Record keeping requirements. *a. The owner of any multiple dwelling or dwelling that performs any work or provides any notices pursuant to this article shall retain all records relating to such work or notices for a period of no less than ten years from the completion date of such work or notification. The owner shall make any such records required to be retained by this [section] article available to the department upon the department's request, and shall transfer such records to the owner's successor in title.*

b. To determine compliance with the requirements of this article, in addition to the audits required by section 27-2056.7, the department shall audit the records required to be kept pursuant to this article, including pursuant to section 27-2056.4 and 27-2056.8, for a minimum of 200 buildings each fiscal year. Such additional 200 buildings shall be selected by the department using criteria that shall include, but need not be limited to:

(1) buildings with peeling lead-based paint violations issued as a result of positive XRF tests;

(2) buildings with violations that have been issued for other indicators of deteriorated subsurfaces including, but not limited to, mold and leaks;

(3) buildings selected from a random sample of buildings based on data on the prevalence of elevated blood lead levels in certain geographic areas identified by the department of health and mental hygiene; and

(4) buildings selected from a random sample of buildings that are subject to the presumption in section 27-2056.5.

c. Notwithstanding any inconsistent provision of section 27-2115, any owner who fails, in response to a demand by the department and in accordance with rules of the department, to produce a record required to be retained by this article within 45 days of such request, shall be liable for a class C immediately hazardous violation, and a civil penalty of not less than \$1000 and not more than \$5,000.

§ 3. This local law takes effect 1 year after it becomes law, except that:

(i) paragraph (3) of subdivision b of section 27-2056.12, as added by section one of this local law takes effect on the same day as a local law amending the administrative code of the city of New York, relating to education and outreach regarding childhood lead poisoning prevention, as proposed in introduction number 881 for the year 2018, takes effect;

(ii) section two of this local law takes effect 180 days after it becomes law; and

(iii) the commissioner of housing preservation and development and the commissioner of health may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; March 12, 2019.

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. 920-A

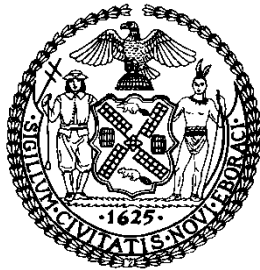
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to an annual survey of lead-based paint hazards in certain facilities serving children.

The Committee on Health, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1857), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int. No. 865-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 920-A:



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

PROPOSED INTRO. NO: 920-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to an annual survey of lead-based paint hazards in certain facilities serving children.

SPONSORS: Council Members Treyger Holden, Koslowitz, Cumbo, Kallos, Lander, Ayala and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro. 920-A would extend current requirements for day care facilities operating in structures erected before January 1, 1978 to other facilities serving children under six, including preschools, nursery schools and schools when applicable. Specifically, the proposed legislation would identify paint in such facilities as lead-based, unless the owners or operators of such facilities could demonstrate that a

certified inspector tested such paint and found it did not contain lead. The proposed legislation would also require the owners or operators of preschools, nursery schools, and schools to remediate any lead-based paint found in such facilities.

EFFECTIVE DATE: This local law would take effect on the same day as a local law amending the administrative code of the city of New York, relating to investigation of DOHMH of place in which children identified with elevated blood levels routinely visit, except that the Commissioner of DOHMH may take such measures as are necessary for the implementation of the law prior to such date, including the promulgation of rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that the proposed 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. 920-A because DOHMH would utilize existing resources to.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on May 9, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on September 27, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 920-A, will be voted on by the Committee on Health at a hearing on March 12, 2019. Upon successful vote by the Committee on Health, Proposed Intro. No. 920-A will be submitted to the full Council for a vote on March 13, 2019.

DATE PREPARED: March 12, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 920-A:)

Int. No. 920-A

By Council Members Treyger, Holden, Koslowitz, Cumbo, Kallos, Lander, Ayala, Rosenthal, Levin, Vallone and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to an annual survey of lead-based paint hazards in certain facilities serving children

Be it enacted by the Council as follows:

Section 1. Section 17-913 of subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is renumbered and amended to read as follows:

§ [17-913] 17-924 Annual [Survey] *survey for lead-based paint hazards.* The operator of a [day care] *covered* facility shall conduct a survey of such facility annually, and more often if necessary, to determine the physical condition of surface-coating material throughout each such facility and shall provide a copy of the survey results (i) to the department, *which will make the information publicly available online, and (ii) to the parent or guardian of each child that attends such facility, as required by rules of the department.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, as proposed in introduction number 464-b for the year 2018, takes effect, except that the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; March 12, 2019.

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. 1117-A

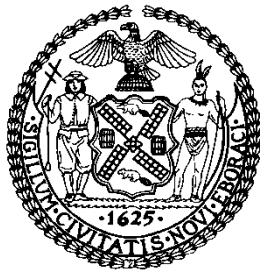
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the availability of lead hazard testing.

The Committee on Health, to which the annexed proposed amended local law was referred on September 26, 2019 (Minutes, page 3746), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int. No. 865-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1117-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1117 - A

COMMITTEE: Health

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the availability of lead hazard testing.

SPONSORS: Council Members Cumbo, Koslowitz, Ampry-Samuel, Holden, Gjonaj, Ayala and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro. 1117 would require certain City agencies to provide a pamphlet or other materials describing, among other things, building owners' responsibilities under the City's lead laws, including their duty to remediate all lead-based paint hazards upon turnover of any dwelling unit, to parents or guardians of a child under 7 years of age, when such parents or guardians seek services from such agencies. These agencies would also be required to inform parents or guardians, when they seek services, that they can obtain, without cost or payment, an inspection of their dwelling unit for peeling paint by calling 311, and a lead testing kit for drinking water from the Department of Environmental Protection.

EFFECTIVE DATE: This local law would take effect on the same day as a local law amending the administrative code of the city of New York, relating to investigation of DOHMH of place in which children identified with elevated blood levels routinely visit, except that the Commissioner of DOHMH may take such measures as are necessary for the implementation of the law prior to such date, including the promulgation of rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that the proposed 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. 1117 because DOHMH would utilize existing resources to.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, 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 September 26, 2018 and was referred to the Committee on Health. A hearing was held by the Committee on Health on September 27, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1117-A, will be voted on by the Committee on Health at a hearing on March 12, 2019. Upon successful vote by the Committee on Health, Proposed Intro. No. 1117-A will be submitted to the full Council for a vote on March 13, 2019.

DATE PREPARED: March 12, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1117-A:)

Int. No. 1117-A

By Council Members Cumbo, Koslowitz, Ampry-Samuel, Holden, Gjonaj, Ayala, Rosenthal, Levin and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to the availability of lead hazard testing

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 17-179 of chapter 1 of title 17 of the administrative code of the city of New York is amended to read as follows:

b. The department shall develop a pamphlet explaining the hazards associated with lead-based paint and describing the procedures to be used in order for a violation of sections 27-2056.6 and 27-2056.7 of this code to be corrected. The pamphlet shall include appropriate telephone numbers to obtain lead poisoning screening, diagnosis and treatment information and to report unsafe lead-based paint work practices. *Such pamphlet shall also describe building owners' responsibilities under article 14 of subchapter 2 of chapter 2 of title 27, including such building owners' responsibilities to remediate all lead-based paint hazards and underlying defects upon turnover of any dwelling unit, and such building owners' responsibilities to annually inspect any dwelling unit where a child of applicable age resides for lead-based paint hazards.* Such pamphlet shall be made available in accordance with section 27-2056.9 of this code. Such pamphlet shall also be made available to any member of the public upon request, *and shall be available in any designated citywide language, as defined by section 23-1101 of this code.*

§ 2. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York, as added by a local law for the year 2019 amending the administrative code of the city of New York, relating to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services as proposed in introduction number 464-b, is amended by adding a new section 17-915 to read as follows:

§ 17-915 Lead hazard inspection and testing. When the parent or guardian of a child of applicable age seeks a service from a covered agency for such child, such agency shall provide a parent or guardian of such child with a pamphlet developed by the department of health and mental hygiene pursuant to section 17-179 of this code, and inform a parent or guardian of such child that they may, without cost or payment:

a. obtain an inspection conducted by the department of housing preservation and development or its successor agency for peeling paint, a deteriorated subsurface, or an underlying defect in their multiple dwelling rental unit by calling 311; and

b. obtain a lead testing kit for drinking water from the department of environmental protection, have a sample of their drinking water sent to a laboratory for analysis, and receive the results of such analysis within 30 days of such sample being tested.

§ 3. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, as proposed in introduction number 464-b for the year 2018, takes effect, except that the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL, KEITH POWERS; Committee on Health; March 12, 2019.

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 Housing and Buildings

Report for Int. No. 464-B

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, and to repeal subchapter 1 of chapter 9 of title 17, relating to definitions regarding lead-based paint in day care facilities.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 677), respectfully

REPORTS:

Introduction

On March 13, 2019, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., held a hearing on Int. No. 464-B. This bill was originally heard on September 27, 2018. The Committee heard testimony from the Administration as well as health and tenant advocates, real estate representatives and members of the public. More information about this bill is available with the materials for that hearing, which can be found at <https://on.nyc.gov/2F3oYue>.

Int. No. 464-B

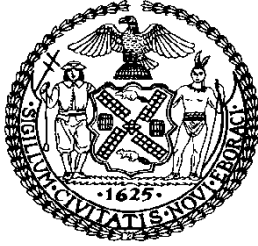
To protect children from exposure to lead hazards outside of their homes, Int. No. 464-B would require the Department of Health and Mental Hygiene (DOHMH) to investigate the potential sources of elevated blood lead levels in children, including an inspection of any dwelling where a child with an elevated blood lead level spends 10 or more hours per week. This bill would also add to existing lead hazard remediation requirements for facilities providing day care services, requiring them to post notices describing any order to remediate a lead hazard, and to remediate such hazard within 21 days. Finally, under this legislation, building owners would be required to investigate and remediate a lead hazard when a child spends 10 or more hours per week in one of their units by defining the term “resides” to mean “routinely spend 10 or more hours per week within a dwelling unit.”

This bill would take effect 120 days after becoming law, except for section 4, which would add a new definition of “resides,” that would take effect on January 1, 2020. The later effective date for this definition is necessary to ensure that (i) both tenants and owners are informed of the addition of the definition prior to its effect and (ii) the City is able to procure the personnel and equipment necessary to enforce it. The intent of this definition is to expand the universe of protected children, and it is neither the intent nor the understanding of the Council that adding this shall have any (i) impact on the existing duty of care that building owners must provide tenants or the enforcement of lead hazard violations prior to its effective date or (ii) retroactive impact on the validity of previous and outstanding lead hazard-related violations.

Update

On Wednesday, March 13, 2019, the Committee adopted Int. No. 464-B by a vote of nine in the affirmative, zero in the negative and no abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 464-B:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 464-B

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, and to repeal subchapter 1 of chapter 9 of title 17, relating to definitions regarding lead-based paint in day care facilities.

SPONSORS: Council Members Dromm, Cumbo, Kallos, Lander, Ayala and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro. No. 464-B would require the Department of Health and Mental Hygiene (DOHMH) to investigate the potential sources of elevated blood lead levels in children, including an inspection of any dwelling where a child with an elevated blood lead level spends 10 or more hours per week. This bill would also add to existing lead hazard remediation requirements for facilities providing day care services and would require them to post notices describing any order to remediate a lead hazard and also to remediate such hazard within 21 days. This bill would also set forth property owners' responsibilities in relation to the investigation and remediation of a lead hazard when a child spends 10 or more hours per week in one of their units.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, except that: section four of the law, which redefines a child residing in a dwelling unit to mean that that the child routinely spend 10 or more hours per week there, will take effect January 1, 2020; and no lead-based paint violations may be issued based upon this new definition until July 1, 2020; and the Commissioners of Housing Preservation and Development (HPD) and DOHMH may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|---|------------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$7,503,010 | \$7,503,010 | \$7,503,010 |
| Net | (\$7,503,010) | (\$7,503,010) | (\$7,503,010) |

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

IMPACT ON EXPENDITURES: HPD and DOHMH are the two City agencies that enforce lead-based paint hazards under Local Law 1. It is anticipated that the enactment of this legislation would result in additional inspections and administrative costs for HPD but that DOHMH would use existing resources to comply with the provisions of this legislation.

HPD anticipates that there would be an impact on expenditures of about \$12.7 million resulting from the enforcement required by the legislation, which includes additional inspections and emergency remediation work for the correction of lead-based paint violations. HPD estimates the personal costs (PS) of additional inspectors, project managers, and administrative support would total \$8.1 million per year, the additional cost of remediation repairs would total \$2.6 million per year, and other than personal service costs (OTPS) related to additional cars, x-ray fluorescence technology and other related costs would require a one-time expenditure of \$2.1 million.

However, the Fiscal 2020 Preliminary Plan provides \$198,228 in Fiscal 2020 for the costs of two positions at HPD to support LeadFreeNYC and \$4.5 million in Fiscal 2020 and \$1.4 million in Fiscal 2021 and the outyears for HPD OTPS costs under the initiative. In addition, as of the Fiscal 2020 Preliminary Budget, 35 staff are dedicated to LeadFreeNYC enforcement and compliance work at HPD and are supported through federal Community Development Block Grant funds. This estimate assumes the net cost to HPD for additional inspections, repairs and administrative costs under this legislation would be \$6,268,210 annually, assumes existing resources can be used for OTPS costs, and that HPD would not have any one-time expenditures.

While this estimate assumes that non-City entities would largely bear the costs of lead-based paint remediation, HPD will have the expense of emergency remediations. In Fiscal 2018, HPD received more than 13,000 complaints for peeling paint conditions in units with children under six years of age and conducted 650 remediation projects where building owners failed to correct lead-based paint violations at a total average cost of \$1,764 per unit, for a total of \$1.2 million.

Assuming these data points remain consistent, the estimated net cost of this legislation to HPD after its effective date would be about \$7.5 million annually.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Housing Preservation and Development
New York City Office of the Mayor
Mayor's Office of City Legislative Affairs

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Noah Brick, Assistant Counsel
Rebecca Chasan, Senior Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on February 14, 2018 as Intro. No. 464 and was referred to the Committee on Housing and Buildings. The bill was amended after introduction and a joint hearing on the amended legislation, Proposed Intro. No. 464-A, was held by the Committee on Housing and Buildings, the Committee on Health, and the Committee on Environmental Protection on September 27, 2018, and the bill was laid over. The legislation was subsequently amended a second time, and the new version, Proposed Intro. No. 464-B, will be voted on by the Committee on March 13, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 464-B will be submitted to the full Council for a vote on March 13, 2019.

DATE PREPARED: March 11, 2019.

For text of the related Environmental Assessment Statement (EAS), please refer to the New York City Council website at <https://council.nyc.gov> and see the attachment section of the [Int. No. 464-B of 2018 file](#).

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 464-B:)

Int. No. 464-B

By Council Members Dromm, Cumbo, Kallos, Lander, Ayala, Rosenthal, Perkins, Chin, Levin and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities providing day care services, and to repeal subchapter 1 of chapter 9 of title 17, relating to definitions regarding lead-based paint in day care facilities

Be it enacted by the Council as follows:

Section 1. The heading of chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

Chapter 9
[Lead-Based Paint in Day Care Facilities] *Lead*

§ 2. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York is REPEALED and a new subchapter 1 is added to such chapter to read as follows:

Subchapter 1
Lead Testing Requirements and Standards

§ 17-910 Definitions. As used in this subchapter:

Child of applicable age. The term “child of applicable age” has the same meaning as the term “applicable age” as defined in section 27-2056.18.

Covered agency. The term “covered agency” means the following agencies that provide services for or relating to children of applicable age: the department, the department of social services/human resources administration, the department of education, the administration for children’s services, the department of youth and community development, the department of homeless services, the department of parks and recreation and any other agencies the mayor may designate that provide services for or relating to children.

Lead-based paint hazard. The term “lead-based paint hazard” shall have the meaning ascribed to such term by section 27-2056.2.

§ 17-911 *Required investigation.* In addition to or as part of any investigation required pursuant to section 27-2056.14, whenever a report has been made to the department of a person under 18 years of age with an elevated blood lead level that is at or above the blood lead reference level established pursuant to this subchapter, the department shall conduct such investigation as may be necessary to identify potential sources of such elevated blood lead level, including, but not limited to, an inspection of any dwelling unit in which the department determines such person is routinely present for 10 or more hours per week.

§ 3. Subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

Subchapter 2

Remediation of Lead-Based Paint Hazards in [Day Care] Facilities *Providing Day Care Services*

§ 17-920 *Definitions.* As used in this subchapter, the following terms have the following meanings:

Chewable surface. The term “chewable surface” means a protruding interior window sill in a dwelling unit in a multiple dwelling where a child of applicable age resides, or a covered facility where services for or relating to a child of applicable age are provided, and which is readily accessible to such child. “Chewable surface” also means any other type of interior edge or protrusion in a dwelling unit in a multiple dwelling, such as a rail or stair, where there is evidence that such other edge or protrusion has been chewed or where an occupant has notified the owner that a child of applicable age who resides in that dwelling unit has mouthed or chewed such edge or protrusion.

Covered facility. The term “covered facility” means the interior and exterior of a building, structure, area or premises where day care services are provided, except that for programs regulated by article 43 of the New York city health code, “covered facility” means the rooms and areas of a school facility used to provide such day care services.

Day care service. The term “day care service” means a program or service regulated by articles 43 or 47 of the New York city health code.

Deteriorated subsurface. The term “deteriorated subsurface” has the same meaning as such term is defined in section 27-2056.2.

Friction surface. The term “friction surface” has the same meaning as such term is defined in section 27-2056.2.

Impact surface. The term “impact surface” has the same meaning as such term is defined in section 27-2056.2.

Lead-based paint. The term “lead-based paint” has the same meaning as such term is defined in section 27-2056.2.

Lead-based paint hazard. The term “lead-based paint hazard” means any condition in a dwelling or dwelling unit, or in a covered facility, that causes exposure to lead from lead-contaminated dust, from lead-based paint that is peeling, or from lead-based paint that is present on chewable surfaces, deteriorated subsurfaces, friction surfaces or impact surfaces that would result in adverse human health effects.

Lead-contaminated dust. The term “lead-contaminated dust” has the same meaning as such term is defined in section 27-2056.2.

Peeling. The term “peeling” has the same meaning as such term is defined in section 27-2056.2.

Remediation. The term “remediation” has the same meaning as such term is defined in section 27-2056.2.

§ [17-910 Presumption] 17-921 *Lead-based paint presumption* a. All paint or similar surface-coating material on the interior of any [day care facility] covered facility in a structure erected [prior to] before January 1, 1978, shall be presumed to be lead-based paint.

b. The presumption established by this section may be rebutted by the operator [or owner] of the [day care facility] covered facility or by the owner of the premises where such facility is located by submitting to the department a sworn written statement by [the] such operator or owner [of the day care facility] supported by

lead-based paint testing or sampling results, a sworn written statement by the person who performed the testing if performed by an employee or agent of [the] *such* operator or owner [of the day care facility,] and such other proof as the department may require. Testing performed to rebut the presumption may only be performed by a person who has been certified as an inspector or risk assessor in accordance with subparts L and Q of part 745 of title 40 of the code of federal regulations or successor regulations. The determination as to whether such proof is adequate to rebut the presumption established by this section shall be made by the department.

§ [17-911] 17-922 Remediation of lead-based paint hazards. a. There shall be no peeling lead-based paint in any portion of any [day care] *covered* facility.

b. [Lead based] *Lead-based* paint or paint of unknown lead content that is peeling, or which is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces shall be immediately remediated in a manner authorized by the department.

c. Any equipment that is painted shall be painted with lead-free paint.

d. Whenever a condition prohibited by this section is found to exist, the department shall immediately serve an order on the operator [or owner] of such [day care] facility to remediate the condition. *After such order has been served, the operator shall post such notices near the entrance of such facility as required by the rules provided for in section 17-923 of this subchapter.* In the event such order is not complied with within [forty-five] 21 days [of] *after* service thereof, the department shall immediately request an agency of the city of New York to execute such order pursuant to the provisions of section 17-147 of this code. The agency shall execute the order within [forty-five] 21 days of the department's request. *Where compliance with the time requirements of this subdivision would cause undue hardship, and where the operator demonstrates a good faith effort to comply timely and shows that it is maintaining interim controls to protect children from a lead-based paint hazard, the department may extend the time for compliance for an additional 24 days. The department may extend the time for compliance beyond such additional 24 days, in accordance with rules promulgated by the department.* The city of New York shall be entitled to enforce its rights for reimbursement of expenses incurred thereby, including as credits toward lease payments.

e. When lead-based paint hazards are remediated pursuant to this section such work shall be performed in compliance with work practices established by the department pursuant to section [17-912] 17-923 of this subchapter.

§ [17-912] 17-923 Department rules. The department shall promulgate such rules as may be necessary for the implementation of this [chapter] *subchapter*. Such rules shall incorporate work practices that are no less protective of public health than those set forth in *subdivisions d and e* of section 173.14 [(d) and (e)] *of the health code* and those parts of subdivision b *of such section* of the health code applicable thereto or a successor rule, and shall include a requirement that lead-contaminated dust clearance testing be performed at the completion of such work. Such rules shall require that such work be performed by a person who has, at a minimum, successfully completed a course on lead-safe work practices given by or on behalf of the department or, by the United States environmental protection agency or an entity authorized by it to give such course, or by the United States department of housing and urban development or an entity authorized by it to give such course. Such rules shall not apply where such work disturbs surfaces of less than [(a)] (i) two square feet of peeling lead-based paint per room or [(b)] (ii) ten percent of the total surface area of peeling paint on a type of component with a small surface area, such as a window sill or door frame.

§ 4. Subdivisions (12), (13), (14) and (15) of section 27-2056.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, are renumbered as subdivisions (13), (14), (15) and (16) respectively, and a new subdivision (12) is added to such section to read as follows:

(12) *“Resides” shall mean to routinely spend 10 or more hours per week within a dwelling unit.*

§ 5. This local law takes effect 120 days after it becomes law, except that (i) section four of this local law takes effect January 1, 2020, provided that no violation of section 27-2056.6 of the administrative code of the city of New York shall be issued based on the definition of “resides” in subdivision (12) of section 27-2056.2 of such administrative code, as added by such section four, before July 1, 2020 and (ii) the commissioner of housing preservation and development and the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 13, 2019. *Other Council Members Attending: Council Members Cohen and Dromm*

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).

Reports of the Committee on Land Use

Report for L.U. No. 330

Report of the Committee on Land Use in favor of approving Application No. 20195354 HAM (67-69 St. Nicholas Ave) submitted by the NYC Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law, for approval of an exemption from real property taxation for property located at Block 1823, Lot 56, Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on January 24, 2019 (Minutes, page 311) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10

20195354 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 1823, Lot 56, and termination of the prior exemption, Borough of Manhattan, Community District 10, Council District 9.

INTENT

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law and terminate the prior exemption for the Exemption Area which contains one multiple dwelling which provides homeownership housing for low income families.

PUBLIC HEARING

DATE: February 11, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** March 6, 2019

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, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 7, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 782

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 1823, Lot 56, Community District 10, Borough of Manhattan (L.U. No. 330; Non-ULURP No. 20195354 HAM).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 7, 2019 its request dated January 2, 2019 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 1823, Lot 56, Community District No. 10, Borough of Manhattan, Council District No. 9 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on February 11, 2019; 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. "Effective Date" shall mean January 1, 2008.
 - b. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1823, Lot 56 on the Tax Map of the City of New York.
 - c. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. "HDFC" shall mean 67-69 St. Nicholas Avenue Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. "Owner" shall mean the HDFC.
 - h. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on March 6, 1996 (Resolution No. 1544).
 - 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 New Exemption on or after the date such Regulatory Agreement is executed.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, 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 other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the New 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 331

Report of the Committee on Land Use in favor of approving Application No. N 180281 ZRQ (Douglaston Parkway Rezoning) submitted by 241-15 Northern LLC and North Shore Realty Group Corp., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area for property located at Block 8092 Lots 5 and 39, and p/o Lots 205, 25, 28, and 33, Borough of .Queens, Council District 19, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on January 24, 2019 (Minutes, page 311) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB-11 – TWO APPLICATIONS RELATED TO DOUGLASTON PARKWAY REZONING

N 180281 ZRQ (L.U. No. 331)

City Planning Commission decision approving an application submitted by 241-15 Northern, LLC and North Shore Realty Group Corporation, Inc., pursuant to Section 201 of the New York City Charter, for an

amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area.

C 060432 ZMQ (L.U. No. 332)

City Planning Commission decision approving an application submitted by 241-15 Northern, LLC and North Shore Realty Group Corporation, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11a:

1. changing from an R1-2 district to an R6A district property bounded by a southeasterly boundary lines of a park and its northeasterly prolongation, Douglaston Parkway, Northern Boulevard, a northeasterly boundary line of a park and its southeasterly prolongation, a line 95 feet northwesterly of Northern Boulevard, and a line 170 feet southwesterly of Douglaston Parkway; and
2. establishing within a proposed R6A district a C1-2 district bounded by a line 95 feet northwesterly of Northern Boulevard, Douglaston Parkway, Northern Boulevard and a northeasterly boundary line of a park and its southeasterly prolongation;

as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-494.

INTENT

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change the existing R1-2 district to R6A with a C1-2 district commercial overlay and designate the project area a Mandatory Inclusionary Housing (MIH) Designated Area to facilitate the development of an eight-story residential building and a five-story mixed-use building on two noncontiguous development sites located on and in the vicinity of the northwest corner of Douglaston Parkway and Northern Boulevard in the Douglaston neighborhood of Queens, Community District 11.

PUBLIC HEARING

DATE: January 31, 2019

Witnesses in Favor: Eight

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) on L.U. Nos. 331 and 332.

In Favor:

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

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: March 7, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

Against: **Abstain:**
None None.

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

Res. No. 783

Resolution approving the decision of the City Planning Commission on Application No. N 180281 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 331).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on January 22, 2019 its decision dated January 9, 2019 (the "Decision"), on the application submitted by 241-15 Northern, LLC and North Shore Realty Group Corporation, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction with the related action would facilitate the development of an eight-story residential building and a five-story mixed-use building on two noncontiguous development sites located on and in the vicinity of the northwest corner of Douglaston Parkway and Northern Boulevard in the Douglaston neighborhood of Queens Community District 11, (Application No. N 180281 ZRQ), (the "Application");

WHEREAS, the Application is related to application C 060432 ZMQ (L.U. No. 332), a zoning map amendment to change an R1-2 district to R6A and R6A/C1-2 districts;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 31, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 20, 2018 (CEQR No. 06DCP092Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous material (E-494) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180281 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

* * *

Queens Community District 11

* * *

Map 4 – [date of adoption]

[PROPOSED MAP]



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

Area 1 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 11, Queens

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 332

Report of the Committee on Land Use in favor of approving Application No. C 060432 ZMQ (Douglaston Parkway Rezoning) submitted by 241-15 Northern LLC and North Shore Realty Group Corp., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11a, changing from an R1-2 District to an R6A District and establishing within a proposed R6A District a C1-2 District, for property located at Block 8092 Lots 5 and 39, and p/o Lots 205, 25, 28, and 33, Borough of Queens, Council District 19, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on January 24, 2019 (Minutes, page 311) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 331 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 784

Resolution approving the decision of the City Planning Commission on ULURP No. C 060432 ZMQ, a Zoning Map amendment (L.U. No. 332).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on January 22, 2019 its decision dated January 9, 2019 (the "Decision"), on the application submitted by 241-15 Northern, LLC and North Shore Realty Group Corporation, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 11a, changing from an R1-2 district to an R6A district and establishing within a proposed R6A district a C1-2 district, which in conjunction with the related action would facilitate the development of an eight-story residential building and a five-story mixed-use building on two noncontiguous development sites located on and in the vicinity of the northwest corner of Douglaston Parkway and Northern Boulevard in the Douglaston neighborhood of Queens Community District 11, (ULURP No. C 060432 ZMQ) (the "Application");

WHEREAS, the Application is related to application N 180281 ZRQ (L.U. No. 331), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 31, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 20, 2018 (CEQR No. 06DCP092Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous material (E-494) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 060432 ZMQ, incorporated by reference herein, and the record before the Council, 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. 11a:

1. changing from an R1-2 district to an R6A district property bounded by a southeasterly boundary lines of a park and its northeasterly prolongation, Douglaston Parkway, Northern Boulevard, a northeasterly boundary line of a park and its southeasterly prolongation, a line 95 feet northwesterly of Northern Boulevard, and a line 170 feet southwesterly of Douglaston Parkway; and
2. establishing within a proposed R6A district a C1-2 district bounded by a line 95 feet northwesterly of Northern Boulevard, Douglaston Parkway, Northern Boulevard and a northeasterly boundary line of a park and its southeasterly prolongation;

as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-494, Community District 11, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 335

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180457 ZRK (570 Fulton Street Rezoning) submitted by 570 Fulton Street Property LLC and One Flatbush Avenue Property 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 X, Chapter 1 (Special Downtown Brooklyn District), Borough of Brooklyn, Council District 35, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on January 24, 2019 (Minutes, page 312), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 335 & Res. No. 791 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 336

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180458 ZSK (570 Fulton Street Rezoning) submitted by 570 Fulton Street Property LLC and One Flatbush Avenue Property LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 101-82 of the Zoning Resolution to modify the height and setback requirements and tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 33-26 (Minimum Required Rear Yards) and Section 23-47 (Minimum Required Rear Yards), and to modify the inner court recess requirements of Section 23-852(b) (Inner court recesses), in connection with a proposed mixed use development on property located at 570 Fulton Street a.k.a. 1-25 Flatbush Avenue (Block 2106, Lots 26, 35, & p/o 24), in a C6-9 District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Council District 35, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on January 24, 2019 (Minutes, page 313), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 336 & Res. No. 792 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 337

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180459 ZMK (570 Fulton Street Rezoning) submitted by 570 Fulton Street Property LLC and One Flatbush Avenue Property LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from a C6-4 District to a C6-9 District property bounded by Fulton Street, a line perpendicular to the southwesterly street line of Fulton Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Fulton Street and the westerly streetline of Rockwell Place, a line perpendicular to the northeasterly street line of Flatbush Avenue distant 190 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the southeasterly street line of Hudson Avenue, and Flatbush Avenue, Borough of Brooklyn, Council District 35, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on January 24, 2019 (Minutes, page 313), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 337 & Res. No. 793 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 342

Report of the Committee on Land Use in favor of approving Application No. 20195365 HAK (32-34 Putnam Avenue Cluster) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for the approval of an urban development action area project and a real property tax exemption for properties located at 32 Putnam Avenue (Block 1992, Lot 18), 34 Putnam Avenue (Block 1992, Lot 18), 550 Dekalb Avenue (Block 1778, Lot 14), 55 Carlton Avenue – aka 153 Park Place (Block 2031, Lot 1), 374-76 Prospect Place (Block 1160, Lot 30), and 1216 Pacific Street (Block 1206, Lot 20), Borough of Brooklyn, Council Districts 35 and 36, Community Districts 2, 3 and 8.

The Committee on Land Use, to which the annexed Land Use item was referred on February 13, 2019 (Minutes, page 493) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BROOKLYN CBs - 2, 3 and 8****20195365 HAK**

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, waiver of the area designation requirement of Section 693 of the General Municipal Law, and waiver of the requirements of Sections 197-c and 197-d of the New York City Charter and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for properties located at 32 Putnam Avenue (Block 1992, Lot 18), 34 Putnam Avenue (Block 1992, Lot 18), 550 Dekalb Avenue (Block 1778, Lot 14), 55 Carlton Avenue – aka 153 Park Place (Block 2031, Lot 1), 374-76 Prospect Place (Block 1160, Lot 30), and 1216 Pacific Street (Block 1206, Lot 20),

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the rehabilitation of occupied City-owned residential buildings to provide approximately 51 affordable cooperative dwelling units, 5 affordable rental dwelling units, approximately 2 storefront commercial spaces at 550 Dekalb Avenue, and approximately 2 storefront commercial spaces at 55 Carlton Avenue.

PUBLIC HEARING**DATE:** February 11, 2019**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 6, 2019

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, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 7, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 785

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 properties located at 32 Putnam Avenue (Block 1992, Lot 18); 34 Putnam Avenue (Block 1992, Lot 18); 550 Dekalb Avenue (Block 1778, Lot 14); 55 Carlton Avenue - aka 153 Park Place (Block 2031, Lot 1); 374-76 Prospect Place (Block 1160, Lot 30); and 1216 Pacific Street (Block 1206, Lot 20), and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community Districts 2, 3, and 8, Borough of Brooklyn (Preconsidered L.U. No. 342; 20195365 HAK).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council January 10, 2019 its request dated January 2, 2019 that the Council take the following action regarding the proposed Urban Development Action Area Project (the "Project") located at 32 Putnam Avenue (Block 1992, Lot 18), 34 Putnam Avenue (Block 1992, Lot 18), 550 Dekalb Avenue (Block 1778, Lot 14), 55 Carlton Avenue - aka 153 Park Place (Block 2031, Lot 1), 374-76 Prospect Place (Block 1160, Lot 30), and 1216 Pacific Street (Block 1206, Lot 20), Community Districts 2, 3 and 8, Borough of Brooklyn (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; and
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.
5. Approve an exemption of the Exemption Area 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 February 11, 2019; and

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 designation requirement of the Disposition Area as an Urban Development Action Area 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 January 10, 2019, 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.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** AFFORDABLE NEIGHBORHOOD COOPERATIVE PROGRAM
- 2. **PROJECT:** 32-34 Putnam Avenue Cluster
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 2,3,8
 - c. **COUNCIL DISTRICT:** 35, 36
 - d. **DISPOSITION AREA:**

| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
|--------------|------------|-------------------------------------|
| 1992 | 18 | 32 Putnam Avenue |
| 1992 | 18 | 34 Putnam Avenue |
| 1778 | 14 | 550 Dekalb Avenue |
| 2031 | 1 | 55 Carlton Ave (aka 153 Park Place) |
| 1160 | 30 | 374-76 Prospect Place |
| 1206 | 20 | 1216 Pacific 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 conversion, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven in the final year of that period.
- 5. **TYPE OF PROJECT:** Rehabilitation
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 6 Multiple Dwellings
- 7. **APPROXIMATE NUMBER OF UNITS:** 56
- 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.

Rental. Only 1216 Pacific Street.

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.

ESTIMATE OF INITIAL RENT:

Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.

10. INCOME TARGETS:

The Disposition Area contains occupied buildings which will be sold subject to existing tenancies.

Cooperative:

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.

Rental:

Vacant units will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 165% of the area median.

11. PROPOSED FACILITIES:

Approximately 2 storefront commercial spaces – 550 DeKalb Ave.

Approximately 2 storefront commercial spaces – 55 Carton Ave.

12. PROPOSED CODES/ORDINANCES:

None

13. ENVIRONMENTAL STATUS:

Type II

- 14. PROPOSED TIME SCHEDULE:** Approximately 36 months from closing to cooperative conversion.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 343

Report of the Committee on Land Use in favor of approving Application No. 20195392 HAM (East Village Homes Phase 1) 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 the approval of a real property tax exemption for property located at Block 372, Lot 49, Borough of Manhattan, Council District 2, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on February 13, 2019 (Minutes, page 494) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3

20195392 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 real property tax exemption for property located at Block 372, Lot 49, Borough of Manhattan, Community District 3, Council District 2.

INTENT

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law, which contains one multiple dwelling known as East Village Homes Phase 1 that will provide rental housing for low-income families.

PUBLIC HEARING

DATE: February 11, 2019

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** March 6, 2019

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, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 7, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Deutsch, Kallos, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

Barron

Abstain:

None.

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

Res. No. 786

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 372, Lot 49, Borough of Manhattan, (Preconsidered L.U. No. 343; Non-ULURP No. 20195392 HAM).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 25, 2019 its request dated January 22, 2019 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 372, Lot 49, Community District No. 3, Borough of Manhattan, Council District No. 2 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on February 11, 2019;

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. “Company” shall mean East Village Homes Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - c. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - e. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 372, Lot 49 on the Tax Map of the City of New York.
 - f. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g. “HDFC” shall mean East Village Homes Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. “Owner” shall mean, collectively, the HDFC and the Company.
 - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv)

any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, 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 new 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 other person or entity 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, 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 344

Report of the Committee on Land Use in favor of approving Application No. 20195392 HAM (East Village Homes Phase 1) 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 the approval of a real property tax exemption for property located at Block 372, Lot 49, Borough of Manhattan, Council District 2, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on February 13, 2019 (Minutes, page 494) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**MANHATTAN CB - 3****20195393 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 real property tax exemption for property located at Block 372, Lot 11, Borough of Manhattan, Community District 3, Council District 2.

INTENT

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law, which contains one multiple dwelling known as East Village Homes Phase 2 that will provide rental housing for low-income families.

PUBLIC HEARING**DATE:** February 11, 2019**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 6, 2019

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, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 7, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Deutsch, Kallos, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

Barron

Abstain:

None.

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

Res. No. 787

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 372, Lot 11, Borough of Manhattan, (Preconsidered L.U. No. 344; Non-ULURP No. 20195393 HAM).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 25, 2019 its request dated January 22, 2019 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 372, Lot 11, Community District No. 3, Borough of Manhattan, Council District No. 2 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on February 11, 2019; 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 Loisaída Homes LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent 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 Manhattan, City and State of New York, identified as Block 372, Lot 11 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 Loisaida Homes 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, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, 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 new 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 other person or entity 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, 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any

real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 345

Report of the Committee on Land Use in favor of approving Application No. 20195394 HAM (East Village Homes – NCP) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment of a previously approved Urban Development Action Area Project, for property located at Block 372, Lots 11 and 49, Borough of Manhattan, Council District 2, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on February 13, 2019 (Minutes, page 494) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3

20195394 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment of a previously approved Urban Development Action Area Project, for property located at 276 East 3rd Street (Block 372, Lot 11) and 302 East 2nd Street (Block 372, Lot 49), Borough of Manhattan, Community District 3, Council District 2.

INTENT

To approve the Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law for the construction of two buildings containing a total of approximately 53 rental dwelling units, plus one unit for superintendent, approximately 1799 square feet of commercial space on Lot 11 and approximately 714 square feet of community facility space on Lot 49.

PUBLIC HEARING

DATE: February 11, 2019

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** March 6, 2019

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, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 7, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Deutsch, Kallos, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

Barron

Abstain:

None.

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

Res. No. 788

Resolution approving an Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law, for property located at 276 East 3rd Street (Block 372, Lot 11) and 302 East 2nd Street (Block 372, Lot 49), Borough of Manhattan, Community District 3 (Preconsidered L.U. No. 345; 20195394 HAM).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council January 25, 2019 its request dated January 22, 2019, pursuant to Section 694 of the General Municipal Law, that the Council approve an Amended Project as an Urban Development Area Project (the "Amended Project") for property located at 276 East 3rd Street (Block 372, Lot 11) and 302 East 2nd Street (Block 372, Lot 49), Community District 3, Borough of Manhattan (the "Disposition Area");

WHEREAS, the request made by the New York City Department of Housing and Development is related to a previously approved City Council Resolution No. 214 (L.U. No. 68) dated April 29, 2010 and City Council Resolution No. 450 (L.U. No. 198) dated July 19, 2006 (the "Original Resolution");

WHEREAS, upon due notice, the Council held a public hearing on the Amended Project on February 11, 2019; and

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

The Council approves the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law; and

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

The Amended Project shall be developed upon the terms and conditions in the Amended Project Summary that HPD has submitted to the Council on January 25, 2019, a copy of which is attached hereto.

ATTACHMENT:

PROJECT SUMMARY

- | | | | |
|---------------------------------------|---|---------------|--------------------|
| 1. PROGRAM: | NEIGHBORHOOD CONSTRUCTION PROGRAM | | |
| 2. PROJECT: | East Village Homes | | |
| 3. LOCATION: | | | |
| a. BOROUGH: | Manhattan | | |
| b. COMMUNITY DISTRICT: | 3 | | |
| c. COUNCIL DISTRICT: | 2 | | |
| d. DISPOSITION AREA: | <u>BLOCK</u> | <u>LOT(S)</u> | <u>ADDRESS(ES)</u> |
| | 372 | 11 | 276 E3rd St. |
| | 372 | 49 | 302 E2nd St. |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsors will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term. | | |

5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 2
7. **APPROXIMATE NUMBER OF UNITS:** 54 dwelling units (including one superintendent's units)
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS:** Rents will be affordable to families with incomes between up to 30% and 130% of area median income (AMI). All units will be subject to rent stabilization. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent
10. **INCOME TARGETS:** Up to 165% of AMI.
11. **PROPOSED FACILITIES:** Approximately 1799 square feet of commercial space
Approximately 714 square feet of community facility space
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Negative Declaration
14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 348

Report of the Committee on Land Use in favor of approving Application No. C 180261 ZMX (Williamsbridge Road Rezoning) submitted by 2712 Radcliff Yates Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment to the Zoning Map, Section No. 4a, changing from a C8-1 District to an R7A District, and establishing within the proposed R7A District a C2-3 District, for real property located at Block 4516, Borough of the Bronx, Council District 13, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on February 13, 2019 (Minutes, page 495) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB-11 – TWO APPLICATIONS RELATED TO WILLIAMSBRIDGE ROAD REZONING

C 180261 ZMX (L.U. No. 348)

City Planning Commission decision approving with modifications an application submitted by 2712 Radcliff Yates Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment to the Zoning Map, Section No. 4a:

1. changing from a C8-1 district to an R7A District property bounded by a line perpendicular to the northeasterly street line of Williamsbridge Road distant 245 feet northwesterly (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road, a line midway between Colden Avenue and Williamsbridge Road, a line perpendicular to the westerly street line of Colden Avenue distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road, Colden Avenue, and Williamsbridge Road; and
2. establishing within the proposed R7A District a C2-3 District bounded by a line perpendicular to the northeasterly street line of Williamsbridge Road distant 245 feet northwesterly (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road, a line midway between Colden Avenue and Williamsbridge Road, a line perpendicular to the westerly street line of Colden Avenue distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road, Colden Avenue, and Williamsbridge Road;

as shown on a diagram (for illustrative purposes only) dated September 4, 2018, modified by the City Planning Commission on January 30, 2019, and subject to the conditions of CEQR Declaration E-498, Community District 11, Borough of the Bronx.

N 180262 ZRX (L.U. No. 349)

City Planning Commission decision approving an application submitted by 2712 Radcliff Yates Realty 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 Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area.

INTENT

To approve with modifications the amendments to the Zoning Map and to approve the text of the Zoning Resolution in order to change a C8-1 zoning district to an R7A and R7A/C2-3 district and designate a Mandatory Inclusionary Housing (MIH) Area utilizing Option 1 and Option 2 at 2712 Williamsbridge Road and 2721 Colden Avenue in the Allerton neighborhood of Bronx, Community District 11.

PUBLIC HEARING

DATE: February 14, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) on L.U. Nos. 348 and 349.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 7, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 789

Resolution approving the decision of the City Planning Commission on ULURP No. C 180261 ZMX, a Zoning Map amendment (L.U. No. 348).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on February 1, 2019 its decision dated January 30, 2019 (the "Decision"), on the application submitted by 2712 Radcliff Yates Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 4a, changing from a C8-1 District to an R7A District and establishing within the proposed R7A District a C2-3 District, which in conjunction with the related action would facilitate the development of a new nine-story mixed-use building with a cellar, at 2712 Williamsbridge Road and 2721 Colden Avenue, in the Allerton neighborhood of Bronx, Community District 11, (ULURP No. C 180261 ZMX) (the "Application");

WHEREAS, the Application is related to application N 180262 ZRX (L.U. No. 349), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) Area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 14, 2019;

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 Revised Negative Declaration issued January 30, 2019, which supersedes the Negative Declaration issued August 31, 2018, and Revised Environmental Assessment Statement issued January 25, 2019 (CEQR No. 18DCP071X) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (the "E" Designation (E-498)).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-498) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180261 ZMX, incorporated by reference herein, and the record before the Council, 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 hereby amended by changing the Zoning Map, Section No. 4a:

1. changing from a C8-1 district to an R7A District property bounded by a line perpendicular to the northeasterly street line of Williamsbridge Road distant 245 feet northwesterly (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road, a line midway between Colden Avenue and Williamsbridge Road, a line perpendicular to the westerly street line of Colden Avenue distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road, Colden Avenue, and Williamsbridge Road; and
2. establishing within the proposed R7A District a C2-3 District bounded by a line perpendicular to the northeasterly street line of Williamsbridge Road distant 245 feet northwesterly (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue and the

northeasterly street line of Williamsbridge Road, a line midway between Colden Avenue and Williamsbridge Road, a line perpendicular to the westerly street line of Colden Avenue distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road, Colden Avenue, and Williamsbridge Road;

as shown on a diagram (for illustrative purposes only) dated September 4, 2018, modified by the City Planning Commission on January 30, 2019, and subject to the conditions of CEQR Declaration E-498, Community District 11, Borough of the Bronx.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 349

Report of the Committee on Land Use in favor of approving Application No. N 180262 ZRX (Williamsbridge Road Rezoning) submitted by 2712 Radcliff Yates Realty 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 Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of the Bronx, Council District 13, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on February 13, 2019 (Minutes, page 495) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 348 & Res. No. 789 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 790

Resolution approving the decision of the City Planning Commission on Application No. N 180262 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 349).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on February 1, 2019 its decision dated January 30, 2019 (the "Decision"), on the application submitted by 2712 Radcliff Yates Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution

of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, utilizing MIH Option 1 with approximately eight permanent affordable units and MIH Option 2 with nine permanent affordable units, which in conjunction with the related action would facilitate the development of a new nine-story plus cellar mixed-use building with approximately 30 dwelling units and ground floor office space at 2712 Williamsbridge Road and 2721 Colden Avenue in the Allerton neighborhood of Bronx, Community District 11, (Application No. N 180262 ZRX), (the "Application");

WHEREAS, the Application is related to application C 180261 ZMX (L.U. No. 348), a Zoning Map amendment to change a C8-1 zoning district to an R7A and R7A/C2-3 district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 14, 2019;

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 Revised Negative Declaration issued January 30, 2019, which supersedes the Negative Declaration issued August 31, 2018, and Revised Environmental Assessment Statement issued January 25, 2019 (CEQR No. 18DCP071X) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (the "E" Designation (E-498)).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-498) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180262 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

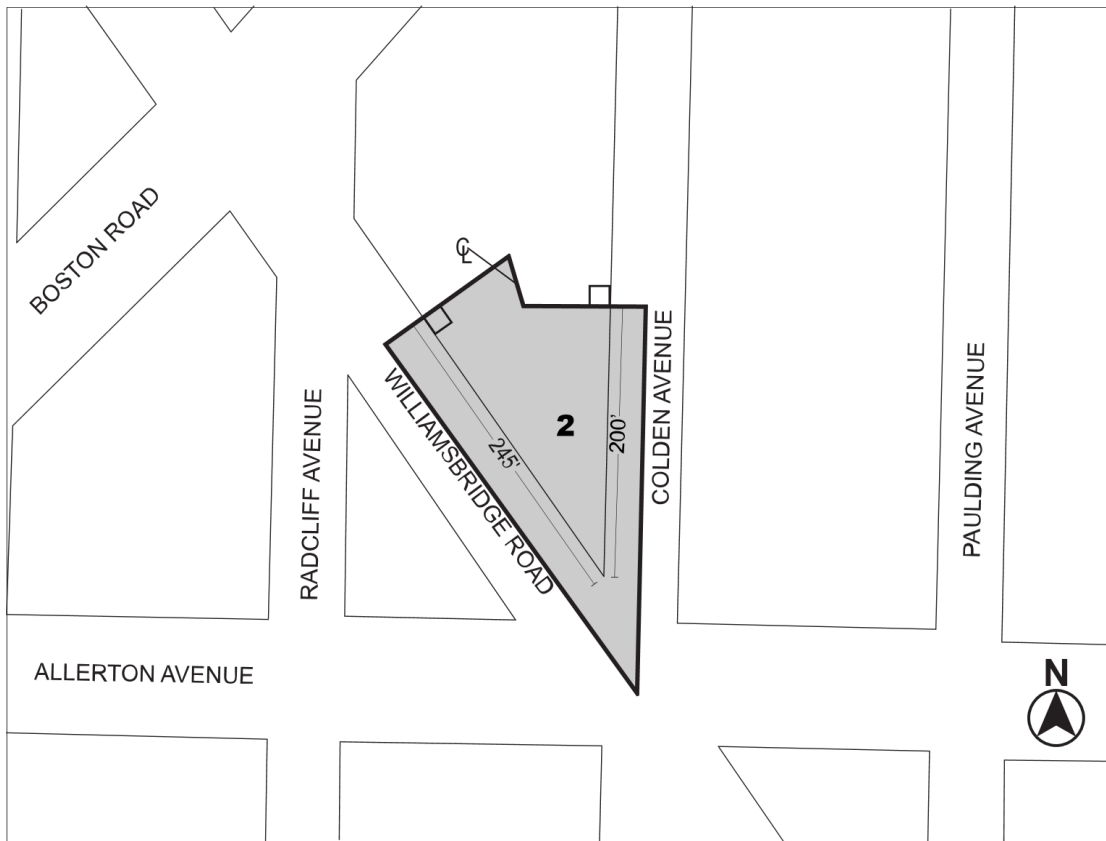
* * *

THE BRONX

* * *

Bronx Community District 11

* * *



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area 2 [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 11, The Bronx

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 350

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190143 ZMX (Betances VI) submitted by New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6a, eliminating from within an existing R6 District a C1-4 District, changing from an R6 District to an R7X District, and establishing within the proposed R7X District a C2-4 District bounded by Willis Avenue, for property located in the Borough of the Bronx, Council District 8, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on February 13, 2019 (Minutes, page 496), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 350 & Res. No. 794 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 351

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190144 ZRX (Betances VI) submitted by the New York City Housing Authority, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Council District 8, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on February 13, 2019 (Minutes, page 496), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 351 & Res. No. 795 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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 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 Senators Gouardes, Addabbo, Bailey, Benjamin, Biaggi, Comrie, Gianaris, Holyman, Jackson, Kavanagh, Krueger, Liu, Montgomery, Myrie, Parker, Persuad, Ramos, Rivera, Salazar, Sanders, Savino, Sepulveda, Serrano, Stavisky, S.4331, and Assembly Members Glick, Cymbrowitz, Arroyo, A.6449, “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 Legislation Resolution was referred on March 13, 2019, 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:

Camera enforcement of speed restrictions around schools reduces vehicular speed and saves lives. In fact, according to a press release from the New York City Department of Transportation (DOT) in 2016, daily violations decreased by an average of almost 60 percent at locations with speed camera enforcement.¹ This legislation authorizes the deployment of up to 750 speed cameras in City school speed zones.

PROPOSED LEGISLATION:

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 750 schools within New York City. The speed cameras will be in operation on weekdays between the hours of six o'clock A.M. and ten o'clock P.M. The section prohibits the installation of speed cameras within 300 feet on a controlled-access highway exit ramp or within 300 feet along a highway that continues from the end of a controlled-access highway exit ramp. This section also requires that New York City 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.

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 610 new school speed zones, as authorized by Section 1 of this legislation.

Section 8 is the effective date.

FISCAL IMPLICATIONS:

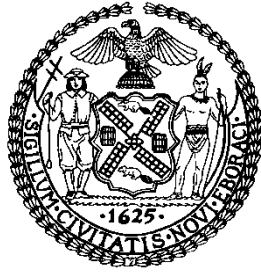
See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This legislation shall take effect on the sixtieth day after it shall have become a law; 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.

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

(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 1: S.4331 (Gounardes)
A.6449 (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 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

SPONSOR: Council Member Cohen

SUMMARY OF LEGISLATION: This legislation would amend the State Vehicle and Traffic Law, the Public Officers' Law, and the General Municipal Law to increase, from 140 to 750, the number of school speed zones within the City of New York where photo speed violation monitoring systems may be installed and operated. This legislation would define school speed zones as being a radial distance not to exceed 1,350 feet from a school building, entrance, or exit. The law would authorize such photo speed monitoring systems to be operated Monday through Friday between 6:00am and 10:00pm. The City would also be required to install signs giving notice to motorists that a photo speed violation monitoring system is in place.

This legislation would require that the City prioritize camera placement based on speed data or crash history of a school speed zone and that cameras could not be installed on controlled-access highway exit ramps or within 300 feet along a highway that continues from the end of a controlled-access highway exit ramp.

This legislation would also require certain additions to an existing annual report which must be submitted to the State. This includes the total amount of revenue expended on traffic and pedestrian safety in the City of New York, as well as the effectiveness and adequacy of the Monday to Friday 6:00am to 10:00pm hours of operation. This legislation would require this report to be submitted on or before June 1, 2020, and by every June 1 thereafter in which the program is operable.

Finally, this legislation establishes a new sunset date for the speed camera program of July 1, 2022.

EFFECTIVE DATE: This act would take effect on the sixtieth day after it shall have become law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|-------------------------|---------------------------|---|------------------------------------|
| Revenues (+) | \$6,214,613.92 | \$74,575,367 | \$74,575,367 |
| Expenditures (-) | \$5,144,832.18 | \$61,737,986 | \$61,737,986 |
| Net | \$1,069,782 | \$12,837,381 | \$12,837,381 |

IMPACT ON REVENUES: When fully implemented, it is estimated that the revenue impact of the additional 610 school zones camera locations added by this legislation would be approximately \$74.6 million per school year. 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. In Fiscal 2019, the pro-rated revenue impact of this legislation would be \$6.2 million.

IMPACT ON EXPENDITURES: It is anticipated that this legislation would impact expenditures in the amount of \$61.7 million annually for the operation of the cameras. For Fiscal 2019, the pro-rated impact on expenditures would be \$5.1 million. In addition, it is anticipated that there would be a one-time capital cost of approximately \$120 million. This estimate assumes full implementation. However, if the Administration chooses to implement this legislation over a number of years, the estimated impact will differ from the above.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Kendall Stephenson, Senior Economist

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR at a hearing on March 13, 2019. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted for a vote to the full Council on March 13, 2019.

Date Prepared: March 12, 2019.

(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.4331](#); [A.6449](#)), 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/>).

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)

ANDREW COHEN, *Chairperson*; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, March 13, 2019. *Other Council Members Attending: Council Members Rosenthal and Gjonaj.*

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 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.

Report for L.U. No. 335 & Res. No. 791

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180457 ZRK (570 Fulton Street Rezoning) submitted by 570 Fulton Street Property LLC and One Flatbush Avenue Property 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 X, Chapter 1 (Special Downtown Brooklyn District), Borough of Brooklyn, Council District 35, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on January 24, 2019 (Minutes, page 312) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-2 – THREE APPLICATIONS RELATED TO 570 FULTON STREET

N 180457 ZRK (L.U. No. 335)

City Planning Commission decision approving an application submitted by 570 Fulton Street Property, LLC, and One Flatbush Avenue Property, 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 X, Chapter 1 (Special Downtown Brooklyn District).

C 180458 ZSK (L.U. No. 336)

City Planning Commission decision approving an application submitted by 570 Fulton Street Property, LLC, and One Flatbush Avenue property, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 101-82 of the Zoning Resolution to modify height and setback requirements and tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 33-26 (Minimum Required Rear Yards) and Section 23-47 (Minimum Required Rear Yards), and to modify the inner court recess requirements of Section 23-852(b) (Inner court recesses), in connection with a proposed mixed use development on property located at 570 Fulton Street a.k.a. 1-25 Flatbush Avenue (Block 2106, Lots 26, 35, & p/o 24), in a C6-9 District, within the Special Downtown Brooklyn District.

C 180459 ZMK (L.U. No. 337)

City Planning Commission decision approving an application submitted by 570 Fulton Street Property, LLC, and One Flatbush Avenue Property, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from a C6-4 District to a C6-9 District property bounded by Fulton Street, a line perpendicular to the southwesterly street line of Fulton Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Fulton Street and the westerly streetline of Rockwell Place, a line perpendicular to the northeasterly street line of Flatbush Avenue distant 190 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the southeasterly street line of Hudson Avenue, and Flatbush Avenue, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-490.

INTENT

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change from C6-4 to C6-9 district within the Special Downtown Brooklyn District (SDBD); establish bulk regulations for C6-9 zoning districts mapped within the Special Downtown Brooklyn District (SDBD) and create a new special permit within the SDBD; and approve special permit to modify to bulk regulations on irregular sites in C6-9 districts within the SDBD to facilitate the construction of a new, approximately 200,000-square-foot mixed-use development with retail, office space, and residential units at 570 Fulton Street in the Downtown Brooklyn neighborhood, Community District 2.

PUBLIC HEARING

DATE: January 31, 2019

Witnesses in Favor: Seven

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** March 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission (“CPC”) on L.U. Nos. 336 and 337, and approve with modifications the decision of the CPC on L.U. No. 335.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 7, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Deutsch, Kallos, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

Barron

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated March 11, 2019, with the Council on March 12, 2019, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 791

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180457 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 335).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on January 22, 2019 its decision dated January 9, 2019 (the "Decision"), on the application submitted by 570 Fulton Street Property, LLC, and One Flatbush Avenue Property, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article X, Chapter 1 (Special Downtown Brooklyn District), to establish bulk regulations for C6-9 zoning districts mapped within the Special Downtown

Brooklyn District (SDBD) and create a new special permit within the SDBD, which in conjunction with the related actions would facilitate the construction of a new, approximately 200,000-square-foot mixed-use development with retail, office and residential units at 570 Fulton Street in the Downtown Brooklyn neighborhood of Community District 2, Brooklyn, (Application No. N 180457 ZRK), (the "Application");

WHEREAS, the Application is related to applications C 180458 ZSK (L.U. No. 336), a special permit to modify to bulk regulations on irregular sites in C6-9 districts within the SDBD and C 180459 ZMK (L.U. No. 337), a zoning map amendment to rezone the project area from C6-4 to C6-9 within the SDBD;

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 January 31, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 20th, 2018 (CEQR No. 18DCP111K), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-490) (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 (E) Designation (E-490) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180457 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

* * *

ARTICLE X

SPECIAL PURPOSE DISTRICTS

Chapter 1

Special Downtown Brooklyn District

* * *

101-20

SPECIAL BULK REGULATIONS

* * *

101-21

Special Floor Area and Lot Coverage Regulations

R7-1 C6-1 C6-4.5 C6-6 C6-9

* * *

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0, and no #commercial# or #community facility floor area# bonuses shall be permitted. In addition, #residential floor area ratio# may be increased only pursuant to the applicable provisions of Section 23-154 (Inclusionary Housing), and no other #residential floor area# bonuses shall be permitted.

However, in the C6-9 Districts bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential floor area ratio# shall be 9.0. No #floor area# bonuses shall be permitted. However, on a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 12.0. Up to 46,050 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot# In addition, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk# regulations of this Chapter shall

* * *

**101-80
SPECIAL PERMITS**

* * *

101-82

Modification of Bulk Regulations for Certain Buildings on Irregular Sites

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after [date of adoption], for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no Use Group 5 #use# shall be permitted in any portion of the #building# receiving such modifications, and:

- (a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;
- (b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;
- (c) the proposed modifications are limited to the minimum needed to relieve such difficulties;
- (d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and
- (e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 336 & Res. No. 792

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180458 ZSK (570 Fulton Street Rezoning) submitted by 570 Fulton Street Property LLC and One Flatbush Avenue Property LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 101-82 of the Zoning Resolution to modify the height and setback requirements and tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 33-26 (Minimum Required Rear Yards) and Section 23-47 (Minimum Required Rear Yards), and to modify the inner court recess requirements of Section 23-852(b) (Inner court recesses), in connection with a proposed mixed use development on property located at 570 Fulton Street a.k.a. 1-25 Flatbush Avenue (Block 2106, Lots 26, 35, & p/o 24), in a C6-9 District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Council District 35, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on January 24, 2019 (Minutes, page 313) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 335 & Res. No. 791 printed in this General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 792

Resolution approving the decision of the City Planning Commission on ULURP No. C 180458 ZSK, for the grant of a special permit (L.U. No. 336).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on January 22, 2019 its decision dated January 9, 2019 (the "Decision"), on the application submitted by 570 Fulton Street Property, LLC, and One Flatbush Avenue Property, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 101-82 of the Zoning Resolution to modify height and setback requirements and tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 33-26 (Minimum Required Rear Yards) and Section 23-47 (Minimum Required Rear Yards), and to modify the inner court recess requirements of Section 23-852(b) (Inner court recesses), in connection with a proposed mixed use development on property located at 570 Fulton Street a.k.a. 1-25 Flatbush Avenue (Block 2106, Lots 26, 35, & p/o 24), in a C6-9 District, within the Special Downtown Brooklyn District, which in conjunction with the related actions would facilitate the construction of a new approximately 200,000-square-foot mixed-use development with retail, office and residential units at 570 Fulton Street in the Downtown Brooklyn neighborhood of Community District 2, Brooklyn, (ULURP No. C 180458 ZSK) (the "Application");

WHEREAS, the Application is related to applications N 180457 ZRK (L.U. No. 335), a zoning text amendment to establish bulk regulations for C6-9 zoning districts mapped within the SDBD, and create a new special permit within the SDBD and C 180459 ZMK (L.U. No. 337), a zoning map amendment to rezone the project area from C6-4 to C6-9 within the Special Downtown Brooklyn District (SDBD);

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 101-82 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 January 31, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 20th, 2018 (CEQR No. 18DCP111K), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, and noise (E-490) (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 (E) Designation (E-490) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180458 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 180458 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Hill West Architects, filed with this application and incorporated in this resolution:

| <u>Dwg. No.</u> | <u>Title</u> | <u>Last Date Revised</u> |
|-----------------|--|--------------------------|
| Z-03 | Zoning Calculations/Base Plane/Lot Diagram/Mean Lot Depth Line/Tower Lot Coverage | 7/31/2018 |
| Z-04 | Site Plan | 7/31/2018 |
| Z-06 | Waiver Site Plan | 7/31/2018 |
| Z-07 | Waiver Section | 7/31/2018 |
| Z-08 | Waiver Section | 7/31/2018 |
| Z-09 | Waiver Section | 7/31/2018 |
| Z-13 | Zoning Axonometrics Southwest Elevation Design Guidelines | 7/31/2018 |

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 337 & Res. No. 793

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180459 ZMK (570 Fulton Street Rezoning) submitted by 570 Fulton Street Property LLC and One Flatbush Avenue Property LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from a C6-4 District to a C6-9 District property bounded by Fulton Street, a line perpendicular to the southwesterly street line of Fulton Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Fulton Street and the westerly streetline of Rockwell Place, a line perpendicular to the northeasterly street line of Flatbush Avenue distant 190 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the southeasterly street line of Hudson Avenue, and Flatbush Avenue, Borough of Brooklyn, Council District 35, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on January 24, 2019 (Minutes, page 313) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 335 & Res. No. 791 printed in this General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 793

Resolution approving the decision of the City Planning Commission on ULURP No. C 180459 ZMK, a Zoning Map amendment (L.U. No. 337).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on January 22, 2019 its decision dated January 9, 2019 (the "Decision"), on the application submitted by 570 Fulton Street Property, LLC, and One Flatbush Avenue Property, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c, changing from a C6-4 District to a C6-9 District, which in conjunction with the related actions would facilitate the construction of a new, approximately 200,000-square-foot mixed-use development with retail, office space, and residential units at 570 Fulton Street in the Downtown Brooklyn neighborhood, Community District 2 (ULURP No. C 180459 ZMK) (the "Application");

WHEREAS, the Application is related to applications N 180457 ZRK (L.U. No. 335), a zoning text amendments to establish bulk regulations for C6-9 zoning districts mapped within the Special Downtown Brooklyn District (SDBD), and create a new special permit within the SDBD and C 180458 ZSK (L.U. No. 336), a special permit to modify to bulk regulations on irregular sites in C6-9 districts within the SDBD;

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 January 31, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 20th, 2018 (CEQR No. 18DCP111K), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, and noise (E-490) (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 (E) Designation (E-490) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180459 ZMK, incorporated by reference herein, and the record before the Council, 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. 16c, changing from a C6-4 District to a C6-9 District property bounded by Fulton Street, a line perpendicular to the southwesterly street line of Fulton Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Fulton Street and the westerly streetline of Rockwell Place, a line perpendicular to the northeasterly street line of Flatbush Avenue distant 190 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the southeasterly street line of Hudson Avenue, and Flatbush Avenue, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-490.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 350 & Res. No. 794

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190143 ZMX (Betances VI) submitted by New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6a, eliminating from within an existing R6 District a C1-4 District, changing from an R6 District to an R7X District, and establishing within the proposed R7X District a C2-4 District bounded by Willis Avenue, for property located in the Borough of the Bronx, Council District 8, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on February 13, 2019 (Minutes, page 496) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB-1 – TWO APPLICATIONS RELATED TO BETANCES VI

C 190143 ZMX (L.U. No. 350)

City Planning Commission decision approving an application submitted by New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6a:

1. eliminating from within an existing R6 District a C1-4 District bounded by Willis Avenue, East 147th Street, a line 100 feet southeasterly of Willis Avenue, and East 146th Street;
2. changing from an R6 District to an R7X District property bounded by Willis Avenue, East 147th Street, a line 175 feet southeasterly of Willis Avenue, a line midway between East 147th Street and East 146th Street, a line 100 feet southeasterly of Willis Avenue, and East 146th Street; and
3. establishing within the proposed R7X District a C2-4 District bounded by Willis Avenue, East 147th Street, a line 100 feet southeasterly of Willis Avenue, and East 146th Street; as shown on a diagram (for illustrative purposes only) dated October 15, 2018.

N 190144 ZRX (L.U. No. 351)

City Planning Commission decision approving an application submitted by the New York City Housing Authority, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Housing Inclusionary area.

INTENT

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change R6 and R6/C1-4 districts to R7X/C2-4 and R7X districts and to designate a Mandatory Inclusionary Housing (MIH) area to facilitate a new 15-story, 110,354-square-foot building with 101 units of affordable housing and approximately 8,560 square feet of ground floor retail at 472 – 474 Willis Avenue in the Mott Haven neighborhood of the Bronx, Community District 1.

PUBLIC HEARING

DATE: February 14, 2019

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission (“CPC”) on L.U. No. 350 and approve with modifications the decision of the CPC on L.U. No. 351.

In Favor:

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

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: March 7, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Diaz, Moya, Rivera.

Against: **Abstain:**
None None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated March 11, 2019, with the Council on March 12, 2019, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 794

Resolution approving the decision of the City Planning Commission on ULURP No. C 190143 ZMX, a Zoning Map amendment (L.U. No. 350).

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on February 8, 2019 its decision dated January 30, 2019 (the "Decision"), on the application submitted by the New York City Housing Authority, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, eliminating from within an existing R6 District a C1-4 District, changing from an R6 District to an R7X District, and establishing within the proposed R7X District a C2-4 District, which in conjunction with the related action would facilitate a new 15-story, 110,354-square-foot building with 101 units of affordable housing and approximately 8,560 square feet of ground floor retail at 472 – 474 Willis Avenue in the Mott Haven neighborhood of the Bronx, Community District 1, (ULURP No. C 190143 ZMX) (the "Application");

WHEREAS, the Application is related to application N 190144 ZRX (L.U. No. 351), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 14, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on October 10, 2018 (CEQR No. 18CHA005X) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190143 ZMX, incorporated by reference herein, and the record before the Council, 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. 6a:

1. eliminating from within an existing R6 District a C1-4 District bounded by Willis Avenue, East 147th Street, a line 100 feet southeasterly of Willis Avenue, and East 146th Street;
2. changing from an R6 District to an R7X District property bounded by Willis Avenue, East 147th Street, a line 175 feet southeasterly of Willis Avenue, a line midway between East 147th Street and East 146th Street, a line 100 feet southeasterly of Willis Avenue, and East 146th Street; and
3. establishing within the proposed R7X District a C2-4 District bounded by Willis Avenue, East 147th Street, a line 100 feet southeasterly of Willis Avenue, and East 146th Street;

as shown on a diagram (for illustrative purposes only) dated October 15, 2018, Community District 1, Borough of the Bronx.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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. 351 & Res. No. 795

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190144 ZRX (Betances VI) submitted by the New York City Housing Authority, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Council District 8, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on February 13, 2019 (Minutes, page 496) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 350 & Res. No. 794 printed in this General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified,

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

Res. No. 795

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190144 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 351).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on February 8, 2019 its decision dated January 30, 2019 (the "Decision"), on the application submitted by the New York City Housing Authority, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Housing Inclusionary area, which in conjunction with the related action would facilitate a new 15-story, 110,354-square-foot building comprising 101 units of affordable housing and approximately 8,560 square feet of ground floor retail at 472 – 474 Willis Avenue in the Mott Haven neighborhood of the Bronx, Community District 1 (Application No. N 190144 ZRX), (the "Application");

WHEREAS, the Application is related to application C 190143 ZMX (L.U. No. 350), a zoning map amendment to change R6 and R6/C1-4 districts to R7X/C2-4 and R7X districts.

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 14, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on October 10, 2018 (CEQR No. 18CHA005X) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190144 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

Betances VI

Community District 1, The Bronx

07/10/18

* * *

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council;

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

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

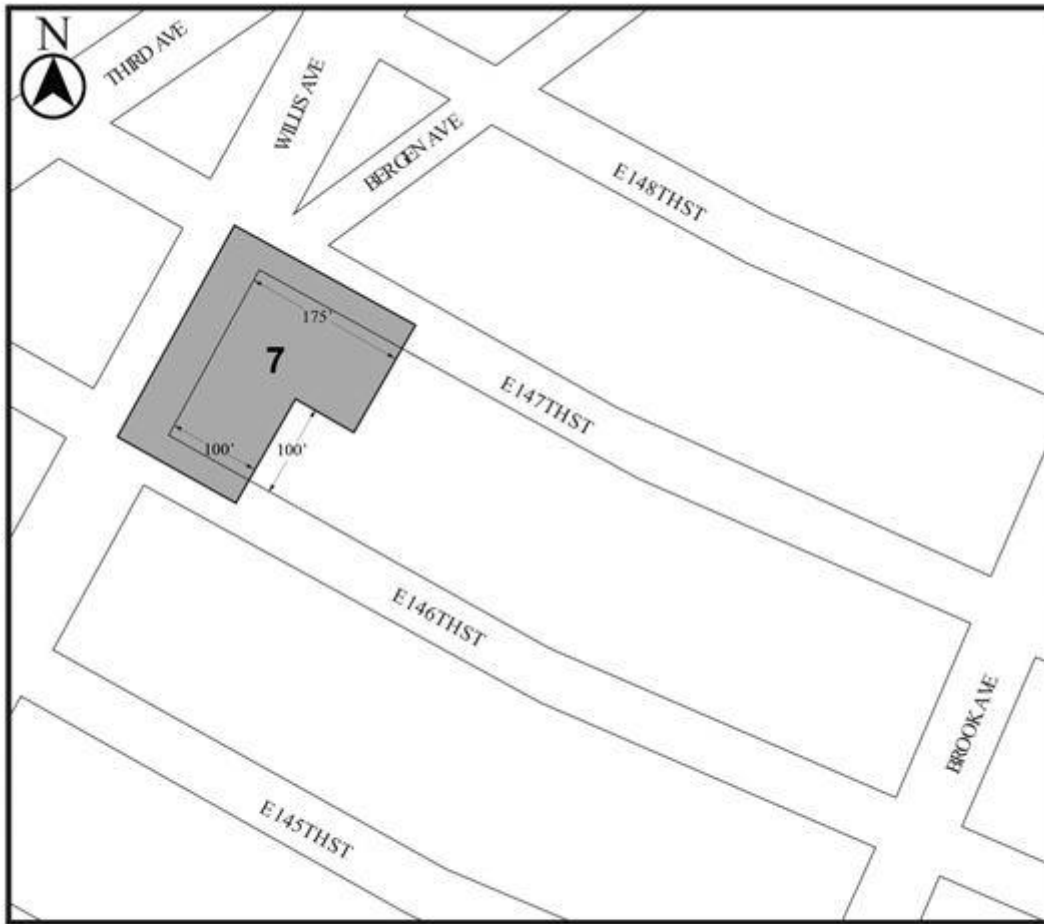
THE BRONX

* * *

The Bronx, Community District 1

* * *

Map 6 – [date of adoption]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
 Area 7 — [date of adoption] MIH Program Option 1 and ~~Option 2~~

Portion of Community District 1, the Bronx

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 7, 2019.

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).

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> |
|------------------|---|-------------------|
| Carter Salis | 3333 Broadway #D7F New York, New York 10031 | 7 |
| Thomas Zmich | 38-18 222nd Street Queens, New York 11361 | 19 |
| Filip Woroniecki | 62-60 99th Street #1202 Queens, New York 11374 | 29 |
| Trevor Grant | 8818 Bedell Lane Brooklyn, New York 11236 | 46 |

Approved Reapplicants

| <i>Name</i> | <i>Address</i> | <i>District #</i> |
|---------------------------|--|-------------------|
| Norma Rios | 577 Grand Street #F1002 New York, New York 10002 | 2 |
| Edward M. Yood | 340 West 28th Street #4H New York, New York 10001 | 3 |
| Michele A. Masucci | 430 East 20th Street #4H New York, New York 10009 | 4 |
| Julie Marder | 315 East 86th Street #19AE New York, New York 10028 | 5 |
| Alice Faye Henson | 485 Lenox Avenue #13E New York, New York 10037 | 9 |
| Wesley K. Brown | 2333 Fifth Avenue #12F New York, New York 10037 | 9 |
| Annabelle Feldman | 500 Kappock Street #4L Bronx, New York 10463 | 11 |
| Gwendolyn V. Junious | 3400 Paul Ave #17B Bronx, New York 10468 | 11 |
| Noemi Rodriguez | 300 Reservoir Place #3C Bronx, New York 10467 | 11 |
| Andrew Fraser | 3664 Barnes Avenue Bronx, New York 10467 | 12 |
| Dawn Peterson | 100 Aldrich Street Bronx, New York 10475 | 12 |
| LaVonne C. Bost-Barksdale | 900 Baychester Avenue #18F Bronx, New York 10475 | 12 |
| Levi Earle Samuels | 1415 Needham Avenue Bronx, New York 10469 | 12 |
| Regina Simmons | 4220 Hutchinson River Pkwy East #18D Bronx, New York 10475 | 12 |
| Sarah Quinones | 930 Mace Avenue #5E Bronx, New York 10469 | 13 |

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| Josephine Rolon | 1376 Ogden Avenue #4B Bronx, New York 10452 | 16 |
| Deannine Hendricks | 510 Rosedale Avenue #A61 Bronx, New York 10473 | 18 |
| Mabel C. Garcia | 1159 Underhill Avenue Bronx, New York 10472 | 18 |
| Veronica Diaz | 12-12 117th Street College Point, New York 11356 | 19 |
| Joann Guzman-Feliz | 2507 Gillmore Street East Elmhurst, New York 11369 | 21 |
| Daniel Khanimov | 147-11 Jewel Avenue Flushing, New York 11367 | 24 |
| Maria Vlahakis | 85-26 161st Street Jamaica, New York 11432 | 24 |
| Alice Ansede | 20-02 43rd Street Astoria, New York 11105 | 26 |
| Mayra Garcia | 43-19 39th Place #21 Queens, New York 11104 | 26 |
| Shira Ali | 101-34 117th Street Queens, New York 11419 | 28 |
| Margaret Ognibene | 64-82 83rd Street Queens, New York 11379 | 30 |
| Lynette Mangual | 105-18 90th Street Ozone Park, New York 11417 | 32 |
| Norma Paiva | 89-29 85th Street Queens, New York 11421 | 32 |
| Ivestia Blake | 195 Adams Street #2G Brooklyn, New York 11201 | 33 |
| John Gangone | 168 Jackson Street Brooklyn, New York 11211 | 34 |
| Sheila Mirabel | 295 Washington Avenue #6F Brooklyn, New York 11205 | 35 |
| Betty Robinson | 997 Dekalb Avenue #3D Brooklyn, New York 11221 | 36 |

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| Evelyn Adjoa-Jean Gray | 44 Hancock Street #4F Brooklyn, New York 11216 | 36 |
| Igenie F. Harris-Blenman | 874 Park Place Bsmt Brooklyn, New York 11216 | 36 |
| Marisol Concepcion-Sewpaul | 914 Gates Avenue #2A Brooklyn, New York 11221 | 36 |
| Rebecca Glynn | 50 Stuyvesant Avenue #14C Brooklyn, New York 11221 | 36 |
| Carmen Otero Sanchez | 653 Central Avenue #3A Brooklyn, New York 11207 | 37 |
| Jose Floran | 1397 Gates Avenue Brooklyn, New York 11221 | 37 |
| Concetta F. Riches | 4404 6th Avenue #4D Brooklyn, New York 11220 | 38 |
| Lorretta Easley-Gipson | 573 Decatur Street Brooklyn, New York 11233 | 41 |
| Patrick Yu | 2034 Crospey Avenue #66 Brooklyn, New York 11214 | 43 |
| Catherine Ninive | 2156 East 34th Street #1 Brooklyn, New York 11234 | 46 |
| Edward Ninive | 2156 East 34th Street #1 Brooklyn, New York 11234 | 46 |
| Jason F. Justin | 1316 East 59th Street Brooklyn, New York 11234 | 46 |
| Stephen Kirby | 1466 East 102nd Street Brooklyn, New York 11236 | 46 |
| Jennifer Sheridan | 2152 85th Street #1 Brooklyn, New York 11214 | 47 |
| William L. Corey | 140 Bay 32nd Street #2 Brooklyn, New York 11214 | 47 |
| Alex Derbaremdiker | 2268 East 14th Street Brooklyn, New York 11229 | 48 |
| Angela Vaisman | 2289 East 23rd Street Brooklyn, New York 11229 | 48 |
| Boris Rubin | 3111 Ocean Parkway #8E Brooklyn, New York 11235 | 48 |

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| Harriet Keller | 2365 East 13th Street #6A Brooklyn, New York 11229 | 48 |
| Marina Ukrainsky | 3901 Nostrand Avenue #4L Brooklyn, New York 11235 | 48 |
| Ninel Yermash | 43 Corbin Place Brooklyn, New York 11235 | 49 |
| Jaritzza Vazquez | 2530 Richmond Terrace Staten Island, New York 10303 | 49 |
| Jeffrey Conocchioli | 83 Cliff Street Staten Island, New York 10305 | 49 |
| Margaret Amato | 21 Clove Way Staten Island, New York 10301 | 49 |
| Pamela Richardson | 23 Roe Street Staten Island, New York 10310 | 49 |
| Sharon L. Williams | 39 Regal Walk Staten Island, New York 10303 | 49 |
| Jean K. Estabrook | 17 Raritan Avenue Staten Island, New York 10304 | 50 |
| Phyllis Monahan | 57 Heft Avenue Staten Island, New York 10306 | 50 |
| Regina Davi | 476 Ashworth Avenue Staten Island, New York 10314 | 50 |
| Sallyann Bartels | 46 Bishop Street Staten Island, New York 10306 | 50 |
| Cathy Aranzullo | 14 Montreal Avenue Staten Island, New York 10306 | 51 |
| Doreen Zuccaro | 51 Seguire Place Staten Island, New York 10312 | 51 |
| Irina Rudyakova | 46 Woodcutters Lane Staten Island, New York 10306 | 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)

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| (1) Int. 464-B - | Investigation by the department of health and mental hygiene of places in which children identified with elevated blood lead levels. |
| (2) Int. 709-A - | Identifying lead water supply mains and service lines through an online interactive map and providing educational resources and tools for preventing lead contamination. |
| (3) Int. 865-A - | Lead reference/action levels and standards relating to lead-based paint hazards. |
| (4) Int. 871-A - | First-draw samples when testing for lead in water. |
| (5) Int. 877-A - | Agency referrals for blood lead screenings. |
| (6) Int. 881-A - | Education and outreach regarding childhood lead poisoning prevention |
| (7) Int. 918-A - | Reporting on lead poisoning prevention and control. |
| (8) Int. 920-A - | An annual survey of lead-based paint hazards in certain facilities serving children |
| (9) Int. 1063-A - | Notice when contaminants are found in soil. |
| (10) Int. 1117-A - | Availability of lead hazard testing. |
| (11) SLR 1 - | Vehicle and traffic law, photo speed violation monitoring systems in school speed zones in NYC (S.4331, A.6449) (Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage). |
| (12) L.U. 330 & Res 782 - | App. 20195354 HAM (67-69 St. Nicholas Ave) Manhattan, Council District 9, Community District 10. |

- (13) L.U. 331 & Res 783 - App. N **180281 ZRQ (Douglaston Parkway Rezoning)** Queens, Council District 19, Community District 11.
- (14) L.U. 332 & Res 784 - App. C **060432 ZMQ (Douglaston Parkway Rezoning)** Queens, Council District 19, Community District 11.
- (15) L.U. 335 & Res 791 - App. N **180457 ZRK (570 Fulton Street Rezoning)** Brooklyn District, Borough of Brooklyn, Council District 35, Community District 2.
- (16) L.U. 336 & Res 792 - App. C **180458 ZSK (570 Fulton Street Rezoning)** Brooklyn District, Borough of Brooklyn, Council District 35, Community District 2.
- (17) L.U. 337 & Res 793 - App. C **180459 ZMK (570 Fulton Street Rezoning)** Brooklyn, Council District 35, Community District 2.
- (18) L.U. 342 & Res 785 - App. **20195365 HAK (32-34 Putnam Avenue Cluster)** Brooklyn, Council Districts 35 and 36, Community Districts 2, 3 and 8.
- (19) L.U. 343 & Res 786 - App. **20195392 HAM (East Village Homes Phase 1)** Manhattan, Council District 2, Community District 3.
- (20) L.U. 344 & Res 787 - App. **20195393 HAM (East Village Homes Phase 2)** Manhattan, Council District 2, Community District 3.
- (21) L.U. 345 & Res 788 - App. **20195394 HAM (East Village Homes – NCP)** Manhattan, Council District 2, Community District 3.
- (22) L.U. 348 & Res 789 - App. C **180261 ZMX (Williamsbridge Road Rezoning)** Bronx, Council District 13, Community District 11.
- (23) L.U. 349 & Res 790 - App. N **180262 ZRX (Williamsbridge Road Rezoning)** Bronx, Council District 13, Community District 11.

- (24) **L.U. 350 & Res 794 -** App. C **190143 ZMX (Betances VI)**
Bronx, Council District 8,
Community District 1.
- (25) **L.U. 351 & Res 795 -** App. N **190144 ZRX (Betances VI)**
Bronx, Council District 8,
Community District 1.
- (26) **Resolution approving various persons Commissioners of Deeds.**

The Acting President Pro Tempore and Public Advocate-Elect (Mr. Williams) 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, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **47**.

Present but Not Voting (PNV) – Williams.

The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items (with Council Member Williams considered to be Present but Not Voting on these individual votes as well):

The following was the vote recorded for **SLR No. 1 (S.4331, A.6449)**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, and The Speaker (Council Member Johnson) – **44**.

Negative – Borelli, Yeger, and the Minority Leader (Council Member Matteo) – **3**.

The following was the vote recorded for **L.U. No. 335 & Res. No. 791, L.U. No. 336 & Res. No. 792, L.U. No. 337 & Res. No. 793, L.U. No. 343 & Res. No. 786, L.U. No. 344 & Res. No. 787, and L.U. No. 345 & Res. No. 788**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **46**.

Negative – Barron – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int. Nos. 464-B, 709-A, 865-A, 871-A, 877-A, 881-A, 918-A, 920-A, 1063-A, and 1117-A. Also, the Home Rule Request bluebacks for SLR No. 1 of 2019 (S.4331, A.6449) were certified by the City Clerk (Mr. McSweeney) and delivered to the New York State Assembly and State Senate in Albany, respectively.

INTRODUCTION AND READING OF BILLS

Int. No. 1464

By Council Members Chin, Rosenthal, Powers, Kallos and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to include the existing and proposed building height when notifying council members and community boards of applications received, approved and rejected

Be it enacted by the Council as follows:

Section 1. Section 28-103.11 of the administrative code of the city of New York, as amended by local law number 10 for the year 2016, is amended to read as follows:

§ 28-103.11 Applications and permits. The department shall receive and review applications, construction documents, and other related documents and shall issue permits, in accordance with the provisions of this code. The department shall, on a weekly basis, send council members and community boards, by electronic mail, a copy of all completed applications for a new building or an alteration that will require a new certificate of occupancy for a building, received during the prior week, disaggregated by community board *and existing and proposed building height*. In addition, the department shall post such information on its website on a weekly basis.

§ 2. Section 28-104.2.7.1 of the administrative code of the city of New York, as added by local law number 10 for the year 2016, is amended to read as follows:

§ 28-104.2.7.1 Notification of approval. The department shall, on a weekly basis, send council members and community boards, by electronic mail, and post on its website, a copy of all notices of approval for applications sent to applicants during the prior week, disaggregated by community board *and existing and proposed building height*, for:

1. A new building or an alteration that will require a new certificate of occupancy for a building; and
2. Work at a building or part thereof for which construction and related documents shall not be accepted with less than full examination by the department pursuant to the exception to section 28-104.2.1.

§ 3. Section 28-104.2.8 of the administrative code of the city of New York, as amended by local law number 10 for the year 2016, is amended to read as follows:

§ 28-104.2.8 Notification of rejection. Applications failing to comply with the provisions of this code and other applicable laws and rules shall be rejected and written notice of rejection, stating the grounds of rejection, shall be given *to* the applicant promptly and not later than the date required in section 28-104.2.7. The department shall, on a weekly basis, send council members and community boards, by electronic mail, a copy of all notices of a first rejection for applications for a new building or an alteration that will require a new certificate of occupancy for a building, sent to applicants during the prior week, disaggregated by community board *and*

existing and proposed building height. In addition, the department shall post such information on its website on a weekly basis.

§ 4. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Preconsidered State Legislation Res. No. 1

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Gounardes, Addabbo, Bailey, Benjamin, Biaggi, Comrie, Gianaris, Holyman, Jackson, Kavanagh, Krueger, Liu, Montgomery, Myrie, Parker, Persuad, Ramos, Rivera, Salazar, Sanders, Savino, Sepulveda, Serrano, Stavisky, S.4331, and Assembly Members Glick, Cymbrowitz, Arroyo, A.6449, “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 Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senators Gounardes, Addabbo, Bailey, Benjamin, Biaggi, Comrie, Gianaris, Holyman, Jackson, Kavanagh, Krueger, Liu, Montgomery, Myrie, Parker, Persuad, Ramos, Rivera, Salazar, Sanders, Savino, Sepulveda, Serrano, Stavisky, S.4331, and Assembly Members Glick, Cymbrowitz, Arroyo, A.6449, “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).

Int. No. 1465

By Council Members Dromm, Rosenthal, Holden, Cabrera and Cornegy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on humane animal treatment instruction

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 27 to read as follows:

*CHAPTER 27
REPORTING ON HUMANE ANIMAL TREATMENT INSTRUCTION*

§ 21-998 Reporting on humane animal treatment instruction. a. Definitions. As used in this section, the following terms have the following meanings:

School. The term "school" means any elementary school within the jurisdiction of the New York city department of education.

Student. The term "student" means any pupil who is enrolled in a school as defined in this subdivision.

b. No later than November 1, 2019, and on or before November 1 of every year thereafter, the department shall submit to the speaker of the council and post on its website a report regarding instruction on humane animal treatment as required by section 809 of the education law. Such report shall include, but need not be limited to, the following information:

1. The number of schools that have a finalized plan for implementing humane animal treatment instruction as required by section 809 of the education law;

2. The number of schools that have implemented instruction on humane animal treatment as required by section 809 of the education law;

3. The average frequency and average total minutes per week of humane treatment of animals instruction provided to students in each grade level in each school;

4. The number of designated instructors providing such instruction at each school;

5. The topics of instruction on humane animal treatment provided in each school, including whether such instruction covers the following topics:

i. The humane treatment and protection of animals;

ii. The importance of the part animals play in the economy of nature;

iii. The necessity of controlling the proliferation of animals which are subsequently abandoned and caused to suffer extreme cruelty; and

6. The educational resources used to instruct on humane animal treatment in each school.

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

Referred to the Committee on Education.

Int. No. 1466

By Council Members Espinal, Gjonaj, Yeger, Rosenthal and Rivera.

A Local Law in relation to the creation of a regulatory review panel to review provisions of the administrative code of the city of New York, the rules of the city of New York, the New York city health code, the New York city construction codes and state law and recommend cure periods for violations of certain provisions

Be it enacted by the Council as follows:

Section 1. There is hereby established a regulatory review, which shall be composed of the commissioner of buildings, the commissioner of consumer affairs, the commissioner of environmental protection, the commissioner of finance, the fire commissioner, the commissioner of health and mental hygiene, the commissioner of sanitation, the commissioner of transportation and the chief administrative law judge, or their respective designees.

§ 2. Within 120 days of the enactment of this local law, the regulatory review commission, with assistance from the commissioner of small business services, shall conduct a review of all provisions of the administrative code of the city of New York, the rules of the city of New York, the New York city health code, the New York

city construction codes and state laws, the violation of which may be penalized by a civil penalty, fine or imprisonment, and that are enforced by any of the agencies represented on the regulatory review commission.

§ 3. The regulatory review panel shall prepare a report based on its findings, which shall include the following:

1. A description of each violation for which the regulatory review panel recommends be repealed or that a cure period or other opportunity for ameliorative action be provided prior to the imposition of a civil penalty, fine or imprisonment, and the basis for such conclusion; and

2. A list of all other violations established by the rules of each agency represented on the regulatory review panel which may be penalized by a civil penalty, fine or imprisonment, and for which no cure period or other opportunity for ameliorative action by the party or parties subject to enforcement prior to the imposition of a civil penalty, fine or imprisonment is recommended. This list shall identify, either on an individual-item or aggregate basis, the rationale for the absence of a cure period or other opportunity for ameliorative action.

§ 4. The regulatory review panel shall hold a public hearing and shall make a draft of its report available to the public for inspection and comment not less than 30 days before such hearing, on the website of each agency represented on the regulatory review panel and on the website of the department of small business services. In addition to taking public comments at such hearing, the regulatory review panel shall also accept comments by e-mail and regular mail until 12:00 a.m. of the day of the hearing. Any comments received by the regulatory review panel shall also be made available to the general public for inspection.

§ 5. Within 210 days of the enactment of this local law, the regulatory review panel shall submit a final report to the speaker of the council. This report may incorporate public comments and shall include the following:

1. A description of each violation the regulatory review panel recommends be repealed, or for which a cure period or other opportunity for ameliorative action is recommended to be provided prior to the imposition of a civil penalty, fine or term of imprisonment, and the basis for such conclusion. The regulatory review panel shall categorize the violations by severity and recommend appropriate cure periods for each violation on an individual-item or aggregate basis; and

2. A list of all other violations established by the rules of each agency represented on the regulatory review panel that may be penalized by a civil penalty, fine or imprisonment and for which no cure period or other opportunity for ameliorative action by the party or parties subject to enforcement prior to the imposition of a civil penalty, fine or term of imprisonment is recommended. This list shall identify, on an individual-item or aggregate basis, the rationale for the absence of a cure period or other opportunity for ameliorative action.

§ 6. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 1467

By Council Members Gjonaj, Levine, Rosenthal, Rivera and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to the compilation and online publication of a list of all city laws and rules that apply to small businesses

Be it enacted by the Council as follows:

Section 1. Section 22-1002 of the administrative code of the city of New York, as added by local law number 208 for the year 2017, is amended to read as follows:

§ 22-1002 Online business supports. a. The commissioner shall post on the city's website online business tools and resources, including but not limited to:

1. Tools provided by the department, which may include accounting, recordkeeping and bookkeeping resources; [and]

2. Such other tools and resources as the commissioner may deem appropriate[.]; *and*

3. *A true and complete compilation in a searchable, machine-readable format or formats, of all sections of the charter, the administrative code and the rules of the city of New York that significantly impact a substantial number of small businesses operating within the city. Each relevant section of the charter, the administrative*

code and the rules of the city of New York shall include a brief description in plain language that is likely to be understood by owners of small businesses affected by such section of the charter, code or rules. The compilation shall be assembled with assistance from the relevant implementing city agencies, and the commissioner shall update the compilation every 90 days. The compilation shall contain, in a form prescribed by the commissioner by rule, the following information and disclaimers: (i) the compilation is for informational purposes only and not for the purpose of providing legal advice; (ii) the user should contact an attorney to obtain legal advice regarding any particular issue or problem facing the user, including advice about compliance with applicable sections of the charter, code or rules; (iii) the date of the last update to the compilation; (iv) the information in the compilation may have changed since the last update; (v) the date of the next update to the compilation; (vi) the user should independently verify the currentness and accuracy of the compilation by searching the city website for any changes; (vii) the city does not warranty the completeness, accuracy, content or fitness for any particular purpose of any information made available through the compilation, nor are any such warranties to be implied or inferred with respect to the information furnished therein; and (viii) the city is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of information made available in the compilation.

§ 2. This local law takes effect 90 days after it becomes law, except that the department of small business services shall take such measures as are necessary for the implementation of this local law, including the promulgation of any rules, before such date.

Referred to the Committee on Small Business.

Int. No. 1468

By Council Members Grodenchik and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of golf carts powered by gas, diesel, or any other carbon-based fuel after January 1, 2026

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York, is amended by adding a new section 18-156 to read as follows:

§ 18-156 *Golf carts. a. Use of golf carts in public parks generally. Beginning January 1, 2026, use of golf carts powered by gasoline, diesel or any other carbon-based fuel shall be prohibited in any public parks or any property under the jurisdiction of the department, including public golf courses, provided that nothing in this section shall be construed to prohibit the use of golf carts propelled by an electric motor.*

b. Use of newly-purchased golf carts for use in public parks. One year after the enactment of this local law, use of golf carts purchased more than one year after the enactment of this local law which are powered by gasoline, diesel or any other carbon-based fuel shall be prohibited.

c. Public education. The department shall develop a public information campaign to ensure awareness and compliance with the requirements of this local law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 1469

By Council Member Grodenchik.

A Local Law to amend the administrative code of the city of New York, in relation to a report on permits issued for the use of athletic fields under the jurisdiction of the parks department

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

§ 18-156 Report on athletic field permits. a. On or before January 31 of each year, the commissioner shall for the immediately preceding year, submit a report on permits issued for the use of athletic fields or courts under the jurisdiction of the commissioner. Such report shall include, but not be limited to the following:

1. The number of permits issued for athletic field and court use, disaggregated by borough, council district and community district;

2. For each permit, the name and location of the athletic field or court for which such permit has authorized recreational use;

3. For each permit, a description of whether such permit has been issued for a youth sports league or adult sports league;

4. For each permit, the contact information of the organization or individual that has been issued such permit;

5. For each permit, a description of the permitted activity that has been authorized, the fee for such permit and the duration of time for which such permit has been issued.

b. For each athletic field and court where a permit for recreational use has currently been issued, the department shall post on its website the name and address of each athletic field and court, a description of the permitted activity that has been authorized in such athletic field and court and the duration of time for which such permitted activity has been authorized in such athletic field and court.

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

Referred to the Committee on Parks and Recreation.

Int. No. 1470

By Council Members Levine, Rivera, Powers, Rosenthal and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to providing legal services to small business owners facing eviction proceedings

Be it enacted by the Council as follows:

Section 1. Section 26-1301 of chapter 13 of title 26 of the administrative code of the city of New York is amended to read as follows:

§ 26-1301 Definitions. For the purposes of this chapter, the following terms have the following meanings:

Brief legal assistance. The term “brief legal assistance” means individualized legal assistance provided in a single consultation by a designated organization to a covered individual or covered small business tenant in connection with a covered proceeding.

Coordinator. The term “coordinator” means the coordinator of the office of civil justice.

Covered small business tenant. The term “covered small business tenant” means a business which is:

(i) a lessee in a commercial tenancy located in the city;

(ii) independently owned and operated;

(iii) not dominant in its field,

(iv) consistent with the size eligibility standards for small businesses identified by the United States small business administration and contained within section 121.201 of subpart A of part 121 of title 13 of the code of federal regulations; and

(v) a respondent in a covered proceeding.

Covered individual. The term “covered individual” means a tenant of a rental dwelling unit located in the city, including any tenant in a building operated by the New York city housing authority, who is a respondent in a covered proceeding.

Covered proceeding. The term “covered proceeding” means any summary proceeding in housing court to evict a covered individual *or in any other court of competent jurisdiction to evict a covered small business tenant*, including a summary proceeding to seek possession for the non-payment of rent or a holdover, or an administrative proceeding of the New York city housing authority *or any other court of competent jurisdiction* for termination of tenancy.

Designated citywide languages. The term “designated citywide languages” has the meaning ascribed to such term in section 23-1101.

Designated organization. The term “designated organization” means a not-for-profit organization or association that has the capacity to provide legal services and is designated by the coordinator pursuant to this chapter.

Full legal representation. The term “full legal representation” means ongoing legal representation provided by a designated organization to an income-eligible individual and all legal advice, advocacy, and assistance associated with such representation. Full legal representation includes, but is not limited to, the filing of a notice of appearance on behalf of the income-eligible individual in a covered proceeding.

Housing court. The term “housing court” means the housing part of the New York city civil court.

Income-eligible individual. The term “income-eligible individual” means a covered individual whose annual gross household income is not in excess of 200 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code.

Legal services. The term “legal services” means brief legal assistance or full legal representation.

§2. Chapter 13 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-1302.1 to read as follows:

§ 26-1302.1 Provision of legal services to small businesses tenants. a. Subject to appropriation, the coordinator shall establish a program to provide access to legal services for covered small business tenants in covered proceedings and shall ensure that, no later than July 31, 2022:

1. all covered small business tenants receive access to brief legal assistance no later than their first scheduled appearance in a covered proceeding, or as soon thereafter as is practicable; and

2. all covered small business tenants receive access to full legal representation no later than their first scheduled appearance in a covered proceeding, or as soon thereafter as is practicable.

b. Subject to appropriation, no later than October 1, 2019, the coordinator shall establish a program to provide access to legal services to covered small business tenants in covered proceedings who have been served with charges for termination of tenancy and shall ensure that, no later than July 31, 2022, all such tenants receive access to such legal services.

c. The coordinator shall estimate annually the expenditures required for each year of implementation of the programs described by subdivisions a and b of this section. Beginning October 1, 2022 and no later than each October 1 thereafter, the coordinator shall publish a summary of any changes to such estimates for expenditures.

d. The coordinator shall annually review the performance of designated organizations.

e. The coordinator shall require each designated organization to identify the geographic areas for which such organization will provide legal services. For each such geographic area, the coordinator shall maintain a list of such organizations that provide such legal services.

f. Any legal services performed by a designated organization pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement, or contract.

g. Nothing in this chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official, or employee thereof.

§3. Subdivision a of section 26-1303 of chapter 13 of title 26 of the administrative code of the city of New York is amended to read as follows:

§ 26-1303 Public hearing. a. Following the establishment of the programs described by sections 26-1302 and 26-1302.1, the coordinator shall hold one public hearing each year to receive recommendations and feedback about such programs.

§4. Section 26-1304 of chapter 13 of title 26 of the administrative code of the city of New York is amended to read as follows:

§ 26-1304 Reporting. a. No later than September 1, 2018 and annually by each September 1 thereafter, the coordinator shall submit to the mayor and the speaker of the council, and post online, a review of the programs established pursuant to subdivision a of section 26-1302 and subdivision a of section 26-1302.1 and information regarding [its]the implementation of such programs, to the extent such information is available, including, but not limited to:

1. the estimated number of covered individuals and covered small business tenants;
2. the number of individuals receiving legal services, disaggregated by the following characteristics of such individuals:

- i. borough and postal code of residence;
- ii. age of head of household;
- iii. household size;
- iv. estimated length of tenancy;
- v. approximate household income;
- vi. receipt of ongoing public assistance at the time such legal services were initiated;
- vii. tenancy in rent-regulated housing; and
- viii. tenancy in housing operated by the New York city housing authority;

3. the number of small businesses receiving legal services, disaggregated by the following characteristics of such businesses:

- i. borough and postal code of business;
- ii. age of business;
- iii. size of business; and
- iv. estimated length of tenancy.

4. outcomes immediately following the provision of full legal representation, as applicable and available, including, but not limited to, the number of:

- i. case dispositions allowing individuals or small businesses to remain in their residence or place of business;
- ii. case dispositions requiring individuals or small businesses to be displaced from their residence or place of business; and
- iii. instances where the attorney was discharged or withdrew.

4. non-payment and holdover petitions filed in housing court or other court of competent jurisdiction, warrants of eviction issued in housing court or other court of competent jurisdiction, and residential and small business evictions conducted by city marshals, disaggregated by borough.

b. No later than September 1, 2018 and annually by each September 1 thereafter, the coordinator shall submit to the mayor and the speaker of the council, and post online, a review of the programs established pursuant to subdivision b of section 26-1302 and subdivision b of section 26-1302.1 and information regarding [its]the implementation of such programs, to the extent such information is available, including, but not limited to:

1. the number of tenants of buildings operated by the New York City housing authority that received legal services pursuant to the program described in such subdivision, disaggregated by:

- i. borough and postal code of residence;
- ii. age of head of household;
- iii. household size;
- iv. estimated length of tenancy;
- v. approximate household income;
- vi. receipt of ongoing public assistance at the time such legal services were initiated; and
- vii. type of legal service provided.

2. the outcomes of the proceedings immediately following the provision of such legal services, subject to

privacy and confidentiality restrictions, and without disclosing personally identifiable information, disaggregated by the type of legal service provided; and

3. the expenditures for the program described by such subdivision.

§ 5. This local law takes effect immediately.

Referred to the Committee on Small Business.

Res. No. 781

Resolution calling Congress to pass and the President to sign, S.3503, the American Housing and Economic Mobility Act.

By Council Members Rivera, Miller and Rosenthal.

Whereas, The United States Department of Labor’s Bureau of Labor Statistics released data on September 11, 2018 showing that housing is the largest expense for most American families in 2017; and

Whereas, In 2017, Moody’s Analytics, a consulting firm that provides economic research, reviewed factors on how the affordable housing crisis is affecting the nation’s economy and concluded by stating that: a) low and middle income households are struggling to pay their household expenses, b) housing costs are preventing qualified workers from relocating to areas that have open jobs, and c) long commutes has increased traveling costs and reduced job productivity for workers; and

Whereas, According to a study from Harvard University titled, “*Is Homeownership Still an Effective Means of Building Wealth for Low-income and Minority Households?*,” determined that homeownership is still an effective pathway for low and middle income residents to increase their wealth after analyzing all of the factors that led to the 2008 foreclosure crisis; and

Whereas, S. 3503, sponsored by Senator Elizabeth Warren, currently pending in the United States Senate, aims to invest in the production, preservation, and operation of affordable housing for the lowest income people in the United States; and

Whereas, S. 3503, known as the American Housing and Economic Mobility Act, addresses the shortage of millions of affordable homes by leveraging federal funds to build up to 3.2 million housing units for low and middle income families; and

Whereas, S. 3503, would reduce the cost to produce more housing by creating a competitive grant program that communities can use to build roads, parks, and schools if local authorities make reforms to land use regulations that govern the construction of new affordable housing units; and

Whereas, S. 3503, would provide down payment assistance to communities that were historically denied mortgages by the government and support households in suburban and rural communities that have negative equity on their mortgages; and

Whereas, S. 3503, would hold financial institutions accountable by providing low and middle income communities access to credit and strengthen sanctions against institutions that fail to follow the rules; and

Whereas, S. 3503, would also prohibit discrimination on the basis of sexual orientation, gender identity, marital status, and source of income; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass and the President to sign, S.3503, the American Housing and Economic Mobility Act.

Referred to the Committee on Housing and Buildings.

Int. No. 1471

By Council Members Rosenthal, The Speaker (Council Member Johnson), Yeager, Levine, Ayala, Brannan, Rivera, Levin, Powers and Gibson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of small business services to offer certain business assistance

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1003 to read as follows:

§ 22-1003 Assistance to small businesses. a. The department shall provide training and counseling to small businesses, including but not limited to assistance relating to:

1. Business systems, which may include training and counseling in establishing systems, including but not limited to technological systems, to efficiently deliver goods or services to customers, reduce costs and maximize profits;

2. Marketing, which may include training and counseling in identifying and segmenting market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts and utilizing varying public relations and advertising techniques;

3. E-commerce, which may include training and counseling in effectively selling products and services by electronic means such as over the Internet or via mobile applications; and

4. Such other assistance as the commissioner may deem appropriate.

b. No later than November 1, 2019, and on or before November 1 annually thereafter, the department shall submit to the speaker of the council and post on the department's website an annual report regarding training and counseling offered to small businesses during the preceding year pursuant to this section. Such report shall include, but need not be limited to:

1. The total number of training and counseling programs offered;

2. A general description of each training and counseling program offered, including the location where each such program was offered; and

3. The total number of people who participated in each training and counseling program.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 1472

By Council Member Rosenthal and The Speaker (Council Member Johnson) (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of small business services to maintain a database of commercial properties

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1003 to read as follows:

§ 22-1003 Database of commercial properties. a. Definitions. As used in this section, the terms "landlord," "premises," "rent," "taxable premises" and "tenant" have the same meanings as set forth in section 7-01 of title 19 of the rules of the city of New York.

b. Database. The department of small business services shall establish and maintain a public online searchable database of all taxable premises within the city. Updates to such database shall be made no less than

once every quarter. The department of small business services shall be authorized to secure such information from the department of finance as the commissioner of small business services determines to be necessary to comply with this section, and the department of finance shall provide such information, to the extent that it is available, in a timely fashion. Such database shall be posted on the website of the department of small business services, shall have the ability to produce reports by query, shall be published to the city's open data portal, and shall include, but need not be limited to, the following information:

1. The street address of each taxable premises;
2. A brief description of the type of taxable premises, including its current use;
3. The total floor space of buildings on the taxable premises, expressed in square feet;
4. The name, address, electronic mail address and telephone number of the landlord;
5. Whether such taxable premises is currently being leased or rented to a tenant; and
6. The monthly rent for such taxable premises.

c. *Landlord's obligation to register.* Within 120 days of the effective date of the local law that added this section, on forms prescribed by the department of small business services, every landlord of taxable premises shall submit to the department of small business services the information required by subdivision b of this section for each taxable premises. Thereafter, every such landlord shall submit an updated form at least annually according to a schedule that shall be established by rule by the department of small business services, and shall submit an updated form every time a taxable premises becomes vacant.

d. *Penalty.* Any landlord who fails to comply with subdivision c of this section is liable for a civil penalty of not more than \$500 for each violation.

§ 2. This local law takes effect 1 year after it becomes law, except that the department of small business services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

Int. No. 1473

By Council Members Rosenthal, Rivera, The Speaker (Council Member Johnson), Kallos, Levine, Ayala, Brannan, Levin, Powers and Gibson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the registration of vacant storefront property

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1003 to read as follows:

§ 22-1003 *Vacant storefront property.* a. *Definitions.* For the purposes of this section, the term "storefront property" means any property that may be predominantly used for the sale of goods and/or services directly to the public that is accessible directly from the street.

b. 1. The owner of any storefront property within the city shall register with the department upon such property being unoccupied for 90 consecutive days, and thereafter, update the registration every 90 days until the property is leased or occupied. Such registration shall be in a manner to be determined by the commissioner but shall include, at a minimum, the location of such property, reasons for vacancy, the name of the owner of such property, the date upon which such property became vacant, the electronic mail address and phone number of an individual who shall be the contact person for such property, and any additional information as the department may require.

2. When ownership of a storefront property that has been vacant for more than 90 days is changed, the new owner of such property shall register in accordance with this section within 30 days of taking ownership of such property.

c. The department shall impose a reasonable fee necessary for administering the provisions of this section.

d. An owner who fails to register as required by this section shall be subject to a civil penalty of \$1,000 for every week or portion thereof that there is a failure to register. Notice shall be mailed to the owner or owners, at the address to which commercial rent property tax notices are sent or to the vacant property address, at least 30 days prior to the assessment of the civil penalty. Both the department and the New York city department of buildings shall have the power to enforce this provision.

e. The department shall maintain a searchable electronic database of all storefront properties registered pursuant to this section. The department shall update such database not less than 30 days following any new registration, any renewal, or any changes to such registrations. Such database shall be posted on the department's website, shall have the ability to produce reports by query, and shall be published to the city's open data portal in a non-proprietary format that permits automated processing and shall include, but not be limited to, the following information:

- i. the location of such property including the borough, community board district, and block and lot number;
- ii. the date upon which such property became vacant; and
- iii. any other information deemed relevant by department.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of small business services may take such actions as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Small Business.

Int. No. 1474

By Council Members Torres, Kallos, the Public Advocate (Mr. Williams), Treyger and Levine.

A Local Law to amend the New York city charter, in relation to establishing a universal youth employment program

Be it enacted by the Council as follows:

Section 1. Chapter 30 of the New York city charter is amended by adding a new section 737 as follows:

§ 737 Universal Youth Employment Program

a. For the purposes of this section, the term "youth" means:

1. Any person aged 14 to 17 who is authorized to work in accordance with the provisions of article 4 of the labor law; and
2. Any person aged 18 to 21 who is enrolled full time in a middle school or high school provided that their work hours are limited to those prescribed for minors aged 16 and 17 pursuant to section 143 of title 4 of the labor law.

b. The department shall develop and administer a program for youth in consultation with the department of small business services and department of education. Subject to appropriation, the program shall:

1. Provide a summertime or part-time school year job to every youth who seeks one through the program;
2. Identify and cultivate relationships with employers from the public and private sectors that may offer youth employment opportunities;
3. Identify obstacles to youth obtaining a job through the program, including but not limited to, issues related to transportation, child care, language and cultural barriers; and
4. Ensure that youth are connected with city agencies, or community based organizations that will enable them to address obstacles identified pursuant to paragraph 3 of this section.

c. The commissioner, or such other entity as determined by such commissioner, shall engage in outreach to inform youth about the program created pursuant to subdivision b of this section. Such outreach shall include, but is not limited to, posting information about the program on the department's website.

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Youth Services.

Int. No. 1475

By Council Members Ulrich, Borelli and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on ambulance transport costs

Be it enacted by the Council as follows:

Section 1. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

§ 15-132. *Ambulance Transport Costs. a. Definitions. For the purpose of this section the term "charitable care policy" means the department's charitable care policy for ambulance transports, or any successor program, through which an individual can apply to receive a sliding scale fee for ambulance transport based on that individual's financial means.*

b. No later than January 1, 2019, and within fifteen days after the beginning of each subsequent quarter, the department shall submit to council and post on its website a report relating to ambulance transport fees and the department's charitable care policy. Such report shall include, but not be limited to, the following information for the prior quarter: 1. the number of ambulance transports conducted by the department's bureau of emergency medical services; 2. the number of times the department sought reimbursement from a third party entity for an ambulance transport, disaggregated by the source of reimbursement and whether such reimbursement was provided; 3. the number of ambulance transports resulting in a patient receiving a bill or request for payment from the department and the average amount of such bills; 4. the number of applications that the department received for patients seeking relief under the department's charitable care policy; and 5. the number of such charitable care policy application granted.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Fire and Emergency Management.

Preconsidered L.U. No. 366

By Council Member Salamanca:

Application No. 20195418 HAM (167 West 133rd Street) 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 the approval of an exemption from real property taxation for property located at Block 1918, Lot 7, Borough of Brooklyn, Council District 9, Community District 10.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions (preconsidered but laid over by the Subcommittee on Planning, Dispositions and Concessions).

Preconsidered L.U. No. 367

By Council Member Salamanca:

Application No. C 180294 ZMK (41 Summit Street Rezoning) submitted by 41 Summit Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 16a, changing from an M1-1 District to an R7A District and establishing within the proposed R7A District a C2-4 District for property located at 41 Summit Street and 75-79 Hamilton Avenue (Block 352, Lots 1, 3, and 60), Borough of Brooklyn, Council District 39, Community District 6.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 368

By Council Member Salamanca:

Application No. N 180295 ZRK (41 Summit Street Rezoning) submitted by 41 Summit Street, 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 Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area for property located at 41 Summit Street and 75-79 Hamilton Avenue (Block 352, Lots 1, 3, and 60), Borough of Brooklyn, Council District 39, Community District 6.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

L.U. No. 369

By Council Member Salamanca:

Application No. C 180171 ZMK (McDonald Avenue Catering) submitted by Congregation Chasdei Belz Beth Malka pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by establishing within an existing R5 District a C2-4 District for property located at Block 5369, Lots 1, 2, 3, 4, 5, 82 and p/o Lot 6, Borough of Brooklyn, Council District 39, Community District 12.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 370

By Council Member Salamanca:

Application No. N 190083 ZRK (103 North 13th Street Special Permit) by North 13th Holdings LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area in Article VII, Chapter 4 (Special Permits by the City Planning Commission) for property located at Block 2279, Lots 1, 9, 13, 34, and p/o Lots 15 and 30, Borough of Brooklyn, Council District 33, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 371

By Council Member Salamanca:

Application No. C 190084 ZSK (103 North 13th Street Special Permit) by North 13th Holdings LLC pursuant to 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-962 of the Zoning Resolution to modify the permitted floor area requirements of Section 43-12 (Maximum Floor Area Ratio) for a proposed 7-story mixed-use building within an M1-2 District and an Industrial Business Incentive Area, on property located at 103 North 13th Street (Block 2279, Lot 34), Borough of Brooklyn, Council District 33, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 372

By Council Member Salamanca:

Application No. C 190085 ZSK (103 North 13th Street Special Permit) by North 13th Holdings LLC pursuant to 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-963 of the Zoning Resolution to reduce the off-street parking requirements of Section 44-20 (Required accessory off-street parking spaces for manufacturing, commercial or community facility uses) and to reduce the loading berth requirements of Section 44-50 (Off-street loading regulations), for a proposed 7-story mixed-use building within an M1-2 District and an Industrial Business Incentive Area, on property located at 103 North 13th Street (Block 2279, Lot 34), Borough of Brooklyn, Council District 33, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 373

By Council Member Salamanca:

Application No. C 170438 ZMX (Blondell Commons) submitted by Blondell Equities LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4b, changing from an M1-1 District to an R7A District and establishing within the proposed R7A District a C2-4 District, for property located at Block 4133, Lots 1, 2, 8, 10, 12, 61, 62, and 63, and Block 4134, Lots 1 and 14, Borough of the Bronx, Council District 13, Community District 11.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 374

By Council Member Salamanca:

Application No. N 170439 ZRX (Blondell Commons) submitted by Blondell Equities 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 APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located at Block 4133, Lots 1, 2, 8, 10, 12, 61, 62, and 63, and Block 4134, Lots 1 and 14, Borough of the Bronx, Council District 13, Community District 11.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 375

By Council Member Salamanca:

Application No. C 170353 MMX (Blondell Commons) submitted by Blondell Equities LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving the elimination, discontinuance and closing of Fink Avenue between Blondell Avenue and Waters Avenue and the adjustment of grades necessitated thereby, and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13141 dated December 13, 2017 and signed by the Borough President, in relation to property located at Block 4133, Lots 8, 10, 12, and 23 and Block 4134, Lots 1 and 14, Borough of the Bronx, Council District 13, Community District 11.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 376

By Council Member Salamanca:

Application No. 20195419 HAX (Blondell Commons) 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 an exemption from real property taxation for property located at Block 4134, Lot 1, Borough of the Bronx, Council District 13, Community District 11.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

Monday, March 18, 2019

10:00 a.m. Health Committee – Council Chambers – City Hall
 10:00 a.m. Department of Health and Mental Hygiene
 12:00 p.m. Medical Examiner
 1:00 p.m. Public

Committee on Small Business

Mark Gjonaj, Chairperson

Int 1049 - By Council Members Rivera, the Speaker (Council Member Johnson), Yeger, Ampry-Samuel, Levin and Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of small business services to assess the state of storefront businesses.

Int 1408 - By Council Members Espinal, Cumbo and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing an affordable retail space requirement at city financially assisted development projects.

Proposed Int 1410-A - By Council Member Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to the approval of construction documents or the issuance of permits for demolition or renovation of certain commercial buildings and broadening commercial tenant harassment to include acts or omissions causing a commercial tenant to vacate or to surrender or waive rights.

Int 1466 - By Council Members Espinal and Gjonaj - **A Local Law** in relation to the creation of a regulatory review panel to review provisions of the administrative code of the city of New York, the rules of the city of New York, the New York city health code, the New York city construction codes and state law and recommend cure periods for violations of certain provisions.

Int 1467 - By Council Member Gjonaj - **A Local Law** to amend the administrative code of the city of New York, in relation to the compilation and online publication of a list of all city laws and rules that apply to small businesses.

Int 1470 - By Council Members Levine, Rivera, Powers, Rosenthal and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to providing legal services to small business owners facing eviction proceedings.

Int 1471 - By Council Member Rosenthal and The Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of small business services to offer certain business assistance.

Int 1472 - By Council Member Rosenthal and The Speaker (Council Member Johnson) (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of small business services to maintain a database of commercial properties.

Int 1473 - By Council Members Rosenthal and Rivera and The Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the registration of vacant storefront property.

Committee Room – City Hall.....10:00 a.m.

Committee on Economic Development jointly with the

Paul Vallone, Chairperson

Committee on Oversight and Investigations

Ritchie Torres, Chairperson

Oversight - New York Works, But for Whom? Examining the New York Works Jobs Plan.

Committee Room – City Hall.....1:00 p.m.

Subcommittee on Planning, Dispositions & Concessions

Ben Kallos, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.

Tuesday, March 19, 2019Subcommittee on Zoning & Franchises
See Land Use Calendar

Francisco Moya, Chairperson

Committee Room – City Hall.....9:30 a.m.

10:00 a.m. Public Safety Committee – Council Chambers – City Hall
 10:00 a.m. Police Department
 12:30 p.m. Civilian Complaint Review Board
 1:30 p.m. Public

Subcommittee on Landmarks, Public Siting & Maritime Uses
See Land Use Calendar

Adrienne Adams, Chairperson

Committee Room – 250 Broadway, 16th Floor.....12:00 p.m.

**2:30 p.m. Justice System Committee jointly with Public Safety Committee – Council
Chambers – City Hall**
 2:30 p.m. District Attorneys/Special Narcotics Prosecutor
 3:30 p.m. Mayor’s Office of Criminal Justice
 4:00 p.m. Office of Civil Justice (Human Resources Administration)
 4:30 p.m. Legal Aid
 5:00 p.m. Public

Wednesday, March 20, 2019

10:00 a.m. Education Committee – Council Chambers – City Hall
 10:00 a.m. Department of Education (Expense)
 12:30 p.m. School Construction Authority (Capital)
 1:30 p.m. Public

2:00 p.m. Immigration Committee – Committee Room – City Hall
 2:00 p.m. Office of Immigrant Affairs
 4:00 p.m. Public

Friday, March 22, 2019

10:00 a.m. Housing and Buildings Committee – Council Chambers – City Hall
 10:00 a.m. Department of Buildings

**11:00 a.m. Housing and Buildings Committee jointly with the Subcommittee on Capital
Council Chambers – City Hall**

11:00 a.m. Department of Housing Preservation and Development
 1:00 p.m. Public

**2:00 p.m. Public Housing Committee jointly with the Subcommittee on Capital –
Council Chambers – City Hall**

2:00 p.m. New York City Housing Authority
 4:30 p.m. Public

Monday, March 25, 2019

- 10:00 a.m. General Welfare Committee – Council Chambers – City Hall**
 10:00 a.m. Human Resources Administration / Department of Social Services
 Department of Homeless Services
 1:00 p.m. Administration for Children’s Services joint with Juvenile Justice Committee
 3:00 p.m. Public
- 11:00 a.m. Civil and Human Rights Committee – Committee Room – City Hall**
 11:00 a.m. Human Rights Commission
 12:00 p.m. Equal Employment Practices Commission
 1:00 p.m. Public
- 2:00 p.m. Hospitals Committee – Committee Room – City Hall**
 2:00 p.m. Health + Hospitals
 4:00 p.m. Public

Tuesday, March 26, 2019

- 10:00 a.m. Contracts Committee – Committee Room – City Hall**
 10:00 a.m. Mayor’s Office of Contracts
 11:00 a.m. Public

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 – 250 Broadway, 16th Floor.....11:00 a.m.

- 12:00 p.m. Oversight & Investigations Committee – Council Chambers– City Hall**
 12:00 p.m. Department of Investigation
- 2:00 p.m. Oversight & Investigations Committee jointly with the Committee on Education**
Council Chambers– City Hall
 2:00 p.m. Special Commissioner of Investigation for the New York City School District
 4:00 p.m. Public
- 2:00 pm. Mental Health, Disabilities & Addiction Committee –**
Committee Room – City Hall
 2:00 p.m. Department of Health and Mental Hygiene
 4:00 p.m. Public

Wednesday, March 27, 2019

- 10:00 a.m. Finance Committee – Council Chambers – City Hall**
 10:00 a.m. Department of Finance
- 11:00 a.m. Finance Committee jointly with the Subcommittee on Capital Budget – Council**
Chambers – City Hall
 11:00 a.m. Department of Design and Construction
 12:00 p.m. Office of Management and Budget
 2:00 p.m. Public

Committee on Transportation

Ydanis Rodriguez, Chairperson

Int 1393 - By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Levine, Brannan, Holden and Williams - **A Local Law** in relation to parking enforcement.

Int 1394 - By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Cumbo, Levine, Brannan, Holden and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to city vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant.

Int 1395 - By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Brannan, Holden and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting parking complaints to 311.

Int 1412 - By Council Members Holden, the Speaker (Council Member Johnson), Brannan, Powers, Williams and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to removing vehicles obstructing a sidewalk, crosswalk, fire hydrant, bicycle lane, or bus lane.

Int 1422 - By Council Members Powers, the Speaker (Council Member Johnson), Brannan, Holden, Williams and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to city-issued parking permits.

Committee Room – City Hall.....1:00 p.m.

Thursday, March 28, 2019

Committee on Rules, Privileges & Elections

Karen Koslowitz, Chairperson

M140 - Communication from the Mayor - Submitting the name of David Burney to the Council for its advice and consent regarding his appointment to the City Planning Commission, pursuant to Sections 92 of the City Charter.

Council Chambers – City Hall.....10:30 a.m.

Stated Council Meeting

Ceremonial Tributes – 1:00 p.m.

Agenda – 1:30 p.m..

During the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Johnson) acknowledged that it was Women’s History/Herstory Month and noted that the Council had recently unveiled eight new portraits of history-making women at City Hall. These photographs were hung on the walls by an inside stairwell on the Council side of the building. The women displayed in the portraits are: Antonia Pantoja, Dorothy Lee, Shirley Chisholm, Beverly Sills, Zora Neale Hurston, Frances Perkins, Alice Austin, and Dorothy Day. The Speaker (Council Member Johnson) acknowledged the vital role that women play as members of the Council and the Women’s Caucus and as members of the various Council staffs. As he praised and thanked the hard-working women of the Council, those assembled in the Chambers applauded and cheered.

Also during the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Johnson) congratulated Council Member and Public Advocate-Elect Williams on his first turn as the Acting President Pro Tempore and presiding officer of the Council.

Whereupon on motion of the Speaker (Council Member Johnson), the Acting President Pro Tempore and Public Advocate-Elect (Council Member Williams) adjourned these proceedings to meet again for the Stated Meeting on Thursday, March 28, 2019.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int. No. 1004-A, adopted by the Council at the February 13, 2019 Stated Meeting, was signed into law by the Mayor on March 4, 2019 as Local Law No. 49 of 2019.