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**THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Wednesday, April 22, 2020, 1:40 p.m.  
*held remotely via video-conference*

*The Majority Leader (Council Member Cumbo)*  
*presiding as the Acting President Pro Tempore*

Council Members

Corey D. Johnson, *Speaker*

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

At the time of this virtual Stated Meeting, there was one vacant seat in the Council pending the swearing-in of the certified winner of an upcoming election to be held in the 37th District (Brooklyn).

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these virtual proceedings. Following the gaveling-in of the Meeting and the recitation of the Pledge of Allegiance, the Roll Call for Attendance was called by the City Clerk and the Clerk of the Council (Mr. McSweeney).

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Majority Leader and Acting President Pro Tempore (Council Member Cumbo).

*There were 50 Council Members marked present at this Stated Meeting held remotely for the first time in Council history due to the coronavirus pandemic emergency. These virtual proceedings were video-conferenced via Zoom.*

### INVOCATION

The Invocation was delivered by Rabbi Sharon Kleinbaum, D.D., Senior Rabbi, who serves as the spiritual leader of Beit Simchat Torah located at 130 West 30th Street, New York, N.Y. 10001.

Thank you so much,  
and I'm honored to be here with all of you to offer these words  
as you begin your work on behalf of this great city,  
and we're so grateful to all of you for stepping forward  
and doing the work of our city.

May the One who has blessed all of our ancestors  
and all of our lands and in all of our histories,  
bless all of us here today.  
We stand on the shoulders, each one of us,  
of those who have come before us,  
who have lived through times even worse  
than the ones we are in right now,  
and have blessed us with our lives, to remember them,  
to bring their strength, and to bring their vision  
to create a world for those who will come after us  
as we have come after them.  
less those healthcare workers in our city  
who every day take their lives into their hands as they save lives.  
Bless those essential workers and those on the streets of our city  
keeping it clean and safe and delivering food and essential services  
so that all of us may live.  
Bless all those who are working to bring dignity to the dead.  
Our city now counts over 10,000 dead from this virus.  
We pray for the immigrants, the refugees, the asylum seekers,  
those who are teachers and parents and grandparents,  
those who are in our homeless shelters  
and those who are in our homes and on our streets.  
We pray for everyone today.  
And we pray for those of you who represent this city,  
to continue doing the work of government  
to make things better for all of us,  
to bring to us a vision of what it could be  
when we gather together with intention  
for the good and for the health of all.  
Please, all of us, those of various faiths and those of no faith,  
we join together to bring our intentions and to bring our talents,  
to bring our vision and to bring our humanity,  
to create a city on which we will build into a future.  
We use technology to gather together today,

but knowing that the One who has made all of us is present  
wherever each of us is right now.

We pray that though we are physically distant  
we are spiritually connected  
and we pray we will use whatever tools necessary  
to build up toward the future.

We say these words of the Jewish prayer  
which expresses gratitude for living to this moment.

*[speaking in Hebrew]*

We thank the One above,  
The One who has created our souls,  
the One who is in our hearts for the honor,  
the privilege to be alive at this moment,  
to use the work of our hands and our hearts  
for the good of all humanity,  
and less us say  
Amen.

The Speaker (Council Member Johnson) moved to spread the Invocation in full upon the record.

#### **THE SPEAKER'S OPENING REMARKS AS DELIVERED**

I want to welcome everyone to the New York City Council Stated Meeting for April 22, 2020. This is a Stated unlike anything, unlike any we've ever had before, and I think it's fair to say that this crisis is unlike anything we've faced in modern history.

New York City is the epicenter of the coronavirus pandemic in the United States of America. And as of yesterday our city has had 134,874 confirmed cases of COVID-19. We have also lost 14,427 New Yorkers to this terrible disease, and I don't want to get lost in numbers. Each one of those losses is a personal story, a family that has lost someone, lives that have been altered by this terrible virus. It is a death toll that defies the imagination and includes many frontline workers and public servants who have died in service to our great city.

As New Yorkers, we have faced adversity many times before. Hurricane Sandy, September 11th, the Great Recession, the fiscal crisis of the 1970s. But none of those tragic experiences were quite like this. But although this crisis is unprecedented, we will get through this the same way we got through other hard times. We will look out for one another. We will fight to protect the most vulnerable. And we will work together to benefit the common good for the city that we love. We know that the days and months ahead will not be easy. But this City Council is committed to doing everything we can to help New York City recover.

Today we are voting on several important affordable housing items that are crucial to our city, and we are also introducing a COVID relief package that includes bills to extend time for tenants to repay rent and debts, as well as new protections from harassment for commercial and residential tenants. And we're introducing a plan to reopen our streets to pedestrians so they can practice safe social distancing while getting fresh air and exercise that people need to stay healthy. This relief package also includes a New York City essential workers bill of rights that requires premiums for non-salaried essential employees at large companies, prohibitions on the firing of essential workers without just cause, and paid sick leave for gig workers.

I know that we are anxious to get started, but before we begin I want to explain how we were able to meet today and to provide everyone with a road map on the steps we are taking in today's meetings.

We are able to meet virtually today because of [Governor Cuomo's Emergency Order 202.1](#) which suspended certain portions of the Public Officers Law. This had the effect of allowing for public bodies like the New York City Council to meet virtually. We are also able to meet pursuant to the [Mayor's Executive Order 100](#), which suspended Section 42 of the New York City Charter to the extent it requires the City Council to hold meetings as provided by its rules and requires us to have two Stated Meetings per month. This means that we do not need to follow our Council Rules regulating Stated Meetings, including the in-person voting requirement.

Based on those executive orders we are going to move forward with today's meeting and we'll be following all of our rules except for Rule 8.40-A, requiring in-person voting.

Here is what will happen.

First we'll vote on a motion from Council Member Karen Koslowitz, the chair of our Rules Committee, that allows for the suspension of City Council rules that would otherwise prevent us from conducting our regular business virtually.

After we vote on that motion, we will take a recess from this Stated Meeting.

Then I will suspend the rule requiring in-person votes for committees. And we will then have a meeting of the Committee of the Whole. That is a committee made up of all of the members of the City Council. The reason why we are convening the Committee of the Whole is to enable the Council to seamlessly pass laws and resolutions out of committee and still vote on them today, the ones we'll be voting on today. After that Committee meets we will then reconvene the Stated Meeting and consider the items that passed the Committee of the Whole, along with other items that were already passed through committees prior to the coronavirus hitting New York City. For all of these steps we will stay in the same Zoom conference, so the Zoom conference that you're in right now or that you're watching right now is the same Zoom conference where all of this will occur. With that, I turn the floor back to you, Madam Majority Leader Cumbo.

\* \* \*

At this point, the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) yielded the floor to Council Member Koslowitz, Chair of the Committee on Rules, Privileges and Elections.

#### **Council Member Koslowitz's Motion to Suspend certain Rules of the Council**

Council Member Koslowitz moved to suspend the Rules of the Council pursuant to Rule 10.20 in relation to certain emergency measures enacted in response to the public health risk posed by the coronavirus.

She explained that this suspension and amendment to the Rules of the Council would last only for the duration of the coronavirus emergency as declared by the Governor of New York State or the Mayor of New York City pursuant to New York's Executive Law.

Council Member Koslowitz acknowledged that unanimous consent for the motion would be required, since she had not provided the necessary one week notice needed for this motion.

Council Member Koslowitz then moved to suspend the following specific Rules of the Council:

Rule 2.30. Committee of the Whole – To the extent it requires physically posting a hard-copy notice in City Hall.

Rule 5.10. Public Access – To the extent it requires that a complete transcript of each committee meeting be available for in-person public inspection at the Office of the City Clerk.

Rule 6.00. Preparation and Presentation of Papers – To the extent it can be read as requiring that all papers, other than committee reports, must be deposited in-person with the Office of the Speaker before 1 p.m., at least three business days, excluding municipal holidays, preceding the meeting day.

Rule 6.30. Papers Referred to Committee; Change of Reference – To the extent it only allows the Speaker to change the committee assignment of a local law or resolution up until the first meeting of any such committee.

Rule 7.50. Meetings – Subsection (b). – To the extent it prohibits a committee from meeting on the day of a stated or special meeting of the Council unless the item to be considered by such committee, will, out of necessity, be proposed as a General Order for that day or such committee meeting is called with the consent of two-thirds of the members of such committee.

Subsection (c). – To the extent it requires certain standing committees to meet once a month or once every two months.

Rule 7.70. Required Voting – Subsection (a). – To the extent it requires that all committee votes must be cast in person.

Rule 7.130. Discharge of Committee – To the extent it would prohibit a change of reference of a committee assignment pursuant to Rule 6.30.

Rule 8.40. Voting – Subsection (a). – To the extent it requires that all votes cast at stated, charter and special meetings of the Council must be in person.

Rule 11.60. Discharge of Committee – Subsection (a). – To the extent it prohibits the Council from acting on a matter referred to the Land Use Committee or its subcommittees pursuant to section 11.20 until the committee has reported thereon, or the expiration of the time limit for consideration of that matter.

In addition, Council Member Koslowitz acknowledged that her motion would allow the Speaker to suspend any other Rule of the Council that would prevent the Council and its committees from conducting their regular business remotely as long as that suspension is consistent with Federal, state and local law. To do so, the Speaker would need to publish the rules to be suspended on the Council website.

The Majority Leader and Acting President Pro Tempore (Council Member Cumbo) thanked Council Member Koslowitz for her work on this matter. She then asked if any Council Member wanted to debate this motion.

Council Member Menchaca raised his hand in Zoom conference and asked what the differences were between the present Council rules changes proposed at this April 22<sup>nd</sup> Meeting and the previous Council rules changes proposed in March.

At this point, the Speaker (Council Member Johnson) recognized Council parliamentarian Lance Polivy.

The Parliamentarian (Mr. Polivy) explained that the proposed Council rules changes that were distributed in March did not list the individual provisions that would be suspended. He noted that, in comparison, the presently proposed Rules changes specifies each provision that would be suspended. The Parliamentarian (Mr. Polivy) also noted that the presently proposed Rules changes would require unanimous consent.

At this point, Council Member Yeger was recognized after his hand was raised in Zoom conference. He commented that the counsel to the Rules committee had worked together with the Speaker (Council Member Johnson) and with Chair Koslowitz to limit the proposed suspensions to such portions of the Rules that would inhibit the Council's ability to conduct meetings online. Council Member Yeger expressed his gratitude that the Speaker (Council Member Johnson) had recognized and respected the rights of the Council Members by allowing the Rules to be kept intact except where absolutely necessary. He announced that he would be voting for Council Member Koslowitz's motion to suspend the Rules. The Speaker (Council Member Johnson) thanked him for his statement.

As required by Rule 10.20, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) asked for **unanimous consent** to adopt Council Member Koslowitz's motion to suspend and amend certain Rules of the Council. Being informed by the Parliamentarian (Mr. Polivy) that there were no objections, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) **declared the motion adopted.**

#### **The Speaker's Motion to Recess**

At this point, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) recognized the Speaker (Council Member Johnson) and yielded the floor to him.

The Speaker (Council Member Johnson) moved to recess these proceedings for about an hour to allow the Committee of the Whole to meet. He explained that following the adoption of this motion, the Council would remain in Zoom conference and wait for the Committee meeting to begin. The Speaker (Council Member Johnson) noted that the Committee of the Whole would consider and vote on the items appearing on its agenda. Following the Committee vote, the Council Members would continue to remain in the same Zoom conference for the reconvening of this Stated Meeting.

At this point, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) asked whether there was **unanimous consent** for the Speaker's Motion to Recess. Being informed by the Parliamentarian (Mr. Polivy) that there were no objections, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) **declared the motion adopted.**

The Majority Leader and Acting President Pro Tempore (Council Member Cumbo) recessed the Stated Meeting subject to call in order to convene a meeting of the Committee of the Whole.

*Editor's Note: At this point, the Committee of the Whole was convened. Following a vote on the items on the Committee's agenda, the Committee of the Whole was adjourned and the Stated Meeting of April 22, 2020 was reconvened.*

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**RECESSED MEETING**

*of*

Wednesday, April 22, 2020 held at 2:57 p.m.

*held remotely via video-conference*

*The Majority Leader (Council Member Cumbo)  
presiding as the Acting President Pro Tempore*

Council Members

Corey D. Johnson, *Speaker*

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

At the time of this virtual Recessed Meeting, there was one vacant seat in the Council pending the swearing-in of the certified winner of an upcoming election to be held in the 37th District (Brooklyn).

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these virtual proceedings. The presence of a quorum was maintained via video conference.

*There were 50 Council Members present at this Recessed Meeting held remotely due to the coronavirus pandemic emergency. These proceedings are considered the continuation and conclusion of the Stated Meeting of April 22, 2020 which opened earlier in the day. This virtual meeting was video-conferenced via Zoom.*

The 50 Council Members who were marked present at the earlier recessed Stated Meeting had remained present in virtual Zoom conference throughout the Committee of the Whole meeting and throughout the opening of these proceedings known as the Recessed Meeting of April 22, 2020.

### **ADOPTION OF MINUTES**

Council Member Powers moved that the Minutes of the Stated Meetings of February 11, 2020 and February 27, 2020 be adopted as printed.

### **MESSAGES & PAPERS FROM THE MAYOR**

M-230

**Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2021, pursuant to Section 249 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and website at <https://www1.nyc.gov/site/omb/index.page> for the [Expense Revenue Contract for Fiscal Year 2021 PDF file](#))

Referred to the Committee on Finance.

M-231

**Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2021, pursuant to Section 249 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and website at <https://www1.nyc.gov/site/omb/index.page> for the [Expense Capital Budget for Fiscal Year 2021 PDF file](#))

Referred to the Committee on Finance.



M-232

**Communication from the Mayor - Submitting the Proposed City Fiscal Year 2021 Community Development Program, the Proposed CFY'21 Budget, the Proposed Reallocations-the CD XLVI Funds, Proposed CD XLVII Statement of Objectives and Budget, dated April 16, 2020.**

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

Referred to the Committee on Finance.

M-233

**Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2021 pursuant to Section 250 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and website at <https://www1.nyc.gov/site/omb/index.page> for the Executive Budget Supporting Schedules, for Fiscal Year 2021 pursuant to Section 250 of the New York City Charter.)

Referred to the Committee on Finance.

M-234

**Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2021, Volumes I, II, III and IV, pursuant to Section 219(d) of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and website at <https://www1.nyc.gov/site/omb/index.page> for the Capital Commitment Plan, Executive Budget, Fiscal Year 2021, Volumes I, II, III and IV, pursuant to Section 219(d) of the New York City Charter)

Referred to the Committee on Finance.

M-235

**Communication from the Mayor - Submitting the Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2021.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and website at <https://www1.nyc.gov/site/omb/index.page> for the [Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2021PDF file](#))

Referred to the Committee on Finance.

M-236

**Communication from the Mayor - Submitting the Budget Summary, the Message of the Mayor, and the Citywide Savings Program relative to the Executive Budget, Fiscal Year 2021, pursuant to Section 249 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and website at <https://www1.nyc.gov/site/omb/index.page> for the [Budget Summary, the Message of the Mayor](#), and the [Citywide Savings Program](#) relative to the Executive Budget, Fiscal Year 2021, pursuant to Section 249 of the New York City Charter)

Referred to the Committee on Finance.

M-237

**Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2021 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the New York City Charter.**

April 16, 2020

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller

Honorable Ruben Diaz, Jr., Bronx Borough President

Honorable Eric L. Adams, Brooklyn Borough President

Honorable Gale A. Brewer, Manhattan Borough President

Honorable Sharon Lee, Acting Queens Borough President

Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2021 and the ensuing three fiscal years, in maximum annual amounts as set forth' below:

2021	\$9,670	Million
2022	11,173	Million
2023	12,792	Million
2024	13,538	Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2021 — 2024:

2021	\$7,649	Million
2022	9,162	Million
2023	10,843	Million
2024	11,521	Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2021 — 2024:

2021	\$2,021	Million
2022	2,011	Million
2023	1,949	Million
2024	2,017	Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2021, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2021	\$9,117	Million
2022	13,134	Million
2023	15,203	Million
2024	14,350	Million

Sincerely,

Bill de Blasio  
Mayor

Received, Ordered, Printed and Filed.

M-238

**Communication from the Mayor - Withdrawing the name of Niisha K. Butler (M 224) from consideration at this time for her appointment to the New York City Tax Commission.**

February 24, 2020

The Honorable Corey Johnson  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Sections 31 and 153 of the New York City Charter, I am pleased to present the name of Niisha Butler to the City Council for advice and consent concerning her appointment to the New York City Tax Commission. When appointed to the Commission, Ms. Butler will serve for the remainder of a six-year term expiring on January 6, 2026.

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

Sincerely,

Bill de Blasio  
Mayor

BDB:ml

cc: Niisha K. Butler  
Laura Anglin, Deputy Mayor for Operations  
Frances Henn, President, New York City Tax Commission  
Yuma Kitasei, Director, Mayor's Office of Legislative Affairs

Received, Ordered, Printed and Filed.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-239

**Communication from the Chancellor – Submitting proposed February 2020 Amendment to the FY 2020-2024 Five-Year Capital Plan.**

(For text of this School Construction Authority Capital Budget material, please refer to the website of the New York City School Construction Authority at <http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Capital-Plan-67> )

Referred to the Committee on Finance.

**LAND USE CALL-UPS**

M-240

By Council Member Rosenthal:

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. 20200140 PPM (266 West 96th Street) shall be subject to Council review.**

Coupled on Call-up vote.

The Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) 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, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **50**.

At this point, the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

**EXCERPTS OF REMARKS BY THE SPEAKER AS DELIVERED  
DURING THE COMMUNICATION FROM THE SPEAKER SEGMENT  
OF THIS MEETING**

Thank you, Madam Majority Leader. Good afternoon, everyone. I am so proud of the work that we are doing together despite these physical challenges that we are facing right now, and I want to thank each Council staff member who has put in countless hours to make this happen.

This is an extraordinary Stated Meeting because it shows the Council's commitment to public service. We were elected to serve our constituents in all 51 council districts, and our mission is to come together to create and pass legislation to help all New Yorkers in our diverse city, and that is needed now more than ever. This crisis has exposed so many of the structural racial and income inequities that plague New York City, inequities in our healthcare system, in our governance, and in our schools. And it is my sincerest hope that through this tragedy we will find opportunities to address these long-standing inequities to build a better New York City. This is what we owe to more than 14,000 New Yorkers who have died from this terrible virus, and that work begins with this Stated Meeting today.

I mentioned earlier the enormous losses of life that we have suffered as a city in the last month or so and I'd like to take a moment to acknowledge two former Council Members who we lost in this pandemic:

Arlene Stringer Cuevas, who represented Washington Heights and is the mother of City Comptroller Scott Stringer, and;

Noach Dear, who represented Midwood, Borough Park, and Bensonhurst.

We extend our condolences to their families.

I also want to express condolences on the passing of Council Member Salamanca's father. Rafael Salamanca Sr. died of coronavirus on April 3, and we are sending you, Rafael, and your family our love.

In addition, I want to acknowledge that Council Members Torres, Barron, Levin, Constantinides, Vallone, and Grodenchik, and I believe Ayala, have all been sickened by COVID-19. I am grateful that they are with us today and back to serving their constituents.

As we do during each Stated, I would also like to acknowledge those who have died from 9/11-related illnesses since our last meeting. Retired FDNY firefighter Steve Brickman died on April 12 of 9/11-related illnesses. He was 57 years old. Sergeant Sean Cameron, a retired member of the Department, recently lost his battle with 9/11-related cancer on April 8. He was 52 years old.

I want to take a moment of silence for former Council Member Arlene Stringer Cuevas, Council Member Noach Dear, Rafael Salamanca Sr., Firefighter Brickman, Sergeant Sean Cameron, as well as all of those who we have lost in our city and state and all over the world who have succumbed to this terrible virus.

May we please now have a moment of silence.

*(A Moment of Silence was observed)*

Thank you.

\* \* \*

**REPORTS OF THE STANDING COMMITTEES**

**Report of the Committee on Land Use**

Report for L.U. No. 617

**Report of the Committee on Land Use in favor of approving Application No. 20205278 HHR (NYC Health & Hospitals/Sea View Campus) submitted by the New York City Health and Hospitals Corporation, pursuant to Section 7385(6) of the Health and Hospitals Corporation Enabling Act, for approval to lease a parcel of land and building on the campus of NYC Health and Hospitals/Sea View to Camelot of Staten Island, Inc. for the operation of a residential Substance Use Disorder program, Borough of Staten Island, Council District 50, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 279) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB - 2**

**20205278 HHR**

Application submitted by the New York City Health and Hospitals Corporation, pursuant to Section 7385(6) of the HHC Enabling Act, for approval to lease a parcel of land and building on the campus of NYC Health and Hospitals/Sea View to Camelot of Staten Island, Inc. ("Camelot") for the operation of a residential Substance Use Disorder program, Borough of Staten Island, Council District 50, Community District 2.

**INTENT**

To approve the Lease by HHC of for a parcel of land consisting of approximately 24,080 square feet including the existing Administration Building of approximately 20,000 square feet on the campus of the New York City Health and Hospital/Sea View, to facilitate the development for the operation of a residential Substance Use Disorder program.

**PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 26, 2020

The Subcommittee recommends that the Land Use Committee approve the Lease by HHC, which will be a sublease to Camelot of Staten Island, Inc., pursuant to the Lease Agreement.

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None.

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

Res. No. 1290

**Resolution approving the leasing of a parcel of property consisting of approximately 24,080 square feet including the existing Administration Building of approximately 20,000 square feet located on the campus of the New York City Health and Hospitals/Sea View, Borough of Staten Island (20205278 HHR; L.U. No. 617).**

By Council Members Salamanca and Adams.

**WHEREAS**, the New York City Health and Hospitals Corporation, filed with the Council on January 23, 2020, notice of the Board of Directors authorization dated January 6, 2020 of the leasing agreement of a parcel of property consisting of approximately 24,080 square feet including the existing Administration Building of approximately 20,000 square feet on the campus of the New York City Health and Hospital/Sea View, Staten Island located at 460 Brielle Avenue (Block 955, Lot 1), to Camelot of Staten Island Inc., as tenant, upon the terms and conditions set forth in the Health and Hospitals Corporation resolution authorizing said leasing, a copy of which is attached hereto (the “Leasing”), Community District 2, Borough of Staten Island;

**WHEREAS**, the Leasing is subject to review and action by the Council pursuant to Section 7385(6) of the Health and Hospitals Corporation Enabling Act;

**WHEREAS**, upon due notice, the Council held a public hearing on the Leasing on February 12, 2020; and

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

**RESOLVED:**



Pursuant to Section 7385(6) of the Health and Hospitals Corporation Enabling Act, the Council approves the Leasing in accordance with the terms and conditions set forth in the Board of Directors' resolutions authorizing the Leasing, copies of which are attached hereto.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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. 618

**Report of the Committee on Land Use in favor of approving Application No. 20195575 HIM (N 200223 HIM) the designation by the Landmarks Preservation Commission of the 47 West 28th Street Building, Tin Pan Alley located at 47 West 28th Street (Tax Map Block 830, Lot 11), as an historic landmark (DL-516/LP-2626), submitted pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, Borough of Manhattan, Council District 3, Community District 5.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 279) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5**

**20195575 HIM (N 200223 HIM)**

Designation by the Landmarks Preservation Commission [DL-516/LP-2626] pursuant to Section 3020 of the New York City Charter of the landmark designation of the 47 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 47 West 28<sup>th</sup> Street (Tax Map Block 830, Lot 11), as an historic landmark.

**PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** Five

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 26, 2020

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None.

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

Res. No. 1291

**Resolution affirming the designation by the Landmarks Preservation Commission of the 47 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 47 West 28<sup>th</sup> Street (Tax Map Block 830, Lot 11), Borough of Manhattan, Designation List No. 516, LP-2626 (L.U. No. 618; 20195575 HIM; N 200223 HIM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 19, 2019 a copy of its designation report dated December 10, 2019 (the "Designation"), designating the 47 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 47 West 28<sup>th</sup> Street, Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 830, Lot 11, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

**WHEREAS**, the City Planning Commission submitted to the Council on February 7, 2020, its report on the Designation dated February 5, 2020 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on February 12, 2020; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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. 619

**Report of the Committee on Land Use in favor of approving Application No. 20195576 HIM (N 200224 HIM) the designation by the Landmarks Preservation Commission of the 49 West 28th Street Building, Tin Pan Alley located at 49 West 28th Street (Tax Map Block 830, Lot 10), as an historic landmark (DL-516/LP-2627), submitted pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, Borough of Manhattan, Council District 3, Community District 5.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 279) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 5**

**20195576 HIM (N 200224 HIM)**

Designation by the Landmarks Preservation Commission [DL-516/LP-2627] pursuant to Section 3020 of the New York City Charter of the landmark designation of the 49 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 49 West 28<sup>th</sup> Street (Tax Map Block 830, Lot 10), as an historic landmark.

#### **PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** Five

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 26, 2020

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None.

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

Res. No.1292

**Resolution affirming the designation by the Landmarks Preservation Commission of the 49 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 49 West 28<sup>th</sup> Street (Tax Map Block 830, Lot 10), Borough of Manhattan, Designation List No. 516, LP-2627 (L.U. No. 619; 20195576 HIM; N 200224 HIM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 19, 2019 a copy of its designation report dated December 10, 2019 (the "Designation"), designating the 49 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 49 West 28<sup>th</sup> Street, Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 830, Lot 10, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

**WHEREAS**, the City Planning Commission submitted to the Council on February 7, 2020, its report on the Designation dated February 5, 2020 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on February 12, 2020; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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. 620

**Report of the Committee on Land Use in favor of approving Application No. 20195577 HIM (N 200225 HIM) the designation by the Landmarks Preservation Commission of the 51 West 28th Street Building, Tin Pan Alley located at 51 West 28th Street (Tax Map Block 830, Lot 9), as an historic landmark (DL-516/LP-2628), submitted pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, Borough of Manhattan, Council District 3, Community District 5.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 280) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 5**

**20195577 HIM (N 200225 HIM)**

Designation by the Landmarks Preservation Commission [DL-516/LP-2628] pursuant to Section 3020 of the New York City Charter of the landmark designation of the 51 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 51 West 28<sup>th</sup> Street (Tax Map Block 830, Lot 9), as an historic landmark.

#### **PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** Five

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 26, 2020

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None.

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

Res No. 1293

**Resolution affirming the designation by the Landmarks Preservation Commission of the 51 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 51 West 28<sup>th</sup> Street (Tax Map Block 830, Lot 9), Borough of Manhattan, Designation List No. 516, LP-2628 (L.U. No. 620; 20195577 HIM; N 200225 HIM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 19, 2019 a copy of its designation report dated December 10, 2019 (the "Designation"), designating the 51 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 51 West 28<sup>th</sup> Street, Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 830, Lot 9, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

**WHEREAS**, the City Planning Commission submitted to the Council on February 7, 2020, its report on the Designation dated February 5, 2020 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on February 12, 2020; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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. 621

**Report of the Committee on Land Use in favor of approving Application No. 20195578 HIM (N 200226 HIM) the designation by the Landmarks Preservation Commission of the 53 West 28th Street Building, Tin Pan Alley located at 53 West 28th Street (Tax Map Block 830, Lot 8), as an historic landmark (DL-516/LP-2629), submitted pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, Borough of Manhattan, Council District 3, Community District 5.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 280) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5**

**20195578 HIM (N 200226 HIM)**

Designation by the Landmarks Preservation Commission [DL-516/LP-2629] pursuant to Section 3020 of the New York City Charter of the landmark designation of the 53 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 53 West 28<sup>th</sup> Street (Tax Map Block 830, Lot 8), as an historic landmark.

**PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** Five

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 26, 2020

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 1294

**Resolution affirming the designation by the Landmarks Preservation Commission of the 53 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 53 West 28<sup>th</sup> Street (Tax Map Block 830, Lot 8), Borough of Manhattan, Designation List No. 516, LP-2629 (L.U. No. 621; 20195578 HIM; N 200226 HIM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 19, 2019 a copy of its designation report dated December 10, 2019 (the "Designation"), designating the 53 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 53 West 28<sup>th</sup> Street, Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 830, Lot 8, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

**WHEREAS**, the City Planning Commission submitted to the Council on February 7, 2020, its report on the Designation dated February 5, 2020 (the "Report");



**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on February 12, 2020; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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. 622

**Report of the Committee on Land Use in favor of approving Application No. 20195579 HIM (N 200227 HIM) the proposed designation by the Landmarks Preservation Commission of the 55 West 28th Street Building, Tin Pan Alley located at 55 West 28th Street (Tax Map Block 830, Lot 7), as an historic landmark (DL-516/LP-2630), submitted pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, Borough of Manhattan, Council District 3, Community District 5.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page x280 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5**

**20195579 HIM (N 200227 HIM)**

Designation by the Landmarks Preservation Commission [DL-516/LP-2630] pursuant to Section 3020 of the New York City Charter of the landmark designation of the 55 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 55 West 28<sup>th</sup> Street (Tax Map Block 830, Lot 7), as an historic landmark.

**PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** Five

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** February 26, 2020

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 1295

**Resolution affirming the designation by the Landmarks Preservation Commission of the 55 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 55 West 28<sup>th</sup> Street (Tax Map Block 830, Lot 7), Borough of Manhattan, Designation List No. 516, LP-2630 (L.U. No. 622; 20195579 HIM; N 200227 HIM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 19, 2019 a copy of its designation report dated December 10, 2019 (the "Designation"), designating the 55 West 28<sup>th</sup> Street Building, Tin Pan Alley located at 55 West 28<sup>th</sup> Street, Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 830, Lot 7, as its landmark site pursuant to Section 3020 of the New York City Charter;**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;**WHEREAS**, the City Planning Commission submitted to the Council on February 7, 2020, its report on the Designation dated February 5, 2020 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on February 12, 2020; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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. 623

**Report of the Committee on Land Use in favor of approving Application No. 20205522 HIX (N 200236 HIX) the Landmarks Preservation Commission's proposed Rescission of the Landmark Designation of Public School 31 located at 425 Grand Concourse (Tax Map Block 2346, Lot 1) (DL-516/LP-1435A), submitted pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, Borough of the Bronx, Council District 17, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 280) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**PUBLIC SCHOOL 31 LANDMARK RECISSION**

**BRONX CB - 1**

**20205522 HIX (N 200236 HIX)**

The Landmarks Preservation Commission's proposed Rescission of the Landmark Designation of Public School 31 located at 425 Grand Concourse (Tax Map Block 2346, Lot 1) (DL-516/LP-1435A), submitted pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York.

**PUBLIC HEARING****DATE:** February 12, 2020**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** February 26, 2020

The Subcommittee recommends that the Land Use Committee approve the Rescission of the Landmark Designation.

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 1296

**Resolution approving the rescission of the Landmark Site and Designation for Public School 31 located at 425 Grand Concourse (Tax Map Block 2346, Lot 1), Borough of The Bronx, Designation List No. 516, LP-1435A (L.U. No. 623; 20205522 HIX; N 200236 HIX).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 19, 2019 a copy of its rescission of the landmark designation report dated December 10, 2019 (the "Rescission"), rescission of landmark site and designation for Public School 31 located at 425 Grand Concourse, Community District 1, Borough of The Bronx, as a landmark and Tax Map Block 2346, Lot 1, pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Rescission of the landmark designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

**WHEREAS**, the City Planning Commission submitted to the Council on February 7, 2020, its report on the Rescission of the Landmark Designation dated February 5, 2020 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Rescission of the Landmark Designation on February 12, 2020; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Rescission of the Landmark Designation and the Report, the Council approves the Rescission.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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. 627

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190172 ZMK (271 Sea Breeze Avenue) submitted by 271 Sea Breeze Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, by establishing within an existing R6 District a C2-4 District, on property bounded by West Brighton Avenue, West 2nd Street, Sea Breeze Avenue and West 5th Street (Block 7280, Lots 89, 92, 95, 110, and 188), Borough of Brooklyn, Council District 48, Community District 13.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 282) 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. 627 & Res. No. 1318 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its approval, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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

Report for L.U. No. 630

**Report of the Committee on Land Use in favor of approving Application No. C 190295 ZMK (8118 13th Avenue Rezoning) submitted by Stars and Stripes Holding Co. Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b, by establishing within an existing R5B District a C1-3 District, for property located at 8118, 8120, and 8124 13th Avenue (Block 6291, Lots 43, 45, and 47), Borough of Brooklyn, Council District 43, Community District 10.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 282) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB - 10**

**C 190295 ZMK**

City Planning Commission decision approving an application submitted by Stars and Stripes Holding Co. Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b, by establishing within an existing R5B District a C1-3 District bounded by line 100 feet northwesterly of 13<sup>th</sup> Avenue, a line midway between 81<sup>st</sup> Street and 82<sup>nd</sup> Street, 13<sup>th</sup> Avenue and 82<sup>nd</sup> Street, Borough of Brooklyn, Community District 10, as shown on a diagram (for illustrative purposes only) dated October 15, 2019.

#### **INTENT**

To approve the amendment to the Zoning Map, Section No. 22b to establish a C1-3 District commercial overlay within an existing R5B District to facilitate the legalization of a one-story office building located at 8118 13<sup>th</sup> Avenue (Block 6291, Lot 43) in the Dyker Heights neighborhood of Brooklyn, Community District 10.

#### **PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** February 26, 2020

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

**In Favor:**

Moya, Levin, Richards, Reynoso, Grodenchik, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None.

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

Res. No. 1297

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190295 ZMK, a Zoning Map amendment (L.U. No. 630).**

By Council Members Salamanca and Moya.

**WHEREAS**, Stars and Stripes Holding Co. Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b, by establishing within an existing R5B District a C1-3 District to facilitate the legalization of a one-story office building located at 8118 13<sup>th</sup> Avenue (Block 6291, Lot 43) in the Dyker Heights neighborhood of Brooklyn, Community District 10 (ULURP No. C 190295 ZMK) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on February 7, 2020, its decision dated February 5, 2020 (the "Decision") on the Application;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 12, 2020;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 15<sup>th</sup>, 2019 (CEQR No. 18DCP069K) (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 190295 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. 22b, by establishing within an existing R5B District a C1-3 District bounded by a line 100 feet northwesterly of 13<sup>th</sup> Avenue, a line midway between 81<sup>st</sup> Street and 82<sup>nd</sup> Street, 13<sup>th</sup> Avenue and 82<sup>nd</sup> Street, Borough of Brooklyn, Community District 10, as shown on a diagram (for illustrative purposes only) dated October 15, 2019.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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. 631

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190352 ZRQ (Queens Boulevard MIH Text Amendment) submitted by 64-11 QB Owner 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 1341, Lot 77, and Block 2446, Lots 1, 4, 30, 31, 36 and 41, Borough of Queens, Council Districts 26 and 30, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 283) 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. 631 & Res. No. 1319 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its approval, as modified.*



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

Report for L.U. No. 640

**Report of the Committee on Land Use in favor of approving Application No. 20205357 HAM (Cooper Square MHA-Phase 1.GHPP.FY20) submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of an amendment to a previously approved Resolution No. 819 (Prior Resolution) on March 28, 2019 located at Block 426, Lot 22, Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, and 45; and Block 460, Lots 35, 48, 49, 50, 51, 52, 53, 54, 55, and 59, Borough of Manhattan, Council Districts 1 and 2, Community District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 3**

**20205357 HAM**

Application submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of an amendment to a previously approved Resolution No. 819 (Prior Resolution) on March 28, 2019 located at Block 426, Lot 22, Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, and 45; and Block 460, Lots 35, 48, 49, 50, 51, 52, 53, 54, 55, and 59, Borough of Manhattan, Council Districts 1 and 2, Community District 3.

#### **INTENT**

To approve an amendment to a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law to include community facility space for the Exemption Area which contains twenty-one multiple dwellings known as Cooper Square MHA-Phase 1.GHPP.FY20 which provide homeownership housing for low income families.

#### **PUBLIC HEARING**

**DATE:** February 26, 2020

**Witnesses in Favor:** One

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 26, 2020

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:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 1298

**Resolution approving an amendment to a previously approved Real Property Tax Exemption located at Block 426, Lot 22; Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, and 45; Block 460, Lots 35, 48, 49, 50, 51, 52, 53, 54, 55, and 59, Community District 3, Borough of Manhattan (Preconsidered L.U. No. 640; 20205357 HAM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 25, 2020 its request dated February 21, 2020 that the Council approve an amendment (the "Amended Tax Exemption") to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (City Council Resolution No. 819; L.U. No. 347, approved March 28<sup>th</sup>, 2019, (hereinafter, the "Prior Resolution") for property located at Block 426, Lot 22; Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, and 45; Block 460, Lots 35, 48, 49, 50, 51, 52, 53, 54, 55, and 59, Community District 3, Borough of Manhattan.

**WHEREAS**, upon due notice, the Council held a public hearing on the Amended Tax Exemption on February 26, 2020; and

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

**RESOLVED:**

The Council approves the amendment of the Prior Resolution by adding the following definition j to paragraph 1 and by deleting paragraph 3 thereof and replacing it with the following:

- 1.j. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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 of the Whole**

Report for Int. No. 1854

**Report of the Committee of the Whole in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Downtown Flushing Transit Hub business improvement district, an extension of the boundaries of such district, the provision of additional services and the modification of existing services in such district, a change in the method of assessment upon which the district charge is based, and an increase in the maximum total amount to be expended for improvements in such district.**

The Committee of the Whole, to which the annexed proposed local law was re-assigned on April 21, 2020 heard after being originally referred to the Committee on Finance on January 23, 2020 (Minutes, page 127), respectfully

### **REPORTS:**

#### **BACKGROUND**

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts (“BIDs”).

BIDs are specifically defined areas of designated properties. They use the City’s real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those that the City provides. The additional services would be designed to enhance the area and to improve local business. Normally, a BID's additional services would be in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising).

Under the process established by law, on January 23, 2020, the City Council adopted Resolution No. 1227, which set a public hearing date of Tuesday, February 11, 2020 for the legislation that would authorize an increase in the amount to be expended annually in the Downtown Flushing Transit Hub Business Improvement District (the “District”), an extension of the District’s boundaries, the provision of additional services and the modification of existing services in the District, a change in the method of assessment upon which the district charge in the District is based, and an increase in the maximum total amount to be expended for improvements in the District.

Prior to the Council’s action, the Community Board for the district in which the proposed BID is located -- Community Board 7 of Queens -- voted to approve the extended district on June 17, 2019. The City Planning Commission (“CPC”) also reviewed the BID’s amended district plan and held a public hearing on July 31, 2019. The CPC approved a resolution on August 28, 2019 (Calendar No. 17), which certified the CPC’s unqualified approval of the amended district plan for the Downtown Flushing Transit Hub BID.

Resolution No. 1227 also directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record or a newspaper of general circulation not less than 10 nor more than 30 days before the public hearing. The Downtown Flushing Transit Hub District Management Association was directed to mail the Resolution or its summary to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills for property within the BID, and to occupants of each building within the proposed extended district, also not less than 10 nor more than 30 days before the public hearing. Finally, the Downtown Flushing Transit Hub District Management Association was also directed to publish in a newspaper of general circulation a notice stating the time and place of the hearing and stating the increase in the amount to be expended annually in the District not less than 10 days prior to the hearing.

The public hearing to consider both the amended district plan and the enacting legislation, according to the provisions of the law, is to be closed without a vote. The Committee then must wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after this public hearing serves as an objection period. Any property owner may, during this time period, formally object to the plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such the amended district plan.

When the Committee considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the district included within the district?; and
4. Is the establishment of the district in the best interests of the public?

If the Committee and the full Council finds in the affirmative on these four questions and the number of objections required to prevent the expansion of such district are not filed, then the legislation can be adopted.

In addition, pursuant to Section 25-410(b) of the Administrative Code, a BID may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID or improvements, services, maintenance and operation) by means of the adoption of a local law amending the BID's district plan. So, in addition to the four questions outlined above, the Committee and the full Council must also determine that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded.

This local law takes effect after the requirements contained in Section 25-408 of the Administrative Code are complied with.

### **DOWNTOWN FLUSHING TRANSIT HUB BID DETAILS**

The Downtown Flushing Transit Hub BID was first established in 2003 and includes properties along Main Street from Northern Boulevard to Sanford Avenue, Roosevelt Avenue between Union Street and Prince Street, 40th Road from Main Street to Prince Street, 39th Avenue from Main Street to College Point Boulevard, Kissena Boulevard from Main Street to Barclay Avenue, and the north side of Kissena Boulevard between Barclay Avenue and Sanford Avenue.

Since the BID was established, the neighborhood has grown dramatically and Downtown Flushing has expanded to adjacent corridors that have become part of the area's commercial core. This growth has resulted in concerns from local business owners and the community, including automobile and pedestrian traffic, cleanliness and security. Consequently, the BID has identified a greater need for services that aim to improve the overall experience in Downtown Flushing, as well as the quality of life for businesses, residents, and visitors.

The BID is requesting that the Council approve the following changes to the District Plan:

- 1) extending existing BID boundaries to include properties along Main Street between Sanford Avenue and Franklin Avenue and, generally, from College Point Boulevard to the west to Union Street to the east;
- 2) expanding services to include beautification as well as traffic management and pedestrian safety, and authorizing streetscape improvements to complement these services;

- 3) increasing the BID annual assessment from \$380,000 to \$1 million, funded by the expansion to new properties and by changes in the method of assessment authorized to be calculated on a formula applicable to the class of property, and authorizing the BID to spend up to \$1 million per year.

#### *Boundary Expansion*

The amended district plan would extend BID boundaries to include properties on Main Street south to Franklin Avenue, properties on 37th Avenue west to College Point Boulevard and east to Union Street, Prince Street from 37th Avenue to 40th Road, Union Street from 37th Avenue to Roosevelt Avenue, and College Point Boulevard from 37th Avenue to 41st Road. It would also extend east on 39th Avenue to Union Street, on Roosevelt Avenue from College Point Boulevard to Prince Street, 41st Avenue from College Point Boulevard to Main Street, and 41st Road from College Point Boulevard to Main Street.

The expanded BID boundary would contain over 2,000 businesses, an increase of approximately 900 businesses from the 1,100 within current the BID boundary. These businesses include restaurants, food courts, supermarkets, green grocers, clothiers, jewelers, pharmacies, optical, personal care salons, a variety of convenience and specialty stores, and a variety of professional practices, including banking, insurance brokerages, realtors, medical, dental, and secondary medical testing centers. There is also limited office space above and below sidewalk level storefront businesses. There are also roughly 1,550 residential units in the BID expansion area, approximately 60 percent of which are owner-occupied.

#### *Service Expansion and Improvements*

The current district plan already authorizes a range of services, including street maintenance, marketing and promotions (including holiday lights), administration, and other services. The amended district plan would continue authorization of these services and would add two new categories of authorized services: beautification, as well as traffic management and pedestrian safety.

The amended district plan would authorize new beautification services, including landscaping, seasonal plant purchasing, installation and maintenance of tree pits, planters and hanging baskets. As opportunities emerge, the BID would also be authorized to provide open-space management services.

The amended district plan would also authorize a range of new traffic management and pedestrian safety services aimed at improving pedestrians experience in the midst of massive traffic congestion. These services would include, but would not be limited to, working with the City to implement a number of signalization, channelization, and stripping improvements throughout the District; employing pedestrian Traffic Managers at key intersections during weekday rush hours; and committing resources toward analyzing the traffic and transportation challenges to support a more comprehensive approach.

The amended district plan would specifically authorize the BID to undertake various streetscape improvements, in coordination with the relevant city agency and affected community board, to complement these expanded services. The BID would be authorized to undertake sidewalk amenities to identify, enhance and beautify the District, including sidewalk plantings, tree, shrubs and flowers in tubs and at grade, and sidewalk logos and plaques identifying the area of the BID as the Flushing BID. The BID would also be authorized to undertake street and sidewalk amenities to improve pedestrian circulation and safety, including information boards and kiosks, new news boxes and newsstands, street and subway identification, and intersection repainting. The authorization to spend BID funds on such improvements is capped for the life of the BID at \$10 million.

#### *Budget Expansion, Authorization to Spend, and Funding Formula Changes*

The current budget for the BID is \$380,000 and it has not increased since the BID was established in 2003. Since then, Downtown Flushing has grown significantly and the demand for services has increased. The geographic expansion of the BID would provide additional funding and would allow for the expansion of services to new areas and augmentation of services in the existing area. The expansion would increase the budget by \$620,000, resulting in an increased first-year budget of \$1 million. The BID would be authorized to spend up to \$1 million in any year.

The main source of BID funding would continue to be an assessment of the properties within the BID. Commercial properties, vacant land, and undeveloped lots would continue to be assessed using both linear feet and assessed valuation, but would also now would also pay a \$250 base fee, after which those rates will be calculated. Residential properties would continue to be assessed at \$1.00 annually. Not-for-profit and government properties would continue to not be assessed anything.

The following is a breakdown of the high, low, median, and average assessments expected to be paid by fully assessed properties under the proposed assessment as compared to the same metrics under the current budget:

	<b>Expansion Budget</b>	<b>Current Budget</b>
<b>BUDGET:</b>	<b>\$1,000,000</b>	<b>\$380,000</b>
<b>Maximum</b>	\$26,892	\$17,145
<b>Minimum</b>	\$281	\$86
<b>Median</b>	\$407	\$200
<b>Average</b>	\$992	\$706

### **FEBRUARY 11, 2020 HEARING**

On February 11, 2020, as set forth in Resolution No. 1227, the Committee on Finance held a public hearing to consider Intro. No. 1854) that would approve the above-described changes to the District Plan.

Representatives of the Department of Small Business Services and the Downtown Flushing Transit Hub BID testified in support of the proposed changes to the BID's District Plan. Specifically, the Department of Small Business Services testified about its extensive outreach and close coordination with key stakeholders, the documented support among all stakeholder groups, its mailing of all required notices, and its publication of a copy of the summary of the Resolution in the City Record.

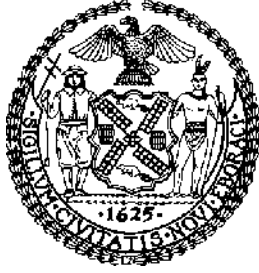
As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the amended district plan with the Office of the City Clerk began. Copies of objection forms were made available at the Office of the City Clerk which is located at 1 Centre Street in Manhattan.

### **APRIL 22, 2020 HEARING**

On April 22, 2020, the Committee of the Whole will meet to consider and vote on Intro. No. 1854. The objection period for the changes to the BID's District Plan closed thirty days after the public hearing. According to the City Clerk, no eligible property owners filed a valid objection to the changes to the BID's District Plan. Also according to information provided by the Department of Small Business Services, which is on file with the Committee on Finance, the legislation proposes zero municipal indebtedness to be contracted for district improvements and the \$1 million district assessment it would authorize would be less than 20 percent of the total general city taxes levied in that year against the taxable real property within the expanded district boundaries, as required by section 25-412 of the Administrative Code.

Since the number of objections required to prevent the creation of the BID have not been filed with the City Clerk, and the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded by such increased expenditure, if the Council finds in the affirmative on the four questions outlined above, then the legislation can be adopted, and the BID District Plan will be amended.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1854:)**



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**INTRO. NO: 1854**

**COMMITTEE: Committee of the Whole**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Downtown Flushing Transit Hub business improvement district, an extension of the boundaries of such district, the provision of additional services and the modification of existing services in such district, a change in the method of assessment upon which the district charge is based, and an increase in the maximum total amount to be expended for improvements in such district.

**Sponsor:** By Council Members Daniel Dromm and Koo (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Intro. No. 1854 would extend the boundaries the Downtown Flushing Transit Hub Business Improvement District (BID), include the provision of additional services and the modification of existing services in the BID, change the method of assessment upon which the BID charge is based, and increase the maximum total amount to be expended for improvements in the BID. The legislation would extend the existing BID boundaries to include properties along Main Street between Sanford Avenue and Franklin Avenue and, generally, from College Point Boulevard to the west to Union Street to the east. The legislation would also expand services to include beautification as well as traffic management and pedestrian safety, and authorize streetscape improvements to complement these services. Additionally, the legislation would increase the BID annual assessment from \$380,000 to \$1 million, funded by the expansion to new properties and by changes in the method of assessment authorized to be calculated on a formula applicable to the class of property.

**EFFECTIVE DATE:** This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and is retroactive to and deemed to have been in full force and effect as of July 1, 2020, provided that section one of this local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2020.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



**IMPACT ON REVENUES AND EXPENDITURES:** This local law would result in no fiscal impact on the City's revenues or expenditures. Proceeds authorized to be assessed by the BID would be collected by the City on behalf of the BID and could not be used for any purpose other than those set forth in the BID's district plan. The assessment is not funded by the City, and therefore will have no impact on the City's expenditures.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Department of Small Business Services

**ESTIMATE PREPARED BY:** Rebecca Chasan, Senior Counsel, Finance Division  
Stephanie Ruiz, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council as Intro. No. 1854 on January 23, 2020 and referred to the Committee on Finance. A hearing was held by the Committee Finance on February 11, 2020, and the legislation was laid over to allow for the statutory 30-day objection period. The legislation was re-referred to the Committee of the Whole and the Committee of the Whole will consider the legislation on April 22, 2020. Upon successful vote by the Committee of the Whole, Intro. No. 1854 will be submitted to the full Council for a vote on April 22, 2020.

**DATE PREPARED:** April 21, 2020.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 1854:)**

Int. No. 1854

By Council Members Dromm and Koo (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Downtown Flushing Transit Hub business improvement district, an extension of the boundaries of such district, the provision of additional services and the modification of existing services in such district, a change in the method of assessment upon which the district charge is based, and an increase in the maximum total amount to be expended for improvements in such district**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-460.1 to read as follows:

§ 25-460.1 *Downtown Flushing Transit Hub business improvement district; increase in the amount to be expended annually. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Downtown Flushing Transit Hub business improvement district beginning on July 1, 2020, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of one million dollars (\$1,000,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Downtown Flushing Transit Hub business improvement district plan.*

§ 2. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-460.2 to read as follows:

§ 25-260.2 *Downtown Flushing Transit Hub business improvement district; extension of district.* a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension of the district; that all the real property benefited is included within the limits of the district; and that the extension of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the Downtown Flushing Transit Hub business improvement district in the borough of Queens is hereby extended. Such district is extended in accordance with the amended district plan of 2019 required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan of 2019 upon which the Downtown Flushing Transit Hub business improvement district, and the extension thereof, is based.

c. The amended district plan of 2019 shall not be further amended except in accordance with chapter four of this title.

§ 3. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-460.3 to read as follows:

§ 25-460.3 *Downtown Flushing Transit Hub business improvement district; amendments to the district plan.* a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional services and modify existing services for the Downtown Flushing Transit Hub business improvement district and to authorize a change in the method of assessment upon which the district charge in the Downtown Flushing Transit Hub business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there are hereby authorized in the Downtown Flushing Transit Hub business improvement district such changes as set forth in the amended district plan of 2019 required to be filed with the city clerk pursuant to subdivision c of this section.

b. The city council having determined, pursuant to subdivision c of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the maximum total amount to be expended for improvements in the district, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in the Downtown Flushing Transit Hub business improvement district such change as set forth in the amended district plan of 2019 required to be filed with the city clerk pursuant to subdivision c of this section.

c. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan of 2019 setting forth the additional services and modification of services and containing the change in the method of assessment authorized by subdivision a of this section and the increase in the maximum total amount to be expended for improvements authorized by subdivision b of this section.

§ 4. This local law takes effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and is retroactive to and deemed to have been in full force and effect as of July 1, 2020, provided that section one of this local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2020.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chair*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS,

CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

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

Report for L.U. No. 646

**Report of the Committee of the Whole in favor of a Resolution approving 1898 Harrison Avenue, GHPP.FY20, Block 2869, Lot 87; Bronx, Community District No. 5, Council District No. 14.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

DATE: April 22, 2020

TO: Hon. Corey Johnson, Speaker  
Members of the Committee of the Whole

FROM: Rebecca Chasan, Senior Counsel, Finance Division  
Noah Brick, Assistant Counsel, Finance Division  
Stephanie Ruiz, Assistant Counsel, Finance Division

RE: Committee of the Whole Agenda of April 22, 2020 – Resolutions approving tax exemptions for nine Land Use items (Council Districts 5, 6, 7, 9, 14, 24, and 49)

**Item 1: 1898 Harrison Avenue**

1898 Harrison Avenue is a 54-unit building located in University Heights-Morris Heights. The 54 units include 34 one-bedroom units, 14 two-bedroom units (inclusive of one superintendent unit), and six three-bedroom units.

1898 Harrison Avenue was built in 1926, taken by the City through in rem foreclosure in 2003, and under the Department of Housing Preservation and Development's (HPD) Third Party Transfer (TPT) program deeded to Urban Homesteading Assistance Board (UHAB) Housing Development Fund Corporation (HDFC) in 2005.

UHAB HDFC received a 40-year Article XI property tax exemption and oversaw a renovation in anticipation that the building would be converted to a limited-equity cooperative. But after the renovation was completed the tenants opted not to become a co-op so UHAB deeded beneficial ownership to Bronx Pro New Building LLC to operate the building as a rental.

Under the proposed project, the property would undergo moderate rehabilitation and energy and water efficiency upgrades financed by HPD through its Green Housing Preservation Program (GHPP), including façade and masonry work, parapet replacement, low-flow fixtures, efficient appliances, LED lighting, insulation, and solar photovoltaic (PV). As part of this GHPP project, HPD would enter into a new regulatory agreement with the HDFC and the LLC.

HPD is requesting that the Council replace the existing exemption with a new 40-year Article XI property tax exemption to be coterminous with the new regulatory agreement. The superseding regulatory agreement would require that five units be leased to formerly homeless households with incomes up to 50% of Area Median Income (AMI), 18 units be leased to households with incomes up to 60% AMI, 20 units be leased to households with incomes up to 90% AMI, and ten units be leased to household with incomes up to 120% AMI.

Summary:

- Borough – Bronx
- Block 2869, Lot 87
- Council District – 14
- Council Member – Cabrera
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 54 (inclusive of one superintendent unit)
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – UHAB HDFC, BP New Building LLC, Bronx Pro Group
- Purpose – preservation
- Cost to the city – \$2.7 million
- Housing Code Violations
  - Class A – 4
  - Class B – 4
  - Class C – 5
- AMI target – 5 units at 50%, 18 units at 60%, 20 units at 90%, and 10 units at 120%

**Item 2: Grace Senior Housing**

Grace Senior Housing is a senior housing development at 155-02 90th Avenue in Jamaica, Queens. Its 80 units include 20 studio units, 59 one-bedroom units, and one two-bedroom superintendent unit.

The Council approved a partial 40-year Article XI property tax exemption in 1990 for Grace Episcopal Church and Grace Episcopal Church Jamaica Senior Citizens HDFC to subsidize the development. The property is also under a Housing Assistance Payments (HAP) Section 8 contract, under which tenants pay only 30% of their income in rent and the U.S. Department of Housing and Urban Development (HUD) makes payments to the landlord. Current tenant rents average about 16% of the HAP contract rents.

The HDFC is refinancing its existing HUD mortgage and plans on using its equity to complete moderate rehabilitation to its building. HPD is requesting that the Council approve a new partial 40-year Article XI

property tax exemption. The HDFC would enter into a new HPD regulatory agreement restricting the use of the development to rental housing for seniors with incomes up to 50% AMI.

Summary:

- Borough – Queens
- Block 9754, Lot 1
- Council District – 24
- Council Member – Lancman
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 80 (inclusive of one superintendent unit)
- Type of exemption – Article XI, partial, 40 years
- Population – affordable senior rental housing
- Sponsor – Grace Episcopal Church Jamaica Senior Citizens HDFC
- Purpose – preservation
- Cost to the city – \$1.6 million
- Housing Code Violations
  - Class B – 1
- AMI target – 50% of AMI

**Item 3: HP Morningside Heights Portfolio HDFC.YR15.FY20**

Black Spruce Management LLC proposes to acquire a portfolio of 48 buildings in Morningside Heights. The portfolio's 679 residential units consist of eight studios, 167 one-bedroom units, 258 two-bedroom units, 191 three-bedroom units, 50 four-bedroom units, five five-bedroom units, and three superintendent units. There are also 13 commercial units.

Black Spruce LLC would control the portfolio through five single-purpose entities: Columbus Affordable Housing LLC, 109<sup>th</sup> Affordable Housing LLC, 114<sup>th</sup> Affordable Housing LLC, 115<sup>th</sup> Affordable Housing LLC, and Amsterdam Affordable Housing LLC (collectively, the LLCs). HP Morningside Heights Portfolio HDFC would be the legal owner.

HPD is requesting that the Council approve a partial 40-year Article XI property tax exemption. Currently, the portfolio has 33 rent-controlled units, 381 rent-stabilized units, and 262 market rate units. Following closing, the HDFC, the LLCs, and HPD would enter into regulatory agreements that would require stabilization of 97 of the market rate units and which would require that 54 units be leased to households with incomes up to 30% of AMI, 168 units be leased to households with incomes up to 50% AMI, 72 units be leased to households with incomes up to 80% AMI, 210 units be leased to households with incomes up to 100% AMI, seven units be leased to households with incomes up to 110% AMI, and that 165 units be market rate.

Summary:

- Borough – Manhattan
- Block 1831, Lots 8, 9, 13, 14, 18, and 121; Block 1848, Lots 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 and 18; Block 1860, Lots 31, 32, and 33; Block 1861, Lots 59, 60, and 61; Block 1862, Lot 2; Block 1863, Lots 45, 46, 54, 55, and 56; Block 1880, Lots 37, 39, 42, and 44; Block 1881, Lots 7, 8, 9, 10, 11, 12, 15, 19, 24, 25, 26, 27, and 28
- Council Districts – 7 and 9
- Council Members – Levine and Perkins

- Council Member approval –Yes
- Number of buildings – 48
- Number of units – 679
- Type of exemption – Article XI, partial, 40-year
- Population –affordable rental housing
- Sponsor – Black Spruce Management LLC, Columbus Affordable Housing LLC, 109th Affordable Housing LLC, 114th Affordable Housing LLC, 115th Affordable Housing LLC, and Amsterdam Affordable Housing LLC, HP Morningside Heights Portfolio HDFC, Nieuw Amsterdam Property Management LLC
- Purpose – preservation
- Cost to the city – \$29.2 million
- Housing Code Violations
  - Class A – 23
  - Class B – 59
  - Class C – 20
- AMI target – 54 units at 30% AMI, 168 units at 50% AMI, 72 units at 80% AMI, 210 units at 100% AMI, 7 units at 110% AMI, 165 units at market rate, and three superintendent units

#### **Item 4: Turin House**

Turin House is a 19-story limited-equity HDFC cooperative at 609 Columbus Avenue on the Upper West Side. Its 189 residential units consist of nine studio units, 45 one-bedroom units, 90 two-bedroom units (inclusive of one superintendent unit), 36 three-bedroom apartments, and nine four-bedroom apartments. There are also two commercial units and 48 residential parking spaces (inclusive of one superintendent parking space).

In December 2018, the HDFC entered into a 40-year partial Article XI property tax exemption, retroactive to the October 2009 expiration date of a previous tax exemption. A physical needs assessment to develop the scope of work for a moderate rehabilitation revealed more extensive capital requirements than initially assumed. The HDFC would finance the rehabilitation of the property with loans from the New York City Housing Development Corporation (HDC) and HPD. A full Article XI exemption, effective on the signing of the regulatory agreement, would allow the project to leverage a larger HDC first mortgage and decrease the amount of City capital needed to complete the moderate rehabilitation of this project.

HPD is requesting that the Council approve a full 40-year Article XI property tax exemption, retroactive to October 2009. The HDFC, HDC, and HPD would enter into a regulatory agreement requiring that units be sold only to households with incomes up to 165% AMI.

#### **Summary:**

- Borough – Manhattan
- Block 1203, Lot 1
- Council District – 6
- Council Member – Rosenthal
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 189
- Type of exemption – Article XI, full, 40 years
- Population – affordable homeownership
- Sponsor – Turin HDFC

- Purpose – preservation
- Cost to the city – \$10.7 million
- Housing Code Violations
  - Class A – 3
  - Class B – 5
  - Class C – 1
  - Class I – 1
- AMI target – 165% AMI

### **Item 5: Schreiber**

Schreiber is a five-building portfolio located in the Hamilton Heights neighborhood in Manhattan. Its 182 residential units include 21 studio units (inclusive of one superintendent unit), 110 one-bedroom units (inclusive of one superintendent unit), 43 two-bedroom units, and eight three-bedroom units. There are also two commercial units.

Under the proposed project, Black Spruce Management LLC would purchase the portfolio and would operate the buildings through J Robinson Park LLC. WHGA Robinson Park HDFC would be the legal owner. HPD is requesting that the Council approve a partial 40-year Article XI property tax exemption. The HDFC, the LLC, and HPD would enter into a regulatory agreement covering the full portfolio, of which 64% is currently unregulated and 36% is restricted solely through rent stabilization. The agreement would require that 24 units be leased to households with incomes up to 55% of AMI, 12 units be leased to households with incomes up to 65% AMI, ten units be leased to households with incomes up to 85% AMI, 53 units be leased to households with incomes up to 100% AMI, 11 units be leased to households with incomes up to 110% AMI, and 70 units be leased to households with incomes up to 125% AMI.

### **Summary:**

- Borough – Manhattan
- Block 2047, Lots 21, 23, and 35; Block 2054, Lots 12 and 15.
- Council District – 9
- Council Member – Perkins
- Council Member approval – Yes
- Number of buildings – 5
- Number of units – 182
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental housing
- Sponsor – Black Spruce Management LLC, J Robinson Park LLC, WHGA Robinson Park HDFC
- Purpose – preservation
- Cost to the city – \$12.7 million
- Housing Code Violations
  - Class A – 129
  - Class B – 206
  - Class C – 65
- AMI target – 24 units at 55% AMI, 12 units at 65% AMI, 10 units at 85% AMI, 53 units at 100% AMI, 11 units at 110% AMI, 70 units at 125% AMI

**Item 6: 757 East 169th Street**

757 East 169 Street is a limited-equity HDFC cooperative in Morrisania. Its 24 units include 16 one-bedroom units and eight two-bedroom units. It also has 8 commercial spaces.

757 East 169 Street HDFC acquired the building from the City in 1995 under the Tenant Interim Lease (TIL) program. The HDFC currently owes over \$600,000 in real estate tax arrears and over \$340,000 in water and sewer charges and was pulled from the TPT program in 2018. Since 2015, the HDFC has been in a payment agreement with the Department of Environmental Protection (DEP) to cover the outstanding water and sewer charges. In 2019, it paid approximately \$115,000 to the Department of Finance (DOF) for tax arrears. The HDFC has also applied for a loan to cover monthly DEP payments and pay for capital improvements.

HPD is requesting that the Council approve a full 40-year Article XI property tax exemption, retroactive to 2010. The approval of the loan is contingent on the Council's approval of the proposed exemption. The HDFC and HPD would enter into a regulatory agreement that would require that units only be sold to households with incomes up to 120% AMI.

**Summary:**

- Borough – Bronx
- Block 2961, Lot 15
- Council District – 17
- Council Member – Salamanca
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 24
- Type of exemption – Article XI, full, 40 years
- Population – affordable homeownership
- Sponsor – 757 East 169 Street HDFC
- Purpose – preservation
- Cost to the city – \$1.6 million
- Housing Code Violations
  - Class A – 1
  - Class B – 10
  - Class C – 4
- AMI target – 120% AMI

**Item 7: Howard Amron House**

Howard Amron House is a recently-constructed 11 unit 100% permanently affordable building located at 166 East 100th Street in Manhattan. Its 11 residential units include one studio unit and 10 one-bedroom units.

Howard Amron House was privately financed and closed with the Voluntary Inclusionary Housing Program with no City subsidy. Extell partnered with the non-profit organization, Urban Pathways, to form East 100 HDFC, its legal owner. East 100 HDFC has an existing 2016 regulatory agreement with HPD.

To help the HDFC cover taxes unanticipated at the time of project underwriting, HPD is requesting that the Council approve a partial 40-year Article XI property tax exemption, retroactive to 2016. HPD and East 100 HDFC would remain subject to the existing regulatory agreement.



Summary:

- Borough – Manhattan
- Block 1627, Lot 43
- Council District – 5
- Council Member – Kallos
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 11
- Type of exemption – Article XI, partial, 40-year
- Population – affordable rental housing
- Sponsor – Urban Pathways, 166 East 100 Owner LLC, East 100 HDFC
- Purpose – preservation
- Cost to the city – \$0.7 million
- Housing Code Violations
  - Class A – 0
  - Class B – 0
  - Class C – 0
- AMI target – 80% AMI

**Item 8: Belmont Daniel**

The Belmont Daniel HDFC project consists of two six-story buildings containing 112 units on a single tax lot in St. George on Staten Island. Of the 112 units, 76 are one-bedroom units (inclusive of one superintendent unit), 24 are two-bedrooms, and 12 are three-bedrooms. The site also includes a surface parking lot with 47 parking spaces. Thirty-two of the units are vacant.

The buildings are currently in Alternative Enforcement Program (AEP) and on the Certificate of No Harassment (CONH) Pilot list. The buildings were added to the CONH Pilot list due to their inclusion in AEP and an active vacate order.

Iris Holdings Group would form Belmont Daniel HDFC as legal owner and acquire the buildings from the Public Administrator and Receiver of the properties. Following acquisition, Iris plans to remediate all open violations, rehabilitate the vacant units, repair the façade, and replace the boiler and elevators.

HPD is requesting that the Council approve a partial 40-year Article XI tax exemption. Iris, the HDFC, and HPD would enter into a regulatory agreement that would require that 11 units be leased to households with incomes up to 65% AMI, 58 units be leased to households with incomes up to 80% AMI, 34 units be leased to households with incomes up to 90% AMI, and eight units be leased to households with incomes up to 120% AMI. The agreement would also require a 30% homeless set-aside and 20% permanent affordability.

Summary:

- Borough – Staten Island
- Block 20, Lot 8
- Council District – 49
- Council Member – Rose
- Council Member approval –Yes

- Number of buildings – 2
- Number of units – 112
- Type of exemption – Article XI, partial, 40-year
- Population – affordable rental housing
- Sponsor – Iris Holdings Group, Black Iris Capital, Belmont Daniel HDFC
- Purpose – preservation
- Cost to the city – \$7.6 million
- Housing Code Violations
  - Class A – 90
  - Class B – 387
  - Class C – 45
- AMI target – 11 units at 65%, 58 units at 80% AMI, 34 units at 80% AMI, 8 units at 100% AMI

### **Item 9: Manhattan Ave Apartments**

The Manhattan Ave Apartments project consists of four buildings on a single tax lot in Manhattan Valley. Its 81 residential units consist of seven studio units, 38 one-bedroom units, 21 two-bedroom units (inclusive of one superintendent unit), and 15 three-bedroom units.

In 1982 the City transferred the tax lot to an Article V redevelopment company and approved a partial Article V tax exemption that continues until the sooner of 2023 or the payoff of the HUD mortgage. The owner, LIHC Investment Group, operating through Manhattan Avenue Associates, L.P., refinanced the project in August 2018 using a HUD loan and received a 20-year HAP Section 8 contract.

HPD is requesting that the Council approve a partial 40-year Article XI property tax exemption. The existing partnership would dissolve the Article V tax exemption, enter into a new partnership with Manhattan Avenue Apartments HDFC, and the HDFC and HPD would enter into a regulatory agreement that would require that the units be leased to households with incomes up to 50% AMI.

### **Summary:**

- Borough – Manhattan
- Block 1843, Lot 20
- Council District – 7
- Council Member – Levine
- Council Member approval – Yes
- Number of buildings – 4
- Number of units – 81
- Type of exemption – Article XI, partial, 40-year
- Population – affordable rental housing
- Sponsor – LIHC Investment Group, Manhattan Avenue Associates, L.P., Manhattan Avenue Apartments HDFC
- Purpose – preservation
- Cost to the city – \$2.9 million
- AMI target – 50% AMI

**(For text of the coupled resolution for L.U. No. 646, please see below; for text of the remaining coupled resolutions, please see, respectively, the Report of the Committee of the Whole for L.U. Nos. 647, 648, 649, 650, 651, 652, 653, and 654 printed in these Minutes)**

*Accordingly, this Committee recommends the adoption of L.U. Nos. 646 to 654.*

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1299

**Resolution approving an exemption from real property taxes for property located at (Block 2869, Lot 87) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 646).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated February 21, 2020 that the Council take the following action regarding a housing project located at (Block 2869, Lot 87) Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean BP New Building 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 date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2869, Lot 87 on the Tax Map of the City of New York.
  - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- e. "HDFC" shall mean UHAB Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - f. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - h. "Owner" shall mean, collectively, the HDFC and the Company.
  - i. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on October 15, 2003 (Resolution No. 1116).
  - j. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner that is executed on or after February 1, 2020 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
  3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
    - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
    - c. Nothing herein shall entitle the HDFC, the Owner, or any 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.
  5. In consideration of the New Exemption, the owner of the Exemption Area shall, 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 forgoing, 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.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chair*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee of the Whole and had been favorably reported for adoption

Report for L.U. No. 647

**Report of the Committee of the Whole in favor of a Resolution approving Grace Senior Housing, Block 9754, Lot 1; Queens, Community District No. 12, Council District No. 24.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

**(For text of the Memo, please see the Report of the Committee of the Whole for L.U. No. 646 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution:

## Res. No. 1300

**Resolution approving an exemption from real property taxes for property located at (Block 9754, Lot 1) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 647).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated February 24, 2020 that the Council take the following action regarding a housing project located at (Block 9754, Lot 1) Queens (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
  - b. “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 9754, Lot 1 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. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - e. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - f. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to ten percent (10%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.

- g. “HDFC” shall mean Grace Episcopal Church Jamaica Senior Citizens Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - j. “Owner” shall mean the HDFC.
  - k. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on October 25, 1990 (Resolution No. 597).
  - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
  3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, 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. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  5. Notwithstanding any provision hereof to the contrary:
    - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the 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.
6. In consideration of the New Exemption, the owner of the Exemption Area shall, 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.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chair*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee of the Whole and had been favorably reported for adoption

Report for L.U. No. 648

**Report of the Committee of the Whole in favor of a Resolution approving HP Morningside Heights Portfolio HDFC.YR15.FY20, Block 1831, Lots 8, 9, 13, 14, 18, and 121; Block 1848, Lots 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 and 18; Block 1860, Lots 31, 32, and 33; Block 1861, Lots 59, 60, and 61; Block 1862, Lot 2; Block 1863, Lots 45, 46, 54, 55, and 56; Block 1880, Lots 37, 39, 42, and 44; Block 1881, Lots 7, 8, 9, 10, 11, 12, 15, 19, 24, 25, 26, 27, and 28; Manhattan, Community District Nos. 12 and 10, Council District Nos. 7 and 9.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**



**(For text of the Memo, please see the Report of the Committee of the Whole for L.U. No. 646 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1301

**Resolution approving an exemption from real property taxes for property located at (Block 1831, Lots 8, 9, 13, 14, 18, and 121; Block 1848, Lots 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, and 18; Block 1860, Lots 31, 32, and 33; Block 1861, Lots 59, 60, and 61; Block 1862, Lot 2; Block 1863, Lots 45, 46, 54, 55, and 56; Block 1880, Lots 37, 39, 42, and 44; Block 1881, Lots 7, 8, 9, 10, 11, 12, 15, 19, 24, 25, 26, 27, and 28) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 648).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 2, 2020 that the Council take the following action regarding a housing project located at (Block 1831, Lots 8, 9, 13, 14, 18, and 121; Block 1848, Lots 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, and 18; Block 1860, Lots 31, 32, and 33; Block 1861, Lots 59, 60, and 61; Block 1862, Lot 2; Block 1863, Lots 45, 46, 54, 55, and 56; Block 1880, Lots 37, 39, 42, and 44; Block 1881, Lots 7, 8, 9, 10, 11, 12, 15, 19, 24, 25, 26, 27, and 28) Manhattan (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 109th Affordable Housing LLC, 114th Affordable Housing LLC, 115th Affordable Housing LLC, Amsterdam Affordable Housing LLC, and Columbus Affordable Housing LLC or any other entities that acquire all or a portion of the beneficial interests 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, on the Blocks and Lots on the Tax Map of the City of New York that are identified in Schedule A attached hereto.
  - 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. "Gross Rent" shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. "Gross Rent Deadline" shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. "Gross Rent Tax" shall mean, with respect to any tax year, an amount equal to five-hundredths of one percent (0.05%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. "HDFC" shall mean HP Morningside Heights Portfolio Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. "Owner" shall mean, collectively, the HDFC and the Company.
  - m. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner that is executed on or after February 1, 2020 and that establishes certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption

from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.

4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist 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.
5. 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, (a) 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, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

## **HP Morningside Heights Portfolio HDFC.YR15.FY20**

### **Schedule A**

#### **Borough of Manhattan**

<b>Block</b>	<b>Lot(s)</b>
1831	8, 9, 13, 14, 18, and 121
1848	4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, and 18
1860	31, 32, and 33
1861	59, 60, and 61
1862	2
1863	45, 46, 54, 55, and 56
1880	37, 39, 42, and 44
1881	7, 8, 9, 10, 11, 12, 15, 19, 24, 25, 26, 27, and 28

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chair*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee of the Whole and had been favorably reported for adoption

Report for L.U. No. 649

**Report of the Committee of the Whole in favor of a Resolution approving Turin House, Block 1203, Lot 1; Manhattan, Community District No. 7, Council District No. 6.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee of the Whole for L.U. No. 646 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1302

**Resolution approving an exemption from real property taxes for property located at (Block 1203, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 649).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated February 28, 2020 that the Council take the following action regarding a housing project located at (Block 1203, Lot 1) Manhattan (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean the date that HDC, HPD, and the Owner enter into the Regulatory Agreement.
  - b. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1203, Lot 1 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. “HDC” shall mean the New York City Housing Development Corporation.
  - e. “HDFC” shall mean Turin Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - h. “Owner” shall mean the HDFC.
  - i. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on December 11, 2018 (Resolution No. 656).
  - j. “Regulatory Agreement” shall mean the regulatory agreement between HDC, HPD, and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate on the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
  - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
  - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any 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, 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.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chair*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee of the Whole and had been favorably reported for adoption

Report for L.U. No. 650

**Report of the Committee of the Whole in favor of a Resolution approving Schreiber, Block 2047, Lots 21, 23 and 25; Block 2054, Lots 12 and 15; Manhattan, Community District Nos. 9 and 10, Council District No. 9.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee of the Whole for L.U. No. 646 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1303

**Resolution approving an exemption from real property taxes for property located at (Block 2047, Lots 21, 23, and 25; Block 2054, Lots 12 and 15) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 650).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 9, 2020 that the Council take the following action regarding a housing project located at (Block 2047, Lots 21, 23, and 25; Block 2054, Lots 12 and 15) Manhattan (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean J Robinson Park 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 2047, Lots 21, 23, and 25 and Block 2054, Lots 12 and 15 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. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to two and one-half percent (2.5%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean WHGA Robinson Park Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “Owner” shall mean, collectively, the HDFC and the Company.
  - l. “Regulatory Agreement” shall mean 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. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area ,but shall only apply to buildings on the Exemption Area that exist 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.
5. 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.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chair*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee of the Whole and had been favorably reported for adoption

Report for L.U. No. 651

**Report of the Committee of the Whole in favor of a Resolution approving 757 East 169th Street, Block 2961, Lot 15; Bronx, Community District No. 3, Council District No. 17.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee of the Whole for L.U. No. 646 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1304

**Resolution approving an exemption from real property taxes for property located at (Block 2961, Lot 15) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 651).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 2, 2020 that the Council take the following action regarding a housing project located at (Block 2961, Lot 15) Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean January 1, 2010.

- b. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2961, Lot 15 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 757 East 169 Street 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 September 8, 1993 (Resolution No. 1591).
  - 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, 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.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chair*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee of the Whole and had been favorably reported for adoption

Report for L.U. No. 652

**Report of the Committee of the Whole in favor of a Resolution approving Howard Amron House, Block 1627, Lot 43; Manhattan, Community District No. 11, Council District No. 5.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee of the Whole for L.U. No. 646 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1305

**Resolution approving an exemption from real property taxes for property located at (Block 1627, Lot 43) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 652).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 9, 2020 that the Council take the following action regarding a housing project located at (Block 1627, Lot 43) Manhattan (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 166 East 100 Owner 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 April 11, 2016.
  - 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 1627, Lot 43 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. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are

occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.

- g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to twelve percent (12%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean East 100 Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “Owner” shall mean, collectively, the HDFC and the Company.
  - l. “Regulatory Agreement” shall mean the Lower Income Housing Plan Written Agreement dated April 11, 2016, recorded and filed on April 21, 2016 CFRN No. 2016000139909, as amended by that Amendment to Lower Income Housing Plan Written Agreement dated August 23, 2016, recorded and filed on September 12, 2016 CFRN No. 2016000316326, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and

all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before three 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.
5. 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.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chair*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee of the Whole and had been favorably reported for adoption

Report for L.U. No. 653

**Report of the Committee of the Whole in favor of a Resolution approving Belmont Daniel, Block 20, Lot 8; Staten Island, Community District No. 1, Council District No. 49.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee of the Whole for L.U. No. 646 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1306

**Resolution approving an exemption from real property taxes for property located at (Block 20, Lot 8) Staten Island, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 653).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 12, 2020 that the Council take the following action regarding a housing project located at (Block 20, Lot 8) Staten Island (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean the 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.
  - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - c. “Exemption Area” shall mean the real property located in the Borough of Staten Island, City and State of New York, identified as Block 20, Lot 8 on the Tax Map of the City of New York.
  - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are



occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.

- f. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - g. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - h. “HDFC” shall mean Belmont Daniel Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - j. “Owner” shall mean, collectively, the HDFC and the Partnership.
  - k. “Partnership” shall mean Belmont Daniel LP or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and

all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist 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.
5. 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 person with disabilities.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chair*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee of the Whole and had been favorably reported for adoption

Report for L.U. No. 654

**Report of the Committee of the Whole in favor of a Resolution approving Manhattan Ave Apartments, Block 1843, Lot 20; Manhattan, Community District No. 7, Council District No. 7.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee of the Whole for L.U. No. 646 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution:

Res. No. 1307

**Resolution approving a new exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (PHFL), the termination of a prior exemption pursuant to PHFL Section 125, and consent to the voluntary dissolution of the prior owner pursuant to PHFL Section 123(4) for property located at (Block 1843, Lot 20) Manhattan (Preconsidered L.U. No. 654).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 9, 2020 that the Council take the following action regarding a housing project located at (Block 1843, Lot 20) Manhattan, (“Exemption Area”):

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

Approve the termination of a prior tax exemption for the Exemption Area pursuant to PHFL Section 125 (the “Termination”);

Consent to the voluntary dissolution of the current owner pursuant to PHFL Section 123(4) (the “Dissolution”);

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

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

**RESOLVED:**

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

1. Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:
  - a. For the purposes hereof, the following terms shall have the following meanings:
    - (1) “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
    - (2) “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.

- (3) “Contract Rent Differential Tax” shall mean the sum of (i) \$297,257, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that if the New Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - (4) “Current Owner” shall mean Manhattan Avenue Associates, L.P.
  - (5) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
  - (6) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1843, Lot 20 on the Tax Map of the City of New York.
  - (7) “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.
  - (8) “HDFC” shall mean Manhattan Avenue Apartments Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - (9) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (10) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (11) “New Owner” shall mean, collectively, the HDFC and the Partnership.
  - (12) “Partnership” shall mean Manhattan Avenue Associates, L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - (13) “PHFL” shall mean the Private Housing Finance Law.
  - (14) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area pursuant to Section 125 of the PHFL approved by the Board of Estimate on April 16, 1982 (Cal. No. 1).
  - (15) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

- c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents in the applicable tax year, or (ii) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  - d. Notwithstanding any provision hereof to the contrary:
    - (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
    - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - (3) Nothing herein shall entitle the HDFC, the New Owner, or any 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.
  - e. In consideration of the New Exemption, the owner of the Exemption Area shall, 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.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption with respect to the Exemption Area, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
  3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
  4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the

obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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. 616

**Report of the Committee of the Whole in favor of approving Application No. 20205258 HAM (272 East 7th Street – UDAAP/Article XI) 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 approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval of a real property tax exemption for property located at 272 East 7th Street (Block 376, Lot 28), Borough of Manhattan, Council District 2, Community District 3.**

The Committee of the Whole, to which the annexed Land Use item which originally referred to the Committee on Land Use on February 11, 2020 (Minutes, page 278) and which was originally heard by the Committee on Land Use before being re-assigned to the Committee of the Whole on April 21, 2020, and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 3**

**20205258 HAM**

Application 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 approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and a real property tax exemption for property located at 272 East 7<sup>th</sup> Street (Block 376, Lot 28) the approval of real property tax exemption, Council District 2.

**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 project which will provide approximately nineteen (19) rental dwelling units.

**PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 26, 2020

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:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 3, 2020

The Land Use Committee recommended that the Council approve the attached resolution and Project Summary.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None.

**DATE:** April 22, 2020

Subsequent to the Land Use Committee's vote, HPD submitted a revised project summary, such that apartments may be rental or cooperative units. The Committee of the Whole recommends that the Council approve the attached resolution and the Revised Project Summary.

**In Favor:**

Speaker Johnson, Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy Jr., Cumbo, Deutsch, Diaz Sr., Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca Jr., Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger.

**Against:**

None

**Abstain:**

None.

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

Res. No. 1308

**Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 272 East 7<sup>th</sup> Street (Block 376, Lot 28), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 3, Borough of Manhattan (L.U. No. 616; 20205258 HAM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 13, 2020 its request dated January 9, 2020 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 272 East 7<sup>th</sup> Street (Block 376, Lot 28), Community District 3, Borough of Manhattan (the "Disposition Area or Exemption Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve 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 12, 2020; 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 area designation requirement pursuant to Section 693 of the General Municipal Law.

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on January 13, 2020, as Revised, 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 Exemption 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 four (4) 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 (REVISED)**

1. **PROGRAM:** Division of Property Disposition and Finance
2. **PROJECT:** 272 East 7<sup>th</sup> Street
3. **LOCATION:**
  - a. **BOROUGH:** Manhattan
  - b. **COMMUNITY DISTRICTS:** 3
  - c. **COUNCIL DISTRICT:** 2
  - d. **DISPOSITION AREA:**

<u>Block</u>	<u>Lot</u>	<u>Address</u>
376	28	272 East 7 <sup>th</sup> Street
4. **BASIS OF DISPOSITION PRICE:** Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of up to sixty (60) years, 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:** Conservation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1 Multiple Dwelling
7. **APPROXIMATE NUMBER OF UNITS:** 19
8. **HOUSING TYPE:** Rental or Cooperative
9. **ESTIMATE OF INITIAL RENTS:** 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 an occupied building which will be sold subject to existing tenancies.

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

- 11. **PROPOSED FACILITIES:** N/A
- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Type II
- 14. **PROPOSED TIME SCHEDULE:** Approximately six months from authorization to Sale.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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. 626

**Report of the Committee of the Whole in favor of approving Application No. M 840260(F) LDM (46-74 Gansevoort Street) submitted by 46-50 Gansevoort Street LLC, 52-58 Gansevoort Street LLC, and 60-74 Gansevoort Street, LLC, for the modification of Restrictive Declaration D-94, originally adopted as a condition of ULURP Application No. C 840260 ZMM, to permit Use Group 3, 4, and 6B uses in addition to those presently permitted on property located at 46-74 Gansevoort Street (Block 643, Lots 43, 49, and 54), Borough of Manhattan, Council District 3, Community District 2.**

The Committee of the Whole, to which the annexed Land Use item was heard after originally being referred to the Committee on Land Use on February 11, 2020 (Minutes, page 281) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT****MANHATTAN CB - 2****M 840260 (F) LDM**

City Planning Commission decision approving an application submitted by 60-74 Gansevoort Street LLC, 52-58 Gansevoort Street LLC and 46-50 Gansevoort Street LLC for a modification to Restrictive Declaration D-94 (C 840260 ZMM), as amended, to allow Use Groups 3, 4 and 6B uses in accordance with the underlying zoning regulations on three existing zoning lots located at 60-74 Gansevoort Street (Block 643, Lot 43), 52-58 Gansevoort Street (Block 643, Lot 49), and 46-50 Gansevoort Street (Block 643, Lot 54), in an M1-5 District.

**INTENT**

To modify Restrictive Declaration D-94 to allow Use Group 6B office uses and Use Groups 3 and 4 community facility uses in an existing building located at 46-74 Gansevoort Street (Block 643, Lots 43, 49, and 54) in the Borough of Manhattan.

**PUBLIC HEARING HELD BY SUBCOMMITTEE ON ZONING AND FRANCHISES****DATE:** February 12, 2020**Witnesses in Favor:** Three**Witnesses Against:** None**COMMITTEE ACTION****DATE:** April 22, 2020

The Committee of the Whole recommends that the Council approve the attached resolution.

**In Favor:**

Speaker Johnson, Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy Jr. Cumbo, Deutsch, Diaz Sr., Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca Jr, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger.

**Against:**

None

**Abstain:**

None.

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

Res. No. 1309

**Resolution approving the decision of the City Planning Commission on Application No. M 840260 (F) LDM for the modification of Restrictive Declaration D-94, as amended, to allow Use Groups 3, 4 and 6B uses in accordance with the underlying zoning regulations on three existing zoning lots located at 60-74 Gansevoort Street (Block 643, Lot 43), 52-58 Gansevoort Street (Block 643, Lot 49), and 46-50 Gansevoort Street (Block 643, Lot 54), in an M1-5 District, Borough of Manhattan, Community District 2 (the "Project Site") (L.U. No. 626).**

By Council Members Salamanca and Moya.

**WHEREAS**, Restrictive Declaration D-94 dates from April 13, 1984, and was enacted in connection with an approval for a Zoning Map amendment (M 840260 ZMM), sponsored by the Rockrose Development Corporation and affecting a nearby two-block area bounded by Gansevoort, Washington, W. 12th and West streets. This action generally changed the zoning designation on these two blocks from M1-5 and C8-4 districts to a C6-2A District;

**WHEREAS**, as mitigation of potentially significant adverse impacts resulting from the Zoning Map amendment, a Restrictive Declaration (D-94) (the “Original Declaration”) was imposed on the Project Site, providing that the use of the Project Site be limited to certain commercial and light manufacturing uses as were defined in then-Section 15-58 of the New York City Zoning Resolution. The Original Declaration, obligates the owner of these properties to maintain space for meat-related uses contained in Use Groups 17A and 17B and, in the event of a vacancy, to use best efforts to rent to such uses;

**WHEREAS**, the Original Declaration was modified in 1998 (the “First Amended Declaration”), pursuant to an application to modify the project (M 840260B ZMM), to allow Use Group 6 uses, as allowed within an M1-5 District, for property located at 46-50 Gansevoort Street (Block 643, Lot 54), while Lots 43 and 49 would continue to be limited to those permitted uses listed in Exhibit D of the Original Declaration;

**WHEREAS**, the Original Declaration, as amended, was further modified in 2003 (the “Second Amended Declaration”), pursuant to an application to modify the project (M 840260C ZMM), expanding the permitted uses to allow Use Groups 6 and 9 on Lots 43 and 49 and Use Group 9 on Lot 54 (as Use Group 6 uses were already permitted on Lot 54 pursuant to the 1998 Declaration). This modification did not affect the prohibition on office uses (Use Group 6B), eating and drinking establishments with entertainment uses, and eating and drinking establishments of any type located in the rear yards or on the roof on lots 43, 49, and 54; and

**WHEREAS**, the City Planning Commission filed with the Council on January 24, 2020 its decision dated January 22, 2020 (the “Decision”), on the application submitted by 60-74 Gansevoort Street LLC, 52-58 Gansevoort Street LLC, and 46-50 Gansevoort Street LLC, for modification to Restrictive Declaration D-94, as amended, to allow Use Group 3, 4, and 6B uses, as permitted by the underlying M1-5 zoning, in an existing building located at 46-74 Gansevoort Street (Block 643, Lots 43, 49, and 54) (the proposed “Third Amended Declaration”). The prohibition on eating and drinking establishments with entertainment uses, and eating and drinking establishments of any type located in the rear yards or on the roof on lots 43, 49, and 54 will remain unaffected by this change, for the Project Site (ULURP No. M 840260 (F) LDM) (the “Application”);

**WHEREAS**, the Decision is subject to review and action by the Council, as the successor in jurisdiction to the New York City Board of Estimate, pursuant to the terms of the Original Declaration;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 12, 2020;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including Technical Memorandum #5, dated October 25, 2019; and the Revised Technical Memorandum which was issued January 17, 2020 (CEQR No. 82-270M), which concluded that the proposed actions would not result in any significant adverse environmental impacts (the “Revised Technical Memorandum”).

**RESOLVED:**

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

Pursuant to the Original Declaration and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report M 840260 (F) LDM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, subject to the condition that development pursuant to this resolution shall only be permitted after the Third Amended Declaration, a copy of which is annexed hereto, subject to administrative and technical changes approved by counsel to the City Planning Commission, is executed and has been recorded in the Office of the Register of the City of New York, County of New York.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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. 628

**Report of the Committee of the Whole in favor of approving, as modified, Application No. C 190256 ZMK (Grand Avenue and Pacific Street Rezoning) submitted by EMP Capital Group pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16c, changing from an M1-1 District to a R7D District and establishing within the proposed R7D District a C2-4 District, for property located at Block 1125, Lot 1, and Block 1133, Lots 7, 10, 11, 12, and part of 13, Borough of Brooklyn, Council District 35, Community District 8.**

The Committee of the Whole, to which the annexed Land Use item was heard after being originally referred to the Committee on Land Use on February 11, 2020 (Minutes, page 282), respectfully

#### REPORTS:

**(This Land Use item was approved, as modified, by the Committee on the Whole on April 22, 2020 and referred to the City Planning Commission for further review)**

*Accordingly, the Committee of the Whole recommends its adoption, as modified.*

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

Report for L.U. No. 629

**Report of the Committee of the Whole in favor of approving, as modified, Application No. N 190257 ZRK (Grand Avenue and Pacific Street Rezoning) submitted by EMP Capital Group, 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 1125, Lot 1, and Block 1133, Lots 7, 10, 11, 12, and part of 13, Borough of Brooklyn, Council District 35, Community District 8.**

The Committee of the Whole, to which the annexed Land Use item was heard after being originally referred to the Committee on Land Use on February 11, 2020 (Minutes, page 282), respectfully

#### **REPORTS:**

**(This Land Use item was approved, as modified, by the Committee on the Whole on April 22, 2020 and referred to the City Planning Commission for further review)**

*Accordingly, the Committee of the Whole recommends its adoption, as modified.*

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

Report for L.U. No. 637

**Report of the Committee of the Whole in favor of approving Application No. C 190453 HAK (Rochester Suydam) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law and Section 197-c of the New York City Charter for the designation of an Urban Development Action Area, approval of an Urban Development Action Area Project for such area, and for the disposition of city owned property to a developer to be selected by HPD, for property located at 421-423 Herkimer Street (Block 1864, Lots 48, 49), 440-444 Herkimer Street (Block 1871, Lots 42 and 43), 35-37 Rochester Avenue (Block 1709, Lots 9 and 10), 18-22 Suydam Place (Block 1709, Lots 27, 28 and 29), 816 Herkimer Street (Block 1710, Lot 9), 329-331 Ralph Avenue (Block 1556, Lots 7 and 8) and 335 Ralph Avenue (Block 1556, Lot 3), Borough of Brooklyn, Council Districts 36 and 41, Community District 3.**

The Committee of the Whole, to which the annexed (originally preconsidered but laid over) Land Use item was heard after being originally referred to the Committee on Land Use on February 27, 2020 (Minutes, page 682) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **BROOKLYN CB-3 - THREE APPLICATIONS RELATED TO ROCHESTER SUYDAM**

#### **C 190453 HAK (Pre. L.U. No. 637)**

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

1. pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 421-423 Herkimer Street (Block 1864, Lots 48, 49), 440-444 Herkimer Street (Block 1871, Lots 42 and 43), 35-37 Rochester Avenue (Block 1709, Lots 9 and 10), 18-22 Suydam Place (Block 1709, Lots 27, 28 and 29), 816 Herkimer Street (Block 1710, Lot 9), 329-331 Ralph Avenue (Block 1556, Lots 7 and 8) and 335 Ralph Avenue (Block 1556, Lot 3) as an Urban Development Action Area; and
  - b. Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a developer to be selected by HPD;

to facilitate the construction of seven new buildings containing approximately 78 affordable housing units, Borough of Brooklyn, Community District 3.



**20205362 HAK (Pre. L.U. No. 638)**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 423 Herkimer Street (Block 1864, Lot 48), 421 Herkimer Street (Block 1864, Lot 49), 440 Herkimer Street (Block 1871, Lot 42), 444 Herkimer Street (Block 1871, Lot 43), 37 Rochester Avenue (Block 1709, Lot 9), 35 Rochester Avenue (Block 1709, Lot 10), 18 Suydam Place (Block 1709, Lot 27), 20 Suydam Place (Block 1709, Lot 28), 22 Suydam Place (Block 1709, Lot 29), and 816 Herkimer Street (Block 1710, Lot 9), Borough of Brooklyn, Council District 36, Community District 3.

**20205363 HAK (Pre. L.U. No. 639)**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 329 Ralph Avenue (Block 1556, Lot 8), 331 Ralph Avenue (Block 1556, Lot 7), and 335 Ralph Avenue (Block 1556, Lot 3) Borough of Brooklyn, Council District 41, Community District 3.

**INTENT**

To approve the urban development action area designation, project approval, and disposition of city-owned property and approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at 421-423 Herkimer Street (Block 1864, Lots 48, 49), 440-444 Herkimer Street (Block 1871, Lots 42 and 43), 35-37 Rochester Avenue (Block 1709, Lots 9 and 10), 18-22 Suydam Place (Block 1709, Lots 27, 28 and 29), 816 Herkimer Street (Block 1710, Lot 9), 329-331 Ralph Avenue (Block 1556, Lots 7 and 8) and 335 Ralph Avenue (Block 1556, Lot 3) to facilitate the development of seven residential buildings containing a total of approximately 78 affordable residential units in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

**PUBLIC HEARING**

**DATE:** February 26, 2020

**Witnesses in Favor:** Five

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 11, 2020

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

**In Favor:**

Adams, Koo, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 22, 2020

The Committee of the Whole recommends that the Council approve the attached resolutions.

**In Favor:**

Speaker Johnson, Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy Jr., Cumbo, Deutsch, Diaz Sr., Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca Jr., Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger.

**Against:**

None

**Abstain:**

None

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

Res. No. 1310

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 190453 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 421-423 Herkimer Street (Block 1864, Lots 48, 49), 440-444 Herkimer Street (Block 1871, Lots 42 and 43), 35-37 Rochester Avenue (Block 1709, Lots 9 and 10), 18-22 Suydam Place (Block 1709, Lots 27, 28 and 29), 816 Herkimer Street (Block 1710, Lot 9), 329-331 Ralph Avenue (Block 1556, Lots 7 and 8) and 335 Ralph Avenue (Block 1556, Lot 3), Borough of Brooklyn, Community District 3, to a developer selected by HPD (L.U. No. 637; C 190453 HAK).**

By Council Members Salamanca and Adams.

**WHEREAS**, the City Planning Commission filed with the Council on February 21, 2020 its decision dated February 19, 2020 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) pursuant to:

1. Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 421-423 Herkimer Street (Block 1864, Lots 48, 49), 440-444 Herkimer Street (Block 1871, Lots 42 and 43), 35-37 Rochester Avenue (Block 1709, Lots 9 and 10), 18-22 Suydam Place (Block 1709, Lots 27, 28 and 29), 816 Herkimer Street (Block 1710, Lot 9), 329-331 Ralph Avenue (Block 1556, Lots 7 and 8) and 335 Ralph Avenue (Block 1556, Lot 3) as an Urban Development Action Area (the “Project Area”); and
  - b. approval of an Urban Development Action Area Project for the such area (the “Project”); and
2. Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

which in conjunction with the related actions would facilitate the development of seven residential buildings containing a total of approximately 78 affordable residential units in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3, (ULURP No. C 190453 HAK) (the “Application”);

**WHEREAS**, the Application is related to applications 20205362 HAK (Pre. L.U. No. 638), a real property tax exemption pursuant Section 577 of Article XI of the Private Housing Finance Law; and 20205363 HAK (Pre. L.U. No. 639), a real property tax exemption pursuant Section 577 of Article XI of the Private Housing Finance Law;

**WHEREAS**, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State and Section 197-d of the City Charter;

**WHEREAS**, by letter dated February 21, 2019 and submitted to the Council on February 25, 2020, HPD submitted its requests (the “HPD Requests”) respecting the Application, including the submission of the project summary for the Project (the “Project Summary”);

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on February 26, 2020;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on February 22, 2019 (CEQR No. 17HPD051K) (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 Article 16 of the General Municipal Law of the New York State and Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 190453 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

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

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

**ATTACHMENT:****PROJECT SUMMARY**

1. **PROGRAM:** OPEN DOOR PROGRAM
2. **PROJECT:** Rochester Suydam I
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICT:** 3
- c. **COUNCIL DISTRICT:** 36
- d. **DISPOSITION AREA:**
- | <u>BLOCK</u> | <u>LOT</u> |
|--------------|------------|
| 1864         | 48         |
| 1864         | 49         |
| 1871         | 42         |
| 1871         | 43         |
| 1709         | 9          |
| 1709         | 10         |
| 1709         | 27         |
| 1709         | 28         |
| 1709         | 29         |
| 1710         | 9          |
4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”).
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 5
7. **APPROXIMATE NUMBER OF UNITS:** 55
8. **HOUSING TYPE:** Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
9. **ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (“AMI”).

- 10. LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the cooperative corporation will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering a note and mortgage and/or conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program's restrictions.
- 11. INCOME TARGETS:** Families with annual household incomes between 80% and 130% of AMI.
- 12. PROPOSED FACILITIES:** None
- 13. PROPOSED CODES/ORDINANCES:** None
- 14. ENVIRONMENTAL STATUS:** Negative Declaration
- 15. PROPOSED TIME SCHEDULE:** Approximately 18 months from closing to completion of construction.

### PROJECT SUMMARY

- 1. PROGRAM:** OPEN DOOR PROGRAM
- 2. PROJECT:** Rochester Suydam II
- 3. LOCATION:**
- a. BOROUGH:** Brooklyn
- b. COMMUNITY DISTRICT:** 3
- c. COUNCIL DISTRICT:** 41
- d. DISPOSITION AREA:** BLOCK      LOT

1556	3
1556	7
1556	8

- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”).
- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 2
- 7. APPROXIMATE NUMBER OF UNITS:** 23
- 8. HOUSING TYPE:** Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
- 9. ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (“AMI”).
- 10. LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City (“City Subsidy”) will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the cooperative corporation will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering a note and mortgage and/or conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program’s restrictions.
- 11. INCOME TARGETS:** Families with annual household incomes between 80% and 130% of AMI.
- 12. PROPOSED FACILITIES:** None
- 13. PROPOSED CODES/ORDINANCES:** None
- 14. ENVIRONMENTAL STATUS:** Negative Declaration

- 15. PROPOSED TIME SCHEDULE:** Approximately 18 months from closing to completion of construction.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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. 638

**Report of the Committee of the Whole in favor of approving Application No. 20205362 HAK (Rochester Suydam I – Article XI) submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 423 Herkimer Street (Block 1864, Lot 48), 421 Herkimer Street (Block 1864, Lot 49), 440 Herkimer Street (Block 1871, Lot 42), 444 Herkimer Street (Block 1871, Lot 43), 37 Rochester Avenue (Block 1709, Lot 9), 35 Rochester Avenue (Block 1709, Lot 10), 18 Suydam Place (Block 1709, Lot 27), 20 Suydam Place (Block 1709, Lot 28), 22 Suydam Place (Block 1709, Lot 29), and 816 Herkimer Street (Block 1710, Lot 9), Borough of Brooklyn, Council District 36, Community District 3.**

The Committee of the Whole, to which the annexed (originally preconsidered but laid over) Land Use item was heard after being originally referred to the Committee on Land Use on February 27, 2020 (Minutes, page 683) 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. 637 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

## Res. No. 1311

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law (Preconsidered L.U. No. 638; Non-ULURP No. 20205362 HAK).**

By Council Members Salamanca and Adams.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on February 25, 2020 its request dated February 21, 2020 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) for property located at 423 Herkimer Street (Block 1864, Lot 48), 421 Herkimer Street (Block 1864, Lot 49), 440 Herkimer Street (Block 1871, Lot 42), 444 Herkimer Street (Block 1871, Lot 43), 37 Rochester Avenue (Block 1709, Lot 9), 35 Rochester Avenue (Block 1709, Lot 10), 18 Suydam Place (Block 1709, Lot 27), 20 Suydam Place (Block 1709, Lot 28), 22 Suydam Place (Block 1709, Lot 29), 816 Herkimer Street (Block 1710, Lot 9), Community District No. 3, Borough of Brooklyn, Council District No. 36 (the “Exemption Area”);

**WHEREAS**, the Tax Exemption Request is related to applications C 190453 HAK (L.U. No. 637), an urban development action area designation, project approval, and disposition of city-owned property; and 20205363 HAK (Pre. L.U. No. 639), a real property tax exemption pursuant Section 577 of Article XI of the Private Housing Finance Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on February 26, 2020; 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:

- a. For the purposes hereof, the following terms shall have the following meanings
  - (1) “Company” shall mean to BJJ Development LLC or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - (2) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDPC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (3) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - (4) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1864, Lots 48 and 49; Block 1871, Lots 42 and 43; Block 1709, Lots 9, 10, 27, 28, and 29; and Block 1710, Lot 9 on the Tax Map of the City of New York.
  - (5) “Expiration Date” shall mean the earlier to occur of (i) a date which is 40 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing



development fund company or an entity wholly controlled by a housing development fund company.

- (6) “HDFC” shall mean NYC Partnership Housing Development Fund Company, Inc., or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - (7) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (8) “Owner” shall mean the Company and HDFC.
  - (9) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner or the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Notwithstanding any provision hereof to the contrary:
- (1) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than 60 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (2) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
  - (3) 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. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. 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.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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. 639

**Report of the Committee of the Whole in favor of approving Application No. 20205363 HAK (Rochester Suydam II – Article XI) submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 329 Ralph Avenue (Block 1556, Lot 8), 331 Ralph Avenue (Block 1556, Lot 7), and 335 Ralph Avenue (Block 1556, Lot 3) Borough of Brooklyn, Council District 41, Community District 3.**

The Committee of the Whole, to which the annexed (originally preconsidered but laid over) Land Use item was heard after being originally referred to the Committee on Land Use on February 27, 2020 (Minutes, page 683) 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. 637 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1312

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law (Preconsidered L.U. No. 639; Non-ULURP No. 20205363 HAK).**

By Council Members Salamanca and Adams.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on February 25, 2020 its request dated February 21, 2020 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption

Request”) for properties located at 329 Ralph Avenue (Block 1556, Lot 8), 331 Ralph Avenue (Block 1556, Lot 7), 335 Ralph Avenue (Block 1556, Lot 3), Community District No. 3, Borough of Brooklyn, Council District No. 41 (the “Exemption Area”);

**WHEREAS**, the Tax Exemption Request is related to applications C 190453 HAK (Pre. L.U. No. 637), an urban development action area designation, project approval, and disposition of city-owned property; and 20205362 HAK (Pre. L.U. No. 638), a real property tax exemption pursuant Section 577 of Article XI of the Private Housing Finance Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on February 26, 2020; 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:

- a. For the purposes hereof, the following terms shall have the following meanings:
- (1) “Company” shall mean BJJ Development LLC or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - (2) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (3) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - (4) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1556, Lots 3, 7, and 8 on the Tax Map of the City of New York.
  - (5) “Expiration Date” shall mean the earlier to occur of (i) a date which is 40 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (6) “HDFC” shall mean NYC Partnership Housing Development Fund Company, Inc., or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - (7) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (8) “Owner” shall mean the Company and the HDFC.
  - (9) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner or the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Notwithstanding any provision hereof to the contrary:
- (1) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than 60 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (2) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
  - (3) 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. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. 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.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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. 641

**Report of the Committee of the Whole in favor of approving, as modified, Application No. C 180154 ZMQ (52nd Street Rezoning) submitted by Woodside Equities, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9b and 9d, changing from an R5B District to an R7A District and establishing within the proposed R7A District a C2-3 District, Borough of Queens, Council District 26. Community District 2.**

The Committee of the Whole, to which the annexed Land Use item was heard after being originally referred to the Committee on Land Use on February 27, 2020 (Minutes, page 684), respectfully

**REPORTS:**

**(This Land Use item was approved, as modified, by the Committee on the Whole on April 22, 2020 and referred to the City Planning Commission for further review)**

*Accordingly, the Committee of the Whole recommends its adoption, as modified.*

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

Report for L.U. No. 642

**Report of the Committee of the Whole in favor of approving, as modified, Application No. N 180155 ZRQ (52nd Street Rezoning) submitted by Woodside 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, Borough of Queens, Council District 26. Community District 2.**

The Committee of the Whole, to which the annexed Land Use item was heard after being originally referred to the Committee on Land Use on February 27, 2020 (Minutes, page 684) respectfully

**REPORTS:**

**(This Land Use item was approved, as modified, by the Committee on the Whole on April 22, 2020 and referred to the City Planning Commission for further review)**

*Accordingly, the Committee of the Whole recommends its adoption, as modified.*

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

Report for L.U. Nos. 643

**Report of the Committee of the Whole in favor of approving Application No. C 200059 ZMK (90 Sands Street Rezoning) submitted by 90 Sands Street Housing Development Fund pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M1-6 District to an M1-6/R10 District and establishing a Special Mixed Use District (MX-2), Borough of Brooklyn, Council District 33, Community District 2.**

The Committee of the Whole, to which the annexed (originally preconsidered but laid over) Land Use item was heard after being originally referred to the Committee on Land Use on February 27, 2020 (Minutes, page 684) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB-2 – TWO APPLICATIONS RELATED TO 90 SANDS STREET REZONING**

**C 200059 ZMK (Pre. L.U. No. 643)**

City Planning Commission decision approving an application submitted by 90 Sands Street Housing Development Fund, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. Changing from an M1-6 District to an M1-6/R10 District property bounded by the easterly centerline prolongation of Sands Street (narrow portion), Jay Street, High Street, and Pearl Street; and
2. Establishing a Special Mixed Use District (MX-2) bounded by the easterly centerline prolongation of Sands Street (narrow portion), Jay Street, High Street and Pearl Street;

shown on a diagram (for illustrative purposes only) dated October 15, 2019.

**N 200060 ZRK (Pre. L.U. No. 644)**

City Planning Commission decision approving an application submitted by 90 Sands Street Housing Development Fund, 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 an amendment to the Zoning Map, rezoning from an M1-6 district to an M1-6/R10 district and establishing a Special Mixed Use District (MX-2); and to amend the text of the Zoning Resolution to modify Appendix F, to establish the proposed Project Area as a Mandatory Inclusionary Housing (MIH) designated area utilizing Options 1 and 2, to facilitate conversion of an existing building to a community facility, which would include 508 units of supportive and affordable housing located at 90 Sands Street in the DUMBO neighborhood of Brooklyn, Community District 2.

**PUBLIC HEARING**

**DATE:** February 26, 2020

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 11, 2020

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos.643 and 644.

**In Favor:**

Moya, Levin, Lancman, Reynoso Grodenchik, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 22, 2020

The Committee of the Whole recommends that the Council approve the attached resolutions.

**In Favor:**

Speaker Johnson, Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy Jr., Cumbo, Deutsch, Diaz Sr., Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca Jr., Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger.

**Against:**

None

**Abstain:**

None.

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

Res. No. 1313

**Resolution approving the decision of the City Planning Commission on ULURP No. C 200059 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 643).**

By Council Members Salamanca and Moya.

**WHEREAS**, 90 Sands Street Housing Development Fund, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M1-6 District to an M1-6/R10 District and establishing a Special Mixed Use District (MX-2), which in conjunction with the related action would facilitate the conversion of an existing building to a community facility, which would include 508 units of supportive and affordable housing at 90 Sands Street in the DUMBO neighborhood of Brooklyn, Community District 2 (ULURP No. C 200059 ZMK) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on February 21, 2020, its decision dated February 19, 2020 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 200060 ZRK (Pre. L.U. No. 644), 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 of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 26, 2020;

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



**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 15<sup>th</sup>, 2019 (CEQR No. 20DCP018K) (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 200059 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. 12d:

1. Changing from an M1-6 District to an M1-6/R10 District property bounded by the easterly centerline prolongation of Sands Street (narrow portion), Jay Street, High Street and Pearl Street; and
2. Establishing a Special Mixed Use District (MX-2) bounded by the easterly centerline prolongation of Sands Street (narrow portion), Jay Street, High Street and Pearl Street;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 15, 2019.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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. 644

**Report of the Committee of the Whole in favor of approving Application No. N 200060 ZRK (90 Sands Street Rezoning) submitted by 90 Sands Street Housing Development Fund pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Council District 33, Community District 2.**

The Committee of the Whole, to which the annexed (originally preconsidered but laid over) Land Use item was heard after being originally referred to the Committee on Land Use on February 27, 2020 (Minutes, page 684) 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. 643 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1314

**Resolution approving the decision of the City Planning Commission on Application No. N 200060 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 644).**

By Council Members Salamanca and Moya.

**WHEREAS**, 90 Sands Street Housing Development Fund, filed an application 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 Options 1 and 2, which in conjunction with the related action would facilitate the conversion of an existing building to a community facility, which would include 508 units of supportive and affordable housing at 90 Sands Street in the DUMBO neighborhood of Brooklyn, Community District 2 (Application No. N 200060 ZRK) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on February 21, 2020, its decision dated February 19, 2020 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 200059 ZMK (Pre. L.U. No. 643), a zoning map amendment to rezone an M1-6 district to an M1-6/R10 district and establish a Special Mixed Use District (MX-2);

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 26, 2020;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 15<sup>th</sup>, 2019 (CEQR No. 20DCP018K) (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 200060 ZRK, 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**

\* \* \*

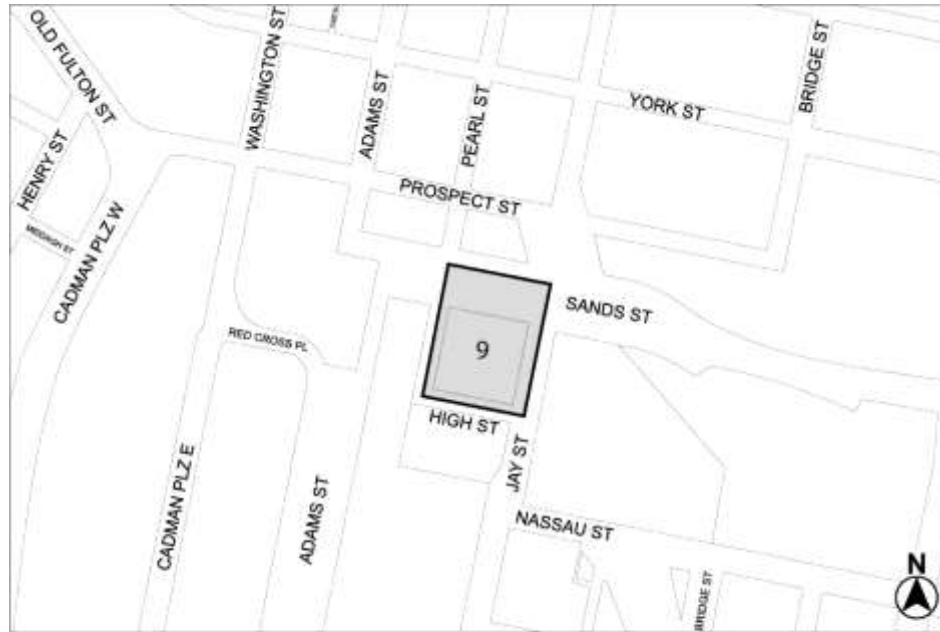
**BROOKLYN**

\* \* \*

**Brooklyn Community District 2**

Map 9 - [date of adoption]

## [PROPOSED MAP]



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

Area 9 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 2 Brooklyn

\* \* \*

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

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

Report for L.U. No. 655

**Report of the Committee of the Whole in favor of approving Application No. 20205405 HAK (461 Alabama Avenue) submitted by the New York City Department of Housing Preservation and Development requesting the amendment of Resolution 773, which the Council previously approved on February 28, 2019, to delete a paragraph referencing Section 576-(a)(2) of the Private Housing Finance Law and to replace it with language referencing the designation of an urban development action area and approval of an urban development action area project pursuant to Article 16 of the General Municipal Law, for property located at 461 Alabama Avenue (Block 3803, Lot 6), Borough of Brooklyn, Council District 42, Community District 5.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB - 5**

**20205405 HAK**

Application submitted by the Department of Housing Preservation and Development for approval of an amendment to a previously approved Resolution No. 773 (Prior Resolution) on February 28, 2019, for property located at 461 Alabama Avenue (Block 3803, Lot 6), Borough of Brooklyn, Council District 42, Community District 5.

#### **INTENT**

To approve the amendment of Resolution No. 773, to delete a paragraph referencing Section 576-(a)(2) of the Private Housing Finance Law and to replace it with language referencing the designation of an urban development action area and approval of an urban development action area project pursuant to Article 16 of the General Municipal Law for property located at 461 Alabama Avenue (3803, Lot 6).

#### **COMMITTEE ACTION**

**DATE:** April 22, 2020

The Committee of the Whole recommends that the Council approve the attached resolution.

**In Favor:**

Speaker Johnson, Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy Jr., Cumbo, Deutsch, Diaz Sr., Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca Jr., Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger.

**Against:**

None

**Abstain:**

None

In connection herewith, The Speaker (Council Member Johnson) offered the following resolution:

Res. No. 1315

**Resolution approving an amendment to a resolution related to an Urban Development Action Area Project for property located at 461 Alabama Avenue (Block 3803, Lot 6), Community District 5, Borough of Brooklyn (Preconsidered L.U. No. 655; 20205405 HAK).**

By Speaker Johnson.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 12, 2020 its request dated March 12, 2020 that the Council approve the amendment of a resolution related to an Urban Development Action Area Project ("the Project") for property located at 461 Alabama Avenue (Block 3803, Lot 6), Community District 5, Borough of Brooklyn (the "Disposition Area");

**WHEREAS**, the request made by HPD is related to City Council Resolution No. 773 (L.U. No. 327) dated February 28, 2019 (the "Prior Resolution");

**RESOLVED:**

The Council approves the amendment of the Prior Resolution by deleting the paragraph that references Section 576-(a)(2) of the Private Housing Finance Law and replacing it with the following:

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

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

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

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK,

ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

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

Report for L.U. No. 656

**Report of the Committee of the Whole in favor of approving Application No. 20205318 HAM (River Crossing) 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 project to approve the existing ground lease of the Disposition Area located at Block 1694, Lot 3, Borough of Manhattan, Council District 8, Community District 11.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 11**

**20205318 HAM**

Application submitted by the New York City Department of Housing Preservation and Development, pursuant to Article 16 of the General Municipal Law for approval of an amendment to a previously approved project, for property located at 455 East 102<sup>nd</sup> Street (Block 1694, Lot 3), Borough of Manhattan, Community District 11, Council District 8.

#### **INTENT**

To approve the amendment of a previously approved project, to extend the term and modify the rent, for the UDAAP disposition area. The term of the ground lease will be extended for 99-years to facilitate the preservation of 147 residential units of affordable housing.

#### **PUBLIC HEARING**

**DATE:** March 11, 2020

**Witnesses in Favor:** Two

**Witnesses Against:** None

**COMMITTEE ACTION**

**DATE:** April 22, 2020

The Committee of the Whole recommends that the Council approve the attached resolution.

**In Favor:**

Speaker Johnson, Adams, Ampy-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy Jr., Cumbo, Deutsch, Diaz Sr., Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca Jr., Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger.

**Against:**

None

**Abstain:**

None

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

Res. No. 1316

**Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law for property located at 455 East 102<sup>nd</sup> Street (Block 1694, Lot 3), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 11, Borough of Manhattan (Preconsidered L.U. No. 656; 20205318 HAM).**

By Council Members Salamanca and Adams.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 10, 2020 its request dated January 22, 2020 that the Council approve an Urban Development Action Area Project (the "Project") located at 455 East 102<sup>nd</sup> Street (Block 1694, Lot 3), Community District 11, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal 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**, the Council held a public hearing on the Project on March 11, 2020.

**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 February 10, 2020, a copy of which is attached hereto.

**ATTACHMENT:**

**PROJECT SUMMARY**

- |                               |   |            |                                   |
|-------------------------------|---|------------|-----------------------------------|
| <b>1. PROGRAM:</b>            | <b>HOUSING PRESERVATION OPPORTUNITIES PROGRAM</b> |            |                                   |
| <b>2. PROJECT:</b>            | <b>River Crossing</b>                             |            |                                   |
| <b>3. LOCATION:</b>           |   |            |                                   |
| <b>a. BOROUGH:</b>            | Manhattan   |            |                                   |
| <b>b. COMMUNITY DISTRICT:</b> | 11  |            |                                   |
| <b>c. COUNCIL DISTRICT:</b>   | 8   |            |                                   |
| <b>d. DISPOSITION AREA:</b>   | <u>BLOCK</u>                                      | <u>LOT</u> | <u>ADDRESS</u>                    |
|                               | 1694  | 3          | 455 East 102 <sup>nd</sup> Street |

- 4. BASIS OF DISPOSITION PRICE:** The City will modify the ground rent by increasing the base rent and freezing the current payment in lieu of taxes for the term of the ground lease.
- 5. TYPE OF PROJECT:** Conservation
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 1 Multiple Dwelling and 1 Separate Parking Structure
- 7. APPROXIMATE NUMBER OF UNITS:** 147
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL Rents:** The Disposition Area contains an occupied building that will be leased subject to existing tenancies. Approximately 36 units will be rented at market-rate rents. Approximately 110 units will be rented at rents that are affordable to families earning from 80% to 165% of the area median income (“AMI”).
- 10. INCOME TARGETS:** The Disposition Area contains an occupied building that will be leased subject to existing tenancies. Upon vacancy, affordable units will be rented to families earning from 80% to 165% of AMI.
- 11. PROPOSED FACILITIES:** Parking
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Type II
- 14. PROPOSED TIME SCHEDULE:** Ground lease will be amended within approximately three months of approvals

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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

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

Report for L.U. No. 657

**Report of the Committee of the Whole in favor of approving Application No. C 200149 ZMM (364 Avenue of the Americas Rezoning) submitted by Washington Place Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12c by eliminating from within an existing R7-2 District a C1-5 District and establishing within the existing R7-2 District a C2-5 District, Borough of Manhattan, Council District 1, Community District 2.**

The Committee of the Whole, to which the annexed preconsidered Land Use item was referred on April 22, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 2**

**C 200149 ZMM**

City Planning Commission decision approving an application submitted by Washington Place Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c by:

1. eliminating from within an existing R7-2 District a C1-5 District bounded by Waverly Place, a line 100 feet easterly of Avenue of the Americas, Washington Place, and Avenue of the Americas; and
2. establishing within the existing R7-2 District a C2-5 District bounded by Waverly Place, a line 100 feet easterly of Avenue of the Americas, Washington Place, and Avenue of the Americas;

Borough of Manhattan, Community District 2, as shown on a diagram (for illustrative purposes only) dated November 12, 2019.

#### **INTENT**

To approve the amendment to the Zoning Map, Section No. 12c, to rezone the project area by eliminating from within an existing R7-2 District a C1-5 and establishing within the existing R7-2 District a C2-5 District to allow the applicant to apply for a special permit from the Board of Standards and Appeals (BSA) for the existing Physical Cultural Establishment (PCE) located on the ground floor and cellar level of the applicant-owned property at 364 Avenue of the Americas in the Greenwich Village neighborhood of Manhattan, Community District 2.

#### **PUBLIC HEARING**

**DATE:** March 11, 2020

**Witnesses in Favor:** One

**Witnesses Against:** None

**COMMITTEE ACTION**

**DATE:** April 22, 2020

The Committee of the Whole recommends that the Council approve the attached resolution.

**In Favor:**

Speaker Johnson, Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy Jr., Cumbo, Deutsch, Diaz Sr., Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Matteo, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca Jr., Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger.

**Against:**

None

**Abstain:**

None

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

Res. No. 1317

**Resolution approving the decision of the City Planning Commission on ULURP No. C 200149 ZMM, a Zoning Map amendment (Preconsidered L.U. No. 657).**

By Council Members Salamanca and Moya.

**WHEREAS**, Washington Place Associates, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by eliminating from within an existing R7-2 District a C1-5 District and establishing within the existing R7-2 District a C2-5 District, would allow the applicant to apply for a special permit from the Board of Standards and Appeals (BSA) for the existing Physical Cultural Establishment (PCE) located on the ground floor and cellar level of the applicant-owned property at 364 Avenue of the Americas in the Greenwich Village neighborhood of Manhattan, Community District 2 (ULURP No. C 200149 ZMM) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on March 6, 2020, its decision dated March 4, 2020 (the "Decision") on the Application;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 11, 2020;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued November 12<sup>th</sup>, 2019 (CEQR No. 19DCP147M) (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 200149 ZMM, 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. 12c:

3. Eliminating from within an existing R7-2 District a C1-5 District bounded by Waverly Place, a line 100 feet easterly of Avenue of the Americas, Washington Place, and Avenue of the Americas; and
4. Establishing within the existing R7-2 District a C2-5 District bounded by Waverly Place, a line 100 feet easterly of Avenue of the Americas, Washington Place, and Avenue of the Americas; Borough of Manhattan, Community District 2,

as shown on a diagram (for illustrative purposes only) dated November 12, 2019, Community District 2, Borough of Manhattan.

THE SPEAKER (COUNCIL MEMBER JOHNSON), *Chairperson*; ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, INEZ D. BARRON, JOSEPH C. BORELLI, JUSTIN L. BRENNAN, FERNANDO CABRERA, MARGARET S. CHIN, ANDREW COHEN, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DANIEL DROMM, MATHIEU EUGENE, VANESSA L. GIBSON, MARK GJONAJ, BARRY S. GRODENCHIK, ROBERT F. HOLDEN, BEN KALLOS, ANDY L. KING, PETER A. KOO, KAREN KOSLOWITZ, RORY I. LANCMAN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK LEVINE, FARAH N. LOUIS, ALAN N. MAISEL, STEVEN MATTEO, CARLOS MENCHACA, I. DANEEK MILLER, FRANCISCO P. MOYA, BILL PERKINS, KEITH POWERS, ANYONIO REYNOSO, DONOVAN J. RICHARDS, CARLINA RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, HELEN K. ROSENTHAL, RAFAEL SALAMANCA, Jr., RITCHIE J. TORRES, MARK TREYGER, ERIC A. ULRICH, PAUL A. VALLONE, JAMES G. VAN BRAMER, KALMAN YEGER; Committee of the Whole (Remote Hearing), April 22, 2020.

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 L.U. No. 627 & Res, No. 1318

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190172 ZMK (271 Sea Breeze Avenue) submitted by 271 Sea Breeze Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, by establishing within an existing R6 District a C2-4 District, on property bounded by West Brighton Avenue, West 2nd Street, Sea Breeze Avenue and West 5th Street (Block 7280, Lots 89, 92, 95, 110, and 188), Borough of Brooklyn, Council District 48, Community District 13.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 282) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 13**

**C 190172 ZMK**

City Planning Commission decision approving an application submitted by 271 Sea Breeze Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, by establishing within an existing R6 District a C2-4 District bounded by West Brighton Avenue, West 2nd Street, Sea Breeze Avenue and West 5th Street, Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) dated September 23, 2019, and subject to the conditions of CEQR Declaration E-535.

**INTENT**

To approve the amendment to the Zoning Map, Section No. 28d, to change from an R6 District to R6/C2-4 District to facilitate commercial use and allow for the applicant to apply for a Board of Standard Appeals (BSA) special permit for a Physical Culture or Health Establishment (PCE) in an existing 20-story building at 271 Sea Breeze Avenue located in the West Brighton neighborhood of Brooklyn, Community District 13.

**PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 26, 2020

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

**In Favor:**

Moya, Levin, Richards, Reynoso, Grodenchik, Rivera,

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None.

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated April 20, 2020, with the Council on April 20, 2020, 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. 1318

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190172 ZMK, a Zoning Map amendment (L.U. No. 627).**

By Council Members Salamanca and Moya.

**WHEREAS**, 271 Sea Breeze Development, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, by establishing within an existing R6 District a C2-4 District to facilitate commercial use and allow for the applicant to apply for a Board of Standard Appeals (BSA) special permit for a Physical Culture or Health Establishment (PCE) in an existing 20-story building at 271 Sea Breeze Avenue located in the West Brighton neighborhood of Brooklyn, Community District 13 (ULURP No. C 190172 ZMK) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on February 7, 2020, its decision dated February 5, 2020 (the "Decision") on the Application;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 12, 2020;

**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 September 23<sup>rd</sup>, 2019 (CEQR No. 19DCP193K) (the “Negative Declaration”).

**RESOLVED:**

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

Pursuant to Section 197-d of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190172 ZMK, 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 ~~double struck out~~ is old, deleted by the City Council;

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

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

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

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. 28d: by establishing within an existing R6 District a C2-4 District bounded by West Brighton Avenue, West 2<sup>nd</sup> Street, Sea Breeze Avenue, and ~~West 5<sup>th</sup> Street~~ a line 250 feet westerly of West 2<sup>nd</sup> Street, Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) date September 23, 2019, and subject to the conditions of CEQR Declaration E-535.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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. 631 & Res. No. 1319

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190352 ZRQ (Queens Boulevard MIH Text Amendment) submitted by 64-11 QB Owner 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 1341, Lot 77, and Block 2446, Lots 1, 4, 30, 31, 36 and 41, Borough of Queens, Council Districts 26 and 30, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2020 (Minutes, page 283) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**QUEENS CB - 2**

**N 190352 ZRQ**

City Planning Commission decision approving an application submitted by 64-11 QB Owner, 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 Mandatory Inclusionary Housing areas.

#### **INTENT**

To approve the amendment zoning text to modify Appendix F and designate a portion of the Project Area within the proposed R7X district as a Mandatory Inclusionary Housing (“MIH”) Area utilizing Option 1 and 2, to facilitate the development of two new mixed-use buildings located on two development sites fronting Queens Boulevard in the Woodside and Maspeth neighborhoods of Queens, Community District 2.

#### **PUBLIC HEARING**

**DATE:** February 12, 2020

**Witnesses in Favor:** Four

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 26, 2020

The Subcommittee recommends that the Land Use Committee approve with modifications the decision of the City Planning Commission on L.U. No. 631.

#### **In Favor:**

Moya, Levin, Richards, Reynoso, Grodenchik, Rivera.

#### **Against:**

None

#### **Abstain:**

None

#### **COMMITTEE ACTION**

**DATE:** March 3, 2020

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Richards, Treyger, Grodenchik, Ayala, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None.

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated April 20, 2020, with the Council on April 20, 2020, 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. 1319

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190352 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 631).**

By Council Members Salamanca and Moya.

**WHEREAS**, 64-11 QB Owner, LLC, filed an application 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 Option 1 and 2, to facilitate the development of two new mixed-use buildings located on two development sites fronting Queens Boulevard in the Woodside and Maspeth neighborhoods of Queens, Community District 2 (Application No. N 190352 ZRQ), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on February 7, 2020 its decision dated February 5, 2020 (the “Decision”), on the Application;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 12, 2020;

**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 31, 2020, which supersedes the Negative Declaration issued October 28, 2019, and Revised Environmental Assessment Statement issued January 31, 2019 (CEQR No. 19DCP206Q) which include an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials (the “E” Designation (E-551));

**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-551) and Revised Negative Declaration.

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190352 ZRQ, 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 ~~double struck out~~ is old, deleted by the City Council;
- Matter double-underlined is new, added by the City Council
- 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**

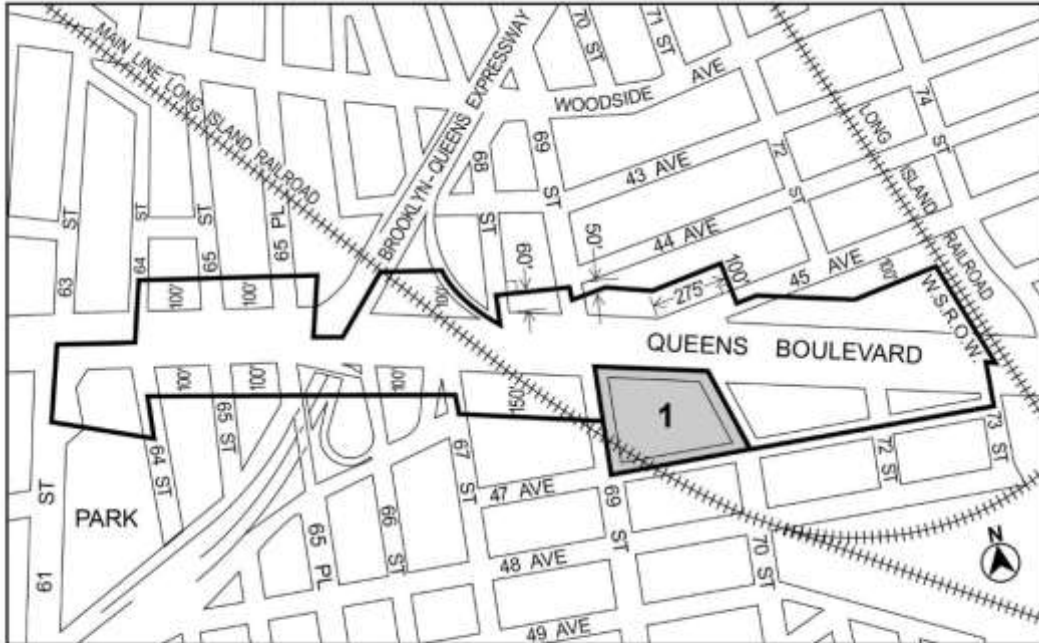
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**Queens Community District 2**

\* \* \*

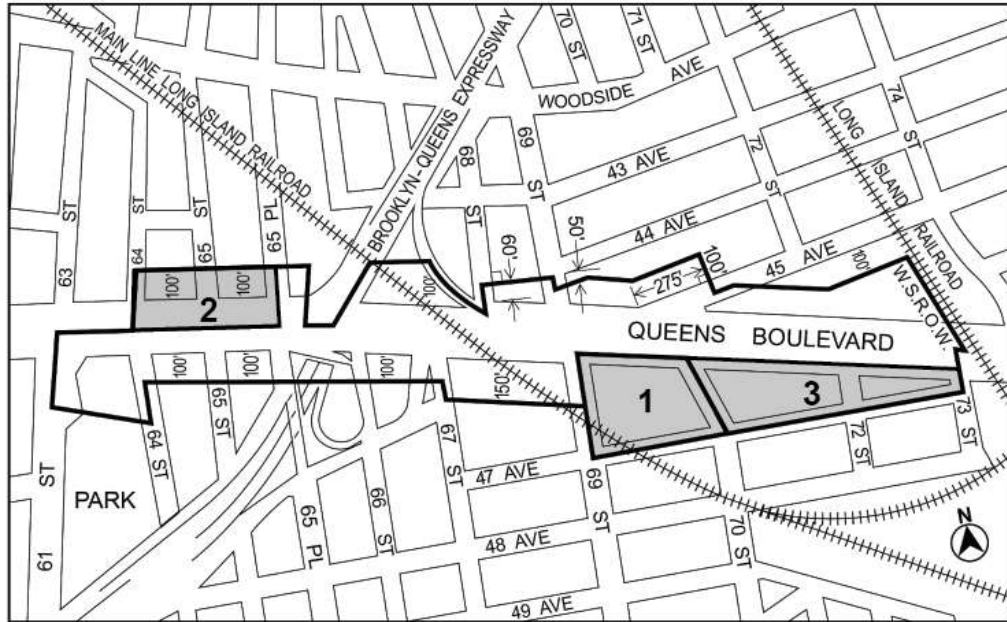
Map 2 – [date of adoption]





[EXISTING MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*  
Area 1—10/31/18 MIH Program Option 2

[PROPOSED MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing area (see Section 23-154(d)(3))  
**Area 1** – 10/31/18, MIH Program Option 2
-  Mandatory Inclusionary Housing area (see Section 23-154(d)(3))  
**Area 2** – [date of adoption], MIH Program Option 1 ~~and Option 2~~
-  Mandatory Inclusionary Housing area (see Section 23-154(d)(3))  
**Area 3** – [date of adoption], MIH Program Option 1 and Option 2

Portion of Community District 2, Queens

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 3, 2020.

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

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

- (1) **Int 1854 -** Increase in the amount to be expended, an extension of the boundaries, the provision of additional services, a change in the method of assessment, and an increase in the maximum total.
- (2) **L.U. 616 & Res 1308 -** App. **20205258 HAM (272 East 7th Street – UDAAP/Article XI)** Manhattan, Council District 2, Community District 3.
- (3) **L.U. 617 & Res 1290 -** App. **20205278 HHR (NYC Health & Hospitals/Sea View Campus)** Staten Island, Council District 50, Community District 2.
- (4) **L.U. 618 & Res 1291 -** App. **20195575 HIM (N 200223 HIM)** Manhattan, Council District 3, Community District 5.
- (5) **L.U. 619 & Res 1292 -** App. **20195576 HIM (N 200224 HIM)** Manhattan, Council District 3, Community District 5.
- (6) **L.U. 620 & Res 1293 -** App. **20195577 HIM (N 200225 HIM)** Manhattan, Council District 3, Community District 5.
- (7) **L.U. 621 & Res 1294 -** App. **20195578 HIM (N 200226 HIM)** Manhattan, Council District 3, Community District 5.
- (8) **L.U. 622 & Res 1295 -** App. **20195579 HIM (N 200227 HIM)** Manhattan, Council District 3, Community District 5.
- (9) **L.U. 623 & Res 1296 -** App. **20205522 HIX (N 200236 HIX)** Bronx, Council District 17, Community District 1.
- (10) **L.U. 626 & Res 1309 -** App. **M 840260(F) LDM (46-74 Gansevoort Street)** Manhattan, Council District 3, Community District 2.
- (11) **L.U. 627 & Res 1318 -** App. **C 190172 ZMK (271 Sea Breeze Avenue)** Brooklyn, Council District 48, Community District 13.

- (12) **L.U. 630 & Res 1297 -** App. C **190295 ZMK (8118 13th Avenue Rezoning)** Brooklyn, Council District 43, Community District 10.
- (13) **L.U. 631 & Res 1319 -** App. N **190352 ZRQ (Queens Boulevard MIH Text Amendment)** Queens, Council Districts 26 and 30, Community District 2.
- (14) **L.U. 637 & Res 1310 -** App. C **190453 HAK (Rochester Suydam)** Brooklyn, Council Districts 36 and 41, Community District 3.
- (15) **L.U. 638 & Res 1311 -** App. **20205362 HAK (Rochester Suydam I – Article XI)** Brooklyn, Council District 36, Community District 3.
- (16) **L.U. 639 & Res 1312 -** App. **20205363 HAK (Rochester Suydam II – Article XI)** Brooklyn, Council District 41, Community District 3.
- (17) **L.U. 640 & Res 1298 -** App. **20205357 HAM (Cooper Square MHA-Phase 1.GHPP.FY20)** Manhattan, Council Districts 1 and 2, Community District 3.
- (18) **L.U. 643 & Res 1313 -** App. C **200059 ZMK (90 Sands Street Rezoning)** Brooklyn, Council District 33, Community District 2.
- (19) **L.U. 644 & Res 1314 -** App. N **200060 ZRK (90 Sands Street Rezoning)** Brooklyn, Council District 33, Community District 2.
- (20) **L.U. 646 & Res 1299 -** 1898 Harrison Avenue, Bronx, Community District No. 5, Council District No. 14.
- (21) **L.U. 647 & Res 1300 -** Grace Senior Housing, Queens, Community District No. 12, Council District No. 24.

- (22) **L.U. 648 & Res 1301 -** HP Morningside Heights Portfolio HDFC. Manhattan, Community District Nos. 12 and 10, Council District Nos. 7 and 9.
- (23) **L.U. 649 & Res 1302 -** Turin House, Manhattan, Community District No. 7, Council District No. 6.
- (24) **L.U. 650 & Res 1303 -** Schreiber, Block 2047, Manhattan, Community District Nos. 9 and 10, Council District No. 9.
- (25) **L.U. 651 & Res 1304 -** 757 East 169th Street, Block 2961, Bronx, Community District No. 3, Council District No. 17.
- (26) **L.U. 652 & Res 1305 -** Howard Amron House, Manhattan, Community District No. 11, Council District No. 5.
- (27) **L.U. 653 & Res 1306 -** Belmont Daniel, Block 20, Staten Island, Community District No. 1, Council District No. 49.
- (28) **L.U. 654 & Res 1307 -** Manhattan Ave Apartments, Manhattan, Community District No. 7, Council District No. 7.
- (29) **L.U. 655 & Res 1315 -** Appl. **20205405 HAK (461 Alabama Avenue)** Brooklyn, Council District 42, Community District 5.
- (30) **L.U. 656 & Res 1316 -** App. **20205318 HAM (River Crossing)** Manhattan, Council District 8, Community District 11.
- (31) **L.U. 657 & Res 1317-** App. C **200149 ZMM (364 Avenue of the Americas Rezoning)** Manhattan, Council District 1, Community District 2.



The Majority Leader and Acting President Pro Tempore (Council Member Cumbo) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

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

**The General Order vote recorded for this Recessed Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 1854**:

**Affirmative** – Adams, Ampy-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, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

**Abstention** – Yeger – **1**.

The following was the vote recorded for **L.U. No. 618 & Res. No. 1291; L.U. No. 619 & Res. No. 1292; L.U. No. 620 & Res. No. 1293; L.U. No. 621 & Res. No. 1294; and L.U. No. 622 & Res. No. 1295**:

**Affirmative** – Adams, Ampy-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, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

**Negative** – Yeger – **1**.

*The following Introduction was sent to the Mayor for his consideration and approval: Int. No. 1854.*

## INTRODUCTION AND READING OF BILLS

Int. No. 1912

By the Speaker (Council Member Johnson) and Council Members Kallos, Van Bramer, Lander, Chin, Ayala, Rivera and Louis.

### **A Local Law in relation to ceasing the taking and restitution of property and the execution of money judgments by the city sheriff and marshals due to the impacts of COVID-19**

*Be it enacted by the Council as follows:*

Section 1. As used in this local law, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

COVID-19 state disaster emergency. The term “COVID-19 state disaster emergency” means the state disaster emergency declared by the governor in executive order number 202 issued on March 7, 2020.

Federal eviction moratorium. The term “federal eviction moratorium” means the moratorium on certain residential evictions set forth in section 4024 of the coronavirus aid, relief, and economic security, or CARES, act and any subsequent amendments to such section.

First suspension date. The term “first suspension date” means the later of (i) the end of the first month that commences after the expiration of the state eviction moratorium, (ii) the end of the first month that commences after the expiration of the federal eviction moratorium, or (iii) September 30, 2020.

Second suspension date. The term “second suspension date” means the later of (i) the end of the seventh month that commences after the expiration of the state eviction moratorium, (ii) the end of the seventh month that commences after the expiration of the federal eviction moratorium, or (iii) April 1, 2021.

State eviction moratorium. The term “state eviction moratorium” means the moratorium on enforcement of evictions of residential and commercial tenants set forth in executive order number 202.8, as issued by the governor on March 20, 2020 and thereafter extended.

§ 2. Until the first suspension date, the city sheriff and, pursuant to section 1609 of the New York city civil court act, the marshals shall take no action with respect to the taking and restitution of property or the execution of money judgments unless:

1. such action or type of action has been ordered by the governor or mayor pursuant to article 2-B of the executive law or is necessary in order to carry out an order issued by the governor or mayor pursuant to such article; or

2. such action or type of action is in connection with a matter under the jurisdiction of the family court.

§ 3. a. Until the second suspension date, the city sheriff and, pursuant to section 1609 of the New York city civil court act, the marshals shall take no action with respect to the taking and restitution of property or the execution of money judgments unless:

1. such action or type of action has been ordered by the governor or mayor pursuant to article 2-B of the executive law or is necessary in order to carry out an order issued by the governor or mayor pursuant to such article;

2. such action or type of action is in connection with a matter under the jurisdiction of the family court; or

3. the party against whom such taking and restitution or such execution is sought has been provided a reasonable opportunity to show the court having jurisdiction over the matter that such party suffered a substantial loss of income because of COVID-19 and such court has found that such party has not suffered such a loss or has effectively waived such opportunity.

b. For the purposes of subdivision a of this section, a party has suffered a substantial loss of income because of COVID-19 in the following instances:

1. The party is a natural person and between March 7, 2020 and the first suspension date, inclusive, experienced two or more weeks in which (i) the person claimed federal or state unemployment insurance

benefits in connection with a claim that was filed on or after March 7, 2020 or (ii) the person worked fewer than three days and earned less than \$504 because of one or more of the following situations:

(a) the person was diagnosed with COVID-19 or was experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(b) a member of the person's household was diagnosed with COVID-19;

(c) the person was providing care for a family member or a member of the person's household who was diagnosed with COVID-19;

(d) a member of the person's household for whom the person had primary caregiving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 state disaster emergency and such school or facility care was required for the person to work;

(e) the person was unable to reach the person's place of employment because of a quarantine imposed as a direct result of the COVID-19 state disaster emergency;

(f) the person was unable to reach the person's place of employment because the person had been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(g) the person was scheduled to commence employment and did not have a job or was unable to reach the job as a direct result of the COVID-19 state disaster emergency;

(h) the person became the breadwinner or major supporter for a household because the head of the household died as a direct result of COVID-19;

(i) the person quit a job as a direct result of COVID-19; or

(j) the person's place of employment is closed as a direct result of the COVID-19 state disaster emergency;

2. The party is a business and (i) it was subject to seating, occupancy or on-premises service limitations pursuant to an executive order issued by the governor or mayor during the COVID-19 period or (ii) its revenues for any three-month period between March 7, 2020 and the first suspension date, inclusive, were less than 50 percent of its revenues for the same period in 2019 or less than 50 percent of its aggregate revenues for the months of December 2019, January 2020, and February 2020; or

3. The party is a natural person who is being held liable for a debt or other obligation of a business that satisfies the requirements of paragraph 2 of this subdivision.

§ 4. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1913

By Council Members Adams, Cornegy, Van Bramer and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on complaints received and investigations regarding recorded document fraud**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 7 of the administrative code of the city of New York is amended to add section 7-517 to read as follows:

*§ 7-517. Reporting on complaints about and investigations of recorded document fraud. By December 31, 2020 and no later than December 31 annually thereafter, the sheriff shall submit to the speaker of the council and post on the website of the department of finance a report describing the complaints received and investigations regarding recorded document fraud in the prior calendar year. Such report shall include, but need not be limited to, the following information, disaggregated by borough and by council district:*

*a. the number of complaints about recorded document fraud received, aggregated by method of submission;*

*b. the number of complaints about recorded document fraud for which no investigation was commenced, and the reason why;*

*c. the number of investigations of recorded document fraud commenced;*

*d. the number of investigations of recorded document fraud concluded, and the outcome of each such investigation;*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 1914

By Council Members Adams, the Speaker (Council Member Johnson), Kallos, Van Bramer, Chin, Louis, Ayala, Levin, Lander, and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to harassment of commercial tenants impacted by COVID-19**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 11 of subdivision a of section 22-902 of the administrative code of the city of New York, as added by local law number 185 for the year 2019, is amended to read as follows:

11. threatening a commercial tenant based on *(i) such person’s actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, uniformed service, sexual orientation, alienage or citizenship status, status as a victim of domestic violence[,] or status as a victim of sex offenses or stalking, or (ii) the commercial tenant’s status as a person or business impacted by COVID-19, or the commercial tenant’s receipt of a rent concession or forbearance for any rent owed during the COVID-19 period; provided that for the purposes of this paragraph:*

*(a) the term “COVID-19 period” means March 7, 2020 through the later of (i) the end of the first month that commences after the expiration of the moratorium on enforcement of evictions of residential and commercial tenants set forth in executive order number 202.8, as issued by the governor on March 20, 2020 and thereafter extended, (ii) the end of the first month that commences after the expiration of the moratorium on certain residential evictions set forth in section 4024 of the coronavirus aid, relief, and economic security, or CARES, act and any subsequent amendments to such section or (iii) September 30, 2020, inclusive;*

*(b) a person is “impacted by COVID-19” if such person experienced one or more of the following situations:*

*(1) the person was diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and seeking a medical diagnosis; provided that for the purposes of this subparagraph, the term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV;*

*(2) a member of the person’s household was diagnosed with COVID-19;*

*(3) the person was providing care for a family member or a member of the person’s household who was diagnosed with COVID-19;*

*(4) a member of the person’s household for whom the person had primary caregiving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 state disaster emergency and such school or facility care was required for the person to work; provided that for the purposes of this subparagraph, the term “COVID-19 state disaster emergency” means the state disaster emergency declared by the governor in executive order number 202 issued on March 7, 2020;*

*(5) the person was unable to reach their place of business because of a quarantine imposed as a direct result of the COVID-19 state disaster emergency;*

*(6) the person was unable to reach their place of business because the person had been advised by a health care provider to self-quarantine due to concerns related to COVID-19;*

*(7) the person became the breadwinner or major supporter for a household because the head of the household died as a direct result of COVID-19;*

*(8) the person’s business is closed as a direct result of the COVID-19 state disaster emergency; and*

(c) a business is “impacted by COVID-19” if (i) it was subject to seating, occupancy or on-premises service limitations pursuant to an executive order issue by the governor or mayor during the COVID-19 period or (ii) its revenues during any three-month period within the COVID-19 period were less than 50 percent of its revenues for the same period in 2019 or less than 50 percent of its aggregate revenues for the months of December 2019, January 2020 and February 2020;

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 1915

By Council Members Borelli, Cabrera, Chin and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to the administration of the firefighter written examination to individuals on active military duty**

*Be it enacted by the Council as follows:*

Section 1. Section 12-208 of the administrative code of the city of New York, as added by local law number 18 for the year 2019, is renumbered section 12-209.

§ 2. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-210 to read as follows:

*§ 12-210 Administration of firefighter written examination to individuals on active military duty. The department of citywide administrative services shall offer individuals who are unable to be present in the city on the scheduled test date for an open-competitive firefighter civil service written examination due to active military duty, as defined in section 243 of the military law, the option to complete such examination in locations outside of the city that the department of citywide administrative services determines to be more easily accessible to such individuals.*

§ 3. This local law takes effect 90 days after it becomes law, except that the commissioner of citywide administrative services may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Governmental Operations.

Int. No. 1916

By Council Members Cohen, Chin, Powers, Yeger, Louis, Ayala, Rivera, Lander and Koslowitz.

**A Local Law in relation to requiring the department of consumer affairs to waive and refund all fees related to sidewalk cafe licenses that are due on or after January 1, 2020 until December 31, 2020, and providing for the repeal of such provision upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. Emergency waiver of sidewalk cafe fees. a. Notwithstanding any inconsistent provision of law or rule, the department of consumer affairs shall waive all fees related to sidewalk cafe licenses issued pursuant to subchapter 6 of chapter 2 of title 20 of the administrative code, including, but not limited to, revocable consent fees, for which the payment due date falls on or after January 1, 2020 until December 31, 2020. The department shall issue refunds for all sidewalk cafe license fees paid by licensees on or after January 1, 2020 until December 31, 2020.

b. This section does not apply to new sidewalk cafe license applications filed with the department of consumer affairs on or after March 30, 2020.

c. The department shall have the authority to promulgate any rules necessary to administer the provisions of this section.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of January 1, 2020.

§ 3. This local law expires and is deemed repealed on January 1, 2021.

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 1277

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign A.10224-A/S.8125-A, an act to suspend rent payments for certain residential tenants and small business commercial tenants and to suspend certain mortgage payments for ninety days in response to the outbreak of coronavirus (COVID-19).**

By Council Members Constantinides, Rodriguez, Kallos, Van Bramer and Lander.

**Whereas**, On March 20, 2020, Governor Andrew Cuomo signed an Executive Order requiring all non-essential New York businesses to reduce their in-person workforce by 100% in order to limit the spread of COVID-19; and

**Whereas**, This government restriction was established to save the lives of many New Yorkers, but has also created a financial hardship for many small businesses and households; and

**Whereas**, The City University of New York (CUNY) Graduate School of Public Health and Health Policy conducted a survey from April 3 through April 5, and 35 percent of households surveyed reported that either they or someone in their household lost their job due to COVID-19; and

**Whereas**, The State of New York should pass legislation to assist households that lost income or small businesses that were forced to close their shops as a result of government-ordered restrictions to protect the public from COVID-19; and

**Whereas**, A.10224-A, introduced by State Assembly Member Yuh-Line Niou, and companion bill S.8125-A, introduced by State Senator Michael Gianaris, would suspend all rent and mortgage payments for certain households and certain small businesses if they lost employment or were forced to close their business due to the COVID-19 pandemic; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign A.10224-A/S.8125-A, an act to suspend rent payments for certain residential tenants and small business commercial tenants and to suspend certain mortgage payments for ninety days in response to the outbreak of coronavirus (COVID-19).

Referred to the Committee on Housing and Buildings.

Int. No. 1917

By Council Member Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing self-certification for certain work after the issuance of a work without a permit violation**

*Be it enacted by the Council as follows:*

Section 1. Section 28-104.2.1 of the administrative code of the city of New York, as amended by local law 158 for the year 2017, is amended to read as follows:

**§ 28-104.2.1 Less than full examination of applications for construction and related document approval.**

The commissioner may, in the commissioner's discretion, establish a program whereby construction and related documents may be accepted with less than full examination by the department based on the professional certification of an applicant who is a registered design professional. On a monthly basis, the commissioner shall audit no less than 25 percent of construction documents which are for multiple dwellings where 25 percent or more of the dwelling units are occupied and such multiple dwellings, in whole or in part, either (i) are subject to rent regulation, (ii) are being rehabilitated or maintained as affordable housing through a department of housing preservation and development program, (iii) are subject to a city regulatory agreement mandating the creation or preservation of a certain number of affordable units, (iv) contain affordable housing units created, sponsored or preserved through other city programs or initiatives, or (v) where the department knows or has reason to know, are the subject of a rent overcharge application which is in the process of being investigated by the New York State division of housing and community renewal.

**Exceptions:**

1. Construction or related documents may not be subject to less than full examination if the building is listed on the department of housing preservation and development's website pursuant to paragraph 6 of subdivision m of section 27-2115.
2. Where a penalty is imposed pursuant to article 213 of chapter 2 of this title for work that has been performed without a permit on a building, [(i)] construction and related documents for work at such building shall not be accepted with less than full examination by the department for one year after such imposition, *provided that if such building contains both residential and non-residential occupancies (i) such work without a permit was performed only on the part of the building containing the residential occupancy, (ii) the owner of such building is in control of any work performed on the part of the building containing the residential occupancy and (iii) the owner of such building is the principal of the person submitting the construction document for approval with less than full examination by the department, or (i) such work without a permit was performed only on the part of the building containing the non-residential occupancy, (ii) the landlord of such building is not in control of any work performed on the part of the building containing the non-residential occupancy and (iii) the occupant of the non-residential occupancy of such building is the principal of the person submitting a construction document with less than full approval.*
3. If such work without a permit was performed on only part of such building and the owner of such part is not the owner of such building, construction and related documents for work on such part shall not be accepted with less than full examination by the department for one year after such imposition or until the date such part of such building changes owners, whichever is sooner

§ 2. This local law takes effect 120 days after it becomes law and shall not apply to applications for construction document approval filed prior to such effective date, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 1278

**Resolution calling on all S&P 500 and Fortune 500 companies to adopt the Rooney Rule as part of their hiring practices, in an effort to increase diversity.**

By Council Members Cornegy. and Powers.

**Whereas,** The Standard and Poor (S&P) 500 and Fortune 500 are two indexes that measure companies in the United States (US) based on market capitalization and revenue, respectively; and

**Whereas,** As S&P 500 and Fortune 500 companies generally make up some of the most valued and largest companies in the US, with about 330 companies being in both the S&P 500 and Fortune 500 in any given year, according to Fortune Magazine, it is important for these companies to have equitable and inclusive hiring practices to ensure diverse company board directors and chief executive officers (CEOs); and

**Whereas,** One such policy that would achieve this goal is a policy of the National Football League (NFL), known as the “Rooney Rule,” which requires every team with a head coaching vacancy to interview at least one or more diverse candidates; and

**Whereas,** According to the NFL, this policy has been expanded over the years to require teams to: interview at least one or more diverse candidates for general manager jobs and equivalent front office positions; interview at least one diverse candidate from the Career Development Advisory Panel list or a diverse candidate not currently employed by the team; continue to utilize best practices for considering multiple diverse candidates; maintain complete records and furnish such records to the NFL upon the NFL Commissioner’s request; and ensure that if the final decision-maker is involved in the beginning of the hiring process, he/she must be involved through the conclusion of the process; and

**Whereas,** The need for the Rooney Rule within US companies is evident, as research indicates that the percentage of women in leadership positions in S&P 500 companies steadily shrinks as they enter higher positions, with women representing just 26.5% of executive/senior-level officials and managers, 21.2% of board seats, 11% of top earners and 5.8% of CEOs; and

**Whereas,** In addition, according to ISS Analytics, as of July 15, 2019, only 10 S&P 500 companies had boards comprised of at least 50% women; and

**Whereas,** A report by Deloitte LLP entitled “Missing Pieces Report: The 2018 Board Diversity Census of Women and Minorities on Fortune 500 Boards” indicates that racial and ethnic disparities exist within these companies, as, in 2018, 3,741 (66%) of the 5,670 Fortune 500 board of director seats were held by White men, while non-White men and women only held 912 (16.1%) of the total seats; and

**Whereas,** To urge companies to ensure gender, racial and ethnic diversity among company board directors and CEOs, on October 10, 2019, New York City (NYC) Comptroller Scott Stringer sent a letter to 56 S&P 500 companies that do not currently have a Rooney Rule policy in place, including AT&T Inc., The Boeing Company and the Walt Disney Co., to adopt such a policy; and

**Whereas,** As McKinsey & Company research suggests that companies with greater gender and ethnic board diversity have stronger financial performance and MSCI research suggests that gender diverse boards have fewer instances of bribery, corruption and fraud, it is wise for all S&P 500 and Fortune 500 companies to adopt the Rooney Rule as part of their hiring practices and to increase diversity among their ranks; and

**Whereas,** In addition, many S&P 500 and Fortune 500 companies are headquartered in NYC, including companies like American Express Co., American International Group, Assurant, Inc., The Bank of New York Mellon Corp., BlackRock, Citigroup Inc., Fox Corporation, Goldman Sachs Group and MetLife, Inc., thus, calling on all S&P 500 and Fortune 500 companies to adopt the Rooney Rule would positively impact the city as a whole; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on all S&P 500 and Fortune 500 companies to adopt the Rooney Rule as part of their hiring practices, in an effort to increase diversity.

Referred to the Committee on Civil and Human Rights.

Res. No. 1279

**Resolution calling upon the New York State Legislature and the Governor to earmark \$100 million annually and to amend the New York State Lead Service Line Replacement Program to be a more effective program.**



By Council Member Cornegy.

**Whereas,** Lead is a common metal that was historically used in paint, plumbing pipes, faucets and also in solder that was used on pipes; and

**Whereas,** According to New York City Department of Environmental Protection (DEP), water tests from New York City's reservoirs and the City's distribution water main system are virtually lead free, but the drinking water could still be a source of lead exposure since certain service pipes, that connect to the City's distribution water main system, can contain lead, and should these pipes corrode, lead could enter the drinking water; and

**Whereas,** According to a 2018 report from the New York City Independent Budget Office, most of the lead contamination in New York City's water is attributed to old lead service lines in small, older houses, and more than 6 percent of sampled homes in community districts that included neighborhoods such as Bedford Stuyvesant, Maspeth, Ridgewood, Co-Op City, Riverdale and South Beach had lead levels above the Environmental Protection Agency limit; and

**Whereas,** New York State established the Lead Service Line Replacement Program to replace the entire length of the residential lead service line from the municipal water source to the residence for low income households; and

**Whereas,** On August 2019, the New York State Department of Health reported that the estimated award for the Lead Service Line Replacement Program for New York City was \$5,323,904; and

**Whereas,** On October 4, 2019 the Environmental Advocates of New York issued a request advocating for \$100 million in new funding in the upcoming state budget for the Lead Service Line Replacement Program; and

**Whereas,** More funds will be needed annually to completely replace all lead service pipes since according to the Environmental Advocates of New York there are an estimated 360,000 lead pipes in New York State that need to be replaced and this is estimated to cost \$1 billion; and

**Whereas,** New York State should not wait until the health and well-being of its residents are negatively impacted before there are adequate funds to replace the lead service line pipes; and

**Whereas,** All households in New York State, impacted by a lead service line, should be able to apply to the Lead Service Line Replacement Program since there is no safe level of lead exposure; and

**Whereas,** Lead service lines represent a risk of lead contamination and in order to eliminate that risk, every water utility in New York State should dig every single lead pipe out of the ground and replace it; now, therefore be it;

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature and the Governor to earmark \$100 million annually and to amend the New York State Lead Service Line Replacement Program to be a more effective program.

Referred to the Committee on Environmental Protection.

Res. No. 1280

**Resolution calling on the State Legislature to pass and the Governor to sign S.6696, a bill that would establish and fund a universal basic income pilot program.**

By Council Members Cornegy and Chin.

**Whereas,** A universal basic income, or U.B.I., refers to the idea of implementing a universal payment to all citizens that is non-taxable and non-means tested; and

**Whereas,** Jobs are being automated, the cost of living is rising and freelance work is prevalent (known as the "gig economy") leading to income instability or loss; and

**Whereas,** Many see universal basic income as a means to alleviating income inequality and mitigating the effects on the workforce from automation and the instability of the gig economy; and

**Whereas**, In the United States, U.B.I. pilots are being implemented in at least two municipalities in California, Oakland and Stockton, and a pilot is being explored in Chicago; and

**Whereas**, S.6696, Sponsored by Senator Kevin Parker, would direct the State Comptroller to establish and implement a two-year pilot program to demonstrate the economic impacts and state-level cost savings of a universal basic income no later than January 1, 2021; and

**Whereas**, The bill states the pilot program will include 10,000 participants randomly chosen from applicants from across the state and participants in the program shall receive \$7,200 per year for individuals and \$14,400 per year for couples; and

**Whereas**, According to the legislation, universal basic income received by participants shall not be included in determining eligibility for the supplemental nutrition assistance program or temporary assistance for needy families, thus participants would not be at risk of losing their public assistance or food benefits; and

**Whereas**, S.6696 stipulates that participants be 21-65 years old and employed with an income less than \$35,000 per year; and

**Whereas**, S.6696 dedicates \$288 million to the pilot, with half coming from the State Treasury general fund and half from the stock transfer tax fund; and

**Whereas**, The stated purpose of the bill is to prevent or reduce poverty amongst the citizens of New York and increase equality; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the State Legislature to pass and the Governor to sign S.6696, a bill that would establish and fund a universal basic income pilot program.

Referred to the Committee on General Welfare.

Res. No. 1281

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation to implement automated renewals for the Senior Citizen Homeowners' Exemption program and the Disabled Homeowners' Exemption program.**

By Council Members Cornegy, Kallos, Van Bramer, Chin and Yeger.

**Whereas**, The Senior Citizen Homeowners' Exemption (SCHE) program and the Disabled Homeowners' Exemption (DHE) program both provide a property tax break for seniors and persons with disabilities who own one-, two-, or three-family homes; condominiums; or cooperative apartments with a combined annual income of \$58,399 or less; and

**Whereas**, The DHE benefit must be renewed annually and the SCHE benefit must be renewed biannually in order to avoid significant property tax increases; and

**Whereas**, According to a New York State Senate report, in 2017 there were 57,000 New Yorkers enrolled in SCHE or DHE; and

**Whereas**, Some states, including Colorado and Washington, have largely succeeded in transforming their Medicaid eligibility and renewal systems to operate in a highly automated, real-time manner; and

**Whereas**, According to the Medicaid Real-Time Eligibility Determinations and Automated Renewals report by Urban Institute, automated renewal systems are very beneficial for consumers and have been an enormous help to applicants and enrollees, allowing them to obtain coverage more quickly and easily; and

**Whereas**, Implementing an automated renewal system could include intergovernmental collaboration between the New York City Department of Finance, the New York State Social Security Administration and all relevant organizations in order to gain the requisite information needed to ensure a homeowner's continued eligibility for SCHE and DHE and prevent any instances of fraud; and

**Whereas**, Automated renewals can ensure that individuals who currently benefit from SCHE and DHE will remain financially protected from rising property taxes and provide relief for those who may be unable to

meet the programs' renewal deadlines for reasons related to their disability or senior status; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation to implement automated renewals for the Senior Citizen Homeowners' Exemption program and the Disabled Homeowners' Exemption program.

Referred to the Committee on Housing and Buildings.

Res. No. 1282

**Resolution calling on the New York State Legislature to pass, and the governor to sign, S.2407C, which would expand New York's General Business Law to offer consumer protections against unfair, deceptive or abusive acts, including deed theft.**

By Council Members Cornegy and Chin.

**Whereas**, Across New York City, neighborhoods are changing quickly, with rapidly rising rents and property values; and

**Whereas**, This growing demand for homes, together with the limited supply of stock, has provided ample opportunity for people to fall prey to deed theft; and

**Whereas**, Deed theft is a deceptive practice in which someone convinces, usually through fraudulent paperwork or misrepresentation, a property owner to sign over the deed to their home; and

**Whereas**, Often the scammer will target someone who is particularly vulnerable whether because they do not speak English as their first language, is elderly, or is under financial stress; and

**Whereas**, In recent years areas that are quickly gentrifying, especially neighborhoods in Brooklyn that have traditionally been home to black and brown residents, have become particularly vulnerable to deed theft scams; and

**Whereas**, For example, between 2014 and 2018, the NYC Office of the Sheriff received 2256 deed fraud complaints, with nearly half of those occurring in Brooklyn; and

**Whereas**, Those orchestrating deed theft schemes often use shell companies to hide their true identity and create a complicated paper trail that makes prosecuting difficult; and

**Whereas**, According to an employee from the Attorney General's office who oversees deed theft, it is "easier to steal ownership of a home than actually burglarizing it"; and

**Whereas**, The City and State have been trying to tackle this issue through a number of fronts; and

**Whereas**, However there are more protections that can be established to assist homeowners who are vulnerable to deed theft; and

**Whereas**, The New York State Senate bill S.2407C is one such example; and

**Whereas**, If enacted, this bill would strengthen the General Business Law (GBL) by expanding the language on prohibited acts to cover those that are considered unfair and abusive, as well as deceptive; and

**Whereas**, S.2407C also extends both the Attorney General's and organizations' abilities to bring a claim against the perpetrator; and

**Whereas**, Lastly, S.2407C would also increase the statutory damages to \$1,000, up from \$50; and

**Whereas**, These changes to the GBL would assist victims of deed theft and strengthen the Attorney General's ability to prosecute these cases; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.2407C, which would expand New York's General Business Law to offer consumer protections against unfair, deceptive or abusive acts including deed theft.

Referred to the Committee on Housing and Buildings.

## Res. No. 1283

**Resolution calling on the New York State Legislature to pass and the Governor to sign legislation that would create a Property Tax Exemption/Abatement Audit Program for residential properties.**

By Council Members Cornegy and Chin.

**Whereas**, The City of New York uses certain tax exemption or abatement programs to incentivize property owners to construct, convert, alter or improve buildings in order to provide affordable housing; and

**Whereas**, Property owners who receive a tax exemption or abatement to provide affordable housing should not have a high number of Housing Maintenance Code violations; and

**Whereas**, Affordable housing units should meet basic living and safety standards during the duration of a tenant's tenancy; and

**Whereas**, New York State could establish or authorize enabling legislation to create a local property tax exemption/abatement audit program to review or assess residential properties that are receiving tax benefits and monitor the correction of violations; and

**Whereas**, The Tax Exemption/Abatement Audit Program would work with New York City Housing Preservation and Development, New York City Department of Buildings and the New York City Department of Finance to coordinate investigative audits; and

**Whereas**, When an owner fails to correct certain violations, the City should be permitted to make a recommendation to place a hold, suspension or withdrawal of a tax exemption/abatement benefit; and

**Whereas**, This tax exemption/abatement audit program would help protect investments in affordable housing and improve housing conditions; now, therefore be it;

**Resolved**, That the New York Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign legislation that would create a Property Tax Exemption/Abatement Audit Program for residential properties.

Referred to the Committee on Housing and Buildings.

## Int. No. 1918

By Council Members Cumbo, the Speaker (Council Member Johnson), Kallos, Van Bramer, Lander and Chin.

**A Local Law in relation to premiums for essential workers**

*Be it enacted by the Council as follows:*

Section 1. Definitions. As used in this local law, the following terms have the following meanings:

Chain business. The term "chain business" shall mean any business that is part of a group of establishments that share a common owner or principal who owns at least 30 percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in section 681 of the general business law.

Director. The term "director" means the director of the office of labor standards established pursuant to section 20-a of the charter.

Essential business. The term "essential business" means any person or entity so defined by the New York state department of economic development in accordance with executive order 202.6 as issued by the governor on March 18, 2020 and extended thereafter.

Essential employee. The term "essential employee" means any person employed or permitted to work at or for an essential business. The term "essential employee" does not include any employee who is (i) salaried, (ii) covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local

law and provides comparable or superior benefits for essential employees, or (iii) covered by a program created pursuant to an emergency order issued by the governor that provides comparable or superior benefits for essential employees.

Essential employer. The term “essential employer” means any employer that employs a person or permits a person to work at or for an essential business.

Essential worker premium amount. The term “essential worker premium amount” shall mean \$30 for any shift of less than four hours, \$60 for any shift of between four and eight hours, inclusive, and \$75 for any shift of greater than eight hours.

Large essential employer. The term “large essential employer” means an essential employer that employs 100 or more persons or permits 100 or more persons to work at or for such employer’s essential business. In determining the number of persons performing work for an employer for compensation during a given week, all persons performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of persons who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of persons who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of persons performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted. The term “large essential employer” does not include a business that is assigned a North American Industry Classification System code beginning with 531.

Office. The term “office” means the office of labor standards established pursuant to section 20-a of the charter.

§ 2. Premium amounts. a. A large essential employer shall provide an essential employee with the essential worker premium amount for each shift worked by the essential employee.

b. A large essential employer shall pay the essential worker premiums required under this section at such time as such employer pays an essential employee wages owed for work performed during that work week. Essential worker premium pay shall be separately noted on a wage stub or other form of written documentation and provided to the essential employee for that pay period.

§ 3. Retaliation. a. No person shall take any adverse action against an essential employee that penalizes such employee for, or is reasonably likely to deter such employee from, exercising or attempting to exercise any right protected under this local law. Taking an adverse action includes threatening, intimidating, disciplining, discharging, demoting, suspending, or harassing an essential employee, reducing the hours or pay of an essential employee, informing another essential employer, or any other person or entity that employs or permits individuals to work at or for such person or entity, that an essential employee has engaged in activities protected by this local law, and discriminating against the essential employee, including actions related to perceived immigration status or work authorization. An essential employee need not explicitly refer to this local law or the rights enumerated herein to be protected from retaliation.

§ 4. Notice and posting of rights. a. A large essential employer shall conspicuously post at any workplace or job site where any essential employee works notices informing employees of their rights protected under this local law within five days after its effective date. Such notices shall be in English and any language spoken as a primary language by at least five percent of employees at that location.

§ 5. Recordkeeping. a. A large essential employer shall retain records documenting their compliance with the applicable requirements of this local law for a period of three years and shall allow the office to access such records and other information, in accordance with applicable law and with appropriate notice, in furtherance of an investigation conducted pursuant to this local law.

b. A large essential employer’s failure to maintain, retain or produce a record or other information required to be maintained by this local law and requested by the office in furtherance of an investigation conducted pursuant to this local law that is relevant to a material fact alleged by the office in a notice of violation issued pursuant to this local law creates a rebuttable presumption that such fact is true.

§ 6. Administrative enforcement; jurisdiction and complaint procedures. a. The director shall enforce the provisions of this local law.

b. 1. Any person, including any organization, alleging a violation of this local law may file a complaint with the office within two years after the date the person knew or should have known of the alleged violation.

2. Upon receiving such a complaint, the office shall investigate it.

3. The office may open an investigation on its own initiative.

4. A person or entity under investigation shall, in accordance with applicable law, provide the office with information or evidence that the office requests pursuant to the investigation. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the office believes that a violation of this local law has occurred, the office may attempt to resolve it through any action authorized by section 20-a of the charter. Adjudicatory powers pursuant to this local law may be exercised by the director or by the office of administrative trials and hearings pursuant to section 20-a of the charter.

5. The office shall keep the identity of any complainant confidential unless disclosure is necessary to resolve the investigation or is otherwise required by law. The office shall, to the extent practicable, notify such complainant that the office will be disclosing the complainant's identity before such disclosure.

§ 7. Specific administrative remedies for essential employees or former essential employees. a. For violations of this local law, the office may grant the following relief to essential employees or former essential employees:

1. All compensatory damages and other relief required to make the essential employee or former essential employee whole;

2. An order directing compliance with the notice and posting of rights and recordkeeping requirements set forth in sections 4 and 5; and

3. For each violation of section 2 or section 3, payment as required under section 2, \$2,000 and an order directing compliance with such sections.

b. The relief authorized by this section shall be imposed on a per essential employee and per instance basis for each violation.

§ 8. Specific civil penalties payable to the city. a. For each violation of this local law, a large essential employer is liable for a penalty of \$1,000 for the first violation and, for subsequent violations, \$1,500 for the second violation and \$2,000 for each succeeding violation.

b. The penalties imposed pursuant to this section shall be imposed on a per essential employee and per instance basis for each violation.

§ 9. Enforcement by the corporation counsel. The corporation counsel or such other persons designated by the corporation counsel on behalf of the office may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to this local law, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this local law or such other relief as may be appropriate.

§ 10. Private cause of action. a. Any person, including any organization, alleging a violation of any provisions of this local law may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction.

b. Remedies. Such court may order compensatory, injunctive and declaratory relief, including the following remedies for violations of this local law:

1. An order directing compliance with the posting and recordkeeping requirements set forth in sections 4 and 5;

2. Rescission of any discipline issued in violation of section 3;

3. Reinstatement of any essential employee terminated in violation of section 3;

4. Payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 3;

5. Other compensatory damages and any other relief required to make the essential employee whole; and

6. Reasonable attorney's fees.

c. A civil action under this section shall be commenced within two years after the date the person knew or should have known of the alleged violation.

d. 1. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the office. Failure to so serve a notice does not adversely affect any plaintiff's cause of action.

2. An essential employee need not file a complaint with the office pursuant to subdivision b of section 7 before bringing a civil action; however, no person shall file a civil action after filing a complaint with the office unless such complaint has been withdrawn or dismissed without prejudice to further action.

3. No person shall file a complaint with the office after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

4. The commencement or pendency of a civil action by an essential employee does not preclude the office from investigating the employer or commencing, prosecuting, or settling a case against the essential employer based on some or all of the same violations.

§ 11. Civil action by corporation counsel for pattern or practice of violations. a. 1. Where reasonable cause exists to believe that a large essential employer is engaged in a pattern or practice of violations of this local law, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction.

2. The corporation counsel shall commence such action by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, civil penalties and any other appropriate relief.

3. Such action may be commenced only by the corporation counsel or such other persons designated by the corporation counsel.

4. Nothing in this section prohibits (i) the office from exercising its authority under sections 5 through 8, or (ii) a person alleging a violation of this local law from filing a complaint pursuant to section 6 or a civil action pursuant to section 10 based on the same facts pertaining to such a pattern or practice, provided that a civil action pursuant to this section shall not have previously been commenced.

b. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to subdivision a of this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.

c. In any civil action commenced pursuant to subdivision a of this section, the trier of fact may impose a civil penalty of not more than \$15,000 for a finding that a large essential employer has engaged in a pattern or practice of violations of this local law. Any civil penalty so recovered shall be paid into the general fund of the city.

§ 12. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 1919

By Council Members Dromm, Kallos, Van Bramer, Chin and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to the notification of recording of real estate instruments**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 7-628 of the administrative code of the city of New York, as added by local law number 249 for the year 2017, is amended to read as follows:

b. The department shall establish and maintain a system that provides any interested party a notification by e-mail, text message, or postal mail, that a deed-related or mortgage-related document affecting such party's interest in real property located in the city has been recorded against such property with the city register or the office of the Richmond county clerk, provided that the department has received notice of such recording from the office of the Richmond county clerk. *Such notification shall include information on actions the interested party can take if such interested party suspects that a fraudulent document recording has occurred, including but not limited to, information about whom to contact for assistance, to file a complaint or to report an alleged criminal violation.* The department shall not charge a fee for use of such notification system.

§ 2. Subdivision e of section 7-628 of the administrative code of the city of New York, as added by local law number 249 for the year 2017, is amended to read as follows:

e. The department shall report on [a quarterly] *an annual* basis on the notification system established pursuant to subdivision b of this section, and shall include data for Richmond county to the extent that the department has received data from the office of the Richmond county clerk. Such report shall be submitted to the council and published on the department's website no later than the first day of [February, May, August, and] November of each year[, with the first report due November 1, 2018]. Such report shall include, but not be limited to, the following information for the prior [quarter] *year*, disaggregated by borough:

- (1) total number of individuals registered to receive notifications through the system required by subdivision b of this section, disaggregated by the type of interested party;
- (2) total number of individuals registered to receive notifications for multiple properties;
- (3) total number of properties for which an individual is registered to receive notifications;
- (4) total number of individuals who opted out of receiving notifications;
- (5) total number of individuals who contacted the department regarding an incorrect or suspected fraudulent document recording, disaggregated by the source of information that led to such contact; and
- (6) total number of referrals made by the city register or office of the Richmond county clerk to the city sheriff related to suspected fraudulent document recording, the outcomes of such referrals, and whether an investigation was commenced by the sheriff.

§ 3. This local law takes effect immediately, except that section one of this local law takes effect 60 days after it becomes law.

Referred to the Committee on Finance.

Res. No. 1284

### **Resolution in opposition to the New York State Governor's cuts to New York State's Medicaid program**

By Council Members Dromm and Chin.

**Whereas**, Since its creation in 1965, Medicaid has provided vital health care coverage to millions of Americans, including over seven million New Yorkers who receive Medicaid-eligible services through more than 80,000 health care providers in New York State (NYS); and

**Whereas**, NYS' Medicaid program, similar to other states, offers a full range of vital health services to those eligible including: regular medical checkups and needed follow-up care, immunizations, doctor and clinic visits, medicine, lab tests and x-rays, eye care and eye glasses, dental care and hospital stays; and

**Whereas**, According to NYS' Fiscal Year (FY) 2021 Executive Budget, total Federal, State and local Medicaid spending is expected to be about \$73.4 billion, which includes \$39.9 billion in Federal spending and \$23.6 billion in State spending; and

**Whereas**, Medicaid accounts for a significant portion of NYS' currently projected \$6.1 billion budget gap, and thus, in January of 2020, as part of the FY 2021 Executive Budget, Governor Cuomo unveiled plans to reduce NYS' budget gap by: reconvening a Medicaid Redesign Team to identify \$2.5 billion in savings; rewarding counties that hold annual Medicaid cost increases to 3% or less and punishing counties that exceed annual Medicaid cost increases by more than 3%; and

**Whereas**, Governor Cuomo's plan would be detrimental to New York City (NYC), as under this plan, the city estimates that NYC would have been forced to pay approximately \$646 million in 2019 due to NYC's Medicaid spending having increased by 7% - much higher than the proposed 3% cap; and

**Whereas**, Notably, city officials estimate that this number could be much higher if property taxes were raised above the state-mandated 2% cap, with costs for NYC estimated to be about \$1.1 billion in 2019, as NYC would have been responsible to pay for the full 7% cost increase; and

**Whereas**, In addition to the proposed cuts outlined in the FY 2021 Executive Budget, the NYS Department of Health, effective January 1, 2020, implemented a 1% rate cut for most NYS Medicaid payments, including payments to hospitals, nursing homes, doctors, pharmacists, home-care providers and Medicaid managed-care plans, estimating a reduction in gross Medicaid payments, including federal matching



aid, of \$124 million in the final quarter of the current NYS FY and \$496 million in NYS' FY 2021, according to the Empire Center; and

**Whereas,** As NYC's Health + Hospitals (H+H) is the largest public health care system in the United States, providing essential inpatient, outpatient, and home-based services to more than one million New Yorkers annually in over 70 locations throughout NYC, the current and proposed cuts in Medicaid would gravely impact New Yorkers' access to health care, as well as H+H's ability to continue to provide comprehensive, affordable health care; and

**Whereas,** According to NYC H+H, in light of the 1% rate cut in January 2020, it is already facing \$30 million in cuts to Medicaid reimbursement; and

**Whereas,** NYC and its taxpayers contribute greatly to the revenue of NYS, yet these current and proposed cuts by Governor Cuomo would significantly punish them; and

**Whereas,** As millions of New Yorkers, including those in NYC, depend on quality health care coverage provided by Medicaid, the current and proposed cuts to Medicaid threaten the health and well-being of New Yorkers, the quality and affordability of health care in NYS and NYC and the strength of NYC H+H, a vital source of health care for the City at a time when we are facing a global health emergency; now, therefore, be it

**Resolved,** That the Council of the city of New York opposes the New York State Governor's cuts to New York State's Medicaid program.

Referred to the Committee on Health.

Int. No. 1920

By Council Members Gibson and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to certifying the habitability of dwelling units rented through the special one-time assistance program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-144 to read as follows:

*§ 21-144 Certification of habitability for certain rental assistance dwelling units. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Rental assistance. The term "rental assistance" means financial assistance provided by the department for the purpose of paying an individual's rent on an ongoing basis and includes the financial assistance provided through the special one-time assistance program, and any successor program.*

*Special one-time assistance program. The term "special one-time assistance program" means a fully city-funded rental assistance program that provides one year of rental assistance to homeless individuals for which the department determines eligibility, and any successor program.*

*b. The department shall require landlords and brokers to certify the habitability of prospective dwelling units located within the city and outside the city rented through the special one-time assistance program. Such certification shall be in such form and require such information as prescribed by the department, including but not limited to the following information:*

*1. Attestation that the dwelling unit is in compliance with all applicable building and housing code standards of the relevant jurisdiction; and*

*2. (a) Attestation of a valid certificate of occupancy or habitability or other equivalent document from the relevant jurisdiction and that the dwelling unit's use or type of occupancy is in compliance with such document; or*

*(b) Attestation that no such document is required by the jurisdiction in which the dwelling unit is located but the dwelling unit's use or type of occupancy is in compliance with the relevant jurisdiction's standards.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of social 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 General Welfare.

Int. No. 1921

By Council Members Gjonaj, Louis, Powers, Cohen, Ayala, Lander and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services and food service establishments to display sanitary inspection letter grades online**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 22 to read as follows:

*Subchapter 22*  
**THIRD-PARTY FOOD DELIVERY SERVICES**

§ 20-845 *Definitions. For the purposes of this subchapter, the following terms have the following meanings:*

*Food service establishment. The term “food service establishment” has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.*

*Letter grade. The term “letter grade” means the sanitary inspection grade issued by the department of health and mental hygiene pursuant to section 81.51 of the health code of the city of New York.*

*Menu. The term “menu” means a written list of the names or images of a food item or items and the prices of such items, that is the primary writing of a food service establishment from which a person makes an order selection.*

*Menu item. The term “menu item” means any food item that a customer may select for purchase from a food service establishment.*

*Online order. The term “online order” means an order placed by a customer through a platform provided by a third-party food delivery service or a food service establishment.*

*Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned and operated food service establishments.*

§ 20-846 *Display of letter grades required. a. Every third-party food delivery service shall display the letter grade assigned to each food service establishment in a conspicuous manner to persons using such service. Such letter grade shall be displayed adjacent to the name of each food service establishment whenever such name appears on a list of food service establishments that can be selected by a person to make an online order. Such letter grade shall also be displayed conspicuously whenever the menu or menu items of a food service establishment are displayed for selection by persons using such service.*

*b. Every food service establishment that operates a website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from such food service establishment, shall conspicuously and prominently post its letter grade on such website, mobile application or other internet service.*

*c. The department may establish by rule additional requirements relating to the display of such letter grades.*

§ 20-847 *Penalties. Any person that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter shall be subject to a civil penalty of not less than \$100 per violation. A proceeding*

*to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings. For the purposes of this section, each failure to display a letter grade assigned to a food service establishment in violation of this subchapter shall be considered a separate violation.*

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of consumer affairs 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. 1922

By Council Members Holden, Yeger, Cornegy and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring photographic documentation evidencing certain violations enforced by the department of buildings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of Title 28 of the administrative code of the city of New York is amended by adding a new section 28-201.5 to read as follows:

*§28-201.5 Photographic Evidence of Violations. a. All notices of violation issued by the department for a violation, which as determined by the commissioner by rule is viewable and capable of being captured by photograph, shall contain a photograph of the underlying condition resulting in the violation.*

*b. The official record of any subsequent inspection of violations subject to the requirement established in subdivision a of this section and for which a violator was granted an opportunity to cure, must include a photograph confirming that such violation has been cured.*

*c. The department shall publish on its website a list of violations subject to the requirements of subdivision a of this section.*

§ 2. This local law shall take effect 120 days after its enactment except that except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1923

By Council Members Kallos, the Speaker (Council Member Johnson), Lander, Van Bramer, Chin and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to just cause employment protections for essential workers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

*SUBCHAPTER 7  
JUST CAUSE DISCHARGE FROM EMPLOYMENT*

§ 20-1271 *Definitions.* As used in this subchapter, the following terms have the following meanings:

*Discharge.* The term “discharge” means any cessation of employment, including termination, constructive discharge, reduction in hours and indefinite suspension.

*Essential business.* The term “essential business” means any person or entity so defined by the New York state department of economic development in accordance with executive order 202.6 as issued by the governor on March 18, 2020 and extended thereafter.

*Essential employee.* The term “essential employee” means any person employed or permitted to work at or for an essential business.

*Essential employer.* The term “essential employer” means any employer that employs a person or permits a person to work at or for an essential business.

*Just cause.* The term “just cause” means sufficient cause for discharging an essential employee, such as the employee’s failure to satisfactorily perform job duties or employee misconduct that is demonstrably and materially harmful to the essential employer’s business interests.

*Probation period.* The term “probation period” means a period of time set by an essential employer, not to exceed 30 days from the time of hire of an essential employee, in which the essential employer and essential employee are free, at any time, with or without notice and with or without just cause, to end the employment relationship.

*Progressive discipline.* The term “progressive discipline” means a disciplinary system that provides a graduated range of reasonable responses to an essential employee’s failure to satisfactorily perform such employee’s job duties, with the disciplinary measures ranging from mild to severe, depending on the frequency and degree of the failure. Nothing herein shall preclude an essential employer from terminating an essential employee immediately for a failure or misconduct constituting just cause.

*Reduction in hours.* The term “reduction in hours” means a reduction in an essential employee’s hours of work totaling at least 15 percent of the employee’s weekly work schedule.

§ 20-1272 *Prohibition of wrongful discharge.* An essential employer shall not discharge an essential employee who has completed such essential employer’s probation period without just cause.

§ 20-1273 *Administrative enforcement.* a. In addition to section 20-1207, in determining whether an essential employee has been terminated for just cause, the office shall consider, in addition to any other relevant factors, whether:

1. The essential employee knew or should have known of the essential employer’s policy, rule or practice;
2. The essential employer provided relevant and adequate training to the essential employee;
3. The essential employer’s policy, rule or practice was reasonable and applied consistently; and
4. The essential employer undertook a fair and objective investigation.

b. A termination shall not be considered based on just cause unless the essential employer has utilized progressive discipline; provided, however, that the employer may not rely on discipline issued more than one year before the purported just cause termination.

c. The essential employer shall provide a written explanation, including any non-hearsay evidence to support the decision, to any terminated essential employee of the precise reasons for the just cause termination within one week of termination. In determining whether an essential employer had just cause for termination, the office may not consider any reasons not included in such written explanation.

d. The essential employer shall bear the burden of proving just cause by a preponderance of non-hearsay evidence in any proceeding brought pursuant to this chapter.

§ 20-1274 *Private cause of action.* a. An essential employee covered by this subchapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction pursuant to section 20-1211.

b. In addition to section 20-1211, in determining whether an employee has been terminated for just cause, a court of competent jurisdiction shall consider, in addition to any other relevant factors, whether:

1. The essential employee knew or should have known of the essential employer’s policy, rule or practice;
2. The essential employer provided relevant and adequate training to the employee;
3. The essential employer’s policy, rule or practice was reasonable and applied consistently; and
4. The essential employer undertook a fair and objective investigation.

c. A termination shall not be considered based on just cause unless the essential employer has utilized progressive discipline; provided, however, that the essential employer may not rely on discipline issued more than one year before the purported just cause termination.

d. The essential employer shall provide a written explanation, including any non-hearsay evidence to support the decision, to any terminated essential employee of the precise reasons for the just cause termination within one week of termination. In determining whether an essential employer had just cause for termination, a fact finder may not consider any reasons not included in such written explanation.

e. The essential employer shall bear the burden of proving just cause by a preponderance of non-hearsay evidence in any proceeding brought pursuant to this chapter.

f. In addition to remedies that may be ordered pursuant to section 20-1211, a court of competent jurisdiction shall also order reasonable attorney's fees and costs for violations of this subchapter.

§ 20-1275 Arbitration. a. Except as otherwise provided by law, any person claiming to be aggrieved by an essential employer's violation of this chapter may bring an arbitration proceeding, including on a class or collective basis, for back pay and benefits and other damages, including punitive damages, for reinstatement, restoration of hours, and other injunctive relief, and for such other remedies as may be appropriate. In an arbitration proceeding brought pursuant to this section, if the arbitrator finds in favor of the plaintiff, it shall award such person, in addition to other relief, reasonable attorneys' fees and costs.

b. An arbitration demand, and any amendments thereto, must be served on the essential employer at any of the essential employer's business addresses by regular mail, electronic mail, or private mail service, and must include a general description of the alleged violation(s) but need not reference the precise section(s) alleged to have been violated.

c. The parties to an arbitration proceeding shall jointly select the arbitrator from a panel of arbitrators, the number of which shall be determined by the office, chosen by a committee of eight participants established by the office comprised of:

1. Two essential employees;
2. Two essential employee advocates;
3. Two essential employers; and
4. Two essential employer advocates.

d. If an insufficient number of essential employees, essential employee advocates, essential employers or essential employer advocates agree to participate in the committee pursuant to subdivision c of this section, the office shall consult with those that have agreed to participate and select individuals to fill the requisite number of openings on the committee.

e. If the committee pursuant to subdivision c of this section is unable to select a sufficient number of arbitrators for the panel as determined by the office, the office shall select the remaining arbitrators.

f. If the parties are unable to agree on an arbitrator, the office shall select an arbitrator from the panel.

g. The office shall provide translation services to any party requiring such services for the arbitration hearing.

h. The arbitration hearing shall be held at a location designated by the office. Such arbitration shall be subject to the labor arbitration rules established by the American arbitration association.

i. If an essential employee brings an arbitration proceeding, arbitration shall be the exclusive remedy for the wrongful discharge dispute and there is no right to bring or continue a private cause of action or administrative complaint under this chapter, unless such arbitration proceeding has been withdrawn or dismissed without prejudice.

j. In determining whether an essential employee has been terminated for just cause, an arbitrator shall consider, in addition to any other relevant factors, whether:

1. The essential employee knew or should have known of the essential employer's policy, rule or practice;
2. The essential employer provided relevant and adequate training to the essential employee;
3. The essential employer's policy, rule or practice was reasonable and applied consistently; and
4. The essential employer undertook a fair and objective investigation.

k. A termination shall not be considered based on just cause unless the essential employer has utilized progressive discipline; provided, however, that the essential employer may not rely on discipline issued more than one year before the purported just cause termination.

*l. In determining whether a essential employer had just cause for termination, an arbiter may not consider any reasons not included in the written explanation provided pursuant to subdivision c of section 21-1273.*

*m. The essential employer shall bear the burden of proving just cause by a preponderance of non-hearsay evidence in any arbitration proceeding brought pursuant to this chapter.*

*§ 20-1276 Applicability of schedule change premiums. An essential employee terminated for just cause shall be entitled to schedule pay premiums pursuant to section 20-1222, as applicable.*

*§ 20-1277 Exemptions. a. This subchapter does not apply to any essential employee who (i) is covered by a collective bargaining agreement if such agreement expressly waives the provisions of this subchapter and provides comparable or superior benefits for said employees or (ii) is currently employed within a probation period.*

*b. This subchapter does not preempt, limit or otherwise affect the applicability of any provisions of any other law, regulation, requirement, policy or standard.*

§ 2. Subdivision a of section 20-1208 of the administrative code of the city of New York, as amended by local law number 69 for the year 2018, is amended to read as follows:

a. For violations of this chapter, the office may grant the following relief to employees or former employees;

1. All compensatory damages and other relief required to make the employee or former employee whole;

2. An order directing compliance with the notice and posting of rights and recordkeeping requirements set forth in sections 20-1205 and 20-1206; and

3. For each violation of:

(a) Section 20-1204,

(1) Rescission of any discipline issued, reinstatement of any employee terminated and payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;

(2) \$500 for each violation not involving termination; and

(3) \$2,500 for each violation involving termination;

(b) Section 20-1221, \$200 and an order directing compliance with section 20-1221;

(c) Section 20-1222, payment of schedule change premiums withheld in violation of section 20-1222 and \$300;

(d) Section 20-1231, payment as required under section 20-1231, \$500 and an order directing compliance with section 20-1231;

(e) Section 20-1241, \$300 and an order directing compliance with section 20-1241;

(f) Subdivision a of section 20-1251, the greater of \$500 or such employee's actual damages; [and]

(g) Subdivisions a and b of section 20-1252, \$300; [and]

(h) Subdivision a or b of section 20-1262, \$500 and an order directing compliance with such subdivision, provided, however, that an employer who fails to provide an employee with the written response required by subdivision a of section 20-1262 may cure the violation without a penalty being imposed by presenting proof to the satisfaction of the office that it provided the employee with the required written response within seven days of the office notifying the employer of the opportunity to cure[.]; and

*(i) Section 20-1272, \$500 for each violation, an order directing compliance with section 20-1272 and reinstatement of any essential employee terminated and payment of back pay for any loss of pay or benefits resulting from the wrongful discharge.*

§ 3. Subdivision a of section 20-1211 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

a. Claims. Any person, including any organization, alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. Section 20-1204;

2. Section 20-1221;

3. Subdivisions a and b of section 20-1222;

4. Section 20-1231;

5. Subdivisions a, b, d, f and g of section 20-1241;

6. Section 20-1251; [and]

7. Subdivisions a and b of section 20-1252[.]; and

8. *Section 20-1272.*

§ 4. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 1924

By Council Members Kallos, Brannan, the Public Advocate (Mr. Williams), Cornegy, Van Bramer, Chin, Rose, Ampry-Samuel, Cabrera, Adams, Salamanca, Holden, Koo, Cohen, Koslowitz, Rosenthal, Vallone, Torres, Gibson, King, Grodenchik, Gjonaj, Borelli and Ulrich.

**A Local Law in relation to requiring the department of education to report on implementing a universal preparation and exam for specialized high schools**

*Be it enacted by the Council as follows:*

Section 1. Universal specialized high schools admissions test preparation plan. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Department. The term “department” means the department of education.

Dream program. The term “dream program” means the department of education Saturday and summer academic program that prepares eligible seventh grade New York City public school students to take the specialized high schools admissions test in the eighth grade.

School. The term “school” means a school of the city school district of the city of New York.

b. No later than 180 days after the effective date of this local law, the department shall submit to the speaker of the council, and post conspicuously on the department’s website, a report regarding its efforts to implement a universal specialized high schools admissions test preparation plan for all middle school students in the next two years. Such report shall:

1. Describe the steps the department will take to have the specialized high schools admissions test administered in every middle school during the school day;

2. Include a list of all middle schools disaggregated by (i) those that offer the dream program; (ii) those that do not and (iii) those that offer the specialized high schools admissions test on a school day during the school year. The department shall also include the total number of students that participated in the dream program at each middle school and the total number of students that took the specialized high schools admissions test at each middle school;

3. Describe the steps the department will take to expand the dream program to provide automatic access to all seventh grade students that wish to partake in such program;

4. Include a list of specialized high schools admissions test preparation programs that are offered in schools, disaggregated by (i) those that are free of charge; (ii) those that have a cost associated with such program and (iii) what time of year such program is offered. The department shall also include, to the extent such information is available, how many students participated in such programs and which school such students attend;

5. Describe the steps the department will take to create an after school program to prepare seventh grade New York City public school students to take the specialized high schools admissions test in the eighth grade;

6. Describe steps the department will take to coordinate with the department of youth and community development to ensure all department of youth and community development after school programs have test preparation programs to prepare seventh grade New York City public school students to take the specialized high schools admissions test;

7. Include a plan to recruit underrepresented students to take the specialized high schools admissions test;

8. Describe the steps the department will take to ensure that every seventh and eighth grade student will have the necessary preparation materials to take the specialized high schools admissions test, including making

such preparation materials available in the designated citywide languages as defined in section 23-1101 and shall include an opt-out to enable a student to not have to take the specialized high schools admissions test;

9. Provide a cost estimate for implementing such preparation plan;

10. Identify barriers, if any, to the department's ability to implement a universal specialized high schools admissions test preparation plan;

11. The average scores for the state of New York English language arts and mathematics tests, disaggregated by grades 7 and 8 for the prior academic year;

12. The number of students, disaggregated by race or ethnicity, gender, special education status, and English language status, who have taken the specialized high schools admissions test for the prior academic year;

13. The number of students, disaggregated by race or ethnicity, gender, special education status, and English language status, accepted to each specialized high school for the prior academic year; And

14. The total cost to the department to implement a universal specialized high schools admissions test preparation plan. Such total cost shall also be disaggregated by

c. No later than December 1, 2020, the department shall develop a student survey to assess the general awareness and preparedness of students for to take the specialized high schools admissions test. The department shall make such survey available to all students taking the specialized high schools admissions test. The department shall ensure that each such student is advised that such survey is not mandatory or required as part of such student's academic career. In addition, such survey shall include questions, that may be completed in full or in part, at the discretion of the student respondent, including race, ethnicity, gender, first language and family income. The department shall use such survey to assess students regarding the following:

(1) Whether such student attended a public school, private school or charter school prior to admittance to a specialized high school;

(2) Whether such student took test preparation in advance of taking the specialized high schools admissions test, whether such preparation was administered by the department of education and if such preparation was not administered by the department, then how such student prepared;

(3) Whether such student took practice exams and how many;

(4) How such student was made aware of the specialized high schools admissions test;

(5) How prepared such student felt in taking the specialized high schools admissions test; and

(6) Any other such questions the department may designate.

§ 2. This local law takes effect immediately and is deemed repealed upon submission of the report required pursuant to section one of this local law.

Referred to the Committee on Education.

Int. No. 1925

By Council Members Koslowitz and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to installment agreements for the payment of sidewalks and lots**

*Be it enacted by the Council as follows:*

Section 1. Subdivision m of section 19-152 of the administrative code of the city of New York, as amended by local law number 67 for the year 1985, is amended to read as follows:

§ 2. Upon application in writing of either (i) an owner of real property which is improved by a one, two, three, four, five or six family house; or (ii) an owner of real property which has an assessed valuation of no more than thirty thousand dollars, upon which a charge in excess of two hundred fifty dollars [but not in excess of five thousand dollars] has been entered pursuant to this section, the commissioner of finance may agree with the owner to divide the charge into four annual installments. Each installment shall be as nearly equal as may be. The first installment thereof shall be due and payable upon approval of the application and each succeeding



installment shall be due and payable on the next ensuing anniversary date of the date of entry of the charge, together with interest thereon from the date of entry at the rate determined pursuant to subdivision p, or at the rate of eight and one-half percent per annum, whichever is lower. The commissioner may require owners of parcels making application pursuant to this subdivision to furnish satisfactory proof of their eligibility. In the event that the owner fails to make payment of any installment within thirty days of the due date, the commissioner may declare such installment agreement to be null and void and the balance of the charge shall become immediately due and payable with interest at the rate prescribed in subdivision j of this section to be calculated from the date of entry to the date of payment. The installments not yet due with interest to date of payment may be paid at any time. The city may not enforce a lien against any owner who has entered into an agreement with the commissioner of finance pursuant to this section provided that he or she is not in default thereunder. No installment shall be a lien or deemed an encumbrance upon the title to real property charged until it becomes due as herein provided. In the event that the city shall acquire, by condemnation or otherwise, any property upon which installments are not due, such installments shall become due as of the date of acquisition of title by the city and shall be set off against any award that may be made for the property acquired, with interest to the date of acquisition of title.

§ 3. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 1926

By Council Members Lander, Kallos, Van Bramer, Chin and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to the expansion of worker coverage under the Earned Safe and Sick Time Act, and to repeal subdivision f of section 20-913 of such code, relating to exemptions from coverage under the Act, and the undesignated paragraph defining “employee” in section 20-912 of such code**

*Be it enacted by the Council as follows:*

Section 1. Section 20-912 of the administrative code of the city of New York, as amended by local law number 199 for the year 2017, is amended by REPEALING the undesignated paragraph defining “employee” and amending the definition of “employer” to read as follows:

"Employer" shall mean any "employer" as defined in subdivision (3) of section 190 of the labor law, *or any other person who employs a person deemed an employee under section 20-912.1*, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207. In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

§ 2. Chapter 8 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-912.1 to read as follows:

*§ 20-912.1 Presumption of employment. a. Solely for the purposes of this chapter, any person providing labor or services for remuneration within the city of New York for more than 80 hours in a calendar year,*

*including labor or services performed in a transitional jobs program pursuant to section 336-f of the social services law, shall be considered an employee, unless the hiring entity demonstrates that all of the following conditions are satisfied:*

*1. The person is free from the control and direction of the hiring entity in connection with the performance of the labor or services, both under the contract for the performance of the work and in fact;*

*2. The person performs labor or services that are outside the usual course of the hiring entity's business; and*

*3. The person is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the labor or services performed.*

*b. Notwithstanding subdivision a, this chapter shall not apply to:*

*1. A person who performs work as a participant in a work experience program pursuant to section 336-c of the social services law.*

*2. A person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.*

*3. A person engaged in a work study program under section 2753 of title 42 of the United States code.*

*4. A person compensated by or through a qualified scholarship as defined in section 117 of title 26 of the United States code.*

*5. An independent contractor who does not qualify as an employee under subdivision a.*

*6. An hourly professional employee.*

§ 3. Subdivision f of section 20-913 of the administrative code of the city of New York is REPEALED.

§ 4. Subdivisions g, h, i and j of section 20-913 of the administrative code of the city of New York are redesignated subdivisions f, g, h and i, respectively.

§ 5. Section 20-919 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. Notwithstanding subdivision a of this section, all employers who were not subject to the requirements of this chapter before the enactment date of the local law that added this subdivision shall provide employees with a notice of rights as required under paragraph 1 of subdivision a of this section within 60 days of such enactment date.*

§ 6. This local law takes effect immediately and is deemed to have been in effect as of January 1, 2020.

Referred to the Committee on Civil Service and Labor.

Res. No. 1285

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation clarifying the test for classification of workers as independent contractors or employees by extending the test set forth in Articles 25-B and 25-C of the New York Labor Law to apply to all workers.**

By Council Members Lander, Kallos, Van Bramer, Louis and the Public Advocate (Mr. Williams).

**Whereas**, Workers classified as independent contractors lack a significant number of basic worker protections that are granted to employees, including, but not limited to, healthcare subsidies, unemployment benefits, pensions, overtime pay, paid parental or sick leave, and guaranteed minimum wage; and

**Whereas**, Misclassification of employees as independent contractors is frequently practiced by businesses seeking to avoid the burden of paying benefits to employees and to avoid paying unemployment and social security taxes on the wages of a worker that is classified as an employee; and

**Whereas**, According to a report by The New School Center for New York City Affairs, an estimated 850,000 low-paid independent contractors in New York State may be misclassified and should properly be classified as employees; and

**Whereas**, According to a joint report from Rockbridge Associates and Fiverr, over 550,000 independent contractors reside in the New York City metropolitan area as of 2018, which is the highest number of independent contractors of any city in the United States; and

**Whereas**, Low-paid independent contractors can be subject to extreme economic insecurity, with median annual earnings of \$20,000, and with 1 in 4 workers on Medicaid and 1 in 5 who are uninsured; and

**Whereas**, Workers who are misclassified have not shared in New York State's minimum wage increases; and

**Whereas**, Workers classified as independent contractors face the additional burden of being responsible for the employer's share of taxes, as well as self-employment tax; and

**Whereas**, in New York City, 2 out of 3 low-paid independent contractors who are likely to be misclassified are people of color; and

**Whereas**, Misclassified workers who receive work through a "digital marketplace" constitute at most 20 percent of workers misclassified as independent contractors in New York State; and

**Whereas**, The State of New York has adopted the New York State Construction Industry Fair Play Act (Labor Law Article 25-B), and the New York State Commercial Goods Transportation Industry Fair Play Act (Labor Law Article 25-C), both of which create a presumption of employment that places the burden of proof on employers to classify workers as independent contractors; and

**Whereas**, New York's presumption of employment in construction and commercial trucking establishes that an employer may only label a worker as an independent contractor if it can demonstrate that (1) the individual is free from control and direction in performing the job, both under the contract and in fact, (2) the service must be performed outside the usual course of business for which the service is performed, and (3) the individual is customarily engaged in an independently established trade, occupation, profession or business that is similar to the service at issue; and

**Whereas**, The presumption of employment codified in the New York State Construction Industry Fair Play Act has helped to mitigate the industry's crisis of misclassification, with the number of independent contractors declining by 14 percent over the past decade while the number of payroll employees rose 9 percent; and

**Whereas**, Ensuring protections for workers by classifying them as employees rather than independent contractors allows them a greater degree of financial security, as well as access to necessary benefits that enhance their quality of life; and

**Whereas**, Codifying a generally applicable presumption of employment for classification of workers as independent contractors or employees, as already applicable to certain industries pursuant to the aforementioned provisions of the New York Labor Law, would extend employer protections to the many workers in the state who are improperly classified as independent contractors; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation clarifying the test for classification of workers as independent contractors or employees by extending the test set forth in Articles 25-B and 25-C of the New York Labor Law to apply to all workers.

Referred to the Committee on Civil Service and Labor.

Res. No. 1286

**Resolution calling on JPMorgan Chase, BlackRock, and Liberty Mutual, as well as other banks, asset managers and insurers, to stop lending to, investing in and insuring the fossil fuel industry.**

By Council Members Lander, Constantinides, Reynoso, Rivera, Kallos, Levine, Levin, Van Bramer, Adams, Ayala, Rosenthal, Cohen and Chin.

**Whereas**, On April 22, 2016, world leaders from 174 countries and the European Union recognized the threat of climate change and the urgent need to combat it by signing the Paris Agreement, agreeing to keep a

global temperature rise well below two degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius; and

**Whereas**, On October 8, 2018, the United Nations International Panel on Climate Change (IPCC) released a special report, which projected that limiting warming to the target of 1.5 degrees Celsius above preindustrial temperatures will require an unprecedented transformation of every sector of the global economy over the next 12 years; and

**Whereas**, On November 23, 2018, the United States Fourth National Climate Assessment (NCA4) was released and details the massive threat that climate change poses to the American economy, our environment and climate stability, and underscores the need for immediate action to address a climate emergency at all levels of government; and

**Whereas**, The increased and intensifying wildfires, floods, rising seas, diseases, droughts and extreme weather brought on by global warming demonstrates that the Earth is becoming too hot to be a safe environment; and

**Whereas**, World Wildlife Fund's 2018 Living Planet report finds that there has been a 60 percent decline in global wildlife populations between 1970 and 2014, with causes including overfishing, pollution and climate change;

**Whereas**, Oxfam found that cyclones, floods, and fires are now displacing three times as many people as wars; and

**Whereas**, New York City has committed itself to developing a pathway to achieve the greenhouse gas (GHG) emissions reductions necessary to align with the principles of the Paris Agreement and to limit global temperature increase to 1.5 degrees Celsius over preindustrial temperatures; and

**Whereas**, According to the National Hurricane Center, Hurricane Sandy was the largest hurricane to ever form in the Atlantic Basin, resulted in the deaths of 44 City residents and inflicted an estimated \$19 billion in damages and lost economic activity across New York City; and

**Whereas**, The IPCC has said that if the goal is to limit global warming to 1.5 degrees Celsius above preindustrial temperatures, greenhouse gas emissions will have to be halved by 2030 and cut to net zero by around 2050; and

**Whereas**, Addressing climate change fairly requires transitioning from fossil fuels to clean, renewable energy that is ecologically sustainable and equitable for all people; and

**Whereas**, Banks, insurance companies, and asset managers are funding, insuring, and investing in the climate destruction; and

**Whereas**, JPMorgan Chase is the world's top banker of fossil fuels, providing \$196 billion in financing to fossil fuel companies since the 2016 Paris Agreement, including a vast array of dangerous, climate-polluting fossil fuel pipeline and other infrastructure projects such as the Williams Companies' proposed Northeast Supply Enhancement (NESE) fracked gas pipeline project from New Jersey to New York City and the Line 3 pipeline replacement project, which would carry 760,000 barrels of crude oil every day through the Midwest; and

**Whereas**, BlackRock is the world's largest investor in fossil fuels and deforestation, and manages nearly \$7 trillion in assets worldwide, including large investments in the Williams Companies and its NESE pipeline project; and

**Whereas**, Liberty Mutual is a top insurer of and investor in massive fossil fuel projects, including the Trans Mountain pipeline, which would create a combined capacity to 890,000 barrels of heavy crude oil per day and allow for a large-scale expansion of tar sands extraction in Alberta, Canada; and

**Whereas**, In the three years since the signing of the Paris Agreement, banks' lending to the fossil fuel industry has increased every year, and much of the money goes toward the most extreme forms of energy development; and

**Whereas**, Tom Sanzillo, the finance director at the Institute for Energy Economics and Financial Analysis, has observed that if large banks like BlackRock stopped lending to the fossil fuel industry, underwriting the fossil fuel industry, and buying its stocks, and if asset managers divested from fossil fuels and insurers stopped insuring fossil fuel projects and investing policyholders funds into fossil fuels, then the fossil fuel sector would face higher volatility, lower returns, and negative future outlook; and

**Whereas**, the economic consequences of divestment from the fossil fuel sector would help to slow the slow and could ultimately reverse the expansion of the sector worldwide; and

**Whereas,** The Stop the Money Pipeline campaign demands that banks, asset managers, and insurance companies stop funding, insuring, and investing in climate destruction; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on JPMorgan Chase, BlackRock, and Liberty Mutual, as well as other banks, asset managers and insurers, to stop lending to, investing in and insuring the fossil fuel industry.

Referred to the Committee on Environmental Protection.

Int. No. 1927

By Council Members Levin, the Speaker (Council Member Johnson), Kallos, Van Bramer, Chin, Lander, Rivera, Reynoso and Holden.

**A Local Law in relation to requiring private rooms for single adults**

*Be it enacted by the Council as follows:*

Section 1. Private rooms for single adults. a. For the purposes of this section, the following terms have the following meanings:

Department. The term “department” meant the department of homeless services.

Private room. The term “private room” means a room used for sleeping with an internally adjoining restroom that is assigned to no more than one person.

Shelter. The term “shelter” means temporary emergency housing provided to individuals experiencing homelessness by the department or a provider under contract or similar agreement with the department.

Single adult. The term “single adult” means an adult without an accompanying adult or child experiencing homelessness.

b. The department shall provide all single adults residing in a shelter or eligible for placement in a shelter with the option of a private room. The department shall provide all single adults residing in a shelter with 24 hours notice before they are transferred to such private rooms.

c. The department shall ensure that all shelters implement protocols to reduce the risk of COVID-19 infection spread through such facilities, including but not limited to, ensuring that beds are located at least six feet apart from each other, unless located in a private room and requiring that, where practicable, staff of such facilities maintain a distance of at least six feet from one another at all times.

d. No later than one day after this local law takes effect, and every day thereafter, the department shall provide the speaker of the council with a report including the number of rooms the department has made available to single adults and are occupied by single adults pursuant to subdivision b of this section; the unmet need, if any, for private rooms for single adults; and aggregated demographic information, including race, age, gender identity and previous residence, of single adults occupying private rooms provided by the department.

e. The department shall develop a plan for shelters to reduce the risk of COVID-19 infection spread. The department shall publish such plan on its website and distribute such plan to each shelter no later than one day after this local law takes effect. Each shelter shall implement such plan immediately upon receipt.

f. The requirements imposed pursuant to subdivision b of this section shall no longer apply upon the expiration or repeal of an executive order declaring a State disaster emergency pursuant to section 29-a of article 2-B of the executive law or an executive order by the mayor in relation to COVID-19 that restricts gatherings of individuals in the city.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

## Int. No. 1928

By Council Members Louis, Chin and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on missing persons**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-182 to read as follows:

*§14-182 Missing persons reporting. a. No later than March 1, 2021, the department shall permanently post on its website and submit to the council and mayor a missing persons report. Such report shall include the following information for the preceding 10 calendar years:*

- 1. The number of persons reported missing, in total and disaggregated by race, age, and gender;*
- 2. The number of persons reported missing, in total and disaggregated by precinct, and further disaggregated by race, age, and gender;*
- 3. The number of persons reported missing, disaggregated by the year in which the person was reported missing;*
- 4. The percentage of missing persons cases that have been resolved by locating the missing person;*
- 5. For those missing persons cases that have been resolved by locating the missing person, the mean and median duration of time between the report of such missing person and their location; and*
- 3..For those missing persons cases that have been resolved by locating the missing person, the percentage of such cases in which the department has determined that the missing person has become a victim of sex trafficking or labor trafficking.*

*b. No later than March 1, 2022 and every March 1 thereafter, the department shall update the missing persons report required pursuant to subdivision a of this section with any relevant cases for the preceding calendar year.*

§ 2. This law shall take effect immediately.

Referred to the Committee on Public Safety.

## Int. No. 1929

By Council Members Louis, Van Bramer, Chin, Yeger and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a missing person alert system**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of the administrative code of the city of New York, as added by local law number 50 for the year 2010, is amended to read as follows:

CHAPTER 8  
[SILVER] MISSING PERSON ALERT SYSTEM

§ 10-801 Definitions. *For purposes of this chapter, the following terms have the following meanings:*

[a. “Administering agency” shall mean any city agency, office, department, division, bureau or institution of government, the expenses of which are paid in whole or in part from the city treasury, as the mayor shall designate.]

*Administering agency. The term “administering agency” means the agency designated by the mayor to carry out the provisions of this chapter.*

*Alert. The term “alert” means the rapid communication to the public by an agency of identifying information concerning a person who is not a child and is reported missing to a law enforcement agency under circumstances indicating that the person is in imminent danger of serious bodily harm or death. The term “alert” includes the term “silver alert.”*

*Child. The term “child” means a person who is less than 18 years of age.*

*Silver alert. The term “silver alert” means [b. “Silver alert” shall mean] the rapid communication to the public by [a city] an agency of identifying information concerning a vulnerable senior who is reported missing to a law enforcement agency under circumstances indicating that the person is in imminent danger of serious bodily harm or death.*

[c. “Vulnerable senior” shall mean] *Vulnerable senior. The term “vulnerable senior” means a person who is [sixty-five] 65 years of age or older with dementia, as a result of Alzheimer’s disease or a similar condition.*

§ 10-802 [Silver] *Missing person alert system. [The administering agency shall establish a silver alert system, pursuant to the provisions of this chapter of the code, that will provide rapid notification to the public when a vulnerable senior is reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death.] The mayor shall designate an administering agency to establish a missing person alert system that will provide alerts to the public pursuant to this chapter.*

§ 10-803 Procedures. a. The administering agency shall develop a protocol for [notification to organizations such as media organizations, senior service providers, medical facilities and community organizations when a silver alert is issued] *disseminating alerts to the public.*

b. The administering agency shall [, as appropriate,] consult with other [city] agencies [including, but not limited to, the police department, the fire department, the office of emergency management, the human resources administration, the department for the aging, the department of health and mental hygiene and the department of transportation,] *as necessary* to collect and disseminate information regarding the person for whom [the silver] *an alert [was] may be issued.*

c. The administering agency shall issue [a silver] *an alert* within [twenty-four] *24* hours of the determination that [a vulnerable senior] *a person* has been reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death. The [silver] alert may be issued by any appropriate means, including, but not limited to, [email notifications] *emails*, text messages, telephone calls, and television or radio broadcasts. The [silver] alert may be issued at repeated intervals within the discretion of the administering agency until such missing person is found or until the administering agency determines that the issuance of [a silver] *an alert* is no longer appropriate. *The alert shall indicate when it is a silver alert.*

d. The information about the person for whom the alert is issued, if available and capable of transmission, shall include, but not be limited to: (1) the person’s name; (2) the person’s age; (3) a physical description of the person; (4) the last known location where the person was seen, which shall not include the exact address of the person’s home; (5) a recent photograph of the person; and (6) a description of any motor vehicle the person may have been driving, provided that the administering agency may refrain from disclosing any such information if disclosure is inappropriate under the circumstances.

e. The administering agency may use its discretion to issue a silver alert for a person under the age of 65 who is reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death where such missing person has dementia, as a result of Alzheimer’s disease or a similar condition.

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

Referred to the Committee on Public Safety.

## Int. No. 1930

By Council Member Richards.

**A Local Law in relation to clarifying the effective date of local law number 92 for the year 2019 and local law number 94 for the year 2019**

*Be it enacted by the Council as follows:*

Section 1. Section 3 of local law number 92 for the year 2019 is amended to read as follows:

§ 3. This local law takes effect on the same date that [a local law for the year 2019 amending the New York city building code, relating to requiring that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems, as proposed in introduction number 1032,] *local law number 94 for the year 2019* takes effect, *and shall not apply to applications for construction document approval filed prior to such effective date*, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

§ 2. Section 5 of local law number 94 for the year 2019 is amended to read as follows:

§ 5. This local law takes effect 180 days after it becomes law, *and shall not apply to applications for construction document approval filed prior to such effective date*, except that the commissioner of buildings shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 3. This local law takes effect immediately and shall be deemed to have been in full force and effect on the same date as local law 92 for the year 2019 and local law 94 for the year 2019.

Referred to the Committee on Environmental Protection.

## Int. No. 1931

By Council Member Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the sheriff to audit a certain percentage of recorded deed-related and mortgage-related documents and report thereon**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 7 of the administrative code of the city of New York is amended to add section 7-517 to read as follows:

§ 7-517. *Audit of recorded deed-related and mortgage-related documents and reporting thereon. a. The sheriff shall audit no fewer than five percent of deed-related and mortgage-related documents, as each is defined in subdivision a of section 7-628, that are recorded by the city register. Such audit shall include, at minimum, an inquiry by the sheriff whether all parties whose interests were affected by the recording of the deed-related or mortgage-related document authorized such document to be recorded and understood the legal effect of such recordation.*

*b. By October 31, 2021 and no later than October 31 annually thereafter, the sheriff shall submit to the speaker of the council and post on the website of the department of finance a report describing the findings of the audits performed in the immediately prior fiscal year pursuant to this section. Such report shall include, but not be limited to:*

*1. the total number of audits conducted, disaggregated by council district;*



2. the conclusions of such the audits;
3. the number of deed-related and mortgage-related document recordings referred to the district attorney;
4. the number of parties whose interests were affected by the recording of deed-related or mortgage-related documents referred to third-party legal counseling; and
5. any other information deemed necessary by the sheriff.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of finance may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date.

Referred to the Committee on Finance.

Int. No. 1932

By Council Member Rivera, the Speaker (Council Member Johnson), Kallos, Van Bramer, Rosenthal, Chin, Ayala, Levin, Lander and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to personal liability provisions of leases for commercial tenants impacted by COVID-19**

*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 22-1004 to read as follows:

§ 22-1004. *Personal liability provisions in commercial leases. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.*

*COVID-19 period. The term “COVID-19 period” means March 7, 2020 through the later of (i) the end of the first month that commences after the expiration of the moratorium on enforcement of evictions of residential and commercial tenants set forth in executive order number 202.8, as issued by the governor on March 20, 2020 and thereafter extended, (ii) the end of the first month that commences after the expiration of the moratorium on certain residential evictions set forth in section 4024 of the coronavirus aid, relief, and economic security, or CARES, act and any subsequent amendments to such section or (iii) September 30, 2020, inclusive.*

*COVID-19 state disaster emergency. The term “COVID-19 state disaster emergency” means the state disaster emergency declared by the governor in executive order number 202 issued on March 7, 2020.*

*Impacted by COVID-19. The term “impacted by COVID-19” means:*

1. *With respect to an individual, that the individual experienced one or more of the following situations:*
  - (a) *the individual was diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and seeking a medical diagnosis;*
  - (b) *a member of the individual’s household was diagnosed with COVID-19;*
  - (c) *the individual was providing care for a family member or a member of the individual’s household who was diagnosed with COVID-19;*
  - (d) *a member of the individual’s household for whom the person had primary caregiving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 state disaster emergency and such school or facility care was required for the person to work;*
  - (e) *the individual was unable to reach their place of business because of a quarantine imposed as a direct result of the COVID-19 state disaster emergency;*
  - (f) *the individual was unable to reach their place of business because of the person had been advised by a health care provider to self-quarantine due to concerns related to COVID-19;*
  - (g) *the individual became the breadwinner or major support for a household because the head of the household died as a direct result of COVID-19; or*

*(h) the individual's business closed as a direct result of the COVID-19 state disaster emergency.*

2. With respect to a business, that (i) the business was subject to seating, occupancy or on-premises service limitations pursuant to an executive order issued by the governor or mayor during the COVID-19 period or (ii) the revenues of the business during any three-month period within the COVID-19 period were less than 50 percent of its revenues for the same period in 2019 or less than 50 percent of its aggregate revenues for the months of December 2019, January 2020, and February 2020.

*Personal liability provision. The term "personal liability provision" means, with respect to a commercial lease or other rental agreement involving real property and to which a business is a party as tenant, a term that provides for an individual to become wholly or partially personally liable for an obligation of such business arising under such lease or agreement upon the occurrence of a default or other event.*

*b. No personal liability provision of a commercial lease or other rental agreement involving real property and to which a business impacted by COVID-19 is a party as tenant may be enforced against an individual where the default or other event allowing for such enforcement occurs during the COVID-19 period.*

§ 2. Subdivision a of section 22-902 of the administrative code of the city of New York, as amended by local law number 185 for the year 2019, is amended to read as follows:

a. A landlord shall not engage in commercial tenant harassment. Except as provided in subdivision b of this section, commercial tenant harassment is any act or omission by or on behalf of a landlord that (i) would reasonably cause a commercial tenant to vacate covered property, or to surrender or waive any rights under a lease or other rental agreement or under applicable law in relation to such covered property, and (ii) includes one or more of the following:

1. using force against or making express or implied threats that force will be used against a commercial tenant or such tenant's invitee;
2. causing repeated interruptions or discontinuances of one or more essential services;
3. causing an interruption or discontinuance of an essential service for an extended period of time;
4. causing an interruption or discontinuance of an essential service where such interruption or discontinuance substantially interferes with a commercial tenant's business;
5. repeatedly commencing frivolous court proceedings against a commercial tenant;
6. removing from a covered property any personal property belonging to a commercial tenant or such tenant's invitee;
7. removing the door at the entrance to a covered property occupied by a commercial tenant; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying a key to the new lock to the commercial tenant occupying the covered property;
8. preventing a commercial tenant or such tenant's invitee from entering a covered property occupied by such tenant;
9. substantially interfering with a commercial tenant's business by commencing unnecessary construction or repairs on or near covered property; [or]
10. engaging in any other repeated or enduring acts or omissions that substantially interfere with the operation of a commercial tenant's business;
11. threatening a commercial tenant based on such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, uniformed service, sexual orientation, alienage or citizenship status, status as a victim of domestic violence, status as a victim of sex offenses or stalking;
12. requesting identifying documentation that would disclose the citizenship status of a commercial tenant, an invitee of a commercial tenant or any person seeking entry to the covered property in order to patronize such commercial tenant; [or]
13. unreasonably refusing to cooperate with a tenant's permitted repairs or construction activities[.]; or
14. *threatening to or implementing a personal liability provision that is not enforceable pursuant to section 22-1004 of the code; provided that for the purposes of this paragraph:*

*(a) the term "COVID-19 period" means March 7, 2020 through the later of (i) the end of the first month that commences after the expiration of the moratorium on enforcement of evictions of residential and commercial tenants set forth in executive order number 202.8, as issued by the governor on March 20, 2020 and thereafter extended, (ii) the end of the first month that commences after the expiration of the moratorium*

on certain residential evictions set forth in section 4024 of the coronavirus aid, relief, and economic security, or CARES, act and any subsequent amendments to such section or (iii) September 30, 2020, inclusive;

(b) a person is “impacted by COVID-19” if such person experienced one or more of the following situations:

(1) the person was diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and seeking a medical diagnosis; provided that for the purposes of this subparagraph, the term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV;

(2) a member of the person’s household was diagnosed with COVID-19;

(3) the person was providing care for a family member or a member of the person’s household who was diagnosed with COVID-19;

(4) a member of the person’s household for whom the person had primary caregiving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 state disaster emergency and such school or facility care was required for the person to work; provided that for the purposes of this subparagraph, the term “COVID-19 state disaster emergency” means the state disaster emergency declared by the governor in executive order number 202 issued on March 7, 2020;

(5) the person was unable to reach the person’s place of business because of a quarantine imposed as a direct result of the COVID-19 state disaster emergency;

(6) the person was unable to reach the person’s place of business because the person had been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(7) the person became the breadwinner or major support for a household because the head of the household died as a direct result of COVID-19; or

(8) the person’s business is closed as a direct result of the COVID-19 state disaster emergency;

(c) a business is “impacted by COVID-19” if (i) it was subject to seating, occupancy or on-premises service limitations pursuant to an executive order issued by the governor or mayor during the COVID-19 period or (ii) its revenues during any three-month period within the COVID-19 period were less than 50 percent of its revenues for the same period in 2019 or less than 50 percent of its aggregate revenues for the months of December 2019, January 2019, and February 2020; and

(d) the term “personal liability provision” has the meaning set forth in section 22-1004 of the code;

§ 3. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 1933

By Council Members Rivera and the Speaker (Council Member Johnson), Rodriguez, Menchaca, Kallos, Reynoso, Levin, Cabrera, Constantinides, Van Bramer, Powers, Koo, Levine, Lander, Chin and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to temporary space for pedestrians and cyclists**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-107.1 to read as follows:

§ 19-107.1 *Temporary street space for pedestrians and cyclists. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Centerline miles. The term “centerline miles” means the length of the street, as measured by miles, so that the total length of the street is the same regardless of the numbers of lanes.*

*Shared street. The term “shared street” means a street designated by the department as such with recommended speed limits of five miles per hour and that allows use by motor vehicles, pedestrians, and individuals using bicycles.*

*Temporary spacing order.* The term “temporary spacing order” means an emergency order issued pursuant to section 24 or 29-a of article 2-B of the executive law that prohibits gatherings of more than 100 individuals in the city or requires individuals in the city to social distance.

*b. Implementation.* 1. Notwithstanding the requirements of section 19-107, no later than (i) seven days following the issuance of a temporary spacing order or (ii) if such an order is in effect on the effective date of the local law that added this section, seven days after such effective date, the department shall provide additional street space to pedestrians and cyclists on no less than 75 centerline miles of streets; provided, however, there shall be no less than five centerline miles in each borough and that no more than 30 percent of such miles shall be located in any one borough. Such additional space shall be created through the implementation of shared streets or the closure of at least one lane on a street to vehicular traffic.

2. Such additional space shall be accessible to pedestrians and cyclists during the duration of the applicability of such order or orders.

3. The department shall consider the following factors in implementing the requirements of paragraph 1 of this subdivision:

(i) the safety of all street users;

(ii) creating space in neighborhoods with insufficient existing open or recreational space;

(iii) increasing space in dense neighborhoods with heavily utilized parks;

(iv) ensuring essential businesses can operate without impediment;

(v) ensuring deliveries to those essential businesses can continue and avoiding major truck routes wherever possible;

(vi) closures that do not require significant staffing; and

(vii) avoiding major medical facilities.

4. The department shall consult with and notify affected council members and community boards of the implementation of a shared street or the closure of at least one lane on a street to vehicular traffic pursuant to this section. In addition, the department shall consult with any business improvement district or neighborhood association that contacts the department regarding a location that could be utilized for such implementation or closure.

*c. Expiration.* The requirements imposed pursuant to subdivision b of this section shall cease upon the expiration or repeal of any and all temporary spacing orders.

*d. Reporting.* No later than 30 days following the implementation of the requirements imposed pursuant to paragraph 1 of subdivision b of this section, the department shall submit to the mayor and the speaker of the council and post on the department’s website an evaluation of such closures and any recommendations for expansion.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1934

By Council Members Rosenthal and Chin.

**A Local Law to amend the administrative code, in relation to requiring the department of consumer and worker protection to report on public use of the department’s financial empowerment centers and student debt distress in the city**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-706.6 to read as follows:

§ 20-706.6. *Financial empowerment centers.* a. No later than May 31, 2021, and annually thereafter, the commissioner of the department of consumer and worker protection shall submit to the mayor and the speaker

*of the council and shall post conspicuously on the department's website an annual report regarding visits to financial empowerment centers and affiliated organizations. For the purposes of this section, "affiliated organization" means any organization that provides financial services or advice pursuant to an agreement or arrangement with the department of consumer and worker protection.*

*b. The report shall include a table in which each separate row references for each financial empowerment center or affiliated organization. Each such row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:*

- 1. The number of individuals served by each center or affiliated organization;*
- 2. The number of individuals who visit such centers or organizations more than once annually;*
- 3. The types of financial challenges for which help is being sought;*
- 4. The outcomes of such visits, including, but not limited to: (i) the number of individuals the center or organization referred out; (ii) the amount of debt that was reduced; (iii) the amount of savings realized; (iv) the number of individuals each center was unable to assist and the reason why such individuals could not be assisted; and*
- 5. The socioeconomic and demographic profiles of visitors to each such center or organization.*

*c. The department shall aggregate all of the data collected pursuant to subdivision b of this section, and include it in the report. Such data shall be examined for trends and patterns, and the department's findings shall be included in the report.*

*d. Except as otherwise expressly provided in this section, no report required by subdivision b of this section shall contain personally identifiable information.*

§ 2. Student loan distress report. a. No later than May 31, 2021, and biennially thereafter, the commissioner of the department of consumer and worker protection shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a biennial report regarding student debt distress in the City.

b. The department shall utilize the most recent data available to study student loan distress by zip code and public use microdata areas. The department shall examine and analyze data relating to student loan distress at the community district level, and include its findings in such report. The report shall also include a table in which each separate row references for each community district. Each such row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

1. The number of credit filers with student debt;
2. Number of total credit filers in the city of New York;
3. The number of student loans that are in debt collection;
4. The number of students enrolled;
5. The number of students that are first-time students;
6. The number of first-time students that have not completed a degree and were no longer enrolled at any institution seven years later;
7. The number of students enrolled that fall in the least aggregated age category available;
8. The number of first-time students that have not completed a degree and were no longer enrolled at any institution seven years later that fall in the least aggregated age category available;
9. The number of students that are part-time;
10. The number of students that are full-time;
11. The number of students that are part-time that fall in the least aggregated age category available;
12. The number of students that are full-time that fall in the least aggregated age category available;
13. The number of students enrolled in each of the institution types including, but not limited, four year programs, two year programs, public or private programs.
14. The number of students enrolled by gender;
15. The number of students that are first-time students by gender; and
16. Any other relevant data points that could be used to understand student loan distress.

c. The report required by subdivision b of this section shall include a data dictionary.

d. Except as otherwise expressly provided in this section, no report required by subdivision b of this section shall contain personally identifiable information.

e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between one and five students, or contains an amount that would allow another category that contains between one and five students to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal state or local law relating to the privacy of student information.

§ 3. This local law takes effect 120 days after it becomes law, except that section two of this local law expires and is deemed repealed upon the issuance of the report due on May 31, 2031.

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 1287

**Resolution calling upon the MTA to ensure that OMNY cards, when released to the public, are immediately made available for cash purchase in all New York City Transit vending machines to ensure equity for unbanked and underbanked households.**

By Council Members Rosenthal and Chin.

**Whereas**, In spring 2019, the Metropolitan Transportation Authority (MTA) launched a pilot program of One Metro New York (OMNY), its new tap-to-pay system that will replace all MetroCards by 2023; and

**Whereas**, Currently, at locations where the system is available, riders can only pay for OMNY with contactless bank cards or smart devices linked to a digital wallet system, such as Apply Pay or Google Pay; and

**Whereas**, While riders may continue to use MetroCards until 2023—which may be purchased from MTA vending machines using cash or a bank card—once OMNY cards are made available in 2021, they will initially only be made available for cash (and credit or debit) purchase at retail locations, such as CVS and Rite Aid, though people with contactless cards or digital wallet apps will be able to continue making direct payments to OMNY systems where they are located; and

**Whereas**, Offering OMNY cards solely at retail locations upon its rollout will create inequity by prohibiting minority, low-income, senior, immigrant, domestic violence victims and other traditionally-unbanked and underbanked communities from purchasing such cards with cash at MTA vending machines; and

**Whereas**, 360,000 households in New York City (11.7% of the population) had no bank account in 2013, and 780,000 households were underbanked (25.1% of the population), meaning they may have a bank account, but still rely on other financial services to cash checks, transfer money, or access a loan, according to a 2013 Urban Institute report; and

**Whereas**, Ensuring OMNY cards are made immediately available for cash purchase at MTA vending machines will create fairness between banked and unbanked/underbanked populations in purchase-accessibility; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the MTA to ensure that OMNY cards, when released to the public, are immediately made available for cash purchase in all New York City Transit vending machines to ensure equity for unbanked and underbanked households.

Referred to the Committee on Transportation.

## Int. No. 1935

By Council Members Salamanca and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to diaper changing accommodations in parks**

*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 18-157 to read as follows:

§ 18-157 *Diaper changing accommodations. Every toilet room in every park shall have at least one safe, sanitary and convenient diaper changing station, deck, table or similar amenity, which shall comply with section 603.5 (Diaper Changing Tables) of ICC A117.1.*

§ 2. Section 18-148 of the administrative code of the city of New York, as added by local law number 71 for the year 2018, is redesignated section 18-148.1.

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

Referred to the Committee on Parks and Recreation.

## Int. No. 1936

By Council Members Torres, the Speaker (Council Member Johnson), Kallos, Van Bramer, Chin, Powers, Rivera and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include threats based on a person having been impacted by COVID-19**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph f-5 of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, as added by local law number 48 for the year 2018, is amended to read as follows:

f-5. threatening any person lawfully entitled to occupancy of such dwelling unit based on such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, uniformed service, sexual orientation, alienage or citizenship status, status as a victim of domestic violence, status as a victim of sex offenses or stalking, lawful source of income, *status as an essential employee, status as a person impacted by COVID-19, or receipt of a rent concession or forbearance for any rent owed during the COVID-19 period* or because children are, may be or would be residing in such dwelling unit, as such terms are defined in sections 8-102 and 8-107.1 of the code; *provided that for the purposes of this subparagraph:*

(1) *the term "COVID-19 period" means March 7, 2020 through the later of (i) the end of the first month that commences after the expiration of the moratorium on enforcement of evictions of residential and commercial tenants set forth in executive order number 202.8, as issued by the governor on March 20, 2020 and thereafter extended, (ii) the end of the first month that commences after the expiration of the moratorium on certain residential evictions set forth in section 4024 of the federal coronavirus aid, relief, and economic security, or CARES, act and any subsequent amendments to such section or (iii) September 30, 2020, inclusive;*

(2) *the term "essential employee" means a person employed by or permitted to work at or for a business classified as an essential business by the New York state department of economic development in accordance with executive order number 202.6 as issued by the governor on March 18, 2020 and extended thereafter; and*

(3) a person is “impacted by COVID-19” if such person experienced one or more of the following situations:

(i) the person was diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and seeking a medical diagnosis; provided that for the purposes of this subparagraph, the term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV;

(ii) a member of the person’s household was diagnosed with COVID-19;

(iii) the person was providing care for a family member or a member of the person’s household who was diagnosed with COVID-19;

(iv) a member of the person’s household for whom the person had primary caregiving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 state disaster emergency and such school or facility care was required for the person to work; provided that for the purposes of this subparagraph, the term “COVID-19 state disaster emergency” means the state disaster emergency declared by the governor in executive order number 202 issued on March 7, 2020;

(v) the person was unable to reach the person’s place of employment because of a quarantine imposed as a direct result of the COVID-19 state disaster emergency;

(vi) the person was unable to reach the person’s place of employment because the person had been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(vii) the person was scheduled to commence employment and did not have a job or was unable to reach the job as a direct result of the COVID-19 state disaster emergency;

(viii) the person became the breadwinner or major supporter for a household because the head of the household died as a direct result of COVID-19;

(ix) the person quit a job as a direct result of COVID-19; or

(x) the person’s place of employment is closed as a direct result of the COVID-19 state disaster emergency;

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Preconsidered Res. No. 1288

**Resolution calling upon the New York State Legislature to amend state education law to prohibit reissuance of any charter originally issued to a charter school that has subsequently closed due to surrender, revocation, termination or non-renewal of its charter.**

By Council Member Treyger.

**Whereas**, In 1998, the State Legislature passed the New York State Charter Schools Act, which authorized a system of up to 100 publicly-funded but privately-run charter schools to operate independently of public school districts in the state; and

**Whereas**, Pursuant to the law, charters are issued for a term not to exceed five years, after which the charter school can apply for subsequent five-year renewals; however, the charter authorizer may refuse to renew or otherwise revoke or terminate a charter for reasons such as serious violations of law; violation of the charter, including fiscal mismanagement; failure to enroll or retain adequate numbers of students with disabilities, English language learners, and low-income students; or failure to achieve performance targets; and

**Whereas**, Subsequent amendments to state law in 2007 and 2010 raised the statewide cap on charter schools to 460, with a smaller sub-cap in New York City; and

**Whereas**, Under legislation passed in the 2015 state legislative session, the charter school sub-cap for New York City was increased to allow an additional 50 new charters, to be issued on or after July 1, 2015; and

**Whereas**, The 2015 legislation also provided that 22 charters that had been previously issued and then were surrendered, revoked, or terminated prior to July 1, 2015, so-called “zombie” charters, could be reissued; and



**Whereas,** A subsequent agreement with Mayor de Blasio in 2017 held that the 22 “zombie” charters could be reissued without counting towards New York City’s charter school sub-cap; and

**Whereas,** As of March 4, 2019, all 50 of the new charters and 22 “zombie” charters authorized since 2015 have now been issued; and

**Whereas,** In his Fiscal Year (FY) 2021 New York State Executive Budget, Governor Cuomo has proposed to “authorize the reissuance of any charter originally issued to a charter school that has subsequently closed due to surrender, revocation, termination or non-renewal of its charter, regardless of the date of such closure”; and

**Whereas,** Further, Governor Cuomo’s proposal would only permit the issuance of additional “zombie” charters in New York City; and

**Whereas,** If the Governor’s proposal is enacted, it would allow an additional 15 charters to be opened in New York City, according to press reports; and

**Whereas,** In addition, more “zombie” charters would become available in the future, as charters are revoked; and

**Whereas,** According to the New York City Charter School Center, there are currently 260 charter schools operating in New York City serving 126,400 students in all five boroughs, with 32 more charter schools in the pipeline yet to be opened; and

**Whereas,** The growing costs for the increasing number of charter schools means less funding is available for traditional district schools; and

**Whereas,** Spending on charter schools in New York City currently exceeds \$2 billion per year; and

**Whereas,** The Governor’s FY 2021 Executive Budget also proposes a 5.3% per pupil spending increase for charter schools across the state, though it only proposes a 3% increase in education spending overall and just a 2% increase for New York City public schools; and

**Whereas,** Costs associated with charter schools will continue to rise annually due to State mandates, charter school growth and increases in enrollment; and

**Whereas,** Rather than opening increasing numbers of charter schools, which divert much-needed funding from district schools, the State should be investing more in New York City’s under-resourced traditional public schools; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to amend state education law to prohibit reissuance of any charter originally issued to a charter school that has subsequently closed due to surrender, revocation, termination or non-renewal of its charter.

Referred to the Committee on Education (preconsidered but laid over by the Committee on Education).

Res. No. 1289

**Resolution calling on the Federal Small Business Administration to revise its regulations and standard operating procedure to allow condominiums and housing cooperatives to partake in payroll and financial relief offered by the CARES Act.**

By Council Members Vallone, King, Koo, Brannan, Chin, Cohen, Rosenthal, Lancman, Rodriguez, Maisel, Louis, Richards, Lander, Koslowitz, Cabrera, Treyger, Powers, Holden, Moya, Rose, Dromm, Grodenchik, Cornegy, Kallos, Van Bramer and Yeger.

**Whereas,** In 2019 and 2020, the disease COVID-19, also known as novel coronavirus, spread rapidly worldwide, leading the President of the United States to declare a national emergency, and the World Health Organization to declare the outbreak a global pandemic; and

**Whereas,** The impact of the coronavirus pandemic has been especially severe in the State of New York, which reports over 200,000 cases and over 14,000 fatalities as of April 14, 2020, constituting roughly one-third of all confirmed coronavirus cases in the United States; and

**Whereas,** According to the New York City Department of Health and Mental Hygiene, nearly 120,000 of the cases and 12,000 of the fatalities in the State of New York have occurred in New York City, as of April 14; and

**Whereas,** The coronavirus pandemic, as well as social distancing measures implemented to control the spread of the disease, have caused a sharp economic downturn and reduction of economic activity, resulting in extremely high numbers of Americans being put out of work; and

**Whereas,** The United States Department of Labor reports that over 22 million Americans filed initial unemployment benefits between March 15 and April 11, 2020, of which over one million came from the State of New York; and

**Whereas,** Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, a \$2 trillion stimulus package designed to provide financial relief in the midst of the coronavirus pandemic, which the President signed into law on March 27, 2020; and

**Whereas,** A major component of the CARES Act is the Paycheck Protection Program (PPP), through which small businesses can apply for loans to cover their expenses during this downturn; and

**Whereas,** The loans provided by the PPP will be fully forgiven so long as recipients keep all employees on payroll and maintain their compensation levels, as well as use the funds for payroll, rent, mortgage interest, utilities, and other related expenses; and

**Whereas,** The provision of these funds will allow workers to keep their jobs and assist small businesses with operating costs, which will lessen the deleterious economic impact of the coronavirus pandemic; and

**Whereas,** On April 2, 2020, the Federal Small Business Administration (SBA) issued an Interim Final Rule for the CARES Act stating that businesses deemed ineligible for PPP loans are identified in 13 C.F.R. § 120.110 and described further in SBA's Standard Operating Procedure § 50, No. 10, Subpart B, Chapter 2; and

**Whereas,** The list of ineligible businesses set forth in SBA's Standard Operating Procedure includes businesses primarily engaged in owning, purchasing, and leasing real estate, apartment buildings, and residential facilities that do not provide healthcare or medical services; and

**Whereas,** As a result of these limitations on eligibility, housing cooperatives and condominiums, as well as their employees, are excluded from the PPP and any related benefits; and

**Whereas,** The real estate market is an essential component of New York City's economy, generating \$31.9 billion in taxes in Fiscal Year 2019 and contributing 53 percent of the city's total tax revenue that year, according to the Real Estate Board of New York; and

**Whereas,** The real estate sector is also a major employer in New York City, employing over 120,000 workers as of 2017, according to Baruch College's Weissman Center for International Business; and

**Whereas,** According to Politico, the economic downturn caused by the coronavirus pandemic has led to a 20 percent reduction in real estate transactions, as well as sharp decreases in new listings; and

**Whereas,** Designating housing cooperatives and condominiums as eligible for the PPP would bolster the real estate market and strengthen financial security for employees of these businesses during this time of crisis; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the Federal Small Business Administration to revise its regulations and operating procedure to allow condominiums and housing cooperatives to partake in payroll and financial relief offered by the CARES Act.

Referred to the Committee on Housing and Buildings.

## Preconsidered L.U. No. 646

By Council Member Dromm:

**1898 Harrison Avenue.GHPP.FY20, Block 2869, Lot 87; Bronx, Community District No. 5, Council District No. 14.**

Adopted by the Council (preconsidered and adopted by the Committee of the Whole).

## Preconsidered L.U. No. 647

By Council Member Dromm:

**Grace Senior Housing, Block 9754, Lot 1; Queens, Community District No. 12, Council District No. 24.**

Adopted by the Council (preconsidered and adopted by the Committee of the Whole).

## Preconsidered L.U. No. 648

By Council Member Dromm:

**HP Morningside Heights Portfolio HDFC.YR15.FY20, Block 1831, Lots 8, 9, 13, 14, 18, and 121; Block 1848, Lots 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 and 18; Block 1860, Lots 31, 32, and 33; Block 1861, Lots 59, 60, and 61; Block 1862, Lot 2; Block 1863, Lots 45, 46, 54, 55, and 56; Block 1880, Lots 37, 39, 42, and 44; Block 1881, Lots 7, 8, 9, 10, 11, 12, 15, 19, 24, 25, 26, 27, and 28; Manhattan, Community District Nos. 12 and 10, Council District Nos. 7 and 9.**

Adopted by the Council (preconsidered and adopted by the Committee of the Whole).

## Preconsidered L.U. No. 649

By Council Member Dromm:

**Turin House, Block 1203, Lot 1; Manhattan, Community District No. 7, Council District No. 6.**

Adopted by the Council (preconsidered and adopted by the Committee of the Whole).

## Preconsidered L.U. No. 650

By Council Member Dromm:

**Schreiber, Block 2047, Lots 21, 23 and 25; Block 2054, Lots 12 and 15; Manhattan, Community District Nos. 9 and 10, Council District No. 9.**

Adopted by the Council (preconsidered and adopted by the Committee of the Whole).

## Preconsidered L.U. No. 651

By Council Member Dromm:

**757 East 169th Street, Block 2961, Lot 15; Bronx, Community District No. 3, Council District No. 17.**

Adopted by the Council (preconsidered and adopted by the Committee of the Whole).

## Preconsidered L.U. No. 652

By Council Member Dromm:

**Howard Amron House, Block 1627, Lot 43; Manhattan, Community District No. 11, Council District No. 5.**

Adopted by the Council (preconsidered and adopted by the Committee of the Whole).

## Preconsidered L.U. No. 653

By Council Member Dromm:

**Belmont Daniel, Block 20, Lot 8; Staten Island, Community District No. 1, Council District No. 49.**

Adopted by the Council (preconsidered and adopted by the Committee of the Whole).

## Preconsidered L.U. No. 654

By Council Member Dromm:

**Manhattan Ave Apartments, Block 1843, Lot 20; Manhattan, Community District No. 7, Council District No. 7.**

Adopted by the Council (preconsidered and adopted by the Committee of the Whole).

## Preconsidered L.U. No. 655

By the Speaker (Council Member Johnson):

**Application No. 20205405 HAK (461 Alabama Avenue) submitted by the New York City Department of Housing Preservation and Development requesting the amendment of Resolution 773, which the Council previously approved on February 28, 2019, to delete a paragraph referencing Section 576-(a)(2) of the Private Housing Finance Law and to replace it with language referencing the designation of an urban development action area and approval of an urban development action area project pursuant to Article 16 of the General Municipal Law, for property located at 461 Alabama Avenue (Block 3803, Lot 6), Borough of Brooklyn, Council District 42, Community District 5.**

Adopted by the Council (Land Use Zoning and Franchise item preconsidered and adopted by the Committee of the Whole).

## Preconsidered L.U. No. 656

By Council Member Salamanca:

**Application No. 20205318 HAM (River Crossing) 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 project to approve the existing ground lease of the Disposition Area located at Block 1694, Lot 3, Borough of Manhattan, Council District 8, Community District 11.**

Adopted by the Council (Land Use Landmarks, Public Sitings and Dispositions item preconsidered and approved by the Committee of the Whole).

## Preconsidered L.U. No. 657

By Council Member Salamanca:

**Application No. C 200149 ZMM (364 Avenue of the Americas Rezoning) submitted by Washington Place Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12c by eliminating from within an existing R7-2 District a C1-5 District and establishing within the existing R7-2 District a C2-5 District, Borough of Manhattan, Council District 1, Community District 2.**

Adopted by the Council (Land Use Zoning and Franchise item preconsidered and approved by the Committee on the Whole).

## Preconsidered L.U. No. 658

By Council Member Salamanca:

**Application No. C 190011 ZMK (50 Old Fulton Rezoning) submitted by Alwest Old Fulton, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M2-1 District to a M1-5 District, Borough of Brooklyn, Council District 33, Community District 2.**

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. 659

By Council Member Salamanca:

**Application No. 20205399 HAM (311-313 Pleasant Avenue Cluster) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law, requesting the waiver of the designation requirements and approval of an urban development action area project, and requesting an exemption from real property taxes for property located at 311-313 Pleasant Avenue (Block 1710, Lot 27), 51-55 East 129<sup>th</sup> Street (Block 1754, Lot 26), and 1263 Park Avenue (Block 1625, Lot 72), Borough of Manhattan, Council Districts 5, 8 and 9, Community District 11.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

## L.U. No. 660

By Council Member Salamanca:

**Application No. 20205384 HAX (993-995 Union Avenue Cluster) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law, requesting the waiver of the designation requirements and approval of an urban development action area project, and requesting an exemption from real property taxes for property located at 993 and 995 Union Avenue (Block 2669, Lots 40 and 41), 774 Union Avenue (Block 2676, Lot 36), 1042 Longfellow Avenue (Block 2756, Lot 71), Borough of the Bronx, Council District 17, Community Districts 1, 2, and 3.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 661

By Council Member Salamanca:

**Application No. 20200140 PPM (266 West 96<sup>th</sup> Street) submitted by the Department of Housing Preservation and Development pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 266 West 96<sup>th</sup> Street (Block 1243, Lot 57), Borough of Manhattan, Council District 6, Community District 7.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

NEW YORK CITY COUNCIL**A N N O U N C E M E N T S****Thursday, April 23, 2020**Committee on General Welfare

Stephen Levin, Chairperson

**Int 1927**- By Council Member Levin and the Speaker (Council Member Johnson) - **A Local Law** in relation to requiring private rooms for single adults.

Remote Hearing.....1:00 p.m.

**Friday, April 24, 2020**Committee on Transportation

Ydanis Rodriguez, Chairperson

**Int 1933** - By Council Members Rivera and the Speaker (Council Member Johnson), Rodriguez, Menchaca, Kallos, Reynoso, Levin, Cabrera, Constantinides, Van Bramer, Powers and Koo - **A Local Law** to amend the administrative code of the city of New York, in relation to temporary space for pedestrians and cyclists.

Remote Hearing.....11:00 a.m.

**Tuesday, April 28, 2020**

Committee on Housing and Buildings jointly with the  
Committee on Consumer Affairs & Business Licensing

Robert Cornegy, Jr., Chairperson

Andrew Cohen, Chairperson

**Int 1912** - By the Speaker (Council Member Johnson) - **A Local Law** in relation to ceasing the taking and restitution of property and the execution of money judgments by the city sheriff and marshals due to the impacts of **COVID-19**.

**Int 1936** - By Council Member Torres and the Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include threats based on a person having been impacted by COVID-19.

Remote Hearing.....1:00 p.m.

**Wednesday, April 29, 2020**

Committee on Small Business jointly with the  
Committee on Consumer Affairs & Business Licensing

Mark Gjonaj, Chairperson

Andrew Cohen, Chairperson

**Oversight** - The Impact of COVID-19 on Small Businesses in New York City.

**Int 1846** - By Council Members Torres and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to the disclosure of gratuity policies for delivery workers.

**Int 1895** - By Council Members Gjonaj, Kallos, Constantinides and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to food service establishments' packaging of food for delivery.

**Int 1896** - By Council Members Gjonaj, Kallos, Constantinides, Brannan and Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to the disclosure of commissions charged by third-party food delivery services.

**Int 1897** - By Council Members Gjonaj, Constantinides, Brannan and Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to the licensing of third-party food delivery services.

**Int. 1898** - By Council Members Gjonaj, Moya, Constantinides, Brannan, Rosenthal and Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to telephone order charges by third-party food delivery services.



**Int 1907** - By Council Members Moya, Gjonaj, Brannan, Rosenthal and Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting third-party food delivery services from limiting the purchase prices covered establishments may charge on food and beverage orders.

**Proposed Int 1908-A** - By Council Members Moya, Gjonaj, Kallos, Brannan, Rosenthal, Gibson, Ayala, Van Bramer, Rivera and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to fees charged by third-party food delivery services.

**Int 1914** - By Council Member Adams and the Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to harassment of commercial tenants impacted by COVID-19.

**Int 1916** - By Council Member Cohen - **A Local Law** in relation to requiring the department of consumer affairs to waive and refund all fees related to sidewalk cafe licenses that are due on or after January 1, 2020 until December 31, 2020, and providing for the repeal of such provision upon the expiration thereof.

**Int 1921** - By Council Members Gjonaj and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services and food service establishments to display sanitary inspection letter grades online.

**Int 1932** - By Council Member Rivera and the Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to personal liability provisions of leases for commercial tenants impacted by COVID-19.

**Res 1049** - By the Public Advocate (Mr. Williams) and Council Members Levin and Cabrera - **Resolution** calling upon the United States Congress and the New York State Legislature to pass legislation to prohibit the use of a confession of judgment in business loans.

Remote Hearing.....1:00 p.m.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) made the following comments:

The Speaker (Council Member Johnson) acknowledged that April 22<sup>nd</sup> marked the 50<sup>th</sup> anniversary of the first Earth Day when our planet and the fight for environmental protections are celebrated. He noted that New York City had some of the strongest environmental policies in the country and that the Council would continue to push for bold change in this area.

The Speaker (Council Member Johnson) acknowledged that Friday, April 24<sup>th</sup> will mark the start of the holy month of Ramadan. He wished a very generous Ramadan to those celebrating the holiday. He noted that New York City’s Muslim community had contributed much to the city’s cultural fabric. The Speaker (Council Member Johnson) also hoped that those who recently celebrated Passover and Easter had a good holiday.

The Speaker (Council Member Johnson) wished a happy birthday to Council Member Ruben Diaz, Sr.

Shortly before the adjournment of this Meeting, the Speaker (Council Member Johnson) thanked the Members of the Council for their solidarity and continued support. He also thanked a number of individuals including: the Majority Leader (Council Member Cumbo) for her role as the presiding officer of these proceedings; Lance Polivy for his role as the Council’s Parliamentarian; the Sergeant-at-Arms, led by the Director of Security Carl D’Alba; Jason Goldman, Chief of Staff to the Speaker; and the Central Staff members and District Office members who had been working remotely while serving constituents, drafting bills, and working on the city’s budget.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these virtual proceedings.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Note: The next virtual Stated Meeting was subsequently scheduled for May 13, 2020.*

*Editor's Local Law Note: Int. Nos. 113-A, 1650-A, 1659-A, 1664-A, and 1666-A, all adopted at the February 11, 2020 Stated Meeting, were returned unsigned by the Mayor on March 13, 2020. These items became law on March 13, 2020 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws No. 37 to 41 of 2020, respectively.*

*Int. Nos. 245-B, 1440-A, 1451-A, 1536-A, 1652-A, 1654-A, 1816-A, and 1847-A, all adopted at the February 27, 2020 Stated Meeting, were returned unsigned by the Mayor on April 16, 2020. These items had become law on March 29, 2020 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws No. 42 to 49 of 2020, respectively.*