

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Wednesday, November 16, 2016, 1:50 p.m.

The Public Advocate (Ms. James)

*Acting President Pro Tempore and Presiding Officer*

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Member Koslowitz.

The Public Advocate (Ms. James) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

*There were 50 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Rev. Dr. T. Kenjitsu Nakagaki, Buddhist Council of New York.

As many New Yorkers feel great anxiety towards the direction that our country is going  
we need to reconfirm our true value of love and compassion with wisdom  
and plant them into the deep... of our mind which should be, or should become the source of our actions.  
Now let us meditate with prayer. *[bell rings]*  
Relax your body tension and breathe deeply using your lower stomach instead of your lungs.  
And now you can close your eyes lightly and focus on breathing.  
Simply count your breath and be mindful of your breath. *[bell rings]*  
Instead of hate and anger maybe breathe out this way.  
Then we bring love and compassion as you breathe in.  
Instead of suffering we bring happiness and well beings.  
Breathe in. Breathe out. Instead of bias and discrimination breathe out.  
We bring equality, mutual respect, and understanding. Breathe in.  
Instead of distraction and violence. Breathe out.  
We bring peace with nonviolence in our mind and spread that out to the society.  
Instead of division we bring togetherness; mind and body together,  
you and your neighbors together, all city council members together, and all New Yorkers together.  
Instead illusion and delusion we bring enlightenment and freedom. *[bell ringing... bell ringing four times]*  
May all living beings be happy, well, and peaceful.  
May all beings be free from greed, anger, and ignorance.  
May our mindful action bring happiness and peace  
to all our family, our city, our nation, and our world.  
Peace to you all. *[speaking foreign language]*

Thank you.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) asked for a Moment of Silence in memory of two New York City employees who were recently killed in the line of duty:

Police Sergeant Paul Tuozzolo was shot and killed in an exchange of gunfire with an armed man in the South Bronx on November 4, 2016. Sgt Tuozzolo was a 19-year veteran of the NYPD and leaves behind a wife and two sons.

Mr. Lewis Grey, an employee for the Metropolitan Transportation Authority, was fatally struck by an oncoming train on November 3, 2016 while performing maintenance work on the G-line. Mr. Grey had been with the MTA for 15 years and leaves behind a wife and three sons.

## ADOPTION OF MINUTES

Council Member Garodnick moved that the Minutes of the Stated Meeting of October 13, 2016 be adopted as printed.

## REPORTS OF STANDING COMMITTEES

### Report of the Committee on Finance

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

Report for Res No. 1275

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 16, 2016, respectfully

#### REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 14, 2016, the Council adopted the expense budget for fiscal year 2017 with various programs and initiatives (the “Fiscal 2017 Expense Budget”). On June 26, 2015, the Council adopted the expense budget for fiscal year 2016 with various programs and initiatives (the “Fiscal 2016 Expense Budget”). On June 26, 2014, the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”).

Analysis. This Resolution, dated November 16, 2016, approves the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, new designations and/or changes in the designation of certain organizations receiving funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, new designations and/or changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as well as amendments to the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2017 Expense Budget, as described in Chart 1; sets forth the change in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2017 Expense Budget, as described in Chart 2; sets forth the new designation and changes in the

designation of funding pursuant to certain initiatives in the Fiscal 2017 Expense Budget, as described in Charts 3-23; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 24; sets forth the new designation and changes in the designation of funding pursuant to certain initiatives in the Fiscal 2016 Expense Budget, as described in Charts 24-27; amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, as described in Chart 28; and sets forth the organizations that will receive equipment from the organization funded by a certain initiative, as described in Chart 29.

In addition, the charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/Fiscal 2017 Expense Budget, dated June 14, 2016, Adjustments Summary/Schedule C/Fiscal 2016 Expense Budget, dated June 26, 2015, and Adjustments Summary/Schedule C/Fiscal 2015 Expense Budget, dated June 26, 2014.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2017 Expense Budget.

Chart 3 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2017 Expense Budget. One of these changes will be effectuated upon a budget modification.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Health Aging Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 5 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 6 sets forth the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 7 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 8 sets forth the new designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 9 sets forth the new designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 10 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 11 sets forth the changes in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2017 Expense Budget. In addition, Chart 10 sets forth the removal of funds from the administering agency receiving funding pursuant to this initiative. Such funds are allocated to another initiative in Chart 13 of this resolution.

Chart 12 sets forth the removal of funds from the administering agency receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2017 Expense Budget. Such funds are allocated to another initiative in Chart 13 of this resolution.

Chart 13 sets forth the allocation of funds to the administering agency receiving funding pursuant to the Social Adult Day Care Enhancement Initiative in accordance with the Fiscal 2017 Expense Budget. Such funds were removed from the administering agency of other initiatives in Charts 11 and 12 of this resolution.

Chart 14 sets forth the new designation of certain organizations receiving funding pursuant to the Art as a Catalyst for Change Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 15 sets forth the new designation of a certain organization receiving funding pursuant to the Coalition of Theaters of Color Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 16 sets forth the new designation of certain organizations receiving funding pursuant to the Restorative Justice Program Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 17 sets forth the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 18 sets forth the new designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 19 sets forth the changes in the designation of a certain organization receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 20 sets forth the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2017 Expense Budget. In addition, Chart 20 sets forth the removal of funds from the administering agency pursuant to the initiative. Such funds are being newly designated to certain organization pursuant to another initiative in Chart 21 of this resolution. Such removal of funds will be effectuated upon a budget modification.

Chart 21 sets forth the new designation of a certain organization receiving funding pursuant to the Crisis Management System – Youth Programs Initiative in accordance with the Fiscal 2017 Expense Budget. Such funds were removed from the administering agency pursuant to another initiative in Chart 20 of this resolution and the designations will be effectuated upon a budget modification.

Chart 22 sets forth the removal of funds from the administering agency receiving funding pursuant to the Post-Arrest Diversion Program for Young Adults Initiative in accordance with the Fiscal 2017 Expense Budget. Such funds are allocated to another initiative in Chart 23 of this resolution.

Chart 23 sets forth the new designation of a certain organization receiving funding pursuant to the Prevent Sexual Assault (PSA) Initiative for Young Adults in accordance with the Fiscal 2017 Expense Budget. Chart 23 also sets forth the allocation of funds to the administering agency receiving funding pursuant to the initiative. Such funds were removed from the administering agency pursuant to another initiative in Chart 22 of this resolution.

Chart 24 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 25 sets forth the removal of funds from a certain organization receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2017 Expense Budget. Such funds are reallocated to the organization pursuant to another initiative in Chart 26 of this resolution.

Chart 26 sets forth the new designation of a certain organization receiving funding pursuant to the Child Health and Wellness Initiative in accordance with the Fiscal 2016 Expense Budget. Such funds were reallocated from the organization pursuant to another initiative in Chart 25 of this resolution.

Chart 27 sets forth the new designation of certain organizations receiving funding pursuant to the Access Health NYC Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 28 amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget.

Chart 29 sets forth the organizations that will receive equipment, specifically an automated external defibrillator, from the organization, Staten Island Heart Society, Inc., funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2017.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2017, Fiscal 2016, and Fiscal 2015 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 1275:)**

## Preconsidered Res. No. 1275

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

By Council Member Ferreras-Copeland.

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

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

**Whereas**, On June 26, 2014 the City Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2017, Fiscal 2016, and Fiscal 2015 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves sets forth the changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Health Aging Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2017 Expense Budget, as well as the removal of funds from the administering agency, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the removal of funds from the administering agency receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the allocation of funds to the administering agency receiving funding pursuant to the Social Adult Day Care Enhancement Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Art as a Catalyst for Change Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Coalition of Theaters of Color Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Restorative Justice Program Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2017 Expense Budget, as well as the removal of funds from the administering agency, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Crisis Management System – Youth Programs Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the removal of funds from the administering agency receiving funding pursuant to the Post-Arrest Diversion Program for Young Adults Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Prevent Sexual Assault (PSA) Initiative for Young Adults in accordance with the Fiscal 2017 Expense Budget, as well as the allocation of funds to the administering agency, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the removal of funds from a certain organization receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Child Health and Wellness Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 26; and be it further



**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Access Health NYC Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the organizations that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2017, as set forth in Chart 29.

**ATTACHMENT:**

CHART 1: Local Initiatives - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Mendez	Cooper Square Community Development Committee and Businessmen's Association, Inc.	13-2666211	HPD	(\$33,000.00)	806	009			
Mendez	Cooper Square Community Development Committee, Inc.	13-2666211	HPD	\$33,000.00	806	009			
Cabrera	Big Apple Circus, Ltd. **	13-2906037	DCLA	(\$5,000.00)	126	003			
Cabrera	Public School 555X - Mount Eden Children's Academy **	13-6400434	DOE	\$5,000.00	040	402			
Palma	NYC New Beginning Animal Rescue, Inc. **	45-3250269	DOHMH	(\$10,000.00)	816	114			
Palma	Kips Bay Boys & Girls Club **	13-1623850	DYCD	\$10,000.00	260	312			*
Dickens	Vera Institute of Justice, Inc.**	13-1941627	MOCJ	(\$11,500.00)	098	002			*
Dickens	Northside Center for Child Development, Inc.	13-1656679	DYCD	\$6,000.00	260	312			*
Dickens	Brotherhood Sister Sol, Inc., The**	13-3857387	DYCD	\$5,500.00	260	312			*

\* Indicates pending completion of pre-qualification review.

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

**CHART 2: Youth Discretionary - Fiscal 2017**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Borelli	Volunteers of American, Inc.	58-1959781	DYCD	(\$10,000.00)	260	312			
Borelli	Volunteers of America, Inc.	58-1959781	DYCD	\$10,000.00	260	312			

\* Indicates pending completion of pre-qualification review.

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

**CHART 3: Anti-Poverty Initiative - Fiscal 2017**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Chin	Cooper Square Community Development Committee and Businessmen's Association, Inc.	13-2666211	HPD	(\$5,000.00)	806	009			
Chin	Cooper Square Community Development Committee, Inc.	13-2666211	HPD	\$5,000.00	806	009			
Dickens	Bank Street College of Education**	13-5562167	DOE	(\$6,000.00)	040	402			
Dickens	Bank Street College of Education**	13-5562167	DYCD	\$6,000.00	260	312			

\* Indicates pending completion of pre-qualification review.

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

**CHART 4: Healthy Aging Initiative- Fiscal 2017**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Chin	Educational Alliance, Inc.	13-5562210	DFTA	(\$17,745.00)	125	003	
Chin	Vision Urbana, Inc.	13-3848575	DFTA	\$17,745.00	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 5: Cultural After-School Adventure (CASA) - Fiscal 2017**

<b>Member</b>	<b>Organization - School</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
	Department of Cultural Affairs	13-6400434	DCLA	(\$20,000.00)	126	003	
Greenfield	Brooklyn Arts Council, Inc. - Ahi Ezer Yeshiva School	23-7072915	DCLA	\$20,000.00	126	003	
Rodriguez	Association of Dominican Classical Artists, Inc. - Juan Pablo Duarte	13-3843597	DCLA	(\$20,000.00)	126	003	
Rodriguez	Association of Dominican Classical Artists, Inc. - Gregorio Luperon High School	13-3843597	DCLA	\$20,000.00	126	003	
Salamanca	Renaissance EMS - South Bronx Charter School for the International Cultures and the Arts	13-4122438	DCLA	(\$20,000.00)	126	003	
Salamanca	Renaissance Youth Center - South Bronx Charter School for the International Cultures and the Arts	13-4122438	DCLA	\$20,000.00	126	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 6: Cultural Immigrant Initiative - Fiscal 2017**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Cultural Affairs	13-6400434	DCLA	(\$320,000.00)	126	003	
Chin	Hester Street Collaborative, Inc.	20-0774906	DCLA	\$20,000.00	126	003	
Chin	Asian American Writers' Workshop	13-3677911	DCLA	\$20,000.00	126	003	
Chin	Society of the Educational Arts, Inc. (SEA)	11-3210593	DCLA	\$20,000.00	126	003	
Chin	Museum of Food and Drink	20-3735162	DCLA	\$20,000.00	126	003	
Chin	National Asian American Theatre Company, Inc.	13-3486145	DCLA	\$20,000.00	126	003	
Kallos	Friends of the Upper East Side Historic Districts	13-3193351	DCLA	\$60,000.00	126	003	
Kallos	Historic Districts Council, Inc.	13-3389566	DCLA	\$20,000.00	126	003	
Kallos	Chashama, Inc.	13-3862422	DCLA	\$20,000.00	126	003	
King	Shadow Box Theatre, Inc., The	13-2725580	DCLA	\$20,000.00	126	003	
Cornegy	Purelements: An Evolution in Dance	20-5332584	DCLA	\$10,000.00	126	003	
Cornegy	Bedford Stuyvesant Restoration Corporation	11-6083182	DCLA	\$10,000.00	126	003	
Matteo	Sundog Theatre, Inc.	45-0476945	DCLA	\$20,000.00	126	003	
Matteo	Jacques Marchais Museum of Tibetan Art, Inc.	23-7280740	DCLA	\$20,000.00	126	003	
Matteo	Friends of Alice Austen House, Inc.	13-3248928	DCLA	\$10,000.00	126	003	
Matteo	IlluminArt Productions	42-1727647	DCLA	\$10,000.00	126	003	*
Matteo	Garibaldi-Meucci Museum	06-1725844	DCLA	\$20,000.00	126	003	

\* Indicates pending completion of pre-qualification review.

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

## CHART 7: Food Pantries - Fiscal 2017

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Youth and Community Development	13-6400434	DYCD	(\$61,290.00)	260	005	
Manhattan Delegation	Food Bank for New York City, The - Jewish Council of Washington Heights	13-3179546	DYCD	\$7,500.00	260	005	
Manhattan Delegation	Food Bank for New York City, The - Fresh Youth Initiatives	13-3179546	DYCD	\$5,000.00	260	005	
Manhattan Delegation	Food Bank for New York City, The - Worldwide Missionary Movement	13-3179546	DYCD	\$5,000.00	260	005	
Manhattan Delegation	Food Bank for New York City, The - COTHOA Luncheon Club	13-3179546	DYCD	\$5,000.00	260	005	
Manhattan Delegation	City Harvest, Inc. - Washington Heights Ecumenical Food Pantry	13-3170676	DYCD	\$7,500.00	260	005	
Manhattan Delegation	City Harvest, Inc. - Washington Heights Ecumenical Food Pantry	13-3170676	DYCD	\$6,290.00	260	005	
Manhattan Delegation	City Harvest, Inc. - Help House- Love Kitchen	13-3170676	DYCD	\$5,000.00	260	005	
Manhattan Delegation	City Harvest, Inc. - Arc XVI Ft. Washington Avenue	13-3170676	DYCD	\$5,000.00	260	005	
Manhattan Delegation	City Harvest, Inc. - Washington Heights Community Services Inc.	13-3170676	DYCD	\$5,000.00	260	005	
Manhattan Delegation	City Harvest, Inc. - Children's Aid Society PS - 5 Head Start	13-3170676	DYCD	\$5,000.00	260	005	
Manhattan Delegation	City Harvest, Inc. - YM- YWHA- Washington Heights and Inwood	13-3170676	DYCD	\$5,000.00	260	005	
Manhattan Delegation	City Harvest, Inc. - Church of Holy Apostles	13-3170676	DYCD	(\$12,258.00)	260	005	
Manhattan Delegation	Church of Holy Apostles	13-2982297	DYCD	\$12,258.00	260	005	*
Manhattan Delegation	City Harvest, Inc. - Congregation B'nai Jeshurun	13-3170676	DYCD	(\$20,430.00)	260	005	
Manhattan Delegation	Congregation B'nai Jeshurun	13-0594858	DYCD	\$20,430.00	260	005	*
Manhattan Delegation	City Harvest, Inc. - Salem Service Council, Inc.	13-3170676	DYCD	(\$10,500.00)	260	005	
Manhattan Delegation	Salem Service Council, Inc.	13-2665561	DYCD	\$10,500.00	260	005	*
Queens Delegation	Food Bank for New York City, Inc. - Flushing Jewish Community Council.	13-3179546	DYCD	(\$41,617.00)	260	005	
Queens Delegation	Flushing Jewish Community Council, Inc.	11-2669559	DYCD	\$41,617.00	260	005	
Queens Delegation	City Harvest, Inc. - Hour Children	13-3170676	DYCD	(\$49,940.00)	260	005	
Queens Delegation	Hour Children, Inc.	13-3647412	DYCD	\$49,940.00	260	005	
Queens Delegation	City Harvest, Inc. - Mount Horeb Baptist Church	13-3170676	DYCD	(\$24,970.00)	260	005	
Queens Delegation	Mount Horeb Baptist Church	11-2074467	DYCD	\$24,970.00	260	005	
Queens Delegation	City Harvest, Inc. - Queens Jewish Community Council	13-3170676	DYCD	(\$18,114.00)	260	005	
Queens Delegation	Queens Jewish Community Council, Inc.	23-7172152	DYCD	\$18,114.00	260	005	
Brooklyn Delegation	City Harvest, Inc. - Trinity Human Services Corporation	13-3170676	DYCD	(\$25,484.00)	260	005	
Brooklyn Delegation	Trinity Human Services Corporation	13-3171439	DYCD	\$25,484.00	260	005	
Brooklyn Delegation	City Harvest, Inc. - Greenpoint Reformed Church	13-3170676	DYCD	(\$9,000.00)	260	005	
Brooklyn Delegation	Greenpoint Reformed Church	11-2100335	DYCD	\$9,000.00	260	005	
Brooklyn Delegation	City Harvest, Inc. - Park Slope Christian Help, Inc. (CHIPS)	13-3170676	DYCD	(\$5,000.00)	260	005	
Brooklyn Delegation	Park Slope Christian Help, Inc.	11-2449994	DYCD	\$5,000.00	260	005	
Brooklyn Delegation	City Harvest, Inc. - Bed Stuy Campaign Against Hunger	13-3170676	DYCD	(\$7,750.00)	260	005	
Brooklyn Delegation	Bed-Stuy Campaign Against Hunger, Inc.	20-0934854	DYCD	\$7,750.00	260	005	

\* Indicates pending completion of pre-qualification review.

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



**CHART 8: Digital Inclusion and Literacy Initiative - Fiscal 2017**

<b>Member</b>	<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
	Department of Youth and Community Development	13-6400434	DYCD	(\$20,000.00)	260	005	
Johnson	Hudson Guild	13-5562989	DYCD	\$20,000.00	260	005	

\* Indicates pending completion of pre-qualification review.

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

**CHART 9: NYC Cleanup Initiative - Fiscal 2017**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Youth and Community Development	13-6400434	DYCD	(\$39.00)	260	005	
Cohen	Kingsbridge Riverdale Van Cortlandt Development Corporation	13-3097905	DYCD	\$39.00	260	005	

\* Indicates pending completion of pre-qualification review.

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

**CHART 10: Stabilizing NYC - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Cooper Square Community Development Committee and Businessmen's Association, Inc.	13-2666211	HPD	(\$50,000.00)	806	009	
Cooper Square Community Development Committee, Inc.	13-2666211	HPD	\$50,000.00	806	009	
Cooper Square Community Development Committee and Businessmen's Association, Inc.	13-2666211	HPD	(\$51,000.00)	806	009	
Cooper Square Community Development Committee, Inc.	13-2666211	HPD	\$51,000.00	806	009	

\* Indicates pending completion of pre-qualification review.

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

**CHART 11: Naturally Occurring Retirement Communities (NORCs) - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department for the Aging	13-6400434	DFTA	(\$68,005.00)	125	003	
Cooper Square Community Development Committee and Businessmen's Association, Inc.	13-2666211	DFTA	(\$60,000.00)	125	003	
Cooper Square Community Development Committee, Inc.	13-2666211	DFTA	\$60,000.00	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 12: Senior Centers, Programs, and Enhancements - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department for the Aging	13-6400434	DFTA	(\$37,551.00)	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 13: Social Adult Day Care Enhancement - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Carter Burden Center for the Aging, Inc., The	23-7129499	DFTA	\$105,556.00	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 14: Art as a Catalyst for Change - Fiscal 2017**

Organization - Schools	EIN Number	Agency	Amount	Agy #	U/A	*
Department of Cultural Affairs **	13-6400434	DCLA	(\$594,000.00)	126	003	
Groove with Me, Inc. - Esperanza	13-3919147	DCLA	\$18,000.00	126	003	*
Society of the Educational Arts, Inc. (SEA) - Heritage High School	11-3210593	DCLA	\$18,000.00	126	003	
New Heritage Theatre Group, Inc. - Eagle Academy	13-2683678	DCLA	\$18,000.00	126	003	
New Heritage Theatre Group, Inc. - Harlem Renaissance	13-2683678	DCLA	\$18,000.00	126	003	
Groove with Me, Inc. - Junior High School 162	13-3919147	DCLA	\$18,000.00	126	003	*
Houses on the Moon Theater Company - Hostos HS	20-4691926	DCLA	\$18,000.00	126	003	
Bronx Museum of the Arts, The - School for Excellence	13-2709368	DCLA	\$18,000.00	126	003	
Bronx Museum of the Arts, The - Junior High School 301	13-2709368	DCLA	\$18,000.00	126	003	
Bronx Museum of the Arts, The - Junior High School 22	13-2709368	DCLA	\$18,000.00	126	003	
Bronx Museum of the Arts, The - Junior High School 145	13-2709368	DCLA	\$18,000.00	126	003	
Education Through Music, Inc. - Junior High School 117	13-3613210	DCLA	\$18,000.00	126	003	
ENACT, Inc. - Academy for Language and Tech.	13-3422660	DCLA	\$18,000.00	126	003	
Bronx County Historical Society - High School for Contemporary Arts	13-6153378	DCLA	\$18,000.00	126	003	*
Bronx County Historical Society - Forward School	13-6153378	DCLA	\$18,000.00	126	003	*
East Flatbush Village, Inc. - Meyer Levin High School	80-0612019	DCLA	\$18,000.00	126	003	
Afro-Latin Jazz Alliance Of New York, Inc. - Public School 284	45-3665976	DCLA	\$18,000.00	126	003	
Central Brooklyn Jazz Consortium, Inc. - Brownsville Academy	11-3549224	DCLA	\$18,000.00	126	003	
Brooklyn Music School - Launch Charter	11-6000202	DCLA	\$18,000.00	126	003	
NY Writer's Coalition, Inc. - Middle School - The School for Integrated Learning	11-3604970	DCLA	\$18,000.00	126	003	
BRIC Arts   Media   Bklyn, Inc. - Boys and Girls High School	11-2547268	DCLA	\$18,000.00	126	003	
BRIC Arts   Media   Bklyn, Inc. - Public School 308	11-2547268	DCLA	\$18,000.00	126	003	
2020 Vision for Schools, Inc. - Public School / Middle School 183	45-3023036	DCLA	\$18,000.00	126	003	
2020 Vision for Schools, Inc. - Public School / Middle School 42	45-3023036	DCLA	\$18,000.00	126	003	
Black Spectrum Theatre Company, Inc. - Intermediate School 72	51-0135262	DCLA	\$18,000.00	126	003	
Black Spectrum Theatre Company, Inc. - New Prep Middle School	51-0135262	DCLA	\$18,000.00	126	003	
American Museum of the Moving Image - Intermediate School 204	11-2730714	DCLA	\$18,000.00	126	003	
American Museum of the Moving Image - Public School / Intermediate School 114	11-2730714	DCLA	\$18,000.00	126	003	
Sundog Theatre, Inc. - McKee High School	45-0476945	DCLA	\$18,000.00	126	003	
Sundog Theatre, Inc. - Curtis High School	45-0476945	DCLA	\$18,000.00	126	003	
Hip Hop Summit Youth Council, Inc.**	05-0542858	DYCD	\$72,000.00	260	312	

\* Indicates pending completion of pre-qualification review.

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

**CHART 15: Coalition of Theaters of Color - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department of Cultural Affairs	13-6400434	DCLA	(\$29,800.00)	126	003	
Hip-Hop Theater Festival, Inc.	42-1642691	DCLA	\$29,800.00	126	003	

\* Indicates pending completion of pre-qualification review.

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



**CHART 16: Restorative Justice Program - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department of Education	13-6400434	DOE	(\$300,000.00)	040	402	
New York Peace Institute, Inc.	45-1964622	DOE	\$50,000.00	040	402	
YPIS of Staten Island, Inc.	23-7085239	DOE	\$250,000.00	040	402	

\* Indicates pending completion of pre-qualification review.

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

**CHART 17: HIV/AIDS Faith Based Initiative - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department of Health and Mental Hygiene	13-6400434	DOHMH	(\$933,800.00)	816	112	
Black Veterans for Social Justice, Inc.	11-2608983	DOHMH	\$275,000.00	816	112	
Latino Commission on AIDS	13-3629466	DOHMH	\$150,000.00	816	112	*
National Black Leadership Commission on AIDS, Inc.	13-3530740	DOHMH	\$200,000.00	816	112	
BOOM!Health	13-3599121	DOHMH	\$40,600.00	816	112	
Muslim Women's Institute for Research and Development (MWIRD)	80-0010627	DOHMH	\$75,000.00	816	112	
You're Eligible Too, Inc. (YET)	20-4824991	DOHMH	\$10,000.00	816	112	*
Breaking Ground Unity Fellowship	11-3352350	DOHMH	\$7,500.00	816	112	*
Bridging Access to Care, Inc.	11-3031208	DOHMH	\$7,600.00	816	112	
Caribbean Women's Health Association, Inc.	13-3323168	DOHMH	\$12,600.00	816	112	
Gay Men of African Descent (GMAD)	13-3597820	DOHMH	\$10,500.00	816	112	
Coalition On Positive Health Empowerment	27-2654975	DOHMH	\$30,000.00	816	112	
Community Health & Awareness Ministry, Inc.	27-0043612	DOHMH	\$7,900.00	816	112	*
Iris House - A Center For Women Living HIV/AIDS Inc.	13-3699201	DOHMH	\$30,000.00	816	112	
Planned Parenthood of New York City, Inc.	13-2621497	DOHMH	\$6,700.00	816	112	
AIDS Center of Queens County, Inc.	11-2837894	DOHMH	\$22,400.00	816	112	
Jamaica Service Program for Older Adults, Inc. (JSPOA)	51-0204121	DOHMH	\$22,400.00	816	112	
Community Health Action of Staten Island (formerly SI AIDS Taskforce)	13-3556132	DOHMH	\$25,600.00	816	112	

\* Indicates pending completion of pre-qualification review.

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

**CHART 18: Ending the Epidemic - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department of Health and Mental Hygiene	13-6400434	DOHMH	(\$118,800.00)	816	112	
Washington Heights Corner Project, Inc.	20-8672015	DOHMH	\$90,000.00	816	112	
Bedford Stuyvesant Family Health Center, Inc.	11-2412205	DOHMH	\$28,800.00	816	112	

\* Indicates pending completion of pre-qualification review.

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

**CHART 19: Young Women's Leadership Development - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Crenulated Company Ltd	20-3590089	DYCD	(\$45,000.00)	260	312	
Crenulated Company LTD, The	14-1719016	DYCD	\$45,000.00	260	312	

\* Indicates pending completion of pre-qualification review.

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

**CHART 20: Anti-Gun Violence - Youth Programs - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department of Youth and Community Development**	13-6400434	DYCD	(\$250,000.00)	260	312	
Council for Unity, Inc.	11-2880221	DYCD	\$40,000.00	260	312	
New York WEB Center, Inc.	20-5620848	DYCD	\$10,000.00	260	312	

\* Indicates pending completion of pre-qualification review.

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

**CHART 21: Crisis Management System - Youth Programs - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Central Family Life Center**	13-3626127	ACS	\$40,000.00	068	008	
Gangstas Making Astronomical Community Changes, Inc.**	45-3359451	ACS	\$40,000.00	068	008	
Getting Out and Staying Out, Inc.**	06-1711370	ACS	\$40,000.00	068	008	
Good Shepherd Services, Inc.**	13-5598710	ACS	\$40,000.00	068	008	
Life Camp, Inc.**	20-0814999	ACS	\$40,000.00	068	008	

\* Indicates pending completion of pre-qualification review.

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

**CHART 22: Post-Arrest Diversion Program for Young Adults - Fiscal 2017**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Mayor's Office of Criminal Justice	13-6400434	MOCJ	(\$50,000.00)	098	002	

\* Indicates pending completion of pre-qualification review.

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

**CHART 23: Prevent Sexual Assault (PSA) Initiative for Young Adults - Fiscal 2017**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Mayor's Office of Criminal Justice	13-6400434	MOCJ	\$50,000.00	098	002	
Mayor's Office of Criminal Justice	13-6400434	MOCJ	(\$125,000.00)	098	002	
Legal Momentum	23-7085442	MOCJ	\$125,000.00	098	002	*

\* Indicates pending completion of pre-qualification review.

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



## CHART 24: Local Initiatives- Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Williams	St. Catherine Of Genoa-St. Therese Of Lisieux Catholic Academy	45-2732865	DYCD	(\$3,500.00)	260	312			*
Williams	Swim Strong Foundation, Inc.	37-1526132	DYCD	\$3,500.00	260	312			

\* Indicates pending completion of pre-qualification review.

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

**CHART 25: Asthma Control Program - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
American Lung Association of the City of New York, Inc.	13-5563004	DOHMH	(\$78,000.00)	816	113	

\* Indicates pending completion of pre-qualification review.

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

**CHART 26: Child Health and Wellness- Fiscal 2016**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
American Lung Association of the Northeast, Inc.	06-0646594	DOHMH	\$78,000.00	816	113	

\* Indicates pending completion of pre-qualification review.

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

**CHART 27: Access Health NYC - Fiscal 2016**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Community Healthcare Network, Inc.	13-3083068	DOHMH	(\$52,692.00)	816	117	
Make the Road New York	11-3344389	DOHMH	\$7,066.00	816	117	
Urban Health Plan, Inc.	23-7360305	DOHMH	\$8,000.00	816	117	
Department of Health and Mental Hygiene	13-6400434	DOHMH	\$37,626.00	816	117	

\* Indicates pending completion of pre-qualification review.

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

CHART 28: Purpose of Funds Changes - Fiscal 2017

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Richards	4 Kids in Need	30-0539949	DYCD	(5,000.00)	Funds will be used to provide care packages for homeless children at the Saratoga Family Inn.	
Local	Richards	4 Kids in Need	30-0539949	DYCD	5,000.00	Funds will be used to provide general operating support.	
Parks Equity	Rosenthal	Department of Parks and Recreation	13-6400434	DPR	(10,000.00)	Solar Panel Installation.	
Parks Equity	Rosenthal	Department of Parks and Recreation	13-6400434	DPR	10,000.00	Purchase of Solar Big Belly Bins for Verdi Square park.	
New York Immigrant Population		New York Immigration Coalition	13-3573409	DYCD	(700,000.00)	This allocation supports consulate identification services to overcome barriers to schools, financial institutions, higher education, and public safety; financial empowerment and access to sound financial services and college readiness workshops, and other programs as determined by demand.	
New York Immigrant Population		New York Immigration Coalition	13-3573409	DYCD	700,000.00	This allocation supports the New York Immigrant Coalition's consulate identification services to overcome barriers to school enrollments, financial institutions, higher education, and public safety; financial empowerment and access to sound financial services and college readiness workshops, immigration legal screenings, and other programs as determined by demand.	
Local	Miller	Citizens Against Recidivism, Inc.	11-3332491	DYCD	(7,500.00)	Funds will be used to offset cost related to Anger Management workshops for adults who have recently been released from prison; and to cover costs associated with administering an art exhibit featuring work from formerly incarcerated persons.	
Local	Miller	Citizens Against Recidivism, Inc.	11-3332491	DYCD	7,500.00	Funds will be used to offset costs related to anger management workshops for formerly incarcerated people who participate in the program. Funds will also be used for an art exhibit of works created by community residents as an intervention to build character and self-esteem while distracting from crime generative factors in the community.	
Local	Van Bramer	Local Project, Inc.	14-1892788	DYCD	(3,500.00)	Funds will be used to pay educators, purchase materials and equipment, and transportation.	
Local	Van Bramer	Local Project, Inc.	14-1892788	DYCD	3,500.00	Funds will be used for space cost rentals.	
Youth	Mealy	Families United, Inc.	11-3388067	DYCD	(5,000.00)	Funding will be used to purchase supplies and equipment for sports and arts program, including, but not limited to ropes, basketballs, sound equipment, uniforms, and needed goods and office supplies to operate program activities. Funding will also be used for travel, entry/ticket fees, space and consultants (activity specialists).	*
Youth	Mealy	Families United, Inc.	11-3388067	DYCD	5,000.00	Funding will be used to support operating expenses for sports and arts program, including but not limited to ropes, basketballs, uniforms, and necessary administrative supplies to operate program activities.	
NYC Cleanup	Cohen	Mosholu Jerome East Gun Hill Road District Management Association	13-3877808	DYCD	(14,000.00)		
NYC Cleanup	Cohen	Mosholu Jerome East Gun Hill Road District Management Association	13-3877808	DYCD	14,000.00	To provide cleaning and street beautification services in Council District 11, primarily, but not limited to, the Norwood neighborhood.	
Youth	Deutsch	Mekimi	55-0870419	DYCD	(4,000.00)	Funds will be used for weekend retreats, therapeutic outings and emotional support events, for sick patients and their siblings, as well, for volunteer training events.	*
Youth	Deutsch	Mekimi	55-0870419	DYCD	4,000.00	We will be using fund for travel, food, hotel stay, and conference space rental for the events, and park rentals i.e. water parks.	
Youth						Funds will be used for therapeutic outings and emotional support events, for sick patients ad siblings, as well, for volunteer training events.	

\* Indicates pending completion of pre-qualification review.

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

CHART 28: Purpose of Funds Changes - Fiscal 2017 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Lancman	Wishwas, Inc.	45-3807092	DYCD	(5,000.00)	Funding to teach entrepreneurship workshops for Bengali speaking immigrant women. Structured classes and workshops will strengthen social and technical skills in business management. We provide workshop on fashion and clothing manufacturing, sewing classes, product marketing techniques, and conflict mediation.	*
Local	Lancman	Wishwas, Inc.	45-3807092	DYCD	5,000.00	Funding to teach entrepreneurship workshops for Bengali speaking immigrant women. Structured classes and workshops will strengthen social and technical skills in business management. To provide workshop on fashion and clothing manufacturing, sewing classes, product marketing techniques, and conflict mediation.	
Local	Constantinides	Art House Astoria Conservatory for Music and Art, Inc.	27-0940116	DCLA	(5,000.00)	Funding will be used to subsidize art and music class fees and defray personnel costs.	*
Local	Constantinides	Art House Astoria Conservatory for Music and Art, Inc.	27-0940116	DCLA	5,000.00	Funding will be used to support the operating expenses of music and art classes.	
NYC Cleanup	Lander	Atlantic Avenue District Management Association, Inc.	45-4949226	DSBS	(20,000.00)	Putting tree guards throughout the BID district.	*
NYC Cleanup	Lander	Atlantic Avenue District Management Association, Inc.	45-4949226	DSBS	20,000.00	Funding will support the installation of tree guards throughout the BID district.	
Parks Equity	Dickens	Manhattan Land Trust	76-0715837	DPR	(10,000.00)	Funds will support material for maintenance as necessary.	*
Parks Equity	Dickens	Manhattan Land Trust	76-0715837	DPR	10,000.00	Funds will support the costs associated with maintenance.	
Local	Van Bramer	Local Project, Inc.	14-1892788	DYCD	(3,500.00)	Funds will be used to pay educators, purchase materials and equipment, and transportation.	*
Local	Van Bramer	Local Project, Inc.	14-1892788	DYCD	3,500.00	Funding will support operating expenses including the costs associated with rental space for programming/services.	

\* Indicates pending completion of pre-qualification review.

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

November 16, 2016

**CHART 29: Beating Hearts Initiative - Fiscal 2017**

<b>Member</b>	<b>Organization</b>	<b>EIN Number</b>	<b>*</b>
Rosenthal	West Side Little League	13-3339708	
Rosenthal	West Side Little League	13-3339708	
Koo	Boy Scout Troop 253	81-3355590	
Greenfield	Sephardic Community Youth Center	11-2567809	
Greenfield	St. Athanasius Youth Program, Inc.	11-2773596	
Greenfield	Beth Jacob Day Care Center	11-2290419	
Gibson	Crenulated Company, Ltd., The	14-1719016	
Gibson	Children's Circle Day Care	13-2690309	
Gibson	Children's Circle Day Care	13-2690309	
Gibson	Highbridge Gardens Senior Center	14-6400571	

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

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

Report for LU No. 520

**Report of the Committee on Finance in favor of approving 2178 Atlantic Avenue, Block 1433, Lot 35; Brooklyn, Community District No. 16, Council District No. 41.**

The Committee on Finance, to which the annexed preconsidered land use item was referred on November 16, 2016, respectfully

**REPORTS:**

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

November 16, 2016

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

FROM: Rebecca Chasan, Counsel, Finance Division

RE: Finance Committee Agenda of November 16, 2016 - Resolution approving a tax exemption for two Land Use items (Council Districts 24 and 41)

**Item 1: The Tree of Life**

The Tree of Life is a new construction project that will consist of one building with 174 units of rental housing, including one superintendent's unit. The units will be a mix of studios, one-, two-, and three-bedroom units. The building will be constructed on a portion of what is now a vacant, privately owned lot. The building amenities will include 64 at-grade and below-ground parking spaces, a laundry room, a fitness area, bicycle storage space, and an outdoor terrace. A commercial space will include a health facility and a community space will operate as an education and training center.

The project is being constructed under the Department of Housing Preservation and Development's ("HPD") Mixed Income Program: Mix and Match, under which sponsors purchase City- or privately-owned land or vacant buildings and construct multifamily buildings in order to create affordable rental housing. Construction and permanent financing is provided through loans from private institutional lenders and from public sources including the New York City Housing Development Corporation ("HDC") and HPD. Additional funding may also be provided from the syndication of low-income housing tax credits. The newly constructed or rehabilitated buildings provide rental projects affordable to households earning up to 165% of the Area Median Income ("AMI") and may have a range of affordability tiers.

Under the proposed project, First Jamaica 164 Street Housing Development Fund Company ("HDFC") will acquire the property and TOL Workforce LLC will be the beneficial owner and will operate the property. Together, they will construct the building. The HDFC and the LLC will enter into a regulatory agreement with



HPD establishing that all units must be rented to households whose incomes do not exceed 50%, 60%, 90%, or 120% of AMI. In 2016, those AMIs are as follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
50%	\$45,300	\$40,800	\$36,250	\$31,750
60%	\$51,780	\$48,960	\$43,500	\$38,100
90%	\$81,540	\$73,440	\$65,250	\$57,150
120%	\$108,720	\$97,920	\$87,000	\$76,200

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a full, 30-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 24
- Council Member – Lancman
- Council Member approval – Yes
- Borough – Queens
- Block/Lot – Block 9793, part of Lot 78 (a/k/a Tentative Lot 79)
- Number of Buildings – 1
- Number of Units – 174, including one superintendent’s unit
- Type of Exemption – Article XI, full, 30-year
- Population Served – Rentals for low- and moderate-income households
- Sponsor/Developer – The Bluestone Organization, First Jamaica 164 Street HDFC, TOL Workforce LLC
- Purpose – new construction
- Cost to the City – \$9.4M
- Housing Code Violations – none
- Income Limitation –
  - 17 units would be rented to households earning between 47-50% of AMI with rents set at affordable to 47% of AMI;
  - 70 units would be rented to households earning between 57-60% of AMI with rents set at affordable to 57% of AMI;
  - 43 units would be rented to households earning between 80-90% of AMI with rents set at affordable to 80% of AMI; and
  - 43 units would be rented to households earning between 90-120% of AMI with rents set at affordable to 90% of AMI.

**Item 2: 2178 Atlantic Avenue**

2178 Atlantic Avenue is a preservation project consisting of 1 building with 16 units of rental housing. The building, which is an existing HDFC owned by the Tenants of 2178 Atlantic Avenue HDFC, has been in financial hardship since 2005. The bank which holds the building’s mortgage had been paying the building’s property taxes, but the building was unable to make the payments for the taxes to the bank. The bank then foreclosed and received a judgment on which it has not yet acted. In order to prevent the property from being foreclosed upon and sold at auction, HPD is requesting that the Council approve a 40-year property tax exemption, pursuant to Section 577 of the Private Housing Finance Law, which would be a full, retroactive property tax exemption back to 2005 and then a partial, prospective exemption between 2017 and 2045. The HDFC and HPD would enter into a regulatory agreement that would be coterminous with the exemption which would establish that all units must be rented to households whose incomes do not exceed 60% of AMI, which in 2016 was follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
60%	\$51,780	\$48,960	\$43,500	\$38,100

Summary:

- Council District – 41
- Council Member – Mealy
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 1433/35
- Number of Buildings – 1
- Number of Units – 16
- Type of Exemption – Article XI, 40-year, full (retroactive to July 1, 2005) and partial (from July 1, 2017 onwards)
- Population Served – Rentals for low-income households
- Sponsor/Developer – Urban Homesteading Assistance Board and Tenants of 2178 Atlantic Avenue HDFC
- Purpose – preservation
- Cost to the City – \$731K
- Housing Code Violations – 6 Class A violations, 25 Class B violations, and 1 Class C violation
- Income Limitation – all units will be available to households earning up to 60% of AMI with rents set as affordable to those earning 60% of AMI

**(For coupled resolution for LU No. 521, please see the Report of the Committee on Finance for LU No. 521 printed in these Minutes; for coupled resolution for LU No. 520, please see below:)**

*Accordingly, this Committee recommends the adoption of LU Nos. 520 and 521.*

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

Res No. 1276

**Resolution approving an exemption from real property taxes for property located at (Block 1433, Lot 35) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 520).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 3, 2016 that the Council take the following action regarding a housing project located (Block 1433, Lot 35) Brooklyn, (“Exemption Area”):

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

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

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean July 1, 2005.
  - (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 Brooklyn, City and State of New York, identified as Block 1433, Lot 35 on the Tax Map of the City of New York.
  - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (e) "HDFC" shall mean Tenants of 2178 Atlantic Avenue Housing Development Fund Corporation.
  - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (g) "J-51 Program" shall mean the program of exemption from and/or abatement of real property taxation authorized pursuant to Real Property Tax Law §489 and City of New York Administrative Code §11-243.
  - (h) "J-51 Benefits" shall mean any tax benefits pursuant to the J-51 Program that are granted for eligible work performed at the Exemption Area on or after October 1, 2016.
  - (i) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
  - (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area on and after the date such Regulatory Agreement is executed.
  - (k) "Tax Payment" shall mean an annual real property tax payment on an assessed valuation equal to an amount calculated by multiplying \$3,500 times the number of residential units included in the Exemption Area and increasing such product by three and seven tenths percent (3.7%) on July 1, 2017 and on July 1 of each successive year until the Expiration Date.

2. All of the value of the Exemption Area shall be exempt from real property taxation, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon June 30, 2016.
3. Commencing upon July 1, 2016 and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Tax Payment. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - (a) The Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the owner of the Exemption Area has failed to execute the Regulatory Agreement within three hundred sixty-five (365) days after the date of approval of the Exemption, (iii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (v) the Exemption Area is conveyed to a new owner without the prior written approval by HPD, or (vi) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building in the Exemption Area that exists on the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation, other than the J-51 Benefits, which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, November 16, 2016.

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

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

Report for LU No. 521

**Report of the Committee on Finance in favor of approving The Tree of Life, Block 9793, part of Lot 78 (a/k/a Tentative Lot 79); Queens, Community District No. 12, Council District No. 24.**

The Committee on Finance, to which the annexed preconsidered land use item was referred on November 16, 2016, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for LU No. 520 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1277

**Resolution approving an exemption from real property taxes for property located at (Block 9793, part of Lot 78 (a/k/a Tentative Lot 79)) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 521).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 31, 2016 that the Council take the following action regarding a housing project located (Block 9793, part of Lot 78 (a/k/a Tentative Lot 79)) 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 “Sponsor”) is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

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

**RESOLVED:**

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:

(a) “HDFC” shall mean First Jamaica 164 Street Housing Development Fund Corporation

- (b) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (c) "HDC" shall mean New York City Housing Development Corporation.
  - (d) "LLC" shall mean TOL Workforce LLC or an affiliate.
  - (e) "New Owner" shall mean the HDFC and the LLC or any future owner of the Exemption Area.
  - (f) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (g) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
  - (h) "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of Queens, City and State of New York, identified Block 9793, part of Lot 78 (a/k/a Tentative Lot 79), as more particularly described in Exhibit A hereto.
  - (i) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) 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 or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (j) "Project" shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 173 rental dwelling units, plus one unit for a superintendent, approximately 15,337 square feet of commercial space, and approximately 9,555 square feet of community facility space to be used by the First Jamaica Community and Urban Development Corporation.
  - (k) "Regulatory Agreement" shall mean the regulatory agreement between HPD, HDC and the New 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 other than such community facility use(s) required or permitted under the Regulatory Agreement) 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.
  3. (a) 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 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 operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (v) the demolition or construction 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 Exemption shall prospectively terminate.

- (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by December 31, 2021, as such date may be extended in writing by HPD.
4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, November 16, 2016.

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

### **Report of the Committee on Fire and Criminal Justice Services**

Report for Int. No. 1228-B

**Report of the Committee on Housing & Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the investigation, review, study, audit of, and recommendations relating to, the operations, policies, programs and practices of the department of correction by the commissioner of the department of investigation.**

The Committee on Fire and Criminal Justice Services, to which the annexed proposed amended local law was referred on July 14, 2016 (Minutes, page 2540), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On Monday, November 14, 2016, the Committee on Fire and Criminal Justice Services, chaired by Council Member Elizabeth S. Crowley, will hold a hearing on Proposed Introductory Bill Number 1228-B (“Int. 1228-B”). The Committee previously held a hearing on Int. 1228-A on September 26, 2016. At that time, the Committee heard testimony from the Department of Correction (“DOC”), the Department of Investigation, the Correction Officers Benevolent Association, The Osborne Association, Brooklyn Defender Services, the Jails Action Coalition, the Urban Justice Center, the NAACP Legal Defense and Educational Fund, and The Legal Aid Society regarding this and other bills heard at that time.

## II. **BACKGROUND AND ANALYSIS OF PROPOSED INT. NO. 1228-B**

Issues with the DOC and accountability for employee misbehavior have been well-publicized.<sup>1</sup> Presently, DOC is subject to oversight via a federal court monitor pursuant to a lawsuit filed by advocates and joined by the federal government,<sup>2</sup> as well as two City-based external oversight bodies: the Board of Correction (“BOC”) and the Department of Investigation (“DOI”).<sup>3</sup> The DOI has broad statutory authority to conduct investigations for any department or agency within the Administration,<sup>4</sup> including the DOC. In practice, the DOI employs an “inspector general” (“IG”) with responsibility for overseeing the DOC.<sup>5</sup> In recent years, the DOI has exercised authority to investigate faulty hiring practices,<sup>6</sup> issues with contraband smuggling by DOC employees,<sup>7</sup> and similar issues related to corruption within the DOC. Historically, the DOI’s role in investigating issues of violence by DOC staff against inmates has been arguably unclear. In the United States Department of Justice’s (“DOJ”) initial report on conditions at Rikers Island, the DOJ stated that standards for determining a DOI review of an incident of violence were unclear: “Although we believe it is important to have a watchdog agency outside the Department review use of force incidents that are of particular concern, there do not appear to be clearly established criteria concerning the types of investigations that require external review, nor is it clear how incidents are brought to the attention of the DOI.”<sup>8</sup> The settlement agreement reached in the Nunez case remedies this issue to some extent, by establishing a simple standard for a DOI referral: if the use of force at issue “appears to be criminal in nature.”<sup>9</sup>

The Council is interested in further solidifying the DOI’s role in addressing issues related to the treatment of inmates in DOC facilities. The DOC’s settlement in the Nunez case covers numerous issues in this arena, but this settlement is not meant to address every issue related to the treatment of inmates. Moreover, while the monitoring of the Nunez settlement is likely to continue for many years, this monitoring is by its nature temporary. Therefore, while the Council does not intend to duplicate or impede efforts of the monitor appointed pursuant to the Nunez settlement, or to impede or limit the existing work of the DOI’s IG for the DOC, the Council finds that it is necessary and appropriate to create a permanent entity to monitor, review, and report on the DOC on an ongoing basis as part of the permanent structure of city government, and for that entity to focus its attention on the issues related to the treatment of inmates outlined in the proposed legislation.

The bill requires the DOI to, “on an ongoing basis, investigate, review, study, audit and make recommendations regarding system-wide operations, policies, programs, and practices of the department of correction with the goal of improving conditions in city jails.” The bill also requires the DOI Commissioner to appoint a person responsible for implementing these specific duties, and to report to the Council regarding the “identity and qualifications” of this person. The bill contains a provision to protect any person who makes a complaint or discloses information to the DOI, and requires the DOI to provide a link on its website for the reporting of complaints or issues regarding the DOC. Finally, the bill requires the DOI to issue a report on any “system-wide investigation, review, study, or audit” made pursuant to this law, as well as a yearly report on such activities. The bill would take effect 60 days after it becomes law.

## V. **AMENDMENTS TO INT. NO. 1228**

Int. 1228 has been modified since it was first introduced. The original version of the bill created a separate reporting section in section 808 of the City Charter that has been folded into City Charter Section 803 in the A version of the bill. Also, a section requiring certain members of the DOC to report issues to the DOI was removed in the A version of the bill. The B version of the bill added a section permitting the DOI to redact

<sup>1</sup> See, e.g., [http://topics.nytimes.com/top/reference/timestopics/organizations/r/rikers\\_island\\_prison\\_complex/index.html](http://topics.nytimes.com/top/reference/timestopics/organizations/r/rikers_island_prison_complex/index.html)

<sup>2</sup> Michael Schwartz, Judge Approves Settlement of Suit on Rikers Island Brutality, The New York Times, October 21, 2015, available at <http://www.nytimes.com/2015/10/22/nyregion/judge-approves-settlement-of-suit-on-rikers-island-brutality.html?ref=topics>

<sup>3</sup> New York City Charter Chapter 34; § 626

<sup>4</sup> New York City Charter § 803(b)

<sup>5</sup> <http://www.nyc.gov/html/doi/downloads/pdf/publications/DOIOrgChart.pdf>

<sup>6</sup> [http://www.nyc.gov/html/doi/downloads/pdf/2015/jan15/pr01rikers\\_aiu\\_011515.pdf](http://www.nyc.gov/html/doi/downloads/pdf/2015/jan15/pr01rikers_aiu_011515.pdf)

<sup>7</sup> [http://www.nyc.gov/html/doi/downloads/pdf/2014/Nov14/pr26rikers\\_110614.pdf](http://www.nyc.gov/html/doi/downloads/pdf/2014/Nov14/pr26rikers_110614.pdf)

<sup>8</sup> United States Department of Justice, CRIPA Investigation of the New York City Department of Correction Jails on Rikers Island,

August 4, 2014, at p. 31, available at <http://www.justice.gov/sites/default/files/usao-sdny/legacy/2015/03/25/SDNY%20Rikers%20Report.pdf>

<sup>9</sup> Settlement agreement in Nunez lawsuit provided to the Council by the Board of Correction (hereinafter “settlement”), at p. 19.



its public reports “as necessary to preserve safety and security in the facilities under the control of the department of correction.” The B version also eliminated a reference to section 7-112 of the Administrative Code and replaced it with a reference to civil actions filed against the DOC or individual correction officers, and is otherwise substantively the same as the A version of the bill.

***The following is from the text of the Fiscal Impact Statement for Int No. 1228-B:***

**SUMMARY OF LEGISLATION:** Proposed Intro. 1228-B would create a permanent entity to monitor, review, and report on the Department of Correction (“DOC”) on an ongoing basis as part of the structure of City government within the Department of Investigation (“DOI”). The proposed legislation would require the Commissioner of the DOI to appoint an individual to conduct system-wide investigations, reviews, studies, and audits, and to make recommendations regarding operations, policies, programs, and practices of the DOC with the goal of improving conditions in City jails. The bill would also require the Commissioner of the DOI to submit reports regarding these investigations. The Commissioner of the DOC would then be required to provide a written response to the Commissioner of the DOI, the Mayor, and the Council. In addition, this legislation would require an annual summary of its activities.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$405,789	\$973,895	\$973,895
<b>Net</b>	\$405,789	\$973,895	\$973,895

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

**IMPACT ON EXPENDITURES:** While this legislation would codify an existing investigation squad within the DOI, it is estimated that additional resources would be needed to provide the staffing necessary to comply with this legislation. It is estimated that the DOC investigation squad within the DOI would need an additional five confidential investigators, four special investigators, and one background investigator for a total of ten positions with a budget of \$885,359 for Personal Services (PS). Furthermore, it is estimate than an additional \$88,536 in Other Than Personal Services (OTPS) would be needed for administrative support, for a total budget of \$973,895, including fringe benefits in Fiscal 2018.

It is also possible that the DOC would require additional resources in order to respond to requests made by the DOI as part of its investigations, but because such amount, if any, would be based on factors not known at the time of this writing, an exact estimate cannot be determined.

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

**SOURCE OF INFORMATION:** New York City Council  
New York City Department of Correction  
New York City Department of Investigation

**ESTIMATE PREPARED BY:** Steve Riester, Senior Financial Analyst  
Jin Lee, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on July 14, 2016 as Intro. No. 1228 and referred to the Committee on Fire and Criminal Justice Services. The legislation was subsequently amended and the Committee on Fire and Criminal Justice Services considered the amended legislation, Proposed Intro. No. 1228-A, at a hearing on September 26, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1228-B, will be voted on by the Committee on Fire and Criminal Justice Services at a hearing on November 14, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1228-B will be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 10, 2016.

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

**(The following is the text of Int No. 1228-B:)**

Int. No. 1228-B

By The Speaker (Council Member Mark-Viverito) and Council Members Crowley, Chin, Lander and Kallos.

**A Local Law to amend the New York city charter, in relation to the investigation, review, study, audit of, and recommendations relating to, the operations, policies, programs and practices of the department of correction by the commissioner of the department of investigation.**

*Be it enacted by the Council as follows:*

Section 1. Section 803 of the New York city charter is amended by adding a new subdivision d, relettering subdivisions d through f as subdivisions e through g, and amending relettered subdivisions e and f to read as follows:

*d. 1. The commissioner shall, immediately upon appointment of the individual described in paragraph 2 of this subdivision, in addition to the investigatory work done in the normal course of the commissioner's duties, on an ongoing basis, conduct system-wide investigations, reviews, studies, and audits, and make recommendations regarding system-wide operations, policies, programs, and practices of the department of correction, with the goal of improving conditions in city jails, including but not limited to, reducing violence in departmental facilities, protecting the safety of departmental employees and inmates, protecting the rights of inmates, and increasing the public's confidence in the department of correction. The commissioner may consider, in addition to any other information the commissioner deems relevant, information regarding civil actions filed in state or federal court against individual correction officers or the city regarding the department of correction, notices of claim received by the comptroller filed against individual correction officers or the city regarding the department of correction, settlements by the comptroller of claims filed against individual correction officers or the city regarding the department of correction, complaints received and investigations conducted by the board of correction, complaints received and any investigations regarding such complaints conducted by the department of correction, complaints received pursuant to section 804, and*

*any criminal arrests or investigations of individual correction officers known to the department of investigation in its ongoing review of the department of correction.*

*2. No later than 90 days after the effective date of the local law that added this subdivision, the commissioner shall appoint an individual responsible for implementing the duties described in paragraph 1 of this subdivision and shall report to the council regarding the identity and qualifications of such individual, the number of personnel assigned or to be hired to assist such individual as deemed necessary by the commissioner, and the details of the management structure covering them. In the event such individual is removed or resigns, the commissioner shall replace such individual within 90 days of such removal or resignation and shall provide notification of such replacement, and the identity and qualifications of the new individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision.*

*3. No officer or employee of an agency of the city shall take any adverse personnel action with respect to another officer or employee in retaliation for such person making a complaint to, disclosing information to, or responding to queries from the commissioner pursuant to activities undertaken pursuant to paragraph 1 of this subdivision unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity. Any officer or employee who believes he or she has been retaliated against in violation of this subdivision may report such action to the commissioner as provided for in subdivision c of section 12-113 of the administrative code.*

*4. The department's website will provide a link for individuals to report any problems and deficiencies relating to the department of correction's operations, policies, programs and practices. Individuals making such reports will not be required to provide personally identifying information.*

[d.] e. 1. For any investigation made pursuant to subdivision a or b of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the requesting party, if any. In the event that any matter investigated, reviewed, studied, or audited pursuant to this section involves or may involve allegations of criminal conduct, the commissioner, upon completion of the investigation, review, study, or audit, shall also forward a copy of his or her written report or statement of findings to the appropriate prosecuting attorney, or, in the event the matter investigated, reviewed, studied, or audited involves or may involve a conflict of interest or unethical conduct, to the conflicts of interest board.

2. For any investigation, review, study, or audit made pursuant to paragraph [one] 1 of subdivision c or any investigation, review, study, or audit undertaken to examine system-wide operations, policies, programs, and practices made pursuant to paragraph 1 of subdivision d of this section, the commissioner shall prepare a written report or statement of findings and, upon completion, shall forward a copy of such report or statement to the mayor, the council, and either the commissioner of correction or the police commissioner[upon completion], as applicable. Within [ninety] 90 days of receiving such report or statement, the police commissioner or commissioner of correction, as applicable, shall provide a written response to the commissioner, the mayor, and the council. Each such written report or statement, along with a summary of its findings, as well as the reports described in paragraph 3 of this subdivision, shall be posted on the department's website in a format that is searchable and downloadable and that facilitates printing no later than [ten] 10 days after it is delivered to the mayor, the council, and either the department of correction or the police department, as applicable. The commissioner may redact such report or statement as necessary to preserve safety and security in the facilities under the control of the department of correction. All such reports, statements, and summaries so posted on the department's website shall be made easily accessible from a direct link on the homepage of the website of the department.

3. In addition to the reports and statements of findings to be delivered to the mayor, the council, the commissioner of correction, and the police commissioner pursuant to paragraph 2 of this subdivision, there shall be an annual summary report on the activities undertaken pursuant to paragraph 1 of subdivision c and paragraph 1 of subdivision d of this section containing the following information: (a) a description of all significant findings from the investigations, reviews, studies, and audits conducted in the preceding year; (b) a description of the recommendations for corrective action made in the preceding year; (c) an identification of each recommendation described in previous annual reports on which corrective action has not been implemented or completed; and (d) the number of open investigations, reviews, studies, or audits that have been open, as of the close of the preceding calendar year, for a time period of [1] (1) six months up to and including one year, [2] (2) more than one year up to and including two years, [3] (3) more than two years up

to and including three years, and [4] (4) more than three years. The annual summary report required by this paragraph *relating to the police department* shall be completed and delivered to the mayor, the council, and the police commissioner on April 1, 2015 and every April 1 thereafter. *The annual summary required by this paragraph relating to the department of correction shall be completed and delivered to the mayor, the council, and the commissioner of correction on April 1 beginning in 2018.*

[e.] *f.* The jurisdiction of the commissioner shall extend to any agency, officer, or employee of the city, or any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city.

[f.] *g.* The commissioner shall forward to the council and to the mayor a copy of all reports and standards prepared by the corruption prevention and management review bureau, upon issuance by the commissioner.

§ 2. Section 804 of chapter 34 of the New York city charter, as amended by local law number 70 for the year 2013, is amended to read as follows:

§ 804. Complaint bureau. There shall be a complaint bureau in the department which shall receive complaints from the public, including, but not limited to, complaints about any problems and deficiencies relating to the New York city police department's *or department of correction's* operations, policies, programs and practices.

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

ELIZABETH S. CROWLEY, *Chairperson*; FERNANDO CABRERA, RORY I. LANCMAN, PAUL A. VALLONE; Committee on Fire and Criminal Justice Services, November 14, 2016.

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

### **Report of the Committee on Higher Education**

Report for Int. No. 1138-A

#### **Report of the Committee on Higher Education in favor of approving and adopting, as amended, a Local Law to establish a task force on affordability, admissions, and graduation rates at the City University of New York**

The Committee on Higher Education, to which the annexed proposed amended local law was referred on April 7, 2016 (Minutes, page 892), respectfully

#### **REPORTS:**

##### **INTRODUCTION**

On November 15, 2016, the Committee on Higher Education, chaired by Council Member Inez D. Barron, will hold a hearing on Proposed Int. No. 1138-A, a local law to establish a task force on affordability, admissions, and graduation rates at the City University of New York (CUNY). This will be the second hearing on this legislation. The first hearing on the original bill was held on June 16, 2016. At the hearing, witnesses who testified included CUNY, the University Student Senate, the Professional Staff Congress, higher education advocates, and other interested parties. Amendments were made to the bill after the hearing.

##### **BACKGROUND**

CUNY is the largest urban public university in the United States, providing accessible high quality education for more than 274,000 degree-seeking students and 260,000 adult and continuing education students

at 24 campuses across the five boroughs.<sup>1</sup> With over a half million students enrolled in more than 1,400 academic programs, 200 majors leading to associate and baccalaureate degrees and 800 graduate degree programs, the University offers learning opportunities at every level, from certificate courses to the Ph.D., in a single integrated system of seven community colleges, 12 senior colleges, five graduate and professional schools and an assortment of research centers, institutes and consortia.<sup>2</sup>

The University has its origins in the Free Academy, established in 1847 as New York City's first publicly-financed institution of higher education.<sup>3</sup> Conceived by then-NYC Board of Education (BOE) President Townsend Harris as a college that would "Open the doors to all [and] let the children of the rich and the poor take their seats together, and know of no distinction save that of industry, good conduct and intellect," it provided male children of immigrants and the poor access to free education based on academic merit alone.<sup>4</sup>

The tuition-free policy continued through the establishment of the nation's first free teachers college, now Hunter College, in 1870,<sup>5</sup> the City's first public coeducation liberal arts college, Brooklyn College, in 1930,<sup>6</sup> and Queens College in 1937.<sup>7,8</sup> Merit-based free tuition continued after the BOE established the City University of New York to unite the seven existing schools into a formally integrated citywide system of public higher education in 1961.<sup>9</sup> In 1970 the University eliminated all tuition charges and implemented an open admissions policy, guaranteeing all NYC public high school graduates admission to one of its colleges.<sup>10</sup> However, CUNY was only able to operate tuition-free until the financial crisis of 1976 when the State took over administration of the University to alleviate help the City avoid bankruptcy. The State imposed dramatic budget cuts and imposed tuition, limiting financial aid to students from families with an annual income of less than \$20,000.<sup>11</sup> CUNY currently operates 7 community colleges and 12 senior colleges. For New York State residents, the annual tuition is \$4,800 for full-time community college students; for part-time students, the rate is \$210 per credit.<sup>12</sup> For students at the senior college, the annual in-state tuition is \$6,330 for full-time students; for part-time students, the rate is \$275 per credit.<sup>13</sup> Full-time students are eligible for financial aid. Part-time students remain ineligible.<sup>14</sup>

The proposed legislation would establish a task force of stakeholders from the CUNY community, government officials, experts in education finance, and advocates to develop recommendations for how to restore free tuition at CUNY.

## ANALYSIS OF LEGISLATION

### PROPOSED INT. NO. 1138-A

Proposed Int. No. 1138-A would establish a temporary task force that would examine the feasibility of eliminating tuition at CUNY. The task force would also be responsible for issuing a report six months after its first meeting. The report would include, but not be limited to, an analysis of existing and potential sources of

<sup>1</sup> See "About" City University of New York, available at <http://www.cuny.edu/about.html>.

<sup>2</sup> See "Academics" City University of New York, available at <http://www.cuny.edu/academics.html>.

<sup>3</sup> Sandra Shoiock Roff et al., *From the Free Academy to CUNY: Illustrating Public Higher Education in New York City, 1847-1997* 2-4 (Fordham University Press) (2000).

<sup>4</sup> Sandra Shoiock Roff et al., *From the Free Academy to CUNY: Illustrating Public Higher Education in New York City, 1847-1997* 4 (Fordham University Press) (2000).

<sup>5</sup> See "History" Department of Anthropology, Hunter College, CUNY, available at [http://www.hunter.cuny.edu/anthropology/about/copy\\_of\\_history](http://www.hunter.cuny.edu/anthropology/about/copy_of_history).

<sup>6</sup> See "Our History" Brooklyn College, CUNY, available at <http://www.brooklyn.cuny.edu/web/about/history/ourhistory.php>.

<sup>7</sup> See "About Queens College" Queens College, CUNY, available at <http://www.qc.cuny.edu/about/Pages/default.aspx>.

<sup>8</sup> City University of New York, *When Tuition at CUNY was free, Sort Of*, CUNY Matters, (Oct. 12, 2011), available at <http://www1.cuny.edu/mu/forum/2011/10/12/when-tuition-at-cuny-was-free-sort-of/>.

<sup>9</sup> See "History" City University of New York, available at <http://www2.cuny.edu/about/history/>.

<sup>10</sup> Peter R. Eisenstadt & Laura-Eve Moss, *The Encyclopedia of New York State* 716 (Syracuse University Press) (2005).

<sup>11</sup> Robert K. Fullinwider, *Open Admissions and Remedial Education at CUNY*, Report from the Institute for Philosophy & Public Policy, available at <http://journals.gmu.edu/PPPQ/article/download/310/238>.

<sup>12</sup> See "Tuition for CUNY Undergraduate Programs (Effective Fall 2015)" City University of New York, available at <http://www2.cuny.edu/financial-aid/tuition-and-college-costs/tuition-fees/>.

<sup>13</sup> See "Tuition for CUNY Undergraduate Programs (Effective Fall 2015)" City University of New York, available at <http://www2.cuny.edu/financial-aid/tuition-and-college-costs/tuition-fees/>.

<sup>14</sup> See "Grants, Scholarships and Loan Programs" Higher Education Services Corporation, New York State, available at <https://www.hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid.html>.

revenue that could replace tuition at CUNY, the obstacles preventing the elimination of CUNY, recommendations as to how those obstacles should be addressed and the steps the City should take to implement those recommendations. The task force would be comprised of thirteen members, including the Speaker of the City Council and the Public Advocate or their respective designees. Seven members would be appointed by the Mayor, and four members would be appointed by the Speaker. The members will be appointed within ninety days of enactment and no meeting would be held without at least thirty days' notice to the members. The taskforce would cease to exist after the issuing the report.

Since its introduction, Proposed Int. No. 1138-A was amended to require the task force to examine how to increase affordability, admissions, and graduation rates at CUNY including the feasibility of eliminating tuition and making recommendations to achieve these objectives. The task force would also be responsible for examining the State's role in funding CUNY, available revenue resources, the obstacles affecting affordability and admissions, including the feasibility of eliminating tuition and make recommendations to address those problems. The task force is required to meet at least three times and issue its findings in a report by October 15, 2017, after which it shall cease to exist. Proposed Int. No. 1138-A would take effect immediately.

**(The following is from the text of the Fiscal Impact Statement for Int No. 1138-A:)**

**TITLE:** To amend the administrative code of the city of New York, in relation to establishing a task force on affordability, admissions, and graduation rates at the City University of New York

**SPONSORS:** Council Members Barron, Chin, Dickens, Dromm, Rose, Cohen, Williams, Cornegy, Kallos, Rodriguez, Rosenthal, Richards, Palma and Lander.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1138-A would establish a temporary task force to examine ways to increase affordability, admissions, and graduation rates to the City University of New York (CUNY), including the feasibility of eliminating tuition at CUNY and, to the extent appropriate, develop recommendations for addressing such matters. The task force would be composed of 13 members including the Public Advocate or her designee, the Speaker of the City Council or her designee, seven members to be appointed by the Mayor, and four members to be appointed by the Speaker of the City Council. Members would be appointed within 90 days of enactment of this local law and would serve without compensation. Members would meet at least three times before issuing a report to the Mayor and the Speaker no later than October 15, 2017. The report would take into account the State's role in substantially funding CUNY and would include, but not be limited to, an analysis of obstacles affecting the affordability of, admission to, and timely graduation from CUNY. After the report's submission, the task force would cease to exist.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

**SOURCE OF INFORMATION:** New York City Council  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Jessica Ackerman, Senior Finance Analyst  
Eisha Wright, Unit Head

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council on April 7, 2016 as Intro. No. 1138 and referred to the Committee on Higher Education. The Committee considered the legislation at a hearing on June 16, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1138-A, will be voted on by the Committee at a hearing on November 15, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1138-A will be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 10, 2016.

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

**(The following is the text of Int No. 1138-A:)**

Int. No. 1138-A

By Council Members Barron, Chin, Dickens, Dromm, Rose, Cohen, Williams, Cornegy, Kallos, Rodriguez, Rosenthal, Richards, Palma, Lander, Levin, Vallone, Lancman, Gentile and the Public Advocate (Ms. James).

**A Local Law to establish a task force on affordability, admissions, and graduation rates at the City University of New York**

*Be it enacted by the Council as follows:*

Section one. Task force on affordability, admissions, and graduation rates at the City University of New York. a. There is hereby established a temporary task force to examine ways to increase affordability and admission to the City University of New York, including the feasibility of eliminating tuition at the University and, to the extent appropriate, develop recommendations for addressing such matters.

b. The task force shall be composed of 13 members, who shall include:

1. the public advocate, or their designee;

2. the speaker of the city council or their designee;

3. seven members as appointed by the mayor, including one member who shall represent faculty of the City University of New York, one member who is a non-student member of the board of trustees of the City University of New York, one member with expertise in the finance and management of public institutions of higher education, one member with expertise in improving student performance in higher education, one

member with expertise in management and budgetary operations, one member who shall represent advocacy organizations with relevant experience in improving college affordability and admissions, and one additional member; and

4. four members, as appointed by the speaker of the city council, including one member who shall represent students at the City University of New York, one member who shall represent advocacy organizations with relevant experience in improving college affordability and access, one member who has expertise in state and municipal budgeting and finance, and one additional member.

c. All members shall be appointed within 90 days of the enactment of this local law. Members of the task force shall serve without compensation and shall meet no less than three times before the task force is required to issue a report. Members of the task force shall also meet when deemed necessary by the chair or upon the written request of at least three members of the task force, provided that no meeting of the task force shall be held without at least 30 days' notice to the members of the task force. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official.

d. Upon appointment of all members, the task force shall elect a chair from its membership by a majority vote at the first meeting of such task force. The task force shall issue a report to the mayor and the speaker of the council no later than October 15, 2017. Such report shall take into account the state's role in substantially funding the City University of New York and shall include, but need not be limited to, an analysis of obstacles affecting the affordability of, admission to, and timely graduation from the City University of New York, examining revenue sources, recommendations on how obstacles could be addressed, and the feasibility of eliminating tuition at the University. After the submission of such report, the task force shall cease to exist.

§ 2. This local law takes effect immediately.

INEZ D. BARRON, Chairperson; JAMES VACCA, FERNANDO CABRERA, JUMAANE D. WILLIAMS, LAURIE A. CUMBO, YDANIS A. RODRIGUEZ, VANESSA L. GIBSON; Committee on Higher Education, November 15, 2016. *Other Council Members Attending: Vallone, Levine, Torres, Ulrich, Maisel and Borelli*

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

### **Report of the Committee on Housing and Buildings**

Report for Int. No. 738-A

#### **Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a qualification for gas work.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 1006), respectfully

#### **REPORTS:**

##### **Introduction**

On November 15, 2016, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 738-A, Proposed Int. No. 1079-A, Proposed Int. No. 1088-A, Proposed Int. No. 1090-A, Proposed Int. No. 1093-A, Proposed Int. No. 1094-A, Proposed Int. No. 1098-A, Proposed Int. No. 1100-A, Int. No. 1101 and Int. No. 1102. The Committee previously held a hearing on these bills on April 12, 2016 and heard testimony from representatives of the Department of Buildings, the Department of Housing Preservation and Development, gas corporations,



including Con Edison and National Grid, industry experts, property owners and other interested members of the public.

## **Background**

In the past two years, there have been several major gas-related explosions in New York City. In response to those explosions, the City Council introduced a package of legislation with the goal of improving gas safety, which will be discussed individually in further detail below.

### **Background on Recent Gas Explosions**

#### ***East Harlem Explosion***

The East Harlem explosion, reported on March 12, 2014 at 9:30 AM, collapsed two buildings at 1644 and 1646 Park Avenue.<sup>1</sup> The smell of gas was originally reported to Con Edison at 9:06 AM, who dispatched a team at 9:15 AM. The team was in route when the explosion occurred.<sup>2</sup> Con Edison also called the Fire Department at 9:19 AM but subsequently withdrew the phone call. The Fire Department arrived four minutes after the explosion occurred, at 9:34 AM. By 1:44 PM, Con Edison and the City were able to turn off the gas flow to the block where the accident occurred.<sup>3</sup> The gas explosion resulted in 8 persons dying, more than 50 injured and more than 100 families displaced.<sup>4</sup>

The National Transportation Safety Board (NTSB) sent a team to investigate the scene. The NTSB is an independent federal agency that is charged by Congress to investigate every civil aviation accident in the United States and significant accidents on other forms of transportation that includes railroad, highway, marine and pipeline.<sup>5</sup>

The NTSB concluded that the explosion would not have happened if Con Edison's gas pipes were welded properly. The improperly welded joint between a service tee and a 9 inch diameter HDPE natural gas pipe (plastic pipe) caused the gas leak.<sup>6</sup> The incomplete fusion of the pipes was due to surface contamination and resulted in a weak joint.<sup>7</sup> This allowed for the leaking natural gas to flow undetected and underground into the building. The NTSB also determined that a gaping hole in the nearby sewer line may have been a contributing factor.<sup>8</sup> Additional pressure was put on the joint when the soil that supported the plastic pipe washed away into the damaged sewer line.<sup>9</sup> The City knew about the condition of the sewer line since 2006.<sup>10</sup>

Con Edison disputed the NTSB investigators' findings. Con Edison did acknowledge that the weld was flawed but claims that the natural gas that caused the explosion was from a different crack that the investigators found.<sup>11</sup> Con Edison is also blaming the City for failure to maintain the sewer and water mains near their gas pipes.<sup>12</sup> The City claims that there was not enough evidence to place any blame on the damaged sewer main line. The sewer main sits more than a dozen feet below the gas main line and has been there longer than any of Con Edison pipes.<sup>13</sup>

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<sup>1</sup> Polson, Jim, and Mark Chediak. "NTSB Finds Gas Pipe Leak Near Fatal New York Building Blast." Bloomberg, March 19, 2014: <http://www.bloomberg.com/news/articles/2014-03-18/ntsb-finds-leak-on-gas-pipe-near-new-york-city-building-blast>.

<sup>2</sup> National Transportation Safety Board. *Board Meeting: Natural Gas Explosion in the East Harlem section of New York*. June 9, 2015. [http://www.nts.gov/news/events/Pages/2015\\_Manhattan\\_BMG.aspx](http://www.nts.gov/news/events/Pages/2015_Manhattan_BMG.aspx).

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

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

<sup>5</sup> National Transportation Safety Board. *About the National Transportation Safety Board*. <http://www.nts.gov/about/Pages/default.aspx>.

<sup>6</sup> National Transportation Safety Board. *Safety Through Reliable Fusion Joints*. June 2015. [http://www.nts.gov/safety/safety-alerts/Documents/SA\\_047.pdf](http://www.nts.gov/safety/safety-alerts/Documents/SA_047.pdf).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

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

<sup>10</sup> *Id.*

<sup>11</sup> McGeehan, Patrick. "Con Edison and New York City Are Faulted in East Harlem Explosion." *New York Times*, June 9, 2015: [http://www.nytimes.com/2015/06/10/nyregion/consolidated-edison-is-largely-liable-in-deadly-east-harlem-explosion-regulators-find.html?\\_r=0](http://www.nytimes.com/2015/06/10/nyregion/consolidated-edison-is-largely-liable-in-deadly-east-harlem-explosion-regulators-find.html?_r=0).

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

<sup>13</sup> *Id.*

As result of the investigation, NTSB issued six recommendations. One of the recommendations was to the New York State Public Service Commission (PSC), four were to Con Edison and one to the City of New York. NTSB recommended that the PSC revise their gas utility operator program to ensure that all elements of the regulations are included in the 5 year audit plan.<sup>14</sup> NTSB recommended that Con Edison: 1) revise their pipe fusion welding procedure to require cleaning of the surfaces to be welded; 2) revise their plastic fusion welding procedure to specify that the solidified beads should be visually examined after completing a joint to ensure that the beads are the same shapes and sizes; 3) the Gas Emergency Response Center staff should receive additional training and have clear written guidance on when the Fire Department should be promptly notified; 4) extend its gas main isolation valve installation program to include strategic locations where long distribution mains currently cannot be isolated which gives priority to pipelines in more densely populated areas.<sup>15</sup> The NTSB also requested that the City implement a written program or procedure to ensure the integrity of sewer lines, repair breaches in a timely manner and coordinate with other agencies to identify and address potential soil disruption.<sup>16</sup>

### ***East Village Explosion***

On March 26, 2015 an explosion occurred at 121 Second Avenue around 3:17 PM. It was reported that 2 persons died and 22 persons were injured. The fire escalated to seven alarms within an hour of the explosion which resulted in 250 firefighters on the scene.<sup>17</sup> The explosion ended up destroying 3 buildings and damaged 1 additional building.<sup>18</sup>

Before the explosion, the property owner's plumber was conducting work to upgrade the gas service for the building. Con Edison was at the site to check on a planned meter installation about an hour before the explosion. The work failed the inspection and gas could not be introduced to the residential units.<sup>19</sup> The owner and general contractor remained in the building to work on the gas lines but left the building a few minutes before the building exploded.<sup>20</sup>

The investigation of the East Village Explosion also revealed that in August 2014 Con Edison became aware of a gas leak at this same building during a routine gas meter inspection. The Con Edison worker called the utility company to inspect the gas smell. They found a hose had been attached to the gas line that served a restaurant was leaking.<sup>21</sup> Con Edison deemed it as a hazardous situation and shut the gas off for 10 days until it was determined safe. One month after the inspection, Con Edison included the building in a list that had gas leaks to Department of Buildings. However, the notice did not mention that there was unauthorized tapping to the gas line.<sup>22</sup>

### ***John F. Kennedy High School Explosion***

On August 21, 2015, a gas explosion occurred at John F. Kennedy High School at 8:09 PM.<sup>23</sup> Contractors were working on the school's science labs which was part of a project by the School Construction Authority through a private contractor. One of the contractors decided to check the gas leak by lighting a match.<sup>24</sup> This

<sup>14</sup> Hart, Christopher. "Safety Recommendation Letter to the New York State Public Service Commission." National transportation Safety Board. June 29, 2015. <http://www.nts.gov/safety/safety-recs/reclatters/P-15-038.pdf>

<sup>15</sup> Hart, Christopher. "Safety Recommendation Letter to Con Edison." National transportation Safety Board. June 29, 2015. <http://www.nts.gov/safety/safety-recs/reclatters/P-15-034-037.pdf>

<sup>16</sup> Hart, Christopher. "Safety Recommendation Letter to Mayor De Blasio." *National Transportation Safety Board*. June 29, 2015. <http://www.nts.gov/safety/safety-recs/reclatters/P-15-033.pdf>

<sup>17</sup> CBS News. March 26, 2016. <http://www.cbsnews.com/news/explosion-collapses-building-in-nyc/>

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

<sup>19</sup> *Id.*

<sup>20</sup> Jacobs, Shayna; Brown, Stephen. General Contractor, home owners, plumber face manslaughter charges in connection to 2015's deadly East Village Explosion. *New York Daily News*. February 12, 2016

<sup>21</sup> McGeehan, Patrick and Flegenheimer, Matt. East Village Explosion Reveals Problems in City's Inspection System. *New York Times*. April 3, 2015. <http://www.nytimes.com/2015/04/04/nyregion/east-village-gas-explosion-reveals-problems-in-citys-inspection-system.html>

<sup>22</sup> *Id.*

<sup>23</sup> Mai, Andy; Slattery, Denis; NH, Alfred. Explosion rocks JFK High School in the Bronx, three workers hurt; *New York Daily News*. August 21, 2015. <http://www.nydailynews.com/new-york/bronx/explosion-rocks-jfk-high-school-bronx-3-hurt-article-1.2332695>

<sup>24</sup> *Id.*

set off an explosion at the high school which damaged the school's fourth, fifth and sixth floors.<sup>25</sup> DOB issued a partial vacate order at the damaged locations. <sup>26</sup> Three contractors were injured during the explosion.

**Proposed Int. No. 738-A**

Proposed Int. No. 738-A would bar individuals from performing work on gas piping systems after January 1, 2020 unless such individuals are (1) licensed master plumbers, (2) hold a gas qualification or (3) hold a limited gas qualification and perform work under the personal and immediate supervision of a gas qualification holder or a licensed master plumber. In order to qualify for a gas qualification before January 1, 2019 an applicant would have to be a registered journeyman plumber. In order to qualify for a gas qualification on or after January 1, 2019 and individuals would have to demonstrate an understanding of and proficiency and competence with gas work and either (1) be a registered journeyman plumber, (2) successfully complete an apprenticeship in plumbing and have at least one year of full-time experience performing or supervising plumbing work under the direct and continuing supervision of a licensed master plumber or (3) have at least five years of full-time experience performing or supervising plumbing work under the direct and continuing supervision of a licensed master plumber.<sup>27</sup> This local law would take effect immediately after enactment.

**Proposed Int. No. 1079-A**

Proposed Int. No. 1079-A would require that the final inspection of gas piping systems be performed by the Department of Buildings. This local law would take effect January 1, 2018.

**Proposed Int. No. 1088-A**

Proposed Int. No. 1088-A would require that, commencing on January 1, 2019, owners of buildings with gas piping systems have such systems periodically inspected. This local law would take effect immediately after enactment.

**Proposed Int. No. 1090-A**

Proposed Int. No. 1090-A would require owners to instruct their tenants to call 911 and their gas service providers, prior to informing such owners, when a gas leak is suspected. This local law would take effect 180 days after enactment.

**Proposed Int. No. 1093-A**

Proposed Int. No. 1093-A would require gas service operators and building owners to notify the Department of Buildings within twenty-four hours when gas service is shut-off or not restored. This local law would take effect 90 days after enactment.

**Proposed Int. No. 1094-A**

Proposed Int. No. 1094-A would require an agency or office designated by the mayor to identify a set of factors related to natural gas violations that risk the safety of residential and commercial buildings. The bill would also require this designated agency to submit a report to the council on how such risk factors have been used to target enforcement of laws and rules relating to the delivery by pipe or usage of gas in residential and commercial buildings and the efficacy of such targeted enforcement. This local law would take effect immediately after enactment.

**Proposed Int. No. 1098-A**

Proposed Int. No. 1098-A would require that gas corporations report to an agency or office designated by the mayor annually on asset conditions, planned infrastructure projects and investment priorities. Further, such corporations would be required to meet annually with such agency or office designated by the mayor, the

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

<sup>26</sup> New York City Department of Buildings. Overview for Complaint #:2215653. <http://a810-bisweb.nyc.gov/bisweb/OverviewForComplaintServlet?requestid=2&vcompdetlkey=0001892455>

<sup>27</sup> It is the Council's intention that the process for verifying that an applicant for a gas qualification has 5 years of experience with plumbing work would be substantially the same as the process for verifying that an applicant for a journeyman plumber registration has 5 years of such experience.

Speaker of the City Council and the Mayor to discuss the information contained in such report and related gas safety issues. This local law would take effect immediately after enactment.

**Proposed Int. No. 1100-A**

Proposed Int. No. 1100-A would require the Department of Buildings to establish or adopt a standard governing the installation and location of natural gas detectors after an industry standard has been promulgated. It would also require the installation of natural gas detectors that comply with such standards in all multiple dwellings. This local law would take effect immediately after enactment except that the provisions requiring the installation of natural gas detectors in multiple dwellings would take effect on May 1, of the first year that commences after the Department of Buildings establishes or adopts a standard governing the installation and location of such detectors.

**Int. No. 1101**

Int. No. 1101 would require the Commissioner of the Department of Buildings to establish a temporary fuel gas violation resolution program to allow owners of buildings with fuel gas piping systems or appliances which violate any provision of the New York City Construction Codes to bring such systems or appliances into compliance with such codes without penalties. This local law would take effect 120 days after enactment.

**Int. No. 1102**

Int. No. 1102 would designate violations of existing law regarding gas piping systems as “immediately hazardous”. This local law would take effect 120 days after enactment.

**(The following is from the text of the Fiscal Impact Statement for Int No. 738-A:)**

**SUMMARY OF LEGISLATION:** Proposed Intro. 738-A would require that, beginning on January 1, 2020, work on gas piping systems must be performed by 1) a licensed master plumber, 2) by a person with a gas work qualification issued by the Department of Buildings (“DOB”) who is working under the continuing supervision of a licensed master plumber, or 3) a person with a limited gas work qualification issued by the DOB who is working under the immediate supervision of a person with a gas work qualification or a licensed master plumber. The legislation would also set forth the standards by which gas work qualification and limited gas work qualifications would be issued.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. Under the legislation, DOB would not charge an application fee for a gas work qualification if the applicant is registered as a journeymen or is applying for journeymen plumber registration. As such, this estimate assumes DOB would not collect revenue related to application fees. In addition, under the legislation, DOB would establish a procedure for applying for journeymen registration, which may include

a fee for persons who are not registered journeymen or applying for journeymen plumber registration, but these fees are not mandated under this legislation, and thus not assumed in this cost estimate.

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Chima Obichere, Unit Head  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 31, 2015 as Intro. No. 738 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 12, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 738-A, will be considered by the Committee on Housing and Buildings on November 15, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 14, 2016.

**(For text of Int Nos. 1079-A, 1088-A, 1090-A, 1093-A, 1094-A, 1098-A, 1100-A, 1101, and 1102 and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int Nos. 1079-A, 1088-A, 1090-A, 1093-A, 1094-A, 1098-A, 1100-A, 1101, and 1102, respectively)**

*Accordingly, this Committee recommends the adoption of Int Nos. 738-A, 1079-A, 1088-A, 1090-A, 1093-A, 1094-A, 1098-A, 1100-A, 1101, and 1102.*

**(The following is the text of Int No. 738-A:)**

Int. No. 738-A

By Council Members Levine, Crowley, Ferreras-Copeland, Mendez, Cohen, Constantinides, Vallone, Palma, Cornegy, Johnson, Gentile, Rosenthal, Torres, Lancman, Van Bramer, Richards, Cabrera, Espinal, Kallos, Gibson, Vacca, Dromm, King, Reynoso, Chin, Koslowitz, Rodriguez, Rose, Menchaca, Levin and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a qualification for gas work**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 28 of the administrative code of the city of New York is amended by adding a new article 423 to read as follows:

**ARTICLE 423**  
**QUALIFICATION FOR GAS WORK**

**§ 28-423.1 Qualification required.** *For the purposes of this article, “gas work” means work covered by section 101.2 of the New York city fuel gas code, where such work is required by this code to be performed under the direct and continuing supervision of a licensed master plumber, provided that the term “gas work” shall not include periodic inspections required pursuant to article 318 of chapter 3 of title 28 of the administrative code. On and after January 1, 2020, it shall be unlawful to perform gas work unless such work is performed by:*

1. *A licensed master plumber; or*
2. *A person working under the direct and continuing supervision of a licensed master plumber if such person:*
  - 2.1. *Holds a gas work qualification pursuant to this article; or*
  - 2.2. *Holds a limited gas work qualification pursuant to this article and is performing such work under the personal and immediate supervision of (i) a person who holds a gas work qualification pursuant to this article or (ii) a licensed master plumber.*

**Exception:** *The provisions of this article shall not apply to gas work performed, serviced and maintained by utility corporations and subject to the jurisdiction of the New York state public service commission.*

**§ 28-423.2 Applications for gas work qualification.** *The commissioner shall issue gas work qualifications in accordance with sections 28-423.2.1 and 28-423.2.2.*

**§ 28-423.2.1 Applications for gas work qualification submitted before January 1, 2019.** *The commissioner shall issue a gas work qualification to a person who before January 1, 2019, submits satisfactory proof establishing that such person is a registered journeyman plumber pursuant to article 409 of this chapter.*

**§ 28-423.2.2 Applications for gas work qualification submitted on or after January 1, 2019.** *The commissioner shall issue a gas work qualification to a person who on or after January 1, 2019, submits satisfactory proof establishing that such person:*

1. *Has demonstrated an understanding of and proficiency and competency with gas work, including (i) a working familiarity with the fuel gas code and the ability to apply the requirements of such code correctly, (ii) the application of skills relating to gas work on the job site, (iii) a working knowledge of the tools for gas work and the ability to utilize such tools properly and (iv) an ability to draft simple diagrams and interpret from drawings for the purpose of performing gas work, by satisfying a requirement that the commissioner shall establish by rule; and*
2. *Satisfies one or more of the following:*
  - 2.1. *Such person is a registered journeyman plumber pursuant to article 409 of this chapter;*
  - 2.2. *Such person successfully completed an apprenticeship in plumbing through a program approved by the New York state department of labor and has at least one year of full-time experience performing or supervising plumbing work under the direct and continuing supervision of a licensed master plumber; or*
  - 2.3. *Such person has at least five years of full-time experience performing or supervising plumbing work under the direct and continuing supervision of a licensed master plumber, provided that at least one year of such experience occurred in the city.*

**§ 28-423.2.3 Concurrent applications.** *The commissioner shall establish a procedure for concurrently applying for a journeyman plumber registration pursuant to article 409 of this chapter and a gas work qualification pursuant to this section. No application fee shall be charged to an applicant for a gas work qualification if such applicant (i) is, at the time such application is filed, a registered journeyman plumber pursuant to such article or (ii) is applying concurrently for a journeyman plumber registration pursuant to such article and a gas work qualification.*

**§ 28-423.3 Applications for limited gas work qualification.** *The commissioner shall issue limited gas work qualifications in accordance with sections 28-423.3.1 and 28-423.3.2.*

**§ 28-423.3.1 Applications for limited gas work qualification submitted before January 1, 2019.** *The commissioner shall issue a limited gas work qualification to a person who before January 1, 2019, submits satisfactory proof that such person has at least six months of full-time experience performing plumbing work under the direct and continuing supervision of a licensed master plumber.*

**§ 28-423.3.2 Applications for limited gas work qualification submitted on or after January 1, 2019.** *The commissioner shall issue a limited gas work qualification to a person who on or after January 1, 2019 submits satisfactory proof establishing that such person:*

1. *Has at least six months of full-time experience performing plumbing work under the direct and continuing supervision of a licensed master plumber; and*
2. *Satisfies one or more of the following:*
  - 2.1. *Such person has successfully completed a training program that (i) relates to gas work, (ii) is at least 16 hours and (iii) is approved by the commissioner;*
  - 2.2. *Such person is an apprentice in plumbing registered in an apprenticeship program approved by the New York state department of labor; or*
  - 2.3. *Such person satisfies such other requirement for demonstrating competence with gas work as the commissioner may establish by rule.*

**§ 28-423.4 Expiration.** *The gas work qualification shall have no expiration and need not be renewed or reissued. The limited gas work qualification shall expire five years after issuance and may not be renewed.*

§ 2. This local law takes effect immediately.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK; Committee on Housing and Buildings, November 15, 2016.

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

Report for Int. No. 1079-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to final inspections of gas piping systems.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 432), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 738-A printed in these Minutes)

*The following is from the text of the Fiscal Impact Statement for Int No. 1079-A:*

**SUMMARY OF LEGISLATION:** Proposed Intro. 1079-A would require the final inspection of gas piping systems to be performed by the Department of Buildings (“DOB”) in the presence of the building permit holder, the registered design professional, or the superintendent of construction after all work authorized by the building permit has been completed.

DOB would also be required to maintain final inspection reports that outline any defects encountered and corrected in the final inspection and confirm substantial compliance with construction documents and that all required inspections were performed.

**EFFECTIVE DATE:** This local law would take effect January 1, 2018, except that the Commissioner of Buildings may take actions necessary for implementation, including the promulgation of rules, prior to its effective date.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
 Chima Obichere, Unit Head  
 Nathan Toth, Deputy Director



**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 24, 2016 as Intro. No. 1079 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 12, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1079-A, will be considered by the Committee on Housing and Buildings on November 15, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 10, 2016

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

**(The following is the text of Int No. 1079-A:)**

Int. No. 1079-A

By The Speaker (Council Member Mark-Viverito) and Council Members Williams, Palma, Richards, Rodriguez, Crowley, Rosenthal, Mendez, Menchaca, Cohen, Van Bramer, Levin and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to final inspections of gas piping systems**

*Be it enacted by the Council as follows:*

Section 1. Section 28-116.2.4 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**§28-116.2.4 Final inspection.** There shall be a final inspection of all permitted work. Final inspections shall comply with sections 28-116.2.4.1 through [28-116.2.4.2] 28-116.2.4.3.

§ 2. Article 116 of title 28 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended by adding a new section 28-116.2.4.3 to read as follows:

**§ 28-116.2.4.3 Final inspection of gas piping systems.** *The final inspection of gas piping systems shall be performed by the department in the presence of the permit holder, the registered design professional of record or the superintendent of construction. Such inspection shall be performed after all work authorized by the building permit is completed. All failures to comply with the provisions of this code or approved construction documents shall be noted and the owner promptly notified thereof in writing. All defects noted in such inspection shall be corrected. Reports of such final inspections shall be maintained by the department. The final inspection report shall confirm that defects noted have been corrected, that the work is in substantial compliance with the approved construction documents and with this code and with other applicable laws and rules and that all required inspections were performed.*

§ 3. This local law takes effect January 1, 2018, except that the commissioner of buildings shall take such steps as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK; Committee on Housing and Buildings, November 15, 2016.

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

Report for Int. No. 1088-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to periodic inspections of gas piping systems.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 442), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 738-A printed in these Minutes)**

*The following is from the text of the Fiscal Impact Statement for Int No. 1088-A:*

**SUMMARY OF LEGISLATION:** The proposed legislation would require that owners of buildings with exposed portions of gas piping systems have such systems periodically inspected by a licensed master plumber or under the supervision of one. Inspections would be required at least once every five years beginning January 1, 2019.

Following an inspection, the licensed master plumber would be required to submit a report of the inspection and certification that the inspection has been completed to the building owner. Building owners would be required to submit the report to the gas utility company and submit a certification to DOB that the inspection was completed, that any conditions requiring correction were corrected, and that the report was submitted to the gas utility.

Lastly, the legislation would authorize DOB to charge filing fees for the certifications.

The legislation would exempt residential buildings classified in occupancy group or R-3 and would require initial inspections for new buildings after ten years.

**EFFECTIVE DATE:** This local law would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While DOB may impose a fee for filing and review of compliance reports, these fees are not mandated under this legislation, and thus not assumed in this cost estimate

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Chima Obichere, Unit Head  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 24, 2016 as Intro. No. 1088 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 12, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1088-A, will be considered by the Committee on Housing and Buildings on November 15, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 10, 2016

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

**(The following is the text of Int No. 1088-A:)**

Int. No. 1088-A

By Council Members Espinal, Williams, Levine, Palma, Rose, Richards, Rodriguez, Crowley, Constantinides, Rosenthal, Mendez, Torres, Salamanca, Menchaca, Cohen, Van Bramer, Levin, Kallos, Ulrich and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to periodic inspections of gas piping systems**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 318 to read as follows:

**ARTICLE 318  
PERIODIC INSPECTION OF GAS PIPING SYSTEMS**

**§ 28-318.1 General.** *Commencing January 1, 2019, building gas piping systems, other than gas piping systems of buildings classified in occupancy group R-3, shall be periodically inspected in accordance with this article.*

**Exception:** *A building that contains no gas piping and for which the owner of such building has submitted to the commissioner, in a form and manner determined by the commissioner, a certificate of a registered design professional, or a person satisfying other qualifications that the commissioner may establish, that such building contains no gas piping.*

**§ 28-318.2 Frequency of inspection.** *An inspection of a building's gas piping system shall be conducted at periodic intervals as set forth by rule of the commissioner, but such inspection shall be conducted at least once every five years.*

**Exceptions:**

1. *If the New York state public service commission adopts a rule or other requirement for periodic inspections of service lines, as defined in section 255.3 of title 16 of the New York codes, rules and regulations, with a frequency other than five years, the commissioner may, by rule, require that the periodic inspections required by this article be conducted with such frequency.*
2. *The initial inspection for a new building shall be conducted in the tenth year after the earlier of (i) the issuance by the department of a letter of completion or, if applicable, a temporary or final certificate of occupancy for such building or (ii) the date such building was completed as determined by department rule.*

**§ 28-318.3 Inspection process.** *Gas piping systems shall be inspected and tested in accordance with sections 28-318.3.1 through 28-318.3.4.*

**§ 28-318.3.1 Inspection entity.** *Inspections of gas piping systems shall be conducted on behalf of the building owner by a licensed master plumber or by an individual under the direct and continuing supervision of a licensed master plumber, with appropriate qualifications as prescribed by department rule.*

**§ 28-318.3.2 Scope.** *At each inspection, in addition to the requirements prescribed by this article or by the commissioner, all exposed gas lines from point of entry of gas piping into a building, including building service meters, up to individual tenant spaces shall be inspected for evidence of excessive atmospheric corrosion or piping deterioration that has resulted in a dangerous condition, illegal connections, and non-code compliant installations. The inspection entity shall also test public spaces, hallways, corridors, and mechanical and boiler rooms with a portable combustible gas detector to determine if there is any gas leak, provided that such testing need only include public spaces, hallways and corridors on floors that contain gas piping or gas utilization equipment.*

**§ 28-318.3.3 Report and certificate of inspection.** *The inspection entity conducting an inspection of a building pursuant to this article and the owner of such building shall comply with the following requirements:*

1. *No later than 30 days after such inspection, such inspection entity shall submit to such owner (i) a report of such inspection, on a form and in a manner determined by the department, and (ii) a certification of the licensed master plumber who performed or exercised direct and continuing supervision over such inspection that an inspection pursuant to this article has been completed for such building. Such report shall be certified by such licensed master plumber and, where applicable, by any individual who performed such inspections under the direct and continuing supervision of such licensed master plumber, and shall include, for each gas piping system inspected, a list of conditions including instances where a part or parts of such system is worn to such an extent that the safe and reliable operation of such system may be affected, gas leaks, any observed non-code compliant installations or illegal connections, any conditions described in section 28-318.3.4 and any additional information required by the department.*
2. *No later than the due date for such inspection, in accordance with department rules, and no earlier than 60 days before such due date, such owner shall submit a certification from a licensed master plumber that an inspection pursuant to this article has been completed by such licensed master plumber for such building, provided that the department may by rule establish an alternative timeframe for such submissions.*
3. *No later than 90 days after the due date for such inspection, in accordance with department rules, such owner shall electronically submit, or cause to be submitted by such inspection entity, such report to the utility company providing gas service to such building. Such submission shall only be required if, before the date that such submission would be required, the department has*

*determined and set forth in a rule that such utility company will accept such electronic submission at no cost to such owner.*

4. *No later than 120 days after the due date for such inspection, in accordance with department rules, such owner shall submit to the department, in a form and manner determined by the department, (i) a certification from a licensed master plumber that all conditions that were identified in the inspection report for which a certification was submitted pursuant to item 2 of this section have been corrected, except that such certification may note that correction of one or more conditions identified in such report, other than conditions referred to in section 28-318.3.4, will reasonably take additional time to complete and (ii) a certification from such owner that such owner is in compliance with item 3 of this section. If such certification notes that one or more conditions will take additional time to complete, such owner shall, no later than 180 days after the due date for such inspection, submit to the department, in a form and manner determined by the department, a certification from a licensed master plumber that all conditions identified in such report have been corrected.*
5. *All reports and certifications required by this section shall be kept on file by the inspection entity and the building owner for at least eight years after the date of inspection and made available to the department at the department's request.*

**§ 28-318.3.4 Reporting and correction of unsafe or hazardous condition.** *If an inspection reveals any of the following conditions, the inspection entity shall notify the building owner, the utility and the department immediately and the building owner shall immediately take action to correct such condition in compliance with the New York city construction codes:*

1. *A gas leak;*
2. *Evidence of illegal connections or non-code compliant installations; or*
3. *Any other condition which (i) if verified by a utility company or utility corporation, would constitute a class A condition as described in part 261 of title 16 of the New York codes, rules and regulations or (ii) constitutes an imminently dangerous condition.*

**§ 28-318.4 Fees.** *The department may charge filing fees for the certifications required by section 28-318.3.3, as set forth in the rules of the department.*

**§ 28-318.5 Enforcement.** *Failure to submit a certification required by this article shall be classified as a major violation.*

§ 2. This local law takes effect immediately.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK; Committee on Housing and Buildings, November 15, 2016.

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

Report for Int. No. 1090-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring owners to provide notice to their tenants regarding procedures that should be followed when a gas leak is suspected.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 445), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 738-A printed in these Minutes)**

*The following is from the text of the Fiscal Impact Statement for Int No. 1090-A:*

**SUMMARY OF LEGISLATION:** Proposed Intro. 1090-A would require building owners to deliver to each tenant and prospective tenant a notice with the lease or lease renewal form a notice of the procedures that should be followed when a gas leak is suspected. Such notice must also be posted in the building’s common area.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law, except that the Commissioner of Housing Preservation and Development may take actions necessary for implementation, including the promulgation of rules, prior to its effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the provisions of this local law and property owners would bear the costs of notifying tenants as pursuant to the legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Chima Obichere, Unit Head  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 24, 2016 as Intro. No. 1090 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 12, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1090-A, will be considered by the Committee on Housing and Buildings on November 15, 2016. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 9, 2016

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

**(The following is the text of Int No. 1090-A:)**

Int. No. 1090-A

By Council Members Gibson, Williams, Palma, Dickens, Rose, Richards, Gentile, Rodriguez, Crowley, Rosenthal, Torres, Menchaca, Cohen, Van Bramer, Levin, Vallone and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring owners to provide notice to their tenants regarding procedures that should be followed when a gas leak is suspected**

Section 1. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subsection f to read as follows:

*f. The owner of a dwelling shall deliver or cause to be delivered to each tenant and prospective tenant of such dwelling, along with the lease or lease renewal form for such tenant or prospective tenant, and shall post and maintain in a common area of the building containing such dwelling, a notice, in a form developed or approved by the department, regarding the procedures that should be followed when a gas leak is suspected. Such notice may be combined with any existing required notices and shall instruct tenants to first call 911 and then call the relevant gas service provider, whose name and emergency phone number shall be set forth on such notice, before contacting such owner or an agent thereof when a gas leak is suspected.*

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

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK; Committee on Housing and Buildings, November 15, 2016.

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

Report for Int. No. 1093-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring gas service providers and owners to notify the department of buildings within twenty-four hours when gas service is shut-off or not restored due to safety concerns.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 498), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 738-A printed in these Minutes)

*The following is from the text of the Fiscal Impact Statement for Int No. 1093-A:*

**FISCAL IMPACT STATEMENT**

**SUMMARY OF LEGISLATION:** Proposed Intro. 1093-A would require gas service operators and owners to notify the Department of Buildings (“DOB”) within twenty-four hours when gas service is shut-off, and within twenty-four hours if, after an inspection, service is not restored due to safety concerns.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes law, except that the Commissioner of Buildings may take actions necessary for implementation, including the promulgation of rules, prior to its effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DOB would use existing resources to implement this local law and building dwelling owners would bear the costs of notifying DOB.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst



**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Chima Obichere, Unit Head  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 24, 2016 as Intro. No. 1093 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 12, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1093-A, will be considered by the Committee on Housing and Buildings on November 15, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 9, 2016.

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

**(The following is the text of Int No. 1093-A:)**

Int. No. 1093-A

By Council Members Mendez, Crowley, Williams, Palma, Dickens, Richards, Gentile, Rodriguez, Rosenthal, Menchaca, Cohen, Van Bramer, Levin, Kallos and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring gas service providers and owners to notify the department of buildings within twenty-four hours when gas service is shut-off or not restored due to safety concerns**

*Be it enacted by the Council as follows:*

Section 1. Article 119 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-119.4:

**§ 28-119.4 Notification of gas shut-off or non-restoration after inspection.** *Within 24 hours after gas service to a building is shut off by a utility company or utility corporation because of a class A or class B condition, as described in part 261 of title 16 of the New York codes, rules and regulations, and within 24 hours after gas service is, after an inspection by such a company or corporation, not restored because of such a condition, such company or corporation and the owner of such building shall each provide notice to the department in a form and manner prescribed by the department.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK; Committee on Housing and Buildings, November 15, 2016.

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

Report for Int. No. 1094-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to identifying the factors indicating gas-related violations in residential and commercial buildings**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 500), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 738-A printed in these Minutes)

*The following is from the text of the Fiscal Impact Statement for Int No. 1094-A:*

**SUMMARY OF LEGISLATION:** Proposed Intro. 1094-A would require an agency or office designated by the Mayor, in cooperation with the City’s gas corporations, to seek to identify a risk factors that correlate to or indicate a violation that relates to gas usage in residential and commercial buildings or poses a hazard to health and safety or risk of property damage. Such risk factors may include: unauthorized gas usage; unusual gas usage for a building based on its historic usage or usage for buildings of similar size, type or occupancy; abandoned structures; or structures condemned by the city.

The bill would also require this designated agency to submit to the Mayor and the Speaker and make publically available online a report outlining how such risk factors have been used to target code enforcement. Reports would be required beginning December 1, 2017 and every third year after.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Chima Obichere, Unit Head  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 24, 2016 as Intro. No. 1094 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 12, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1094-A, will be considered by the Committee on Housing and Buildings on November 15, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 10, 2016

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

**(The following is the text of Int No. 1094-A:)**

Int. No. 1094-A

By Council Members Richards, Williams, Palma, Dickens, Gentile, Rodriguez, Crowley, Rosenthal, Mendez, Menchaca, Cohen, Van Bramer, Levin, Vallone, Kallos and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to identifying the factors indicating gas-related violations in residential and commercial buildings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-425 to read as follows:

§ 24-425 *Identification of gas safety risk factors.* a. An agency or office designated by the mayor shall seek to identify risk factors that correlate to or otherwise indicate a violation of any law or rule that (i) relates to the delivery by pipe, or usage of, gas in residential or commercial buildings and (ii) poses a hazard to health and safety or a risk of damage to property. Such risk factors may include, but need not be limited to, unauthorized gas usage; unusual gas usage for a building based on its historic usage or usage for buildings of similar size, type or occupancy; abandoned structures; or structures condemned by the city.

b. In developing such risk factors, such designated agency or office shall (i) seek the cooperation of each gas corporation that owns, operates or manages a gas plant located in whole or in part in the city and with each organized labor association that contracts with such corporations and (ii) share with each such corporation appropriate information necessary to minimize impacts of such risk factors. The terms “gas corporation” and “gas plant” as used in this section shall have the meanings ascribed to such terms in section 2 of the public service law.

c. By December first 2017, and every third year thereafter, such designated office or agency shall submit to the mayor and the speaker of the council, and make publicly available online, a report on how the city has made use of such risk factors in targeting enforcement of laws and rules relating to the delivery by pipe or usage of gas in residential and commercial buildings and the efficacy of such targeted enforcement.

§ 2. This local law takes effect immediately.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK; Committee on Housing and Buildings, November 15, 2016.

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

Report for Int. No. 1098-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring annual reports on the state of gas infrastructure in the city.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 505), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 738-A printed in these Minutes)

*The following is from the text of the Fiscal Impact Statement for Int No. 1098-A:*

**SUMMARY OF LEGISLATION:** Proposed Intro. 1098-A would require gas utility corporations to provide to an agency designated by the Mayor annual reports on gas asset conditions, including the operator’s mains and services inventory, a summary of major planned infrastructure projects, and investment priorities in the next year. In addition, gas corporations would be required to meet annually with City officials to discuss the information set forth in the reports.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the provisions of this local law and non-city entities would bear the costs of reporting requirements pursuant to the legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Chima Obichere, Unit Head  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 24, 2016 as Intro. No. 1198 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 12, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1098-A, will be considered by the Committee on Housing and Buildings at a hearing on November 15, 2016. Upon successful vote by the Committee, the legislation will be voted on by the full Council on November 16, 2016.

**DATE PREPARED:** November 9, 2016

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

**(The following is the text of Int No. 1098-A:)**

Int. No. 1098-A

By Council Members Rodriguez, Williams, Richards, Palma, Dickens, Crowley, Rosenthal, Menchaca, Cohen, Van Bramer, Levin, Kallos and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring annual reports on the state of gas infrastructure in the city**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-424 to read as follows:

§ 24-424 *Annual safety report concerning gas infrastructure.* a. *As used in this section, the terms “gas corporation” and “gas plant” shall have the meanings ascribed to such terms in section 2 of the public service law.*

b. *Each gas corporation that owns, operates or manages a gas plant located in whole or in part in the city shall by July first in each year, beginning in 2017, submit to an agency or office designated by the mayor a report on gas asset conditions consistent with the reporting requirements of section 255.951 of title 16 of the New York codes, rules and regulations and section 191.11 of title 49 of the code of federal regulations, including the operator’s mains and services inventory by material, diameter, vintage and leaks; a summary of major planned infrastructure projects in the city; the gas corporation’s investment priorities in the next year; and such other information as such designated agency or office may require by rule.*

c. *Each gas corporation will meet annually with the head of such designated agency or office, the speaker of the council and the mayor, or designees of such persons, to discuss the information set forth in subdivision b of this section and related gas safety issues, including planned infrastructure in the city, leak reporting and*

*surveillance activities, the operator's integrity management program and the general condition of the operator's gas assets.*

§ 2. This local law takes effect immediately.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK; Committee on Housing and Buildings, November 15, 2016.

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

Report for Int. No. 1100-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city housing maintenance code and the New York city building code, in relation to requiring the installation of natural gas detecting devices, and to repeal sections 27-2045, 27-2046, 27-2046.1 and 27-2046.2 of the administrative code of the city of New York, relating to smoke detecting devices and carbon monoxide detecting devices**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 507), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 738-A printed in these Minutes)**

*The following is from the text of the Fiscal Impact Statement for Int No. 1100-A:*

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1100-A would require the Department of Buildings (“DOB”) to establish or adopt a standard governing the installation and location of natural gas detectors after an industry standard has been promulgated. It would also require that the owners of multiple and private dwellings install natural gas detectors that comply with such standards in such dwellings, in addition to smoke and carbon monoxide detectors. In addition, owners would be required to replace certain defective devices as well as provide notices regarding the owners’ obligations, the risks posed by carbon monoxide poisoning and natural gas leaks, and protocols for testing and maintaining such devices.

In addition, occupants of the multiple and private dwellings would be required to keep and maintain the devices in good repair and replace the devices if stolen, removed, found missing or rendered inoperable. The legislation would also make it unlawful to tamper with the required devices and authorize the City to enforce the provisions of the local law.

**EFFECTIVE DATE:** The provision of this local law regarding the promulgation of rules by DOB would take effect immediately, and the remainder of the local law would take effect on May 1 of the first year that commences after DOB adopts those rules, and except that such commissioner of Housing Preservation and Development may take such measures as are necessary for the implementation of such sections, including the promulgation of rules, before such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation. Any expenditures would be related to bringing all City-owned buildings resulting from properties qualifying after the passage of this legislation into compliance and such expenditures would include materials and labor costs to install the required devices. Additionally, it is anticipated that there could be an impact on the expenditures of the New York City Housing Authority's ("NYCHA") budget if it were required to purchase and install natural gas detectors in its 2,547 buildings pursuant to this legislation. However, because DOB has not yet established a standard for governing the installation and location of natural gas detectors, it is not yet known whether NYCHA will be required to do so. If it were, the cost of the legislation would be the cost to purchase the devices and any labor and installation could be achieved using existing resources. In addition, with respect to carbon monoxide and smoke detectors, NYCHA is already in compliance with the legislation, and therefore there is no impact on expenditures as a result of this legislation.

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

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Chima Obichere, Unit Head  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 24, 2016 as Intro. No. 1100 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 12, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1100-A, will be considered by the Committee on Housing and Buildings on November 15, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 14, 2016

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

**(The following is the text of Int No. 1100-A:)**

## Int. No. 1100-A

By Council Members Vacca, Williams, Palma, Richards, Gentile, Rodriguez, Crowley, Rosenthal, Menchaca, Lander, Cohen, Van Bramer, Levin and Kallos.

**A Local Law to amend the New York city housing maintenance code and the New York city building code, in relation to requiring the installation of natural gas detecting devices, and to repeal sections 27-2045, 27-2046, 27-2046.1 and 27-2046.2 of the administrative code of the city of New York, relating to smoke detecting devices and carbon monoxide detecting devices**

*Be it enacted by the Council as follows:*

Section 1. Where an industry standard concerning the use of natural gas detecting devices in residential buildings has been promulgated on or after the effective date of the local law that added this section, the commissioner of buildings shall, within 180 days, by rule, establish or adopt a standard governing the installation and location of single- or multiple-station alarms responsive to natural gas.

§ 2. Sections 27-2045, 27-2046, 27-2046.1 and 27-2046.2 of the administrative code of the city of New York are REPEALED and a new section 27-2045 is added to read as follows:

§ 27-2045 *Duties of owner and occupant with respect to installation and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices.*

*a. As used in this section:*

*Class A multiple dwelling. The term “class A multiple dwelling” means a class A multiple dwelling as defined in paragraph 8 of subdivision a of section 27-2004, except that such term shall include garden-type maisonette dwellings constructed before April 18, 1954.*

*Garden-type maisonette dwelling. The term “garden-type maisonette dwelling” means a dwelling project consisting of a series of dwelling units that, together and in their aggregate, are arranged or designed to provide three or more apartments; are provided as a group collectively with all essential services such as, but not limited to, house sewers and heat; and are operated as a unit under single ownership, notwithstanding that certificates of occupancy were issued for portions thereof as private dwellings, as such term is defined in paragraph 6 of subdivision a of section 27-2004.*

*Private dwelling. The term “private dwelling” means a dwelling unit in a one-family or two-family home that is occupied by a person or persons other than the owner of such unit or the owner’s family.*

*b. The owner of a class A multiple dwelling, class B multiple dwelling or private dwelling shall:*

*1. (a) Provide and install one or more approved and operational smoke detecting devices in each dwelling unit in accordance with section 907.2 of the New York city building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968 building code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned smoke detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings, except that this paragraph shall not apply to private dwellings;*

*(b) Provide and install one or more approved and operational carbon monoxide detecting devices in each dwelling unit in accordance with section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned carbon monoxide detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings or by the commissioner in consultation with the department of buildings and the fire department;*

*(c) Provide and install one or more approved and operational natural gas detecting devices in accordance with section 908.10 of the New York city building code or section 28-315.2.3 of the code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned natural gas detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings or by the commissioner in consultation with the department of buildings and the fire department;*



2. Periodically replace any device required under paragraph 1 of this subdivision upon expiration of its useful life in accordance with article 312 of title 28 of the code;

3. (a) For a class A multiple dwelling or private dwelling, replace any such device that has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the dwelling unit and that has not been replaced by the prior occupant before commencement of a new occupancy of such dwelling unit, except that this paragraph shall not apply to smoke detecting devices in private dwellings;

(b) For a class B multiple dwelling, replace any such device that has been stolen, removed, found missing or rendered inoperable before commencement of a new occupancy of such dwelling unit;

4. Where any such device becomes inoperable within one year after installation due to a defect in the manufacture of such device and through no fault of the occupant of such dwelling unit, replace such device within 30 calendar days after receiving written notice that such device is inoperable, except that this paragraph shall not apply to class B multiple dwellings or smoke detecting devices in private dwellings;

5. Post a notice in a form approved by the commissioner in a common area of the building or, for private dwellings, provide to the occupants thereof a notice, indicating that (i) the owner is required by law to install such devices and to periodically replace such devices upon the expiration of their useful life, and (ii) each occupant is responsible for the maintenance and repair of such devices that are battery-operated and within such occupant's dwelling unit and for replacing, in accordance with article 312 of title 28 of the code, any or all such devices which are stolen, removed, found missing or rendered inoperable during such occupant's occupancy of such dwelling unit, except that this paragraph shall not apply to class B multiple dwellings or smoke detecting devices in private dwellings;

6. Provide to at least one adult occupant of such dwelling unit information relating to (i) the risks posed by carbon monoxide poisoning and, if natural gas detecting devices are required to be installed in such dwelling unit by rules promulgated by the commissioner of buildings, the risks posed by natural gas leaks, (ii) the testing and maintenance of smoke detecting devices, carbon monoxide detecting devices and, if natural gas detecting devices are required to be installed in such dwelling unit by rules promulgated by the commissioner of buildings, natural gas detecting devices, (iii) what to do if such devices alert, (iv) the useful life of such devices, (v) the owner's duty to replace such devices pursuant to article 312 of title 28 and (vi) the occupant's duty to maintain and repair such devices that are battery-operated and within such occupant's dwelling unit and replace any or all such devices within such dwelling unit that are stolen, removed, found missing or rendered inoperable during such occupant's occupancy of such dwelling unit; provided that the information provided in accordance with this paragraph may include material that is distributed by the manufacturer or material prepared or approved by the department of buildings; except that this paragraph shall not apply to class B multiple dwellings or smoke detecting devices in private dwellings; and

7. Keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices in the dwelling, including the manufacturer's suggested useful life of such devices and records showing that such devices meet the requirements of all applicable laws and rules, and make such records available to the commissioner upon request.

c. Notwithstanding the provisions of subdivision a of section 27-2005 and subdivision c of section 27-2006, the occupant of each dwelling unit in a class A multiple dwelling or private dwelling in which a device required by paragraph 1 of subdivision b of this section has been provided and installed shall:

1. Keep and maintain such device in good repair; and

2. Replace such device if it is stolen, removed, found missing or rendered inoperable during the occupant's occupancy of such dwelling unit.

d. It shall be unlawful for any person to tamper with or render inoperable a required smoke detecting device, carbon monoxide detecting device or natural gas detecting device, except to replace the batteries of such device or for other maintenance purposes.

e. The occupant of a dwelling unit within a class A multiple dwelling or private dwelling in which a battery-operated smoke detecting device, carbon monoxide detecting device or natural gas detecting device is newly installed, or installed to replace a device that has exceeded the manufacturer's useful life or that has been lost or damaged by such occupant or installed as a result of such occupant's failure to maintain such device, shall reimburse the owner for the cost of providing and installing such device an amount not to exceed (i) \$25 for each smoke detecting device, carbon monoxide detecting device or natural gas detecting device, (ii)

*\$50 for each combined smoke and carbon monoxide detecting device, combined smoke and natural gas detecting device or combined carbon monoxide and natural gas detecting device and (iii) \$75 for each combined smoke, carbon monoxide and natural gas detecting device.*

*f. This section may be enforced by the department, the department of buildings, the fire department and the department of health and mental hygiene.*

§ 3 Article 312 of title 28 of the administrative code of the city of New York, as amended by local law number 112 for the year 2013, is amended to read as follows:

**ARTICLE 312  
CARBON MONOXIDE, [AND] SMOKE AND NATURAL GAS ALARMS**

**§ 28-312.1 General.** Required carbon monoxide, [and] smoke *and natural gas* alarms shall comply with the provisions of this article.

**§ 28-312.2. Periodic replacement of carbon monoxide alarms.** Carbon monoxide alarms required pursuant to section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer's suggested useful life of the alarm.

**Exception:** A carbon monoxide alarm installed [prior to the effective date of this article] *before April 25, 2012* shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer's suggested useful life of the alarm or [within 6 months after the effective date of this article] *before October 25, 2012*, whichever is later.

**§ 28-312.3[.] Audible notification of expiration of useful life of carbon monoxide alarms.** All carbon monoxide alarms installed after [the effective date of this article] *April 25, 2012* shall comply with UL 2034 and be of a type that emits an audible notification at the expiration of the useful life of such alarm.

**§ 28-312.4 Periodic replacement of smoke alarms.** Smoke alarms required pursuant to section 907.2 of the New York [City] *city* building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968 building code shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer's suggested useful life of the alarm.

**Exception:** A smoke alarm installed [prior to the effective date of this section] *before April 1, 2014* and whose end of useful life is not known shall be replaced with an alarm that complies with section 28-312.5 [within 7 years after the effective date of this section] *by no later than April 1, 2021*.

**§ 28-312.5 Audible notification of expiration of useful life of smoke alarms.** All smoke alarms installed after [the effective date of this section] *April 1, 2014* shall comply with UL 217, shall employ a non-removable, non-replaceable battery that powers the alarm for a minimum of 10 years, and shall be of the type that emits an audible notification at the expiration of the useful life of the alarm.

**§ 28-312.6 Periodic replacement of natural gas alarms.** *Natural gas alarms required pursuant to section 908.10 of the New York city building code shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer's suggested useful life of the alarm.*

**§ 28-312.7 Audible notification of expiration of useful life of natural gas alarms.** *All natural gas alarms installed after the effective date of the local law that added this section 28-312.7 shall comply with a standard established or adopted by department rule and shall be of the type that emits an audible notification at the expiration of the useful life of the alarm.*

§ 4. Section 28-315.2 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended by adding a new section 28-315.2.4 to read as follows:

**§ 28-315.2.4 Natural gas alarms.** *Natural gas alarms shall be provided and installed in accordance with section 908.10 of the New York city building code on or before May 1 of the first year that commences after the department, by rule, establishes or adopts a standard governing the installation and location of natural gas alarms.*

**Exception:** *In existing buildings, natural gas alarms shall not be required to comply with the power source and interconnection requirements for smoke alarms in accordance with Sections 907.2.11.2 through 907.2.11.3.*

§ 5. Section 202 of the New York city building code, as amended by local law number 141 for the year 2013, is amended by adding a new definition for “NATURAL GAS ALARM,” in appropriate alphabetical order, to read as follows:

**NATURAL GAS ALARM.** *See Section 902.1.*

§ 6. Section 902.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended by adding a new definition for “NATURAL GAS ALARM,” in appropriate alphabetical order, to read as follows:

**NATURAL GAS ALARM.** *A single- or multiple-station alarm responsive to natural gas.*

§ 7. Section 908.7.1.1.2 of the New York city building, as amended by local law number 141 for the year 2013, is amended to read as follows:

**908.7.1.1.2 Installation requirements.** *Carbon monoxide alarms or detectors shall comply with the power source, interconnection[,] and acceptance testing requirements as required for smoke alarms in accordance with Sections 907.2.11.2 through 907.2.11.3 and Section 907.7.1.*

§ 8. Section BC 908 of the New York city building code is amended by adding a new section 908.10 to read as follows:

**908.10 Natural gas alarms.** *Natural gas alarms shall be provided and installed in accordance with Sections 908.10.1 and 908.10.2.*

**908.10.1 Location.** *Natural gas alarms listed in accordance with a standard established or adopted by department rule shall be provided and installed in accordance with department rules.*

**908.10.2 Additional installation requirements.** *Natural gas alarms shall comply with the power source, interconnection and acceptance testing requirements for smoke alarms in accordance with Sections 907.2.11.2 through 907.2.11.3 and Section 907.7.1.*

§ 9. This local law takes effect immediately, except that sections two through eight of this local law shall take effect on May 1 of the first year that commences after the commissioner of buildings adopts the rule required by section one of this local law, and except that such commissioner and the commissioner of housing preservation and development may take such measures as are necessary for the implementation of such sections, including the promulgation of rules, before such effective date. Upon adoption of the rule required by section one of this local law, the commissioner of buildings shall notify the New York state legislative bill drafting commission, in order that the commission may maintain an accurate and timely effective database of the official text of the New York city charter and administrative code in furtherance of effectuating the provisions of section 70-b of the public officers law, and the corporation counsel, who shall notify relevant publishers in furtherance of effectuating the provisions of section 7-111 of the administrative code. Failure to provide the notifications described in this section shall not affect the effective date of any section of this local law.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK; Committee on Housing and Buildings, November 15, 2016.

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

Report for Int. No. 1101

**Report of the Committee on Housing and Buildings in favor of approving and adopting a Local Law in relation to a temporary waiver of penalties for violations relating to fuel gas piping systems and appliances that are promptly repaired.**

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on February 24, 2016 (Minutes, page 511), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 738-A printed in these Minutes)**

*The following is from the text of the Fiscal Impact Statement for Int No. 1101:*

**SUMMARY OF LEGISLATION:** Int. No. 1101 would require the Commissioner of the Department of Buildings (“DOB”) to establish a temporary fuel gas violation resolution program to allow owners of buildings with fuel gas piping systems or appliances which violate any provision of the New York City Construction Codes to bring such systems or appliances into compliance with such codes without penalties. Eligibility for the program would be restricted to building owners who own one or more buildings where the fuel gas piping systems have been installed in violation of the construction codes or applicable rules, and who begin work to bring these piping systems into compliance before the end of six months following the effective date of the law.

Lastly, DOB would be required to conduct outreach to building owners for participation in this program and post information regarding the program on DOB’s website.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law, except that DOB may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	<i>(de minimis)</i>	<i>(de minimis)</i>
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	<i>(de minimis)</i>	<i>(de minimis)</i>

**IMPACT ON REVENUES:** DOB collects revenue from penalties and fees associated with unsafe buildings. According to the New York City Office of Management and Budget, for the period January 2006 to December 2013, DOB collected an estimated \$1.4 million in revenue from penalties and fees resulting from unsafe building violations issued for gas and plumbing work. Assuming the number of violations related to fuel gas piping systems remains relatively constant, it is estimated that foregone revenue resulting from properties qualifying after the passage of this legislation would be under \$100,000 in Fiscal 2018. The temporary waiver of fines for improper fuel gas piping alterations and installations would be one-time event, thus the fiscal impact will not be forecasted into DOB's Revenue Plan for Fiscal 2018 and the out years.

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Department of Buildings  
New York City Office of Management and Budget

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Chima Obichere, Unit Head  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 24, 2016 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 12, 2016 and the bill was laid over. The Housing and Buildings Committee will vote on Intro. No. 1101 on November 15, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 14, 2016.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int No. 1101:)**

Int. No. 1101

By Council Members Williams, Palma, Richards, Gentile, Rodriguez, Crowley, Rosenthal, Menchaca, Cohen, Van Bramer, Levin, Kallos and Ulrich.

**A Local Law in relation to a temporary waiver of penalties for violations relating to fuel gas piping systems and appliances that are promptly repaired**

*Be it enacted by the Council as follows:*

Section 1. a. The commissioner of buildings shall establish a temporary fuel gas violation resolution program. Such program shall allow owners of buildings with fuel gas piping systems or appliances that were designed, installed, modified or maintained in violation of any provision of the New York city construction codes, or rules promulgated pursuant thereto, to bring such systems or appliances into compliance with such codes and rules without the imposition of civil or criminal penalties.

b. Eligibility to participate in such program shall be restricted to building owners who (i) own one or more buildings in the city in which fuel gas piping systems or appliances have been, on or before the effective date of this local law, designed, installed, modified or maintained in violation of the New York city construction codes, or rules promulgated thereto, and (ii) before the end of the sixth month that commences after the effective date of this local law, commence work to bring all fuel gas piping systems and appliances under the control of such owner into compliance with the New York city construction codes and rules promulgated pursuant thereto; provided that such work is diligently carried out and completed to the satisfaction of such commissioner.

c. Notwithstanding any other local law or rule, no civil or criminal penalty shall be imposed for a violation of the New York city construction codes, or rules promulgated pursuant thereto, issued on or after the effective date of this local law and relating to fuel gas piping systems or appliances for a building under the control of a building owner participating in such program.

d. The commissioner of buildings shall conduct outreach to building owners concerning such program and shall post information regarding such program on the website of the department of buildings.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK; Committee on Housing and Buildings, November 15, 2016.

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

Report for Int. No. 1102

**Report of the Committee on Housing and Buildings in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to designating violations of existing law regarding gas piping systems as “immediately hazardous”.**

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on February 24, 2016 (Minutes, page 512), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 738-A printed in these Minutes)**

*The following is from the text of the Fiscal Impact Statement for Int No. 1102:*

**SUMMARY OF LEGISLATION:** Intro. 1102 would classify violations issued for supplying or installing gas without a permit, operating an altered or newly-installed gas piping system without first notifying the utility company, and operating an altered or newly-installed gas piping system without first completing a compliance inspection as immediately hazardous violations.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law, except that Commissioner of Buildings may take actions necessary for implementation, including the promulgation of rules, prior to its effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Chima Obichere, Unit Head  
Nathan Toth, Deputy Director

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**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 24, 2016 was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 12, 2016 and the bill was laid over. The Committee on Housing and Buildings will vote on Intro. 1102 on November 15, 2016 and, upon successful vote by the Committee, the legislation will be voted on by the full Council on November 16, 2016.

**DATE PREPARED:** November 9, 2016

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int No. 1102:)**

Int. No. 1102

By Council Members Williams, Richards, Levine, Cabrera, Palma, Gentile, Rodriguez, Crowley, Rosenthal, Cohen, Van Bramer, Levin, Vallone, Kallos and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to designating violations of existing law regarding gas piping systems as “immediately hazardous”**

*Be it enacted by the Council as follows:*

Section 1. Section 28-201.2.1 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding new items 17, 18, and 19 to read as follows:

*17. A violation of sections 28-119.1 or 28-119.1.1.*

*18. A violation of section 105.2 of the New York city fuel gas code relating to work on a gas piping system.*

*19. A violation of sections 406.6.2, 406.6.2.1, 406.6.2.2 or 406.6.3 of the New York city fuel gas code.*

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

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK; Committee on Housing and Buildings, November 15, 2016.

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

### **Report of the Committee on Land Use**

Report for LU No. 472

**Report of the Committee on Land Use in favor of approving Application No. C 160030 ZMK submitted by 385 Gold Property Investors IIA, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 9a, changing existing C6-4 and C6-1 districts to a C6-6 District on property located at Willoughby Street and Flatbush Avenue Extension, Borough of Brooklyn, Community Board 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3223), respectfully

#### **REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 472 & Res No. 1282 printed in the General Order Calendar section of these Minutes)**

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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



## Report for LU No. 473

**Report of the Committee on Land Use in favor of approving Application No. C 160054 MMK submitted by the New York City Department of Housing Preservation and Development and the New York City Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination, discontinuance and closing of a portion of Flatbush Avenue Extension and its intersection with Gold Street, Borough of Brooklyn, Community Board 2, Council District 33. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3224), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 473 & Res No. 1283 printed in the General Order Calendar section of these Minutes)**

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

## Report for LU No. 474

**Report of the Committee on Land Use in favor of approving Application No. N 160029 ZRK submitted by 385 Gold Property Investors IIA, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article X, Chapter 1 to add a new C6-6 District and update its bulk and envelope regulations in the Special Downtown Brooklyn District, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area on property located at Willoughby Street and Flatbush Avenue Extension, Borough of Brooklyn, Community Board 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3224), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 474 & Res No. 1284 printed in the General Order Calendar section of these Minutes)**

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for LU No. 495

**Report of the Committee on Land Use in favor of approving Application No. C 150312 ZMX submitted by Upper Manhattan Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, changing an existing C8-3 district to an R7D and R8 district and establishing a C1-4 district within the proposed R7D district, on property located in the vicinity of Grand Concourse and Concourse Village West, Borough of the Bronx, Community Board 4, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3224), respectfully

#### **REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 495 & Res No. 1285 printed in the General Order Calendar section of these Minutes)**

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for LU No. 496

**Report of the Committee on Land Use in favor of approving Application No. N 150313 ZRX submitted by the Upper Manhattan Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 4, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3366), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 496 & Res No. 1286 printed in the General Order Calendar section of these Minutes)**

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for LU No. 497

**Report of the Committee on Land Use in favor of approving Application No. C 160365 ZMX submitted by Second Farms Neighborhood, HFDC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d, changing an existing R7-1 district to an R8 district and establishing a C2-4 district within the proposed R8 district, on property located in the vicinity of Boston Road and Bryant Avenue, Borough of the Bronx, Community Board 6, Council District 17**

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3366), respectfully

**REPORTS:****SUBJECT**

**BRONX - CB 6**

**C 160365 ZMX**

City Planning Commission decision approving an application submitted by Second Farms Neighborhood, HFDC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Zoning Map, Section No. 3d:

1. changing from an R7-1 District to an R8 District property bounded by Bryant Avenue, a line 80 feet southwesterly of East Tremont A venue, a line perpendicular to the southwesterly street line of East Tremont A venue distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East Tremont Avenue and the northwesterly street line of Boston Road, East Tremont Avenue, and Boston Road; and
1. establishing within the proposed R8 District a C2-4 District bounded by a line 100 feet northwesterly of Boston Road, a line 80 feet southwesterly of East Tremont Avenue, a line perpendicular to the southwesterly street line of East Tremont Avenue distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East Tremont A venue and the northwesterly street line of Boston Road, East Tremont A venue, Boston Road, and Bryant Avenue;

Borough of the Bronx, Community District 6, as shown on a diagram (for illustrative purposes only) dated June 6, 2016, and subject to the conditions of the CEQR Declaration E-388.

### **INTENT**

To amend the Zoning Map, which in conjunction with the related actions would facilitate the 1932 Bryant Avenue residential development, a mixed-use, affordable housing development within an existing large scale residential development in the West Farms neighborhood in Community District 6.

### **PUBLIC HEARING**

**DATE:** November 1, 2016

**Witnesses in Favor:** Seven

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 1, 2016

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

#### **In Favor:**

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

#### **Against:**

None

#### **Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

#### **In Favor:**

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

#### **Against:**

None

#### **Abstain:**

None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

## Report for LU No. 498

**Report of the Committee on Land Use in favor of approving Application No. N 160366 ZRX submitted by the Second Farms Neighborhood, HDFC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 6, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3366), respectfully

**REPORTS:****SUBJECT****BRONX - CB 6****N 160366 ZRX**

City Planning Commission decision approving an application submitted by Second Farms Neighborhood HDFC, 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 amend the Zoning Resolution, which in conjunction with the related actions would facilitate the 1932 Bryant Avenue residential development, a mixed-use, affordable housing development within an existing large scale residential development in the West Farms neighborhood in Community District 6, Borough of the Bronx.

**PUBLIC HEARING****DATE:** November 1, 2016**Witnesses in Favor:** Seven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 1, 2016

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

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for LU No. 499

**Report of the Committee on Land Use in favor of approving Application No. C 160367 ZSX submitted by the Second Farms Neighborhood, HFDC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the required off-street parking spaces for the existing developments on zoning lots Parcel 6 (Block 3131, Lot 20), Parcel 7 (Block 3136, Lot 1) and Parcel 8a (Block 3130, Lot 20), in connection with a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), Borough of the Bronx, Community Board 6, Council District 17. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3366), respectfully

**REPORTS:****SUBJECT**

**BRONX - CB 6**

**C 160367 ZSX**

City Planning Commission decision approving an application submitted by Second Farms Neighborhood, HFDC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the required off-street parking

spaces for the existing developments on zoning lots Parcel 6 (Block 3131, Lot 20), Parcel 7 (Block 3136, Lot 1) and Parcel 8a (Block 3130, Lot 20), in connection with a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in an R8 and R8/C2-4 Districts, within the Transit Zone, in an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178<sup>th</sup> Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179<sup>th</sup> Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101), ) in R7-1, R8 and R8/C2-4 Districts.

### **INTENT**

This special permit amendment, in conjunction with the other related actions, would facilitate the residential development at 1932 Bryant Avenue, a mixed-use, affordable housing development within an existing large scale residential development in the West Farms neighborhood of Community District 6, Borough of the Bronx.

### **PUBLIC HEARING**

**DATE:** November 1, 2016

**Witnesses in Favor:** Seven

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 1, 2016

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

**In Favor:**

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

**Against:**

None

**Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for LU No. 500

**Report of the Committee on Land Use in favor of approving Application No. C 160368 ZSX submitted by the Second Farms Neighborhood, HFDC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 78-312(c) and (d) of the Zoning Resolution to modify rear yard, height, and setback requirements for a proposed mixed use development within a proposed large-scale residential development, on property located at 1932 Bryant Avenue (Block 3005, Lot 65), Borough of the Bronx, Community Board 6, Council District 17. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3367), respectfully

#### **REPORTS:**

#### **SUBJECT**

**BRONX - CB 6**

**C 160368 ZSX**

City Planning Commission decision approving an application submitted by Second Farms Neighborhood, HFDC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. 78-312(c) to modify the rear yard requirements of Section 23-47 (Minimum Required Rear Yards), to allow minor variations in required rear yards on the periphery, and
2. 78-312(d) to modify height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) to allow minor variations in the front height and setback regulations on the periphery

of a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in R8 and R8/C2-4 Districts, within an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178<sup>th</sup> Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179<sup>th</sup> Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101), ) in R7-1, R8 and R8/C2-4 Districts.



**INTENT**

This special permit amendment, which in conjunction with the other related actions, would facilitate the residential development at 1932 Bryant Avenue, a mixed-use, affordable housing development within an existing large scale residential development in the West Farms neighborhood of Community District 6, Borough of the Bronx.

**PUBLIC HEARING**

**DATE:** November 1, 2016

**Witnesses in Favor:** Seven

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 1, 2016

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

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

## Report for L.U. No. 501

**Report of the Committee on Land Use in favor of approving Application No. 20175107 HAQ submitted by the New York City Department of Housing Preservation and Development for an amendment to a previously approved urban development action area project pursuant to Article 16 of the General Municipal Law and real property tax exemption pursuant to Section 577 of the Private Housing Finance Law, for property located at 133-45 41st Avenue and 133-51 41st Avenue, Borough of Queens, Community Board 7, Council District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016 (Minutes, page 3367) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****QUEENS - CB 7****20175107 HAQ**

Application submitted by the New York City Department of Housing Preservation and Development for an amendment to a previously approved tax exemption pursuant to Section 577 of the Private Housing Finance Law for a property located at Block 5037, Lots 64 and 65.

**INTENT**

To amend a previously approved urban development action area project, Council Resolution No. 1159, L.U. No. 382, to include the community facility property in the exemption area of the project.

**PUBLIC HEARING****DATE:** November 1, 2016**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 1, 2016

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:**

Dickens, Rodriguez, Cohen, Treyger

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1278

**Resolution to approve an amendment to a previously approved project and approve a tax exemption under Section 577 of the Private Housing Finance Law for a portion of the project located at Block 5037, Lot 64 and Block 5037, Lot 65, Community District 7, Borough of Queens (L.U. No. 501; 20175107 HAQ).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 6, 2016 its request dated September 26, 2016 that the Council approve an amendment to a previously approved tax exemption under Section 577 of the Private Housing Finance Law (the "Amended Exemption") for property located at Block 5037, Lot 64 and Block 5037, Lot 65 (the "Exemption Area"), to facilitate the exemption of real property tax for the community facility portion of the previously approved project, Community District 3, Borough of Queens;

**WHEREAS**, HPD request is related to previously approved City Council Resolution No. 1159, L.U. No. 382, of June 21, 2016 (the "Prior Resolution");

**WHEREAS**, HPD submitted to the Council on October 6, 2016 its revised request dated September 26, 2016 relating to the Exemption Area as it relates to the Expiration Date and the Regulatory Agreement (the "HPD Request");

**WHEREAS**, upon due notice, the Council held a public hearing on the Amended Exemption on November 1, 2016; and

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

**RESOLVED:**

The Council approves the real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for the exemption area as follows:

1. For the purposes hereof, the following terms shall have the following meanings:

- a) “Community Facility Property” shall mean those portions of the Exemption Area that include approximately 14,811 square feet for any use that qualifies as Use Group 3 or 4 under Sections 22-13 and 22-14 of the Zoning Resolution of the City of New York, provided, however, that for a period of five years from the date of issuance of the first temporary certificate of occupancy for the project, a minimum of 5,000 square feet qualifies as a community center or settlement house, non-commercial recreation center, library, museum, non-commercial art gallery, or school.
  - 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 New 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 on the Tax Map of the City of New York in the Borough of Queens, City and State of New York, identified as Block 5037, Lots 64 and 65.
  - 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 or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f) “HDFC” shall mean One Flushing Housing Development Fund Corporation.
  - g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - h) “LLC” shall mean One Flushing Owner LLC or an affiliate.
  - i) “New Owner” shall mean, collectively, the HDFC and the LLC and any future owner of the Exemption Area.
  - j) “Project” shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 231 rental dwelling units, plus one unit for a superintendent, approximately 14,811 square feet of community facility space, and approximately 19,000 square feet of open space.
  - k) “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 Exemption.
  - l) “Residential Property” shall mean all of the real property, other than the Community Facility Property, included in the Exemption Area, excluding those portions, if any, devoted to business or commercial use.
2. All of the value of the Residential Property and the Community Facility Property in the Exemption Area, including both the land and any improvements, 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.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J.

RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for L.U. No. 505

**Report of the Committee on Land Use in favor of approving Application No. 20175115 PNK pursuant to §1301(2)(f) of the New York City Charter concerning a proposed maritime lease between the New York City Department of Small Business Services and Ferrara Bros. LLC for approximately 103,000 square feet of land located at Block 644, Lot 50 along the waterfront and 3rd Avenue at 24th Street, Borough of Brooklyn, Community Board 7, Council District 38.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3596) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 7**

**20175115 PNK**

Application pursuant to §1301 (2) (f) of the New York City Charter concerning a proposed maritime lease between the New York City Department of Small Business Services (DSBS) and the Ferrara Bros. LLC for approximately 103,000 square feet of land located at Block 644, Lot 50 along the waterfront and 3<sup>rd</sup> Avenue at 24<sup>th</sup> Street.

**INTENT**

To approve a maritime lease between the DSBS and Ferrara Bros. LLC for approximately 103,000 square feet of city-owned land located along the waterfront and 3<sup>rd</sup> Avenue and 24<sup>th</sup> Street.

**PUBLIC HEARING**

**DATE:** November 1, 2016

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 1, 2016

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

**In Favor:**

Koo, Palma, Mendez, Levin, Rose, Barron, Kallos.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Greenfield and Koo offered the following resolution.

Report for Res No. 1279

**Resolution approving a proposed Lease Agreement for maritime uses for approximately 103,000 square feet of city-owned land located at Block 644, Lot 50 along the Sunset Park waterfront at 3rd Avenue and 24<sup>th</sup> Street, Borough of Brooklyn (20175115 PNK; L.U. No. 505).**

By Council Members Greenfield and Koo.

**WHEREAS**, the New York City Economic Development Corporation, on behalf of the City of New York Department of Small Business Services, filed with the Council on October 24, 2016, pursuant to Sections 1301(2)(f) of the New York City Charter, a proposed lease agreement between The City of New York Department of Small Business Services (“DSBS”), as landlord, and Ferrara Bros. LLC as tenant (“Tenant”) for approximately 103,000 square feet of city-owned land located at Block 644, Lot 50 along the Sunset Park waterfront at 3rd Avenue and 24<sup>th</sup> Street, for a twenty-five year term for maritime uses, upon terms and conditions set forth in the lease agreement, a copy of which is attached hereto (the "Lease Agreement"), Community District 7, Borough of Brooklyn;

**WHEREAS**, the Lease Agreement is subject to review and action by the Council pursuant to Section 1301(2)(f) of the New York City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Lease Agreement on November 1, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 15SBS003K) issued on October 7, 2016 (the “Negative Declaration”);

**RESOLVED:**

The Council finds that the action described herein shall not result in potentially significant adverse environmental impacts as determined by the Negative Declaration.

Pursuant to Section 1301(2)(f) of the New York City Charter, the Council approves the Lease Agreement in accordance with the terms and conditions set forth in the Lease Agreement submitted by DSBS, a copy of which is attached hereto.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for L.U. No. 513

**Report of the Committee on Land Use in favor of approving Application No. 20175111 HAK submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412.1 of the Administrative Code of the City of New York, Article 16 of the General Municipal Law, and Article XI of the Private Housing Finance Law for the transfer of property and tax exemptions for property located in the Borough of Brooklyn, Community Board 5, Council District 42.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3598) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BROOKLYN - CB 5****20175111 HAK**

In Rem Action No. 51: Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to §11-412.1 of the Administrative Code of the City of New York, Article 16 of the General Municipal Law, and Article XI of the Private Housing Finance Law for approval of the transfer of property, an urban development action area project, and real property tax exemptions for property located in Council District 42.

**INTENT**

To approve the conveyance and approve tax exemptions pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law in order to facilitate the preservation of affordability for the Transfer Area.

**PUBLIC HEARING****DATE:** November 1, 2016**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 1, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the NYC Department of Finance and the NYC Department of Housing Preservation and Development.

**In Favor:**

Dickens, Rodriguez, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution.

Res No. 1280

**Resolution approving an Urban Development Action Area Project, waiving the urban development action area designation requirement, and approving tax exemptions pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for property located at 754 Miller Avenue (Block 4303, Lot 32), Borough of Brooklyn, (L.U. No. 513; 20175111 HAK).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Finance ("DOF") and the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 31, 2016 its request



dated August 31, 2016 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 754 Miller Avenue (Block 4303, Lot 32), Community District No. 5, Borough of Brooklyn, Council District No. 42 (the "Transfer Area"):

1. Find that the present status of the Transfer 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. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve exemptions of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and pursuant to Section 696 of the General Municipal Law (the "Tax Exemptions");

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on November 1, 2016;

**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 Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law.

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

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

The Project shall be developed in accordance with the terms and conditions set forth in the Project Summary that HPD has submitted to the Council on August 31, 2016, a copy of which is attached hereto.

The Council approves the Tax Exemptions as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law the Council approves the exemption of the Project from real property taxes as follows:
  - a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").

- b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
  - c. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Transfer Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Transfer Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Transfer Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the property 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 Article XI Exemption shall prospectively terminate.
  - d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.
2. Pursuant to Section 696 of the General Municipal Law the Council approves the exemption of the Project from real property taxes as follows:
- a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.
  - b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
  - c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity

to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for L.U. No. 514

**Report of the Committee on Land Use in favor of approving Application No. 20175112 HAM submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412.1 of the Administrative Code of the City of New York, Article 16 of the General Municipal Law, and Article XI of the Private Housing Finance Law for the transfer of property and tax exemptions for property located in the Borough of Manhattan, Community Board 12, Council District 10.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3599) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 12**

**20175112 HAM**

In Rem Action No. 42, Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to §11-412.1 of the Administrative Code of the City of New York, Article 16 of the General Municipal Law, and Article XI of the Private Housing Finance Law for approval of the transfer of property, an urban development action area project, and real property tax exemptions for property located at 440 West 164<sup>th</sup> Street.

**INTENT**

To approve the conveyance and approve tax exemptions pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law in order to facilitate the preservation of affordability for the Transfer Area.

**PUBLIC HEARING**

**DATE:** November 1, 2016

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 1, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the NYC Department of Finance and the NYC Department of Housing Preservation and Development.

**In Favor:**

Dickens, Rodriguez, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1281

**Resolution approving an Urban Development Action Area Project Borough of Manhattan, waiving the urban development action area designation requirement, and approving tax exemptions pursuant to**

**Article XI of the Private Housing Law and Article 16 of the General Municipal Law for property located at 440 West 164<sup>th</sup> Street (Block 2110, Lot 76), (L.U. No. 514; 20175112 HAM).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Finance ("DOF") and the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 31, 2016 its request dated August 21, 2016 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 440 West 164<sup>th</sup> Street (Block 2110, Lot 76), Community District No. 12, Borough of Manhattan, Council District No. 10 (the "Transfer Area"):

1. Find that the present status of the Transfer 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. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve exemptions of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and pursuant to Section 696 of the General Municipal Law (the "Tax Exemptions");

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on November 1, 2016;

**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 Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law.

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

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

The Project shall be developed in accordance with the terms and conditions set forth in the Project Summary that HPD has submitted to the Council on August 31, 2016, a copy of which is attached hereto.

The Council approves the Tax Exemptions as follows:

2. Pursuant to Section 577 of the Private Housing Finance Law the Council approves the exemption of the Project from real property taxes as follows:

- a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").
  - b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
  - c. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Transfer Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Transfer Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Transfer Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the property 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 Article XI Exemption shall prospectively terminate.
  - d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.
2. Pursuant to Section 696 of the General Municipal Law the Council approves the exemption of the Project from real property taxes as follows:
    - a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.
    - b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department

of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

- c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development (“HPD”) determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.
- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

### **Report of the Committee on Transportation**

Report for Int. No. 1124-A

#### **Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law in relation to establishing an electric vehicle charging station pilot program.**

The Committee on Transportation, to which the annexed proposed amended local law was referred on March 22, 2016 (Minutes, page 774), respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On November 15, 2016, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a second hearing on Int. No. 1124-A, in relation to establishing a pilot program for the installation of street parking electric vehicle charging stations. The first hearing on this legislation was held on April 18,

2016, at which time the Committee heard testimony from the New York City Mayor’s Office of Sustainability, the New York City Department of Citywide Administrative Services, and other interested stakeholders.

## **BACKGROUND**

### *Introduction*

New York City has one of the largest and most complex transportation infrastructures in the world, and automobiles are a crucial component of that infrastructure. In addition to private automobiles, large government and industrial fleets support the City economy. As oil and gas prices have become more volatile in recent years, and environmental conservation has become more important, the City has moved to make its transportation system greener.<sup>1</sup> It is estimated that by 2030, 44 percent of all gas emissions in New York City will come from the transportation sector, up from 22 percent in 2010.<sup>2</sup>

On December 1, 2015, Mayor Bill de Blasio announced the NYC Clean Fleet initiative.<sup>3</sup> The NYC Clean Fleet initiative aims to make the City the largest operator of electric vehicles in the United States; moreover, Mayor de Blasio’s plan establishes the goal of reducing municipal vehicle emissions by 80 percent by 2035.<sup>4</sup> Mayor de Blasio ambitious plan builds upon efforts of Mayor Michael R. Bloomberg, who in 2011, announced that the City would be increase its fleet of electric vehicles by 70 cars.<sup>5</sup> At the time of the 2011 announcement, New York City already had one of the largest fleets of hybrid and electric vehicles in the nation.<sup>6</sup>

However, the promise of decreased reliance on fossil fuels and better environmental outcomes also poses a number of challenges to EV adoption, including the high cost of vehicles and the lack of infrastructure to support the vehicle charging. A subset problem of a lack of charging infrastructure is concern about the vehicles’ driving range, or “range anxiety.”

### **Sample Comparison of Electric Vehicles<sup>7</sup>**

Model	Price \$ (MSRP)	Driving Range (miles)
Smart For Two Electric	25,750	68
Chevrolet Spark EV	25,995 – 26,385	82
Nissan Leaf	29,860 – 37,640	84
Fiat 500E	32,795	87
Honda Clarity	60,000	300
Tesla Model S	71,200 – 109,200	240

According to recent research by Bloomberg New Energy Finance (“BNEF”), the dramatic fall in the cost of batteries over the new few years will mean that in the 2020s the cost of electric vehicle would be

<sup>1</sup> For discussion regarding oil consumption in transportation sector, see Electrification Coalition, *Electrification Roadmap: Revolutionizing Transportation and Achieving Energy Security* (Nov. 2009), available at [http://www.electrificationcoalition.org/sites/default/files/SAF\\_1213\\_EC-Roadmap\\_v12\\_Online.pdf](http://www.electrificationcoalition.org/sites/default/files/SAF_1213_EC-Roadmap_v12_Online.pdf).

<sup>2</sup> City of New York, *PlanNYC: Exploring Electric Vehicle Adoption in New York City 2* (Jan. 2010), available at [http://www.nyc.gov/html/om/pdf/2010/pr10\\_nyc\\_electric\\_vehicle\\_adoption\\_study.pdf](http://www.nyc.gov/html/om/pdf/2010/pr10_nyc_electric_vehicle_adoption_study.pdf).

<sup>3</sup> Press Release, City of New York, *With Paris Climate Talks Underway, Mayor de Blasio Announces NYC Clean Fleet – Launching the Largest Municipal Electric Fleet in the U.S.*, Dec. 1, 2015, available at <http://www1.nyc.gov/office-of-the-mayor/news/898-15/with-paris-climate-talks-underway-mayor-de-blasio-nyc-clean-fleet---launching-the>.

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

<sup>5</sup> Press Release, City of New York, *Mayor Bloomberg announces addition of 70 new electric vehicles to City’s fleet and launches new City efforts to inform the public about electric vehicles*, Jul. 12, 2012, available at <http://www1.nyc.gov/office-of-the-mayor/news/248-11/mayor-bloomberg-addition-70-new-electric-vehicles-city-s-fleet-launches-new>.

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

<sup>7</sup> Car and Driver Magazine, *Hybrid and Electric Cars 2016-2017: The Best and the Rest*, <http://www.caranddriver.com/best-hybrid-electric-cars> (last accessed Apr. 14, 2016).



comparable, if not lower, than cars powered by internal combustion.<sup>8</sup> Consequently, the authors of the BNEF report predict that that the 2020s will be the “start of a real mass-market liftoff for electric cars.”<sup>9</sup>

#### *Electric Vehicles*

Currently, three types of electric vehicles exist on the market: hybrid electric vehicles (“HEV”), plug-in hybrid electric vehicles (“PHEV”), and battery electric vehicles (“BEV”). Hybrid electric vehicles operate on conventional fossil fuels, but can also charge an electric battery by converting fuel into electricity.<sup>10</sup> Plug-in hybrid electric vehicles are powered by a combination of fuel and electricity, and the battery is recharged through an external source (examples of a PHEV include the Toyota Prius and Chevy Volt).<sup>11</sup> Battery electric vehicles operate exclusively by a rechargeable electric pack (an example of a BEV is the Nissan Leaf).<sup>12</sup>

PHEVs and BEVs each require that the vehicle has access to an external charging station, since these vehicles are either partly or exclusively charged by an electric battery. The first public charging station in New York City opened in July 2010.<sup>13</sup> The charging station, located in a public parking lot near Port Authority was made possible by a \$37 million grant from the federal government.<sup>14</sup> According to DOT, New York City is home to 260 public charging sites, and additionally the City has installed over 200 chargers for charging its own EV fleet.<sup>15</sup> In 2015, the City reported that it installed an additional 33 chargers at municipal parking lots at the following locations:<sup>16</sup>

Location	Address	# of Chargers (installed)
Bay Ridge Municipal Parking	8501 Fifth Avenue, Brooklyn, NY 11209	3
Court Square Municipal Parking	45-40 Court Square, Long Island City, NY 11101	3
East 149th St. Municipal Parking	315 East 149th Street, Bronx, NY 104511	3
Jerome-Gun Hill Road Municipal Parking	3510 Jerome Ave Bronx, NY 10467	3
Flushing #3 Municipal Parking Field	133 41st Avenue, Flushing NY 11354	3
Delancey and Essex Municipal Parking	107 Essex Street, NY, NY 10002	3

<sup>8</sup> Press Release, Bloomberg New Energy Finance, *Electric Vehicles to be 35% of Global New Car Sales by 2040*, Feb. 25, 2016, available at <http://about.bnef.com/press-releases/electric-vehicles-to-be-35-of-global-new-car-sales-by-2040/>.

<sup>9</sup> *Id.*; also see Tom Randall, *Here’s how electric cars will cause the next oil crises*, BLOOMBERG, Feb. 25, 2016, available at <http://www.bloomberg.com/features/2016-ev-oil-crisis/>.

<sup>10</sup> MIT Energy Initiative Symposium, *Electrification of the Transportation System 2* (Apr. 2010), available at <http://mitei.mit.edu/system/files/electrification-transportation-system.pdf>.

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

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

<sup>13</sup> Press Release, City of New York, *Mayor Bloomberg, HUD Secretary Donovan and Coulomb Technologies announce first public electric vehicle charging stations in New York City*, Jul. 14, 2010, available at [http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor\\_press\\_release&catID=1194&doc\\_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2010b%2Fpr313-10.html&cc=unused1978&rc=1194&ndi=1](http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2010b%2Fpr313-10.html&cc=unused1978&rc=1194&ndi=1).

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

<sup>15</sup> Electric Vehicle Advisory Committee, *Report of Recommendations* (2015), available at <http://www.nyc.gov/html/dot/downloads/pdf/2015-electric-vehicle-report.pdf>.

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

St. George Courthouse Garage	54 Central Avenue, Staten Island, NY 10301	3
Queens Family Court Garage	150-07 Archer Avenue, Jamaica NY 11433	3
Jerome-190th Street Municipal Garage	2478 Jerome Ave. Bronx, NY 10468	3

### *Charging Infrastructure*

Electric vehicles can be charged in a home garage using a conventional AC plug, or they can be charged at public charging stations. There are four levels of charging stations currently available, each of which corresponds to a different speed at which an EV can be charged. Level 1 charging is best for charging PHEVs, and uses a 110 volt AC.<sup>17</sup> Level 2 charging is typically necessary for BEVs, and uses a 220 volt AC, but allows a vehicle to be recharged in about 4 hours.<sup>18</sup> DC Fast Chargers allow for the fastest recharging time, but uses a 480 Volt option and is limited to certain types of EVs.<sup>19</sup>

While DC Fast Chargers are the fastest, their prohibitive cost means that they are only available at public charging stations and public/private garages. Level 1 and Level 2 charging can be done in private homes; however, Level 2 charging requires an electric upgrade for which a Department of Building permit is necessary. Finally, Tesla Superchargers can charge a vehicle in a matter of minutes, but these chargers are proprietary and are available only to owners of Tesla vehicles. In 2016, Tesla Motors announced plans to expand its network of Superchargers in New York City to 105.<sup>20</sup>

### *Electric Vehicle Task Force*

In 2013, the Council enacted Local Law 122, which mandated the establishment of the Electric Vehicle Task Force. The primary purpose of the Task Force was to bring together government, private, and members of the advocacy community to discuss various ways to encourage the use of EV's in New York City. In 2015, the Advisory Committee issued its first report and recommendations. The Advisory Committee made the following findings:<sup>21</sup>

- EV ownership in New York City has been steadily increasing, but remains relatively low and, accordingly, so has the demand for additional charging solutions.
- The existing charging situation is mostly reliant on private parking facilities. New solutions may be needed in the future as electric vehicle populations continue to grow.
- Expanded publically available infrastructure could inspire purchaser confidence and stimulate additional market demand. This infrastructure does not necessarily require the City's involvement.
- Local law 130 of 2013 will provide some additional charging opportunities in private property in the near future.

In addition to passing Local Law 122, the Council in 2013, enacted Local Law 130 which requires that the electrical capacity in new privately owned garages and parking lots support EV charging in at 20 percent of parking spaces.

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

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

<sup>19</sup> *Id.*

<sup>20</sup> James Covert, *Tesla stations in NYC on verge of outnumbering gas stations*, N.Y. POST, Mar. 17, 2016, available at <http://nypost.com/2016/03/17/tesla-stations-in-nyc-on-verge-of-outnumbering-gas-stations>.

<sup>21</sup> Electric Vehicle Advisory, *supra*, note 15.

**ANALYSIS OF INT. NO. 1124-A**

Section one of Int. No. 1124-A would establish an electric vehicle charging station pilot program. Subdivision a would require that, no later than March 1, 2018, the City install 25 publicly accessible electric vehicle charging stations, with at least two charging stations in each borough. DOT would be required to post the locations of charging stations on its website.

Subdivision b would require that, beginning in 2018, the Electric Vehicle Advisory Committee—established pursuant to Local Law 122 of 2013—would be required to examine the pilot program in its annual recommendations, including information on the cost of the pilot, utilization of stations, recommendations with respect to expanding or making the pilot permanent, and any other recommendations regarding the pilot or the installation of electric vehicle charging stations, including the feasibility of on-street electric vehicle charging. Following the submission of the Committee’s recommendations in 2019, and by March 1, 2020, the Committee would be required post online and provide to the Council a written report on the impact of such pilot program, including any recommendations regarding the installation of electric vehicle charging stations. Subdivision c would provide that the pilot would cease to exist on March 1, 2020.

Section two of Int. No. 1124-A would state that the proposed local law would take effect immediately.

**UPDATE**

On November 15, 2016, the Committee on Transportation passed Int. No. 1124-A by a vote of twelve in the affirmative and one in the negative, with zero abstentions.

*The following is from the text of the Fiscal Impact Statement for Int No. 1124-A:*

**SUMMARY OF LEGISLATION:** Proposed Int. 1124-A would require the City to establish a pilot program to install electric vehicle charging station. As part of such program, at least 25 publicly accessible stations must be installed by March 1, 2018, with at least two stations in every borough. In addition, the Electric Vehicle Advisory Committee (EVAC) would be required to include information about this pilot program in its annual recommendations. The pilot program would expire on March 1, 2020.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$122,030	\$48,812	\$48,812
<b>Net</b>	\$122,030	\$48,812	\$48,812

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

**IMPACT ON EXPENDITURES:** It is estimated that this legislation would impact expenditures in the amount of \$170,842 for the Department of Transportation (“DOT”) to purchase, install, and maintain seven double wall mount charging units, consisting of 14 charging stations, at the cost of \$24,406 each. In addition, DOT would deploy and maintain 11 existing solar mobile charging units using existing resources to reach the

total of 25 charging stations required by the legislation. Of the seven double wall mount charging units, five would be installed in Fiscal 2017 with the remaining two installed in Fiscal 2018.

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

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

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 22, 2016 as Intro. 1124 and was referred to the Committee on Transportation. A hearing was held by the Committee on Transportation on April 18, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1124-A, will be considered by the Committee on Transportation on November 15, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on November 16, 2016.

**DATE PREPARED:** November 14, 2016

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

**(The following is the text of Int No. 1124-A)**

Int. No. 1124-A

By Council Members Constantinides, Rodriguez, Richards, Cornegy, Cabrera, Greenfield, Rose, Chin, Espinal, Ferreras-Copeland, Garodnick, Gentile, Grodenchik, Koo, Lander, Levin, Torres, Treyger, Vallone, Van Bramer, Menchaca, Cohen, Kallos, Lancman, Rosenthal, Levine, Deutsch, Johnson, Crowley, Koslowitz, Salamanca, Vacca and Ulrich.

**A Local Law in relation to establishing an electric vehicle charging station pilot program**

*Be it enacted by the Council as follows:*

Section 1. Electric vehicle charging station pilot program. a. The city shall establish a pilot program to install electric vehicle charging stations. As part of such program, no later than March 1, 2018, 25 publicly accessible electric vehicle charging stations shall be installed in the city, provided that at least two such electric vehicle charging stations shall be installed in each of the city's five boroughs. The department of transportation shall post the location of such electric vehicle charging stations on its website.

b. Commencing in 2018, the advisory committee established pursuant to section 19-101.5 of the code shall include within its annual recommendations pursuant to such section information regarding the pilot program established pursuant to this local law, including, to the extent such information is available, the cost of such pilot program, the rate of utilization of each charging station installed pursuant to such pilot program, recommendations with respect to expanding or making such pilot program permanent, and any other recommendations regarding such pilot program or the installation of electric vehicle charging stations in the city, including the feasibility of on-street electric vehicle charging. Notwithstanding any inconsistent provision of law, following the submission of such committee's recommendations in 2019, and on or before March 1, 2020, such committee shall post online and provide to the speaker of the council a written report on the impact

of such pilot program, including any recommendations regarding the installation of electric vehicle charging stations in the city.

c. Such pilot program shall cease to exist on March 1, 2020.

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, ANTONIO REYNOSO; DONOVAN J. RICHARDS; Committee on Transportation, November 15, 2016. *Other Council Members Attending: Rosenthal and Lander.*

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

### GENERAL ORDER CALENDAR

Report for L.U. No. 472 & Res. No. 1282

**Report of the Committee on Land Use in favor of approving Application No. C 160030 ZMK submitted by 385 Gold Property Investors IIA, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 9a, changing existing C6-4 and C6-1 districts to a C6-6 District on property located at Willoughby Street and Flatbush Avenue Extension, Borough of Brooklyn, Community Board 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016, (Minutes, page 3223) and which same Land Use item was coupled with the resolution shown below, respectfully

### REPORTS:

#### SUBJECT

**BROOKLYN - CB 2**

**C 160030 ZMK**

City Planning Commission decision approving an application submitted by 385 Gold Property Investors IIA, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c:

1. changing from a C6-1 District to a C6-6 District property bounded by Willoughby Street, Gold Street, a line 200 feet northerly of Willoughby Street, and Flatbush Avenue Extension; and
2. changing from a C6-4 District to a C6-6 District property bounded by Gold Street and its northerly centerline prolongation, a line 320 feet northerly of Willoughby Street, Flatbush Avenue Extension, and a line 200 feet northerly of Willoughby Street.

#### INTENT

To amend the Zoning Map by changing a C6-1 District and a C6-4 District to a C6-6 District. This action, in conjunction with the other related actions, would facilitate the construction of a new 49-story, 577-foot high, 372,078 square foot mixed-use development at 141 Willoughby Street (Block 2060, Lots 1, 4 and 8) in Downtown Brooklyn.

**PUBLIC HEARING**

**DATE:** October 5, 2016

**Witnesses in Favor:** Nine

**Witnesses Against:** Ten

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 1, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

Williams

**COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**

Barron

**Abstain:**

None

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

Res No 1282

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160030 ZMK, a Zoning Map amendment (L.U. No. 472).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on September 19, 2016 its decision dated September 7, 2016 (the "Decision"), on the application submitted by 385 Gold Property Investors IIA, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of

the Zoning Map, Section No. 16c, to change a C6-1 District and a C6-4 District to a C6-6 District, which in conjunction with the other related actions would facilitate the construction of a new 49-story, 577-foot high, 372,078 square foot mixed-use development located at 141 Willoughby Street (Block 2060, Lots 1, 4 and 8) in Downtown Brooklyn, (ULURP No. C 160030 ZMK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to applications C 160054 MMK (L.U. No. 473), an amendment to the City Map by the NYC Department of Housing Preservation and Development and the NYC Economic Development Corporation to eliminate, discontinue, and close a portion of Flatbush Avenue Extension at its intersection with Gold Street; and N 160029 ZRK (L.U. No. 474), amendments to the Zoning Resolution by 385 Gold Property Investors IIA, LLC, modifying Article X, Chapter 1 (Special Downtown Brooklyn District) to add a C6-6 District and update its bulk and envelope regulations, and modifying Appendix F (Inclusionary Housing Designated Areas) to add a Mandatory Inclusionary Housing area to the proposed project area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 15DME003K) issued on April 29, 2016 (the "Negative Declaration");

**RESOLVED:**

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 160030 ZMK, incorporated by reference herein, the Council approves the Decision.

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

1. changing from a C6-1 District to a C6-6 District property bounded by Willoughby Street, Gold Street, a line 200 feet northerly of Willoughby Street, and Flatbush Avenue Extension; and
2. changing from a C6-4 District to a C6-6 District property bounded by Gold Street and its northerly centerline prolongation, a line 320 feet northerly of Willoughby Street, Flatbush Avenue Extension, and a line 200 feet northerly of Willoughby Street;

as shown on a diagram (for illustrative purposes only) dated May 9, 2016, Community District 2, Borough of Brooklyn.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J.

RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for L.U. No. 473 & Res No. 1283

**Report of the Committee on Land Use in favor of approving Application No. C 160054 MMK submitted by the New York City Department of Housing Preservation and Development and the New York City Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination, discontinuance and closing of a portion of Flatbush Avenue Extension and its intersection with Gold Street, Borough of Brooklyn, Community Board 2, Council District 33. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016, (Minutes, page 3224) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN - CB 2**

**C 160054 MMK**

City Planning Commission decision approving an application submitted by The New York City Department of Housing Preservation and Development and The New York City Economic Development Corporation, LLC pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Flatbush Avenue Extension at its intersection with Gold Street; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2745 and X-2746 dated April 1, 2016 and signed by the Borough President.

#### **INTENT**

This City Map amendment, in conjunction with the other related actions, would facilitate the development of a new 49-story, 577-foot high, 372,078 square foot mixed-use development at 141 Willoughby Street (Block 2060, Lots 1, 4 and 8) in Downtown Brooklyn.

#### **PUBLIC HEARING**

**DATE:** October 5, 2016



**Witnesses in Favor:** Nine

**Witnesses Against:** ten

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 1, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

Williams

**COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1283

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160054 MMK, an amendment to the City Map (L.U. No. 473).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on September 19, 2016 its decision dated September 7, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and the New York City Economic Development Corporation, LLC, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Flatbush Avenue Extension at its intersection with Gold Street; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in The Borough of Brooklyn, Community District 2, accordance with Map Nos. X-2745 and X-2746 dated April 1, 2016 and signed by the Borough President, (ULURP No. C 160054 MMK), Community District 2, Borough of Brooklyn (the “Application”);

**WHEREAS**, the Application is related to applications C 160030 ZMK (L.U. No. 472), a zoning map amendment to rezone a C6-1 District and portion of a C6-4 District to a C6-6 District within the Special Downtown Brooklyn District; and N 160029 ZRK (L.U. No. 474), amendments to the Zoning Resolution by 385 Gold Property Investors IIA, LLC, modifying Article X, Chapter 1 (Special Downtown Brooklyn District) to add a C6-6 District and update its bulk and envelope regulations, and modifying Appendix F (Inclusionary Housing Designated Areas) to add a Mandatory Inclusionary Housing area to the proposed project area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 15DME003K) issued on April 29, 2016 (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 199 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160054 MMK, incorporated by reference herein, the Council approves the Decision for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Flatbush Avenue Extension at its intersection with Gold Street; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in the Borough of Brooklyn, Community District 2, accordance with Map Nos. X-2745 and X-2746 dated April 1, 2016 and signed by the Borough President is approved; and be it further

**RESOLVED:**

Pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED:**

Pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map Nos. X-2745 and X-2746 dated April 1, 2016 providing for

the discontinuance and closing of a portion of Flatbush Avenue Extension at its intersection with Gold Street being more particularly described as follows:

**DISCONTINUING AND CLOSING FLATBUSH AVENUE EXTENSION AT ITS INTERSECTION WITH GOLD STREET**

In the matter of discontinuing and closing Flatbush Avenue Extension at its intersection with Gold Street, Borough of Brooklyn, County of Kings, City and State of New York, in accordance with Borough President Map No. X-2746:

Starting at a Point of Beginning located at the intersection of the westerly street line of Flatbush Avenue Extension and the easterly street line of Gold Street, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence southerly, along the projection of the westerly line of Flatbush Avenue Extension, 122.78 feet to its intersection with the former southerly street line of Flatbush Avenue Extension, discontinued and closed;
- 2) Running thence westerly, along said southerly line of Flatbush Avenue Extension, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 113 degrees 30 minutes 11 seconds, 47.73 feet to its intersection with the easterly street line of Gold Street;
- 3) Running thence northerly, along said easterly street line of Gold Street, said course forming a deflection angle to the right with the last mentioned course of 89 degrees 21 minutes 49 seconds, 112.60 feet, the Point or Place of Beginning.

The area described above consists of 2,686 square feet, more or less, located in Section 7 of the Kings County Land Map.

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. X-2745 and X-2746 dated April 1, 2016 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for L.U. No. 474 & Res. No. 1284

**Report of the Committee on Land Use in favor of approving Application No. N 160029 ZRK submitted by 385 Gold Property Investors IIA, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article X, Chapter 1 to add a new C6-6 District and update its bulk and envelope regulations in the Special Downtown Brooklyn District, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area on property located at Willoughby Street and Flatbush Avenue Extension, Borough of Brooklyn, Community Board 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016, (Minutes, page 3224) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**BROOKLYN - CB 2**

**N 160029 ZRK**

City Planning Commission decision approving an application for an amendment to the Zoning Resolution submitted by 385 Gold Property Investors IIA, LLC, modifying X, Chapter 1 (Special Downtown Brooklyn District) to add a C6-6 District and update its bulk and envelope regulations, and modifying Appendix F (Inclusionary Housing Designated Areas) to add a Mandatory Inclusionary Housing Area to the proposed project area.

#### **INTENT**

The amendment to the Zoning Resolution, in conjunction with the other related actions, would facilitate the construction of a new 49-story, 577-foot high, 372,078 square foot mixed-use development at 141 Willoughby Street (Block 2060, Lots 1, 4 and 8) in Downtown Brooklyn.

#### **PUBLIC HEARING**

**DATE:** October 5, 2016

**Witnesses in Favor:** Nine

**Witnesses Against:** Ten

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 1, 2016

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

#### **In Favor:**

Richards, Gentile, Garodnick, Wills, Reynoso, Torres.

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

**COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Wills, Richards, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**            **Abstain:**  
Barron                   Williams

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

The Committee's proposed modifications were filed with the City Planning Commission on November 4, 2016. The City Planning Commission filed a letter dated November 14, 2016, with the Council on November 14, 2016, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res No. 1284

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 160029 ZRK, for an amendment of the Zoning Resolution of the City of New York, modifying X, Chapter 1 (Special Downtown Brooklyn District) to add a C6-6 District and update its bulk and envelope regulations, and modifying Appendix F (Inclusionary Housing Designated Areas) to add a Mandatory Inclusionary Housing Area to the proposed project area, in Community District 2, Borough of Brooklyn (L.U. No. 474).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on September 19, 2016 its decision dated September 7, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 385 Gold Property Investors IIA, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, to modify X, Chapter 1 (Special Downtown Brooklyn District) to add a C6-6 District and update its bulk and envelope regulations, and modifying Appendix F (Inclusionary Housing Designated Areas) to add a Mandatory Inclusionary Housing Area to the proposed project area, (Application No. N 160029 ZRK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to applications C 160030 ZMK (L.U. No. 472), a zoning map amendment to rezone a C6-1 District and portion of a C6-4 District to a C6-6 District within the Special Downtown Brooklyn District; and C 160054 MMK (L.U. No. 473), an amendment to the City Map by the

NYC Department of Housing Preservation and Development and the NYC Economic Development Corporation to eliminate, discontinue, and close a portion of Flatbush Avenue Extension at its intersection with Gold Street;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 15DME003K) issued on April 29, 2016 (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 160029 ZRK, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;

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

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

Matter in ~~double-strikeout~~ is deleted by the City Council;

Matter in double-underline is added by the City Council

**ARTICLE X:  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Downtown Brooklyn District**

\* \* \*

**101-20  
SPECIAL BULK REGULATIONS**

**101-21  
Special Floor Area and Lot Coverage Regulations**

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

\* \* \*

(d) In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be ~~18.0~~15.00, and the maximum #residential floor area ratio# shall be 9.0. No #floor area# bonuses shall be permitted.

\* \* \*

**101-222**  
**Standard height and setback regulations**

C2-4/R7-1 C6-1 C6-4.5 C6-6

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum #building# height set forth in the table in this Section. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS  
 IN C2-4/R7-1, C6-1, ~~AND~~ C6-4.5 AND C6-6 DISTRICTS

District	Maximum Base Height		Maximum #Building# Height	
	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#
* * *	* * *	* * *	* * *	* * *
C6-4.5 <u>C6-6</u>	125	150	250	250

**101-223**  
**Tower regulations**

C5-4 C6-1 C6-4 C6-6

In the districts indicated, except C6-1A Districts, the provisions of this Section shall apply as an alternative to the provision of Section 101-222 (Standard height and setback regulations).

\* \* \*

(b) Setback requirements for #commercial# or #community facility# towers

For #buildings# that contain #commercial# or #community facility floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet.

For #zoning lots# that do not exceed a #lot area# of 15,000 square feet, such portions of buildings# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#. For #zoning lots# that exceed an area of 15,000 square feet, such portions shall be set back at least 20 feet from any #street line#.

However, setbacks shall not be required for any portion of a #building# fronting upon the south side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, or upon that portion of the Flatbush Avenue Extension between Willoughby Street and DeKalb Avenue within 250 feet of Willoughby Street, or for any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, provided that this exemption shall not be applicable to portions of #buildings# above 85 feet that contain #residential floor area#.

\* \* \*

(d) Maximum #building# height

In C6-1 Districts, the maximum height of a #building or other structure# shall be 495 feet. No height limit shall apply within a C5-4, ~~or~~ C6-4 or C6-6 District.

\* \* \*

**101-40  
MANDATORY DISTRICT PLAN ELEMENTS**

**101-41  
Special Street Wall Location Regulations**

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widening) in Appendix E of this Chapter specifies locations where the special #street wall# location regulations of this Section apply. However, such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

\* \* \*

(d) All other areas

On all other #streets# shown on Map 4, at least 70 percent of the #aggregate width of street walls# of any #building# shall be located within eight feet of the #street line# and extend to at least a height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle



formed by such intersecting #street lines# is 45 degrees or less. However, such regulations shall not apply to any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension.

\* \* \*

**APPENDIX F**

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

\* \* \*

**BROOKLYN**

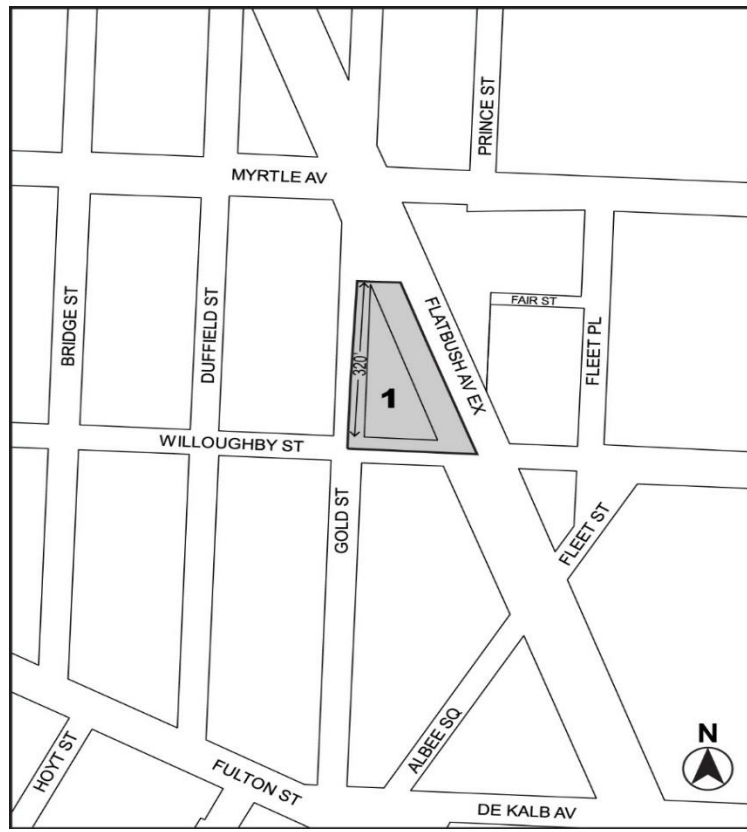
\* \* \*

**Brooklyn Community District 2**

\* \* \*

In the R10 District within the area shown on the following Map 5:

Map 5 - (date of adoption)

[PROPOSED MAP]

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

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

Portion of Community District 2, Brooklyn

\* \* \*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for L.U. No. 495 & Res. No. 1285

**Report of the Committee on Land Use in favor of approving Application No. C 150312 ZMX submitted by Upper Manhattan Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, changing an existing C8-3 district to an R7D and R8 district and establishing a C1-4 district within the proposed R7D district, on property located in the vicinity of Grand Concourse and Concourse Village West, Borough of the Bronx, Community Board 4, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 13, 2016, (Minutes, page 3224) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

### **SUBJECT**

#### **BRONX - CB 4**

#### **C 150312 ZMX**

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

1. changing from a C8-3 District to an R7D District property bounded by a line 100 feet northwesterly of Concourse Village West, East 156<sup>th</sup> Street, Concourse Village West, East 153<sup>rd</sup> Street, the centerline of the easterly portion of Grand Concourse, and a line 525 feet southwesterly of East 156<sup>th</sup> Street;
2. changing from a C8-3 District to an R8 District property bounded by the centerline of the easterly portion of Grand Concourse, a line 450 feet southwesterly of East 156<sup>th</sup> Street, a line 100 feet northwesterly of Concourse Village West, and a line 525 feet southwesterly of East 156<sup>th</sup> Street; and
3. establishing within the proposed R7D District a C1-4 District bounded by a line 100 feet northwesterly of Concourse Village West, East 156<sup>th</sup> Street, Concourse Village West, and a line 200 feet southwesterly of East 156<sup>th</sup> Street.

### **INTENT**

To amend the Zoning Map to facilitate the development of a mixed-use complex containing approximately 213 affordable dwelling units, commercial, and community facility spaces in the Concourse Village neighborhood in the Borough of the Bronx

### **PUBLIC HEARING**

**DATE:** November 1, 2016

**Witnesses in Favor:** Seven

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** November 1, 2016

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

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Zoolander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

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

Res No. 1285

**Resolution approving the decision of the City Planning Commission on ULURP No. C 150312 ZMX, a Zoning Map amendment (L.U. No. 495).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on October 7, 2016 its decision dated October 5, 2016 (the "Decision"), on the application submitted by the Upper Manhattan Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, which in conjunction with the related action would facilitate the development of a mixed-use complex containing approximately 213 affordable dwelling units, commercial, and community facility spaces in the Concourse Village neighborhood in the Borough of the Bronx, (ULURP No. C 150312 ZMX), Community District 4, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to application N 150313 ZRX (L.U. No. 496), a zoning text amendment pursuant to Appendix F to establish a Mandatory Inclusionary Housing Designated Area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 16DCP146X) issued on May 23, 2016 and subject to the conditions of CEQR Declaration E-386 (the "Negative Declaration");

**RESOLVED:**

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 150312 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6a:

1. changing from a C8-3 District to an R7D District property bounded by a line 100 feet northwesterly of Concourse Village West, East 156<sup>th</sup> Street, Concourse Village West, East 153<sup>rd</sup> Street, the centerline of the easterly portion of Grand Concourse, and a line 525 feet southwesterly of East 156<sup>th</sup> Street;
2. changing from a C8-3 District to an R8 District property bounded by the centerline of the easterly portion of Grand Concourse, a line 450 feet southwesterly of East 156<sup>th</sup> Street, a line 100 feet northwesterly of Concourse Village West, and a line 525 feet southwesterly of East 156<sup>th</sup> Street; and
3. establishing within the proposed R7D District a C1-4 District bounded by a line 100 feet northwesterly of Concourse Village West, East 156<sup>th</sup> Street, Concourse Village West, and a line 200 feet southwesterly of East 156<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated May 23, 2016, and subject to the conditions of CEQR Declaration E-386, Community District 4, Borough of the Bronx.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

Report for L.U. No. 496 & Res. No. 1286

**Report of the Committee on Land Use in favor of approving Application No. N 150313 ZRX submitted by the Upper Manhattan Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 4, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016, (Minutes, page 3396) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

#### **BRONX - CB 4**

#### **N 150313 ZRX**

City Planning Commission decision approving an application submitted by the Upper Manhattan Development Corporation pursuant to Sections 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area.

#### **INTENT**

To amend the text of the Zoning Resolution in order to facilitate the development of a mixed-use complex containing approximately 213 affordable dwelling units, commercial, and community facility spaces in the Concourse Village neighborhood in the Borough of the Bronx

#### **PUBLIC HEARING**

**DATE:** November 1, 2016

**Witnesses in Favor:** Seven

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 1, 2016

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

#### **In Favor:**

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

#### **Against:**

None

#### **Abstain:**

None

**COMMITTEE ACTION**

**DATE:** November 3, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

The Committee's proposed modifications were filed with the City Planning Commission on November 4, 2016. The City Planning Commission filed a letter dated November 14, 2016, with the Council on November 14, 2016, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res No. 1286

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 150313 ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in Community District 4, Borough of the Bronx (L.U. No. 496).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on October 7, 2016 its decision dated October 5, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted the Upper Manhattan Development Corporation, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a mixed-use complex containing approximately 213 affordable dwelling units, commercial, and community facility spaces in the Concourse Village neighborhood in the Borough of the Bronx, (Application No. N 150313 ZRX), Community District 4, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to application C 150312 ZMX (L.U. No. 495), an amendment to the Zoning Map to rezone property from C8-3 to R8, R7D, and R7D/C1-4 Districts;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 16DCP146X) issued on May 23, 2016 and subject to the conditions of CEQR Declaration E-386 (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 150313 ZRX, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in underline is new, to be added;

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

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

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

Matter in ~~double-strikeout~~ is deleted by the City Council;

Matter in double-underline is added by the City Council

\* \* \*

**APPENDIX F**

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

\* \* \*

**THE BRONX**

\* \* \*

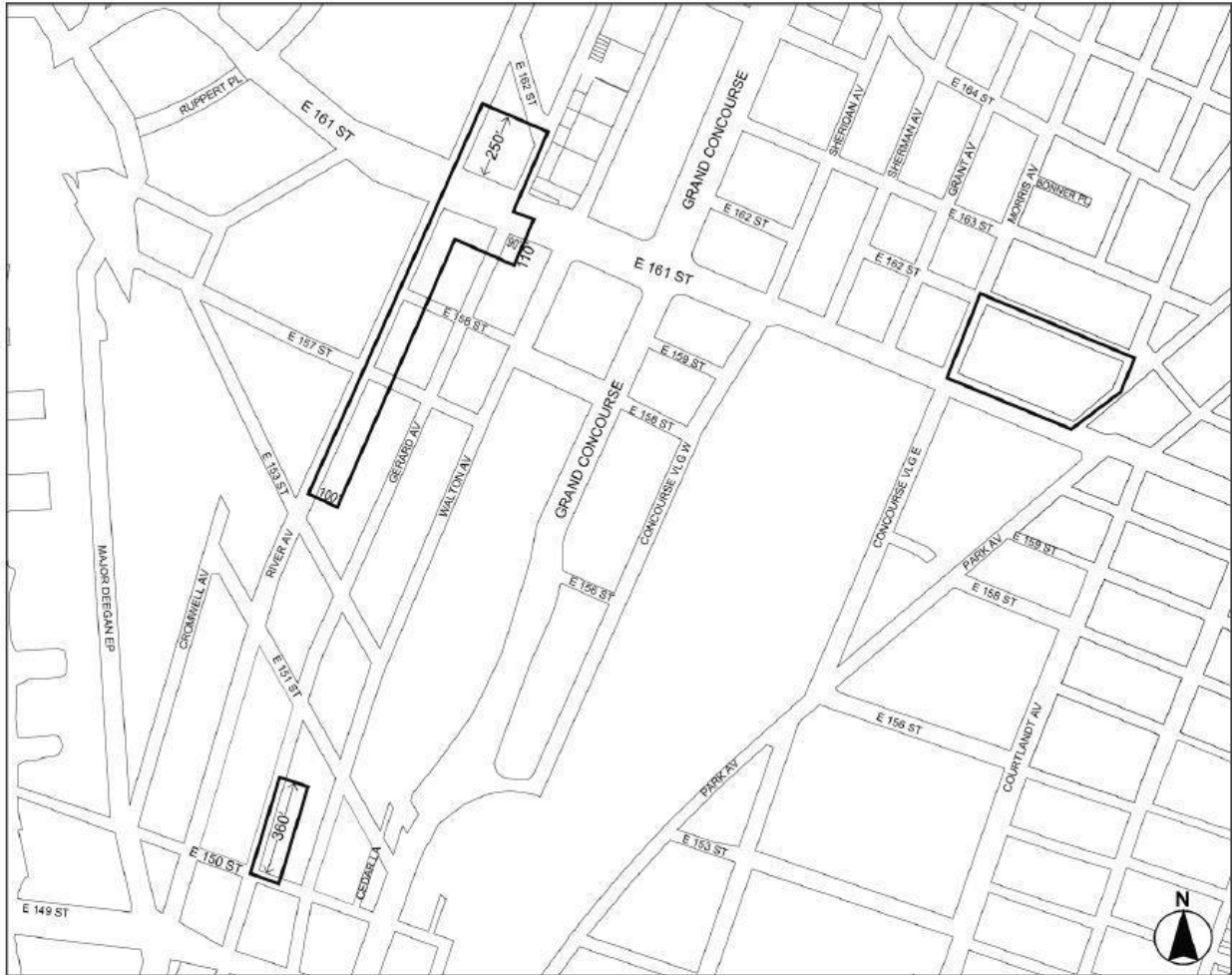
**The Bronx Community District 4**

In portions of the #Special Grand Concourse Preservation District# and in the R7A, R7D, R8, R8A and R9D Districts within the areas shown on the following Map 1:

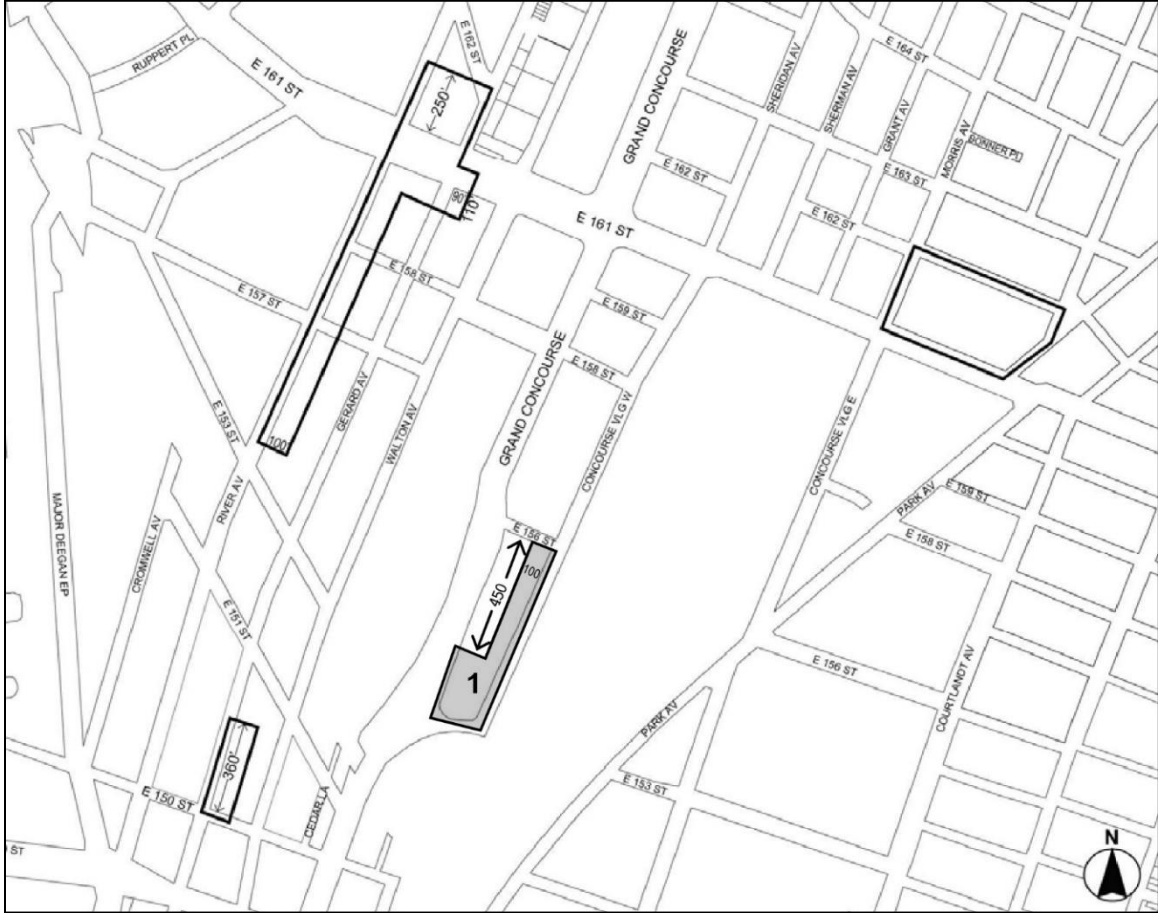
Map 1 – [date of adoption]




[EXISTING MAP]



[PROPOSED MAP]



 Inclusionary Housing designated area

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

Portion of Community District 4, The Bronx

\* \* \*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 3, 2016.

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

### **Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Isaac Forman	403 East 77th Street New York, N.Y. 10075	5
Kania Fernandez	2037 Colonial Avenue #3 Bronx, N.Y. 10461	13
Natasha Serrano	67 West 175th Street #5D Bronx, N.Y. 10453	14
Juan Ramon Aguirre	55-30 99th Street #6E Queens, N.Y. 11368	21
Sandy Sedaros	5626 Amboy Road Staten Island, N.Y. 10309	51

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Amy Look	22 Spring Street #3 New York, N.Y. 10012	1
Theresa Smith	130 Columbia Street #12E New York, N.Y. 10002	2
Yvonne Marie Hassan	204 Spring Street #9 New York, N.Y. 10012	3
Dioni Dominguez	91 Fort Washington Avenue #1A New York, N.Y. 10032	7
Janette Camacho	419 East 157th Street #24 Bronx, N.Y. 10451	17
Teresa Santos-Gutierrez	144-40 38th Avenue #D2 Flushing, N.Y. 11354	20
Luke Petrinovic	32-36 45th Street #2R Long Island City, N.Y. 11103	26
Peggy Adames	123-11 115th Avenue South Ozone Park, N.Y. 11420	28
Hilda McKeithen	163-49 130th Avenue #2F Queens, N.Y. 11434	28
Lydia Machado	85-20 Dumont Avenue #10 Queens, N.Y. 11417	32
Stevenson Scantlebury	1145 St. Marks Avenue #1F Brooklyn, N.Y. 11213	36
Josue Mendez Goetz	395 4th Street Brooklyn, N.Y. 11215	39
Carlo Joseph Bellantueno	462 81st Street Brooklyn, N.Y. 11209	43
Kenneth M. Croke	1323 East 40th Street Brooklyn, N.Y. 11234	45
Yves David	2603 Avenue D Brooklyn, N.Y. 11226	45
Teresa Aim Rehill	1927 Batchelder Street Brooklyn, N.Y. 11229	46

Marina Grinman	2930 West 5th Street #17G Brooklyn, N.Y. 11224	48
Luis S. Valentin II	302 Oceanview Avenue Brooklyn, N.Y. 11235	48
John M. Picozzi	159 Preston Avenue Staten Island, N.Y. 10312	51

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

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

- |      |                     |  |
|------|---------------------|--|
| (1)  | <b>Int 738-A -</b>  | Qualification for gas work.  |
| (2)  | <b>Int 1079-A -</b> | Final inspections of gas piping systems.   |
| (3)  | <b>Int 1088-A -</b> | Periodic inspections of gas piping systems.  |
| (4)  | <b>Int 1090-A -</b> | Requiring owners to provide notice to their tenants regarding procedures that should be followed when a gas leak is suspected.   |
| (5)  | <b>Int 1093-A -</b> | Requiring gas service providers and owners to notify the department of buildings within twenty-four hours when gas service is shut-off or not restored due to safety concerns. |
| (6)  | <b>Int 1094-A -</b> | Identifying the factors indicating gas-related violations in residential and commercial buildings.   |
| (7)  | <b>Int 1098-A -</b> | Annual reports on the state of gas infrastructure in the city.   |
| (8)  | <b>Int 1100-A -</b> | Requiring the installation of natural gas detecting devices.   |
| (9)  | <b>Int 1101 -</b>   | Temporary waiver of penalties for violations relating to fuel gas piping systems and appliances that are promptly repaired.  |
| (10) | <b>Int 1102 -</b>   | Designating violations of existing law regarding gas piping systems as “immediately hazardous.”  |
| (11) | <b>Int 1124-A -</b> | Electric vehicle charging station pilot program.   |
| (12) | <b>Int 1228-B -</b> | Department of Correction investigation report.   |
| (13) | <b>Int 1138-A -</b> | CUNY task force  |
| (14) | <b>Res 1275 -</b>   | New and changed designations of certain organizations to receive funding ( <b>Transparency</b> )   |

**Resolution).**

- (15) **L.U. 472 & Res 1282 -** App. **C 160030 ZMK**, Zoning Map, Brooklyn, Community Board 2, Council District 33.
- (16) **L.U. 473 & Res 1283 -** App. **C 160054 MMK**, City Map, Brooklyn, Community Board 2, Council District 33.
- (17) **L.U. 474 & Res 1284 -** App. **N 160029 ZRK**, Zoning Resolution, Brooklyn, Community Board 2, Council District 33.
- (18) **L.U. 495 & Res 1285 -** App. **C 150312 ZMX**, Zoning Map, Bronx, Community Board 4, Council District 17.
- (19) **L.U. 496 & Res 1286 -** App. **N 150313 ZRX**, Zoning Resolution, Bronx, Community Board 4, Council District 17.
- (20) **L.U. 505 & Res 1279 -** App. **20175115 PNK**, maritime lease, Ferrara Bros. LLC, Brooklyn, Community Board 7, Council District 38.
- (21) **L.U. 513 & Res 1280 -** App. **20175111 HAK**, tax exemptions, Brooklyn, Community Board 5, Council District 42.
- (22) **L.U. 514 & Res 1281 -** App. **20175112 HAM**, tax exemptions, Manhattan, Community Board 12, Council District 10.
- (23) **L.U. 520 & Res 1276 -** 2178 Atlantic Avenue, Brooklyn, Community District No. 16, Council District No. 41.
- (24) **L.U. 521 & Res 1277 -** The Tree of Life, Queens, Community District No. 12, Council District No. 24.
- (25) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **50**.

**The General Order vote recorded for this Stated 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 **LU No. 472 & Res No. 1282 and LU No. 474 & Res No. 1284:**

**Affirmative** – Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

**Negative** – Barron – **1**.

**Abstention** – Cumbo and Williams – **2**.

The following was the vote recorded for **LU No. 473 & Res No. 1283:**

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

**Abstention** – Williams - **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos.738-A, 1079-A, 1088-A, 1090-A, 1093-A, 1094-A, 1098-A, 1100-A, 1101, 1102, 1124-A, 1228-B, and 1138-A,*



## INTRODUCTION AND READING OF BILLS

Int. No. 1345

By The Speaker (Council Member Mark-Viverito) and Council Members Garodnick, Crowley, Lander, Kallos, Menchaca and Richards.

### **A Local Law to amend the administrative code of the city of New York, in relation to conflicts of interest and organizations affiliated with elected officials**

*Be it enacted by the Council as follows:*

Section 1. Title 3 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

*Chapter 9. Organizations Affiliated with Public Officials.*

*§ 3-901 Definitions.*

*§ 3-902 Reserved.*

*§ 3-903 Prohibition of Acceptance of Certain Donations.*

*§ 3-904 Enforcement.*

*§ 3-905 Penalties.*

*§ 3-906 Rulemaking.*

*§ 3-901 Definitions. As used in this chapter, the following terms have the following meanings.*

*Corporation. The term "corporation" means any corporation, limited liability company, limited liability partnership or partnership.*

*Doing business database. The term "doing business database" means the doing business database as defined in section 3-702 of the administrative code.*

*Donation. The term "donation" means any contribution, including in-kind donations, gifts, loans, advances or deposits of money, or anything of value.*

*Elected official communications. The term "elected official communications" means a communication in the form of: (i) radio, television, cable or satellite broadcast; (ii) printed material such as advertisements, pamphlets, circulars, flyers, brochures or letters; (iii) telephone communication; or (iv) paid internet advertising; which includes the name or likeness of the person holding office as mayor, comptroller, public advocate, borough president or member of the council with whom such organization is affiliated. Elected official communications do not include: (i) communications with a professional journalist or newscaster, including an editorial board or editorial or opinion writer of a newspaper, magazine, news agency, press association or wire service; or (ii) a communication that is: (A) directed, sent or distributed by the distributing organization only to individuals who affirmatively consent to be members of the distributing organization, contribute funds to the distributing organization, or, pursuant to the distributing organization's articles or bylaws, have the right to vote directly or indirectly for the election of directors or officers, or on changes to bylaws, disposition or all or substantially all of the distributing entity's assets or the merger or dissolution of the distributing entity; or (B) for the purpose of promoting or staging any candidate debate, town hall or similar forum to which at least two candidates seeking the same office, or two proponents of differing positions on a referendum or question submitted to voters, are invited as participants, and which does not promote or advance one candidate or position over another.*

*Labor organization. The term "labor organization" means any organization, including any local, state, district council, joint council or national organization, which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection, or any political committee established by such an organization pursuant to state or federal law.*

*Organization affiliated with an elected official. The term "organization affiliated with an elected official" means an entity for which a person holding office as mayor, comptroller, public advocate, borough president or member of the council, or an agent authorized by such a person, is a principal owner or officer, or over which such a person otherwise exercises control; or which was created by such an officeholder, or by an agent*

authorized by such an officeholder, within the previous two calendar years. Principal committees and political committees, as those terms are defined in section 3-702, are not organizations affiliated with an elected official.

*Person with business dealings with the city.* The term “person with business dealings with the city” means any person who is listed in the doing business database, or any domestic partner, spouse, or unemancipated child of such a person.

§ 3-902 Reserved.

§ 3-903 *Prohibition of Acceptance of Certain Donations.* 1. Organizations affiliated with an elected official that spend or reasonably expect to spend at least 10% of their expenditures in the current or next calendar year on elected official communications shall not accept donations with a reasonable value in excess of \$400 in a single year by any person who such organization knows or should know has business dealings with the city on the date of such donation. No violation shall issue and no penalty shall be imposed where any excess donation under this subdivision is refunded within 20 days of receipt by such organization.

2. Organizations affiliated with an elected official that spend or reasonably expect to spend at least 10% of their expenditures in the current or next calendar year on elected official communications shall return any donations with a reasonable value in excess of \$400 in a single year by any person who is not a person who such organization knows or should know has business dealings with the city on the date of such donation, but who is added to the doing business database within 180 days of receipt by the organization. No violation shall issue and no penalty shall be imposed where any excess donation under this subdivision is refunded within 200 days of receipt by such organization.

3. Organizations affiliated with an elected official that spend or reasonably expect to spend at least 10% of their expenditures in the current or next calendar year on elected official communications shall not accept donations by any corporation or labor organization, or from any person who fails to respond to the inquiry required by subdivision four of this section.

4. Organizations affiliated with an elected official that spend or reasonably expect to spend at least 10% of their expenditures in the current or next calendar year on elected official communications shall require a written submission in a manner and form determined by the conflicts of interest board from every individual making a donation with a reasonable value in excess of \$400 in a single year to determine whether such individual is a person with business dealings with the city. .

5. Entities that have, as their sole purpose, advocating for New York city as the location for a national or international sporting event, a national political convention, or another event publicly determined by the conflicts of interest board to be similar to such an event are not subject to the requirements or limitations of this section.

§ 3-904 *Enforcement.* Complaints alleging violations of, and directives by the conflicts of interest board to investigate matters related to, this chapter shall be made, received, investigated and adjudicated in a manner consistent with investigations and adjudications of conflicts of interest pursuant to chapters 34 and 68 of the charter.

§ 3-905 *Penalties.* 1. Reserved.

2. Any person who violates subdivisions 1, 2 or 3 of section 3-903 shall be subject to a civil penalty, which for the first offense shall be not more than \$5,000, for the second offense not less than \$5,000 and not more than \$15,000, and for the third and subsequent offenses not less than \$15,000 and not more than \$30,000. In addition to such civil penalties, for the second and subsequent offenses any person who knowingly and willfully violates any such subdivision of section 3-903 shall also be guilty of a class A misdemeanor.

3. Any person who violates subdivision 4 of section 3-903 shall be subject to a civil penalty, which for the first offense shall be not more than \$1,000, and for the second and subsequent offenses not more than \$10,000.

§ 3-906 *Rulemaking.* The conflicts of interest board shall adopt such rules as are necessary to ensure the implementation of this chapter.

§ 2. Section 3-902 of the administrative code of the city of New York is amended to read as follows:

§ 3-902 [Reserved] *Reporting and Donor Disclosure of Organizations Affiliated with Public Officials.* 1. All organizations affiliated with an elected official shall report to the conflicts of interest board annually by August 1, in a manner determined by the conflicts of interest board by rule.

2. Such report shall include:

- a. the name of the organization;*
- b. the name or names of the person holding office as mayor, comptroller, public advocate, borough president or member of the council, or of the agent or agents authorized by such a person, who operates or created the organization;*
- c. the names of any other principal owners, officers, and board members of the organization;*
- d. whether the organization has tax-exempt status pursuant to the internal revenue code and, if so, the section of such code that grants such status;*
- e. the website of the organization, if any;*
- f. the names of any people who such organization knows had business dealings with the city on the date of such donation, or who were added to the doing business database within 180 days after the receipt of such donation, who made a donation to the organization during the previous calendar year, if any, and the addresses, dates of donation, and value of donation of any such people;*
- g. the names of any other individuals who, or any corporation or labor union that, made a donation with a reasonable value of \$1,000 or more to the organization during the previous calendar year, if any, and the addresses, dates of donation, and value of donation of any such individuals or entities;*
- h. an accounting of the expenditures of the organization during the previous calendar year, in a manner and form determined by the conflicts of interest board;*
- i. for an organization affiliated with an elected official that did not spend or reasonably expect to spend at least 10% of their expenditures in the previous or current calendar year on elected official communications, a certification that they did not do so; and*
- j. any other information required to be included by the conflicts of interest board.*

3. The conflicts of interest board shall maintain and regularly update a list on its website of all organizations that reported, and all donor information disclosed, to such board pursuant to this section.

4. Donor inquiry responses received pursuant to section 3-903 shall be retained by the inquiring organization for at least three years from the date of receipt.

§ 3. Subdivision a of section 3-905 is amended to read as follows:

*a. Any person who violates any provision of section 3-902 shall be subject to a civil penalty of not more than \$10,000. In addition to such civil penalties, for the second and subsequent offense any person who knowingly and willfully violates any provision of section 3-902 shall also be guilty of a class A misdemeanor.*

§ 4. Section 1 of this local law takes effect on January 1, 2018; and sections 2 and 3 of this local law take effect on January 1, 2019; provided that the conflicts of interest board shall promulgate rules prior to such dates as are necessary for the timely implementation of this local law.

Referred to the Committee on Standards and Ethics.

Res. No. 1273

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5982 and S.6342 to prohibit employers from seeking the salary history of a prospective employee for an interview or as a condition of employment.**

By Council Members Cabrera, Richards and Mendez.

**Whereas**, According to the 2014 Census Bureau American Community Survey (ACS), a woman in New York State working full-time makes about 87 cents for every dollar a man earns, or a difference of \$6,778 in median annual income; and

**Whereas**, According to the 2014 ACS, women of color are disproportionately hurt by the gender pay gap, with Hispanic, Black or African American, and Asian women experiencing a 54, 45, and 37 percent wage gap respectively compared to white men in New York City; and

**Whereas**, According to the 2014 ACS, among women with college or post-graduate degrees in New York City, the gender wage gap persists at 16 percent and 20 percent respectively; and

**Whereas**, A 2016 policy report titled “Advancing Pay Equity in New York City,” released by the Public Advocate for the City of New York, recommended prohibiting employers from relying on salary histories, a practice that perpetuates the gender wage gap; and

**Whereas**, On August 16, 2016, the Public Advocate for the City of New York introduced Int. 1253-2016 to prohibit employers from seeking a job applicant’s salary history, a bill that 30 Council Members had joined as co-sponsors within two months of introduction; and

**Whereas**, The need for legislation prohibiting salary history inquiries extends beyond the City of New York; and

**Whereas**, New York State Assembly Member Marcos A. Crespo, in 2015, and, New York State Senator Brad Hoylman, in 2016, introduced A.5982 and S.6342 respectively, making it an unlawful discriminatory practice for employers to seek a salary history from a prospective employee for an interview or as a condition for employment; 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.5982 and S.6342 to prohibit employers from seeking the salary history of a prospective employee for an interview or as a condition of employment.

Referred to the Committee on Civil Rights.

Int. No. 1346

By Council Members Constantinides, Richards, Gibson, Rosenthal, Johnson, Rodriguez, Lancman, Van Bramer, Vacca, Koslowitz, Torres, Gentile, Espinal, Cohen, Kallos, Vallone, Levin and Crowley (by request of the Mayor).

**A Local Law to amend the New York city charter, the administrative code of the city of New York, the New York city plumbing code and the New York city building code, in relation to water pollution control, including provisions relating to stormwater management and control of discharges into storm sewers**

*Be it enacted by Council as follows:*

Section 1. Paragraphs 2 and 3 of subdivision a of section 1403 of the New York city charter, as added by local law number 24 for the year 1977, are amended to read as follows:

(2) The commissioner shall examine into the sources of water supply of any private companies supplying the city or any portion thereof or its inhabitants with water to see that the same is wholesome and the supply is adequate, to establish such rules and regulations in respect thereof as are reasonable and necessary for the convenience of the public and to exercise superintendence, regulation and control in respect to the supply of water by such water companies [;

(3) Except as otherwise provided by law and subject to the provisions of this chapter, the commissioner shall regulate and control emissions into water within and about the city of New York of harmful or objectionable substances, contaminants and pollutants; enforce all laws, rules and regulations with respect to such emissions; make such investigations and studies as may be desirable for the purpose of such enforcement and of controlling and eliminating pollution of such waters, and for such purpose shall have the power to compel the attendance of witnesses and to take their testimony under oath].

§ 2. Section 1403 of the New York city charter is amended by adding a new subdivision b-1 to read as follows:

*b-1. Water pollution control.*

(1) *Except as otherwise provided by law and subject to the provisions of this chapter, the commissioner shall have the power to: administer and enforce provisions of law, rules and regulations relating to the management and control of discharges and runoff from public and private property, including but not limited to stormwater discharges; regulate and control discharges into water within and about the city of New York of harmful or objectionable substances, contaminants and pollutants that may have an adverse impact on waters of the state; enforce all laws, rules and regulations with respect to discharges described in this paragraph; and make such investigations and studies as may be desirable for the purpose of such enforcement and of controlling and eliminating pollution of waters within and about the city of New York; and for the purposes set forth in this paragraph shall have the power to compel the attendance of witnesses and to take their testimony under oath.*

(2) *The commissioner shall have the power to coordinate the actions of city agencies with respect to compliance with the state pollutant discharge elimination system (SPDES) permit for municipal separate storm sewer systems of New York city, SPDES No. NY-0287890 or its successor. City agencies shall have the power to take such actions, including but not limited to the promulgation of rules, as they determine to be necessary to ensure compliance with the provisions of such permit or its successor, and with provisions of law related thereto.*

§ 3. Subdivision c of section 19-137 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. *To land contour work for which a stormwater construction permit issued by the department of environmental protection is required pursuant to subchapter 2 of chapter 5-A of title 24 of the administrative code.*

§ 4. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-502.1 to read as follows:

§ 24-502.1 *References to environmental control board. When used in this chapter, the term "environmental control board" means the environmental control board established pursuant to section 1049-a of the charter within the office of administrative trials and hearings.*

§ 5. Section 24-519 of the administrative code of the city of New York is amended to read as follows:

§ 24-519 *Volatile, flammable liquids. It shall be unlawful to use any connection with, opening into, or gutter leading into, any sewer or drain, either public or private, for the conveyance or discharge, directly or indirectly, into such sewer or drain, of any volatile flammable liquid, gas or vapor[;]. [( ) A volatile, flammable liquid is any liquid that will emit a flammable vapor at a temperature [below one hundred sixty degrees, Fahrenheit]] specified in rules of the department.*

§ 6. The administrative code of the city of New York is amended by adding a new section 24-520.1 to read as follows:

§ 24-520.1 *Non-stormwater discharges prohibited. a. For purposes of this section, the following terms have the following meanings:*

*Allowable runoff. The term "allowable runoff" means runoff authorized by the rules of the department to enter storm sewers, provided that such rules shall be consistent with the proper maintenance and purpose of such storm sewers and with the state pollutant discharge elimination system (SPDES) permit for municipal separate storm sewer systems of New York city, SPDES No. NY-0287890 or its successor.*

*Storm sewer. The term "storm sewer" means a sewer, the primary purpose of which is to carry stormwater.*

*b. No person shall discharge or cause to be discharged, directly or indirectly, into any storm sewer any substance other than stormwater or allowable runoff. Rules governing allowable runoff may require practices and procedures related to such discharges in furtherance of this section. Such rules may also require approval by the department of such discharges.*

*c. For purposes of this section, indirect discharges include but are not limited to discharges to any street, gutter, or other conveyance that could reasonably lead to a storm sewer.*

§ 7. Section 24-524 of the administrative code of the city of New York, subdivisions f and g of such section as amended by local law number 55 for the year 2013, is amended to read as follows:

§ 24-524 *Enforcement and penalties. a. Orders. Notwithstanding any other provision of law, the commissioner of environmental protection and the environmental control board shall enforce the provisions of subdivisions b and b-1 of section 1403 of the charter and sections 24-504 through [24-522 and] 24-523 of this*

chapter and the [regulations] *rules* promulgated pursuant thereto. Such commissioner and board shall have the power to issue such orders as may be provided for therein and such additional orders as may be necessary for the enforcement of such provisions. *The department shall promulgate rules governing the appeal of orders issued by the commissioner.*

b. *Commissioner's cease and desist orders.* 1. Whenever the commissioner of environmental protection has reasonable cause to believe that: (i) a discharge *has occurred* in violation of the provisions of *subdivision b or b-1 of section 1403 of the charter or sections 24-504 through [24-522 and] 24-523 of this chapter or any order[,] or rule [or regulation] issued by the board or commissioner pursuant to such provisions or subdivision a of this section in furtherance of such provisions* or in violation of the conditions of any permit issued pursuant to such provisions and (ii) *that such discharge* creates or may create an imminent danger to the sewer system or to the public health or to the life or safety of persons, [he or she] *the commissioner* may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility or installation from which the unlawful discharge is emitted to take such action as may be necessary to halt or prevent such discharge.

2. If service of the order cannot be made personally because such person cannot be located at such time then service may be made by delivering a copy to a person of suitable age and discretion at the residence or place of business of the person sought to be served. If service cannot be made personally or by such delivery to a person of suitable age and discretion because of inability to locate or to obtain the name or address of such person at such time, service may be made by conspicuously posting a copy of such order upon the property to which it *relates and mailing the order to the most recent residential or business address of record of the person sought to be served.* The posting *and mailing* of such order shall be sufficient notice of such order to all persons having a duty in relation thereto under the provisions of this subdivision.

3. If the order is not complied with or so far complied with as such commissioner may regard as reasonable, within the time specified therein such commissioner may act to halt or prevent such discharge by:

- i. sealing, blocking or otherwise inactivating any equipment, facility, or device;
- ii. terminating the water supply to the premises;
- iii. sealing, blocking or otherwise inactivating any private sewer or drain emptying directly or indirectly into the sewer system; *or*
- iv. any other means or method that is reasonable under the circumstances. For such purpose the commissioner of environmental protection or his or her deputies or such other officers or employees as are designated by the commissioner may enter on any public or private property.

4. Any person affected by such an order may make written application to the environmental control board for a hearing. Such hearing shall be provided, pursuant to the rules and regulations of the board, and shall be held within [forty-eight hours] *2 business days* after the receipt of such application. The board may suspend, modify or terminate such order.

d. *Environmental control board cease and desist orders.* 1. In the case of any continued or knowing violation of any of the provisions of *subdivision b or b-1 of section 1403 of the charter or sections 24-504 through [24-522 and] 24-523 of this chapter or any order[,] or rule [or regulation] issued by the environmental control board or commissioner of environmental protection pursuant [thereto] to such provisions or subdivision a of this section in furtherance of such provisions* or of the conditions of any permit issued pursuant to such provisions or where the board finds that the violation of any of such provisions or of the conditions of any such permit presents or may present a danger to the environment or threatens to interfere with the operation of the sewer system, the board after notice and the opportunity for a hearing in accordance with the rules and regulations of the board, may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility or installation to cease and desist from any activity or process which causes or is conducted so as to cause such violation within the time specified in such order.

2. Such order may provide that if the order is not complied with or so far complied with as the commissioner of environmental protection may regard as reasonable within the time specified therein, such commissioner may take such action as shall be specified therein, including but not limited to:

- i. sealing, blocking or inactivating any equipment, facility or device;
- ii. terminating the water supply to the premises;

iii. sealing, blocking or inactivating any private sewer or drain emptying directly or indirectly into the sewer system; *or*

*iv. any other means or method that is reasonable under the circumstances.*

For such purpose the commissioner of environmental protection or his or her deputies or such other officers or employees as are designated by such commissioner may enter on any public or private property.

*e. Action by corporation counsel.* If the respondent fails to comply with any order issued by the environmental control board or commissioner of environmental protection or with the conditions of any permit, or such board or commissioner otherwise deems it necessary, the corporation counsel, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by [injunction] *injunction* the violation of any order or permit issued by such board or commissioner.

*f. Civil penalties.* Any person who violates or fails to comply with any of the provisions of subdivision b or b-1 of section 1403 of the charter or section 24-504 through [24-522 and] 24-523 of this chapter or any order[,] *or rule [or regulation]* issued by the environmental control board or commission of environmental protection pursuant [thereto] *to such provisions or subdivision a of this section in furtherance of such provisions* or with the conditions of any permit issued pursuant thereto shall be liable for a civil penalty not exceeding ten thousand dollars for each violation, provided that this subdivision shall not apply to subdivision c of section 24-509 or subdivisions a and b of section 24-521, and provided that the penalty for the removal of a manhole cover in violation of section 24-517 shall be not less than two thousand five hundred dollars. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The environmental control board shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board. Such board, after a hearing as provided by the rules and regulations of the board, shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section one thousand forty-nine-a of the New York city charter. A civil penalty imposed by the board may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense *or may use a schedule adopted by the department.*

*g. Criminal penalties.* In addition to the civil penalties set forth in subdivision f of this section, any person who knowingly violates or fails to comply with any provision of *subdivision b or b-1 of section 1403 of the charter or sections 24-504 through [24-522 or section] 24-523 of this chapter or any order[,] or rule [or regulation]* issued by the environmental control board or commission of environmental protection pursuant [thereto] *to such provisions or subdivision a of this section in furtherance of such provisions* or with the conditions of any permit issued pursuant thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty nor more than ten thousand dollars, or by imprisonment not exceeding thirty days, or both for each offense, provided that this subdivision shall not apply to subdivision c of section 24-509 or subdivisions a and b of section 24-521, and provided that the punishment for the removal of a manhole cover in violation of section 24-517 shall be a fine of not less than five hundred dollars nor more than ten thousand dollars, or imprisonment not exceeding thirty days, or both for each offense. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. In addition to its application to any other person, the fine provided for in this paragraph shall be deemed a special fine for a corporation within the meaning of section 80.10 of the penal law of the state of New York.

*h. Liability to the city.* Any person who violates or fails to comply with any of the provisions of *subdivision b or b-1 of section 1403 of the charter or sections 24-504 through [24-522 and] 24-523 of this chapter or any order[,] or rule [or regulation]* issued pursuant [thereto] *to such provisions or subdivision a of this section in furtherance of such provisions* or with the conditions of any permit issued pursuant thereto shall be liable to the city for any expense, *including but not limited to costs for response, remediation and emergency services or any other loss or damage suffered by the city by reason of such violation.*

*i. Service.* Unless otherwise provided in this section, service of any notice or order required by this section may be made either personally or by mail [addressed to the last known address of the person to be served].

*j. Issuance. Officers and employees of the department and of other city agencies designated by the commissioner shall have the power to issue summonses, appearance tickets, orders and notices of violation based upon violations of this chapter or rules of the department promulgated hereunder.*

*k. Entry and inspection. An authorized representative of the department may enter on any property, consistent with applicable law and in accordance with rules of the department related to such entry and inspection, to inspect for compliance with this chapter and rules of the department promulgated hereunder.*

§ 8. Title 24 of the administrative code of the city of New York is amended by adding a new chapter 5-A to read as follows:

*CHAPTER 5-A  
WATER POLLUTION CONTROL  
SUBCHAPTER 1  
GENERAL*

*§ 24-540 Policy. Land development and associated increases in site impervious cover increase stormwater runoff causing flooding, soil erosion, and sediment transport and deposition in waterways. A high percentage of impervious area correlates with a higher rate of stormwater runoff, which generates greater pollutant loadings to the city's separate stormwater and combined sewer systems. Pollutants found in urban runoff include, but are not limited to, nitrogen, phosphorus, silt and sediment, pathogens, floatables, petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs).*

*Clearing and grading during construction may increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat. Improperly designed and constructed stormwater management practices increase the velocity of stormwater runoff thereby increasing erosion and sedimentation. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities. Regulation of land development activities by means of performance standards governing long-term stormwater management and site design produces development compatible with the natural functions of a particular site and thereby mitigates the adverse effects of erosion and sedimentation from development.*

*Material handling and storage, equipment maintenance and cleaning, and other activities at industrial facilities are often exposed to stormwater, which can pick up pollutants and transport them to surface waters directly or via a storm sewer. Appropriate stormwater management at industrial facilities can reduce these impacts.*

*This chapter establishes stormwater management controls meeting the requirements of state and federal law in areas of the city where stormwater does not pass through wastewater treatment plants before it enters the waters of the state. In these areas water borne pollutants in stormwater runoff are more likely to enter and have an adverse impact on the waters of the state.*

*The purpose and intent of this chapter is to (i) reduce pollutants discharged in stormwater runoff from construction activities in such areas to the maximum extent practicable through appropriate erosion and sediment controls; (ii) minimize, to the maximum extent practicable, increases in stormwater runoff volume and velocity, and pollutant loading in stormwater runoff, from development sites in such areas; (iii) ensure the proper maintenance of post-construction stormwater management practices; and (iv) ensure compliance by certain industrial facilities in such areas with applicable requirements to manage stormwater runoff in order to reduce pollutants in stormwater from industrial activities to the maximum extent practicable.*

*§ 24-541 Definitions. As used in this chapter, the following terms have the following meanings:*

*Authorized inspection agent. The term "authorized inspection agent" means an individual who has been authorized pursuant to a contract entered into by the department for inspection services to conduct inspections on behalf of the department.*

*Board or environmental control board. The term "board" or "environmental control board" means the environmental control board established pursuant to section 1049-a of the charter within the office of administrative trials and hearings.*

*Commissioner. The term "commissioner" means the commissioner of environmental protection or the authorized representative of such commissioner.*



*Covered development project.* The term “covered development project” means development activity that involves or results in an amount of soil disturbance within the MS4 area greater than or equal to one acre or as established pursuant to rules of the department in accordance with subdivision d of section 24-553. Such term includes development activity that is part of a larger common plan of development or sale involving or resulting in soil disturbance within the MS4 area greater than or equal to one acre or as established pursuant to rules of the department in accordance with subdivision d of section 24-553. Such term shall include all development activity within the MS4 area that requires a stormwater pollution prevention plan pursuant to the NYSDEC construction general permit.

*Department.* The term “department” means the department of environmental protection.

*Detention system.* The term “detention system” means a system that slows and temporarily holds storm water runoff so that it can be released at a controlled rate.

*Developer.* The term “developer” means a person that owns or leases land on which development activity that is part of a covered development project is occurring, and/or a person that has operational control over the development activity’s construction plans and specifications, including the ability to make modifications to the construction plans and specifications.

*Development activity.* The term “development activity” means soil disturbance on a site including but not limited to through land contour work, clearing, grading, excavation, demolition, construction, reconstruction, new development, redevelopment, creation or replacement of impervious surface, stockpiling activities or placement of fill. Clearing activities include but are not limited to the cutting and skidding of trees, stump removal and/or brush root removal. Such term does not include routine maintenance (such as road resurfacing) that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

*Erosion and sediment controls.* The term “erosion and sediment controls” means stormwater management practices designed to minimize the discharge of pollutants during development activities including, but not limited to, structural erosion and sediment control practices, construction sequencing to minimize exposed soils, soil stabilization, dewatering control measures, and other pollution prevention and good housekeeping practices appropriate for construction sites.

*Impaired water.* The term “impaired water” means a water body for which NYSDEC has established a total maximum daily load (“TMDL”), for which NYSDEC expects that existing controls such as permits will resolve the impairment, or a water body identified by NYSDEC as needing a TMDL. A list of impaired waters is issued by NYSDEC pursuant to section 303(d) of the federal water pollution control act, chapter 26 of title 33 of the United States code.

*Industrial stormwater source.* The term “industrial stormwater source” means any premises or facility that is subject to the MSGP.

*Larger common plan of development or sale.* The term “larger common plan of development or sale” means a contiguous area where multiple separate and distinct development activities are occurring, or will occur, under one plan. The term “plan” in “larger common plan of development or sale” is broadly defined as any announcement or piece of documentation including a sign, public notice of hearing, sales pitch, advertisement, drawing, permit application, uniform land use review procedure (ULURP) application, state environmental quality review act (SEQRA) or city environmental quality review (CEQR) application, application for a special permit, authorization, variance or certification pursuant to the zoning resolution, subdivision application, computer design, or physical demarcation (including boundary signs, lot stakes, and surveyor markings) indicating that development activities may occur on a specific plot. Such term does not include areawide rezonings or projects discussed in general planning documents. For discrete development activities that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each activity may be treated as a separate plan of development or sale provided that any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed.

*Multi sector general permit or “MSGP.”* The term “multi sector general permit” or “MSGP” means the New York state department of environmental conservation SPDES multi sector general permit for stormwater discharges associated with industrial activity, Permit No. GP-0-12-001 or its successor.

*MS4 SWPPP acceptance form.* The term “MS4 SWPPP acceptance form” means the form developed by NYSDEC to be used to indicate acceptance of a SWPPP by a municipality.

*MS4 area.* The term “MS4 area” means those portions of the city of New York served by separate storm sewers and separate stormwater outfalls owned or operated by the city of New York and areas in which municipal operations and facilities drain by overland flow to waters of the state, as determined by the department and described on maps of the MS4 area set forth in the rules of the department.

*Municipal operations and facilities.* The term “municipal operations and facilities” means any operation or facility serving a New York city governmental purpose and over which the city of New York has operational control.

*New development.* The term “new development” means any construction or disturbance of a parcel of land that is currently undisturbed or unaltered by human activities and in a natural state.

*Notice of intent or NOI.* The term “notice of intent” means the document submitted to NYSDEC to obtain coverage under the NYSDEC construction general permit.

*Notice of termination or NOT.* The term “notice of termination” means the document submitted to NYSDEC to terminate coverage under the NYSDEC construction general permit.

*NYC MS4 Permit.* The term “NYC MS4 permit” means the state pollutant discharge elimination system (SPDES) permit for municipal separate storm sewer systems of New York city, SPDES No. NY-0287890 or its successor.

*NYSDEC.* The term “NYSDEC” means the New York state department of environmental conservation.

*NYSDEC construction general permit.* The term “NYSDEC construction general permit” means the state pollutant discharge elimination system (SPDES) general permit for stormwater discharges from construction activities, Permit No. GP-0-15-002 or its successor.

*NYSDEC MS4 general permit.* The term “NYSDEC MS4 general permit” means the state pollutant discharge elimination system (SPDES) general permit for stormwater discharges from municipal separate storm sewer systems (MS4s), Permit No. GP-0-15-003 or its successor.

*Owner.* The term “owner” means a person having legal title to premises, a mortgagee or vendee in possession, a trustee in bankruptcy, a receiver, or any other person having legal ownership or control of premises.

*Person.* The term “person” means an individual, corporation, partnership, limited liability company or other legal entity.

*Pollutant.* The term “pollutant” means dredged soil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, and agricultural waste discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the State in contravention of the standards or guidance values adopted as provided in subdivision a of section 750-1.2 of title 6 of the New York codes, rules and regulations.

*Pollutants of concern.* The term “pollutants of concern” means pollutants that might reasonably be expected to be present in stormwater in quantities that may cause or contribute to an exceedance of water quality standards. These pollutants include but are not limited to nitrogen, phosphorus, silt and sediment, pathogens, floatables, petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs).

*Post-construction stormwater management facility or post-construction facility.* The term “post-construction stormwater management facility” or “post-construction facility” means a stormwater management practice serving a developed site and consisting of technology or strategies designed to reduce pollutants in stormwater runoff or reduce runoff rate or volume from the developed site through infiltration, retention, detention, or other method or treatment. Such term includes, but is not limited to, detention systems and retention systems.

*Premises.* The term “premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

*Qualified inspector.* The term “qualified inspector” means a person who is knowledgeable in the principles and practices of erosion and sediment control, with the qualifications to be established by the rules of the department.

*Qualified professional.* The term “qualified professional” means a person who is knowledgeable in the principles and practices of stormwater management and treatment, with the qualifications to be established by the rules of the department.

*Redevelopment.* The term “redevelopment” means reconstruction of or modification to any existing previously developed land such as residential, commercial, industrial, institutional or road/highway, which involves soil disturbance. Redevelopment is distinguished from new development in that new development refers to construction on land where there had not been previous construction. Redevelopment specifically applies to constructed areas with impervious surface or urban fill.

*Retention system.* The term “retention system” means a system that captures storm water runoff on site with no release.

*Separate stormwater outfall.* The term “separate stormwater outfall” means a point where stormwater from a storm sewer or other source of concentrated stormwater flow, owned or operated by the city of New York, is discharged into a water of the state or to a separate storm sewer system that requires coverage under the NYSDEC MS4 general permit.

*Storm sewer.* The term “storm sewer” means a sewer, the primary purpose of which is to carry stormwater.

*Stormwater or stormwater runoff.* The term “stormwater” or “stormwater runoff” means runoff that is generated when precipitation from rain events or snowmelt flows overland and does not percolate into the ground.

*Stormwater construction permit.* The term “stormwater construction permit” means a permit issued by the department authorizing development activity on land on which there is a covered development project in accordance with an approved stormwater pollution prevention plan (SWPPP).

*Stormwater maintenance permit.* The term “stormwater maintenance permit” means a permit issued by the department where maintenance of post-construction stormwater management facilities by owners of real property is required.

*Stormwater management practices or SMPs.* The term “stormwater management practices” or “SMPs” means measures to prevent flood damage and/or to prevent or reduce point source or nonpoint source pollution inputs to stormwater runoff and water bodies. Such term includes erosion and sediment controls, post-construction stormwater management facilities, and practices to manage stormwater runoff from industrial activities.

*Stormwater pollution prevention plan or SWPPP.* The term “stormwater pollution prevention plan” or “SWPPP” means (i) when used in connection with a covered development project, a plan for controlling stormwater runoff and pollutants during construction and, where required by department rules, after construction is completed, or (ii) when used in connection with an industrial stormwater source, a plan for controlling stormwater runoff and pollutants required by the MSGP.

*Waters of the state.* The term “waters of the state” means lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

*§24-542 Entry and inspection.* An authorized representative of the department may enter on any property, consistent with applicable law and in accordance with rules of the department related to such entry and inspection, to inspect for compliance with this chapter and rules of the department promulgated hereunder.

## SUBCHAPTER 2 CONSTRUCTION AND POST-CONSTRUCTION STORMWATER CONTROLS

*§24-550 General.* This subchapter governs certain land development activities within the MS4 area.

*§24-551 Stormwater construction permit required.* It shall be unlawful to commence or engage in any development activity on the site of a covered development project unless and until a stormwater construction permit has been issued by the department.

*§24-552 Review of stormwater pollution prevention plan or SWPPP.* Before the commencement of development activity on the site of a covered development project the developer must submit a copy of the notice of intent and a stormwater pollution prevention plan, certified by a qualified professional, to the department for review in accordance with the rules of the department. The department or a qualified

professional designated by the department shall review the SWPPP within time periods to be specified in the rules of the department. If the department accepts the SWPPP the department shall issue a stormwater construction permit to the developer and, for projects subject to the NYSDEC construction general permit, shall issue an MS4 SWPPP acceptance form for filing with NYSDEC. If the department rejects the SWPPP the department shall send notice of such rejection to the developer indicating the specific deficiencies that caused the department to reject the SWPPP. The department may require that the SWPPP or other documents be submitted electronically.

§24-553 Rules. The department shall promulgate rules to carry out the provisions of this subchapter in accordance with the NYC MS4 permit and the NYSDEC construction general permit, including but not limited to rules that:

a. Set forth the content of SWPPPs, consistent with the NYSDEC construction general permit, including identifying those development projects requiring only erosion and sediment controls during construction and those requiring erosion and sediment controls and post-construction stormwater management facilities.

b. Establish design standards for erosion and sediment controls and post-construction stormwater management facilities which shall not be less stringent than the standards set forth or incorporated by reference in the NYSDEC construction general permit.

c. Establish exemptions from permit requirements, consistent with the NYC MS4 permit and the NYSDEC construction general permit.

d. After completion of the lot size soil disturbance study required by the NYC MS4 permit, provide for the regulation of development activity of less than one acre, based either on total disturbance of soil or on amount of impervious surface created or replaced, where an appropriate reduction in the threshold is necessary in accordance with the NYC MS4 permit.

e. Establish procedures and fees for the review of SWPPPs and the issuance and renewal of permits required by this subchapter.

f. Establish training, experience and/or education requirements for qualified professionals and qualified inspectors, which shall not be less stringent than those required by the NYSDEC construction general permit.

g. Establish record keeping, inspection and reporting requirements for applicants and permittees to monitor compliance with this subchapter and approved SWPPPs.

h. Establish requirements for compliance certifications by contractors to be included with SWPPPs.

i. Establish standards for the maintenance, inspection, repair and replacement of required erosion and sediment controls and post-construction stormwater management facilities.

§24-554 SWPPP to be retained on site. A copy of the SWPPP shall be retained at the site of the project from the date of initiation of development activities to the date notice of termination is submitted to NYSDEC and shall be made available to officers and employees of the department and/or qualified inspectors authorized by the department in accordance with the rules of the department.

§24-555 Recordkeeping. A developer shall keep and maintain records of all inspections and tests required to be performed pursuant to this subchapter and rules of the department, as follows: records of inspections and tests performed during construction must be maintained throughout construction and for 5 years after completion of construction; and records of post-construction inspections and tests must be maintained for 5 years after performance of such inspections or tests. Such records and tests shall be made available to the department in accordance with the rules of the department. The department may require such records to be maintained and provided to the department electronically.

§24-556 Compliance with terms and conditions of SWPPP required. Every stormwater construction permit issued by the department shall include the condition that the applicant and all contractors and subcontractors performing work at the site will comply with this subchapter, rules of the department and the terms and conditions of the SWPPP. Any changes in the SWPPP are subject to the prior approval of the department in accordance with rules of the department.

§24-557 Suspension or revocation of permit. The department may suspend or revoke a stormwater construction permit, after notice and the opportunity for a hearing in accordance with the rules of the department, when the department or NYSDEC finds that there is substantial non-compliance with this subchapter, the rules of the department, the NYSDEC construction general permit or the SWPPP, including any major change to erosion or sediment controls or any change in a post-construction stormwater management facility during construction that has or could have an effect on the discharge of pollutants, or

*when a permit was issued in error and conditions are such that a permit should not have been issued. When a permit is revoked or suspended all development activity at the project site shall cease and shall not be resumed until the issuance of a new permit or until such suspension is terminated except that the department may allow performance of work that is necessary to ensure public safety or to stabilize the construction site.*

*§24-558 Stop work order. a. Whenever the department finds that any development activity is being executed in violation of this subchapter, the SWPPP or rules of the department to the extent that work being performed at the site has or could have an effect on the discharge of pollutants or stormwater runoff volume or velocity, the department may issue a stop work order.*

*b. Such order shall be posted at the site and served personally on or mailed to the owner or developer or to the person executing the work at the site or the agent of any of them. When there is an immediate danger of a release of pollutants a verbal order to stop work may be given followed promptly by a written order in accordance with this subdivision.*

*c. Upon issuance of a stop work order, work specified in the order shall immediately cease, except work authorized or required by the commissioner to stabilize the site or make it safe.*

*d. No person shall with knowledge or notice of a stop work order allow, authorize, promote, continue or cause to be continued any work covered by the stop work order, except work authorized or required by the commissioner to stabilize the site or make it safe.*

*e. Upon application in accordance with the rules of the department, the commissioner shall rescind the stop work order where the commissioner finds (i) that the condition that gave rise to its issuance has been corrected and either all civil penalties or criminal fines assessed for any violation of such order have been paid or, where a violation is pending, security for the payment of such penalties or fines has been posted or, (ii) where the stop work order was issued in error or conditions are such that it should not have been issued. The commissioner may by rule require the payment of a fee in the amount of the expense of additional inspection and administrative expense related to such stop work order.*

*f. It shall be unlawful to tamper with, remove or deface a written posted stop work order from the location where it was affixed unless and until such stop work order has been rescinded by the commissioner. The owner or other person in control of the location shall ensure that the stop work order remains posted until rescinded by the commissioner.*

*§24-559 Post-construction stormwater management facilities. Where post-construction stormwater management facilities are required by the department, the department shall not accept the SWPPP or issue a stormwater construction permit for the project until the execution and recording of a maintenance easement, which shall be binding on all subsequent owners of the real property served by such post-construction stormwater management facility, except where the corporation counsel has determined that such a maintenance easement is not necessary due to the property's ownership or use by a public agency or instrumentality. For post-construction stormwater management facilities subject to such an exception, when there is a subsequent conveyance or cessation of public use, the corporation counsel may require the execution and recording of a maintenance easement at that time. The easement shall provide for access to post-construction stormwater management facilities at reasonable times in accordance with law for periodic inspection by the department or qualified inspectors authorized by the department to ensure that such facilities are maintained in good working condition to meet the applicable design standards. The easement shall be recorded by the grantor in the office of the city register or, if applicable, the county clerk after approval by the corporation counsel.*

*§ 24-560 Stormwater maintenance permit. It is the duty of all owners of real property, jointly and severally, served by a post-construction stormwater management facility required by a SWPPP accepted by the department pursuant to this subchapter to provide for the inspection and maintenance of such facility in accordance with this section and the rules of the department. The department shall maintain a record of all such post-construction stormwater management facilities and the property served by each such facility. As soon as practicable after final stabilization of a site, the owner of property served by a post-construction stormwater management facility shall submit to the department a copy of the notice of termination and an application for a stormwater maintenance permit for such facility. Such owner shall provide for the renewal of such permit every 5 years in accordance with the rules of the department. The department shall issue or renew such permit upon receipt of a satisfactory inspection report certified by a qualified inspector retained by the owner indicating that the facility has been installed and/or is operated and maintained in good working*

*condition to meet applicable design standards and the rules of the department. A facility shall be maintained in good working condition throughout its useful life and replaced in accordance with the rules of the department.*

### SUBCHAPTER 3 INDUSTRIAL STORMWATER SOURCES

*§ 24-570 Applicability. This subchapter applies only to portions of the city within the MS4 area.*

*§24-571 Authority to enter and inspect. a. The department shall have the authority to enter and inspect any premises or facility, including, but not limited to, its equipment, practices, operations and records, consistent with applicable law and in accordance with rules of the department related to such entry and inspection. Such entry and inspection shall be conducted during normal operating hours for purposes of determining whether such premises or facility generates significant contributions of pollutants of concern to an impaired water.*

*b. The department shall have the authority to enter and inspect industrial stormwater sources including, but not limited to, their equipment, practices, operations and records, consistent with applicable law and in accordance with rules of the department related to such entry and inspection. Such entry and inspection shall be conducted during normal operating hours for purposes of determining compliance with this subchapter and any rule promulgated pursuant thereto. The department may enter and inspect such premises and facilities for purposes including, but not limited to, the following:*

*(1) To conduct a visual observation for evidence of unauthorized discharges, illicit connections, and potential discharges of pollutants to stormwater;*

*(2) To evaluate the facility's compliance with applicable MSGP requirements; and*

*(3) To evaluate the facility's compliance with any other relevant local stormwater requirements.*

*§24-572 Compliance with the MSGP. All industrial stormwater sources must comply with all applicable conditions of the MSGP.*

*§24-573 Recordkeeping. a. Industrial stormwater sources shall, upon the department's request or pursuant to the rules of the department, submit to the department any information or records necessary to determine compliance with the MSGP and this subchapter and any rule promulgated pursuant thereto. Such records may include, but need not be limited to, stormwater pollution prevention plans and reports of monitoring activities and results required pursuant to the MSGP.*

*b. The department may require such records to be maintained and provided to the department electronically.*

### SUBCHAPTER 4 ENFORCEMENT

*§24-580 General. Notwithstanding any other provision of law, the commissioner and the board shall enforce the provisions of this chapter and the rules promulgated pursuant thereto.*

*§24-581 Orders. The commissioner and board shall have the power to issue such orders as may be provided for in this chapter and the rules promulgated pursuant thereto and such additional orders as may be necessary for the enforcement of such provisions. Such orders may include, but are not limited to, orders requiring inspection by a qualified inspector, maintenance repair or replacement of post-construction stormwater management facilities and orders requiring compliance with the MSGP through actions including, but not limited to, monitoring, analysis, and reporting or the installation, implementation and maintenance of SMPs. The department shall promulgate rules governing the appeal of such orders where they are issued by department employees or authorized inspection agents.*

*§24-582 Commissioner's cease and desist orders. a. Whenever the commissioner has reasonable cause to believe that (i) a condition exists in violation of any of the provisions of sections 24-559, 24-560 or 24-572 or in violation of any order or rule issued by the board or commissioner pursuant to such provisions or section 24-581 in furtherance of such provisions and (ii) that such condition creates or may create an imminent danger to the sewer system or to the public health or to the life or safety of persons, the commissioner may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any*

*building, structure, facility or installation in which the condition is located to take such action as may be necessary to halt or prevent such condition.*

*b. If service of the order cannot be made personally because such person cannot be located at such time then service may be made by delivering a copy to a person of suitable age and discretion at the residence or place of business of the person sought to be served. If service cannot be made personally or by such delivery to a person of suitable age and discretion because of inability to locate or to obtain the name or address of such person at such time, service may be made by conspicuously posting a copy of such order upon the property to which it relates and mailing the order to the most recent residential or business address of record of the person sought to be served. The posting and mailing of such order shall be sufficient notice of such order to all persons having a duty in relation thereto under the provisions of this subdivision.*

*c. If the order is not complied with or so far complied with as such commissioner may regard as reasonable, within the time specified therein, such commissioner may act to halt or prevent such condition by:*

- i. sealing, blocking or otherwise inactivating any equipment, facility, or device;*
- ii. sealing, blocking or otherwise inactivating any private sewer or drain emptying directly or indirectly into the sewer system; or*
- iii. any other means or method that is reasonable under the circumstances. For such purpose the commissioner may enter on any public or private property.*

*d. Any person affected by such an order may make written application to the board for a hearing. Such hearing shall be provided, pursuant to the rules of the board, and shall be held within 2 business days after the receipt of such application. The board may suspend, modify or terminate such order.*

*§24-583 Environmental control board cease and desist orders. a. In the case of any continued or knowing violation of the provisions of section 24-559, 24-560 or 24-572 or any order or rule issued by the board or commissioner pursuant to such provisions or section 24-581 in furtherance of such provisions or where the board finds that the violation of any of such provisions or conditions presents or may present a danger to the environment or threatens to interfere with the operation of the sewer system, the board, after notice and the opportunity for a hearing in accordance with the rules of the board, may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility or installation to cease and desist from any activity or process which causes or is conducted so as to cause such violation within the time specified in such order.*

*b. Such order may provide that if the order is not complied with or so far complied with as the commissioner may regard as reasonable within the time specified therein, the commissioner may take such action as shall be specified therein including but not limited to:*

- i. sealing, blocking or inactivating any equipment, facility or device;*
- ii. sealing, blocking or inactivating any private sewer or drain emptying directly or indirectly into the sewer system; or*
- iii. any other means or method that is reasonable under the circumstances. For such purpose the commissioner may enter on any public or private property.*

*§24-584 Action by corporation counsel. If the respondent fails to comply with any order issued by the board, or the commissioner or the board or the commissioner otherwise deems it necessary, the corporation counsel, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any order issued by the board or commissioner.*

*§24-585 Civil penalties. Any person who violates or fails to comply with any of the provisions of this chapter or any order or rule issued by the board or the commissioner pursuant thereto shall be liable for a civil penalty not exceeding ten thousand dollars for each violation. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The board shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to the board. The board, after a hearing as provided by the rules of the board, shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section 1049-a of the New York city charter. A civil penalty imposed by the board may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board, in its discretion, may, within the limits set forth in this subdivision, establish a*

*schedule of civil penalties indicating the minimum and maximum penalty for each separate offense or may use a schedule adopted by the department.*

*§24-586 Criminal penalties. In addition to the civil penalties set forth in section 24-585, any person who knowingly violates or fails to comply with any provision of this chapter or any order or rule issued by the commissioner or the board pursuant thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty nor more than ten thousand dollars, or by imprisonment not exceeding thirty days, or both for each offense. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. In addition to its application to any other person, the fine provided for in this paragraph shall be deemed a special fine for a corporation within the meaning of section 80.10 of the penal law of the state of New York.*

*§24-587 Liability to the city. Any person who violates or fails to comply with any of the provisions of this chapter or any order or rule issued pursuant thereto shall be liable to the city for any expense, including but not limited to costs for response, remediation and emergency services or any other loss or damage suffered by the city by reason of such violation.*

*§24-588 Service. Unless otherwise provided in this chapter, service of any notice or order required by this subchapter may be made either personally or by mail.*

*§24-589 Issuance. Officers and employees of the department and of other city agencies designated by the commissioner shall have the power to issue summonses, appearance tickets, orders and notices of violation based upon violations of this chapter or rules of the department promulgated hereunder.*

*§ 24-590 Delegation to authorized inspection agents. a. The commissioner shall have the authority to delegate to authorized inspection agents the authority to:*

- (1) Carry out inspections pursuant to this chapter or any rule promulgated pursuant thereto;*
- (2) Issue orders pursuant to section 24-581, or issue orders pursuant to subdivision a of section 24-524 when deemed necessary and appropriate in the course of implementing duties delegated to such authorized inspection agent pursuant to this chapter;*
- (3) Issue notices of violation for civil penalties pursuant to section 24-585, or notices of violation pursuant to subdivision f of section 24-524 when the basis for such notice of violation is observed in the course of implementing duties delegated to such authorized inspection agent pursuant to this chapter.*

*b. Authorized inspection agents shall perform their duties in accordance with this chapter and rules of the department promulgated pursuant thereto, which rules shall set forth the categories of violations for which such notices may be issued by such agents, the categories of orders that may be issued by such agents and the circumstances in which such agents shall obtain department approval or refer matters to the department for further action. In addition, the department shall, through standards imposed by means of procurement or rulemaking, ensure that such agents are subject to appropriate eligibility criteria, training requirements and grounds for revoking inspection and enforcement authority.*

*§ 9. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.11 to read as follows:*

*§28-104.11 Construction documents for sites within the MS4 area. Construction documents shall comply with section 28-104.11.1 through 28-104.11.4 relating to the MS4 area.*

*§28-104.11.1 Definitions. As used in this code in connection with provisions relating to the jurisdiction of the department of environmental protection, the terms covered development project, development activity, MS4 area, post-construction stormwater management facility, stormwater construction permit, stormwater maintenance permit, and stormwater pollution prevention plan or SWPPP shall have the same definitions as such terms are defined in subchapter 1 of chapter 5-A of title 24 of the administrative code.*

*§28-104.11.2 Disclosure required. It shall be the duty of an applicant for construction document approval to determine whether the site of the proposed work is part of a covered development project located within the MS4 area and to disclose such information on construction documents. Failure to disclose such information on construction documents shall be a violation of this code.*

*§28-104.11.3 Required documentation. Applications for construction document approval shall include copies of any required stormwater construction permit issued by the department of environmental protection and the stormwater pollution prevention plan for the covered development project.*

*§28-104.11.4 Revocation of approval of construction documents. Where the department finds after the approval of construction documents that the applicant failed to disclose the information required by this*



section, the department may revoke such approval and any associated work permits in accordance with the provisions of sections 28-104.2.10 and 28-104.2.10.1.

§ 10. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.2 to read as follows:

**§28-105.1.2 Projects for which a stormwater construction permit is required.** *It shall be a violation of this code to engage in any development activity with respect to a covered development project without a stormwater construction permit issued by the department of environmental protection. The issuance of a permit pursuant to this code shall not be construed to be permission for any activity that requires a stormwater construction permit issued by the department of environmental protection. The issuance of a stormwater construction permit by the department of environmental protection shall not be construed as permission for work that requires a permit from the department of buildings pursuant to this code.*

§ 11. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-116.7 to read as follows:

**§28-116.7 Post-construction stormwater management facilities.** *The department shall not issue a certificate of occupancy or letter of completion with respect to a building or premises that is part of a covered development project unless the applicant submits proof that the department of environmental protection has issued a stormwater maintenance permit for any post-construction stormwater management facilities serving such building or premises.*

§12. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-118.22 to read as follows:

**§28-118.22 Post-construction stormwater management facilities.** *The department shall not issue a certificate of occupancy with respect to a building or premises that is part of a covered development project unless the applicant submits proof that the department of environmental protection has issued a stormwater maintenance permit for any post-construction stormwater management facilities serving such building or premises.*

§ 13. Section 106.6 of chapter 1 of the New York city plumbing code, as amended by local law number 41 for the year 2012, is amended to read as follows:

**106.6 Discharge of sewage and discharge and/or management of stormwater runoff.** Applications for construction document approval shall comply with Sections 106.6.1 [and], 106.6.2 and 106.6.3.

§ 14. Section PC 106 of chapter 1 of the New York city plumbing code is amended by adding a new section 106.6.3 to read as follows:

**106.6.3 Post-construction stormwater management facilities.** *A post-construction stormwater management facility that is constructed as a part of a covered development project located within the MS4 area, shall comply with the rules of the Department of Environmental Protection and with this code.*

§ 15. Section PC 202 of chapter 2 of the New York city plumbing code is amended by adding new definitions of “covered development project,” “MS4 area,” “post-construction stormwater management facility,” and “stormwater pollution prevention plan or SWPPP,” in alphabetical order, to read as follows:

**COVERED DEVELOPMENT PROJECT.** *See Section 28-104.11.1 of the Administrative Code.*

**MS4 AREA.** *See Section 28-104.11.1 of the Administrative Code*

**POST-CONSTRUCTION STORMWATER MANAGEMENT FACILITY.** *See Section 28-104.11.1 of the Administrative Code.*

**STORMWATER POLLUTION PREVENTION PLAN OR SWPPP.** *See Section 28-104.11.1 of the Administrative Code.*

§ 16. Section 1101.11 of chapter 11 of the New York city plumbing code, as amended by local law number 41 for the year 2012, is amended to read as follows:

**1101.11 Site grading.** Except as otherwise permitted by this code, no person shall perform site grading or land contour work, as defined in Section [19-146] 19-137 of the Administrative Code, that would cause storm water to flow across sidewalks or onto an adjacent property. ***Site grading or land contour work performed on the site of a covered development project shall comply with the rules of the Department of Environmental Protection and this code.***

§ 17. Chapter 11 of the New York city plumbing code is amended by adding a new section 1114.9 to read as follows:

**1114.9 Post-construction stormwater management facilities required by stormwater pollution prevention plan.** *A post-construction stormwater management facility that is constructed as part of a covered development project shall be designed, installed and maintained in accordance with the rules of the Department of Environmental Protection and this code.*

§ 18. Section 107.11 of chapter 1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**107.11 Discharge of sewage and discharge and/or management of stormwater runoff.** Applications for construction document approval shall comply with Sections 107.11.1 [and], 107.11.2 and 107.11.3.

§ 19. Chapter 1 of the New York city building code is amended by adding a new section 107.11.3 to read as follows:

**107.11.3 Post-construction stormwater management facilities.** *A post-construction stormwater management facility that is constructed as a part of a covered development project located within the MS4 area shall comply with the rules of the Department of Environmental Protection and with this code.*

§ 20. Section BC 202 of chapter 2 of the New York city building code is amended by adding new definitions of “covered development project,” “MS4 area,” “post-construction stormwater management facility,” and “stormwater construction permit” in alphabetical order, to read as follows:

**COVERED DEVELOPMENT PROJECT.** *See Section 28-104.11.1 of the Administrative Code.*

**MS4 AREA.** *See Section 28-104.11.1 of the Administrative Code.*

**POST-CONSTRUCTION STORMWATER MANAGEMENT FACILITY.** *See Section 28-104.11.1 of the Administrative Code.*

**STORMWATER CONSTRUCTION PERMIT.** *See Section 28-104.11.1 of the Administrative Code.*

§ 21. Section 3309.1 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3309.1 Protection required.** Adjoining public and private property, including persons thereon, shall be protected from damage and injury during construction or demolition work in accordance with the requirements of this section. Protection must be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water run-off and erosion during construction or demolition activities. *Where the New York City Department of Environmental Protection has issued a stormwater construction permit for a covered development project, such run-off and erosion controls shall be installed and maintained in accordance with the rules of the Department of Environmental Protection and this code.*

§ 22. This local law takes effect as follows:

1. Sections one, two, four, five, six and seven of this local law take effect 30 days after it becomes law;
2. Sections three and eight through twenty-one of this local law take effect on a date to be set forth in rules adopted by the department of environmental protection implementing the provisions of such sections, but such date shall be no earlier than the date of the final approval by the New York state department of environmental conservation of the storm water management program (SWMP) submitted by the department of environmental protection under the state pollutant discharge elimination system (SPDES) permit for municipal separate storm sewer systems of New York city, SPDES No. NY-0287890 and no later than the earliest date upon which, in the reasonable judgment of the department of environmental protection, it is practicable to commence implementation of such sections consistent with the requirements of such permit, provided that upon the adoption of such rules the commissioner of environmental protection shall notify the New York state legislative bill drafting commission, in order that the commission may maintain an accurate and timely effective database of the official text of the New York city charter and administrative code in furtherance of effectuating the provisions of section 70-b of the public officers law, and the corporation counsel, who shall notify relevant publishers in furtherance of effectuating the provisions of section 7-111 of the administrative code, and provided further that failure to provide the notifications described in this section shall not affect the effective date of any section of this local law;
3. Subchapter 2 of chapter 5-A of title 24 of the administrative code of the city of New York, as added by section eight of this local law, shall not apply to any project for which the notice of intent, as such term is used in such subchapter, was submitted to the New York state department of environmental conservation before the effective date of such section;
4. Effective immediately, the department of environmental protection or any other agency may take such actions as are necessary for the timely implementation of this local law, including the promulgation of rules.

Referred to the Committee on Environmental Protection.

Int. No. 1347

By Council Members Cornegy, Wills, Torres, Richards, Cumbo and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute information regarding the gifted and talented programs and exam**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter two of title three of the administrative code of the city of New York is amended by adding a new section 3-209.3 to read as follows:

§3-209.3 *Distribution of gifted and talented program and exam materials.* a. For the purposes of this section "Department" shall mean the department of education.

b. The department shall include in materials given to parents regarding the department's universal pre-kindergarten information regarding the department's gifted and talented programs and examination.

§2. This local law shall take effect sixty days after its enactment.

Referred to the Committee on Education.

Int. No. 1348

By Council Members Cornegy, Dromm, Maisel, Johnson, Gentile, Rodriguez, Torres, Vacca, Richards, Mendez and Grodenchik.

**A Local Law to amend the administrative code of the city of New York and the New York city charter, in relation to requiring the department of correction to provide inmates vocational or educational programming**

*Be it enacted by the Council as follows:*

Section 1. Section 9-110 of the administrative code of the city of New York, as amended by local law number 50 for the year 1942, is amended to read as follows:

§ 9-110[.] Instruction.

The commissioner of correction may establish and maintain schools or classes for the instruction and training of the inmates of any institution under the commissioner's charge, *and shall provide vocational or educational programming to all inmates incarcerated for more than 30 days.*

§ 2. Section 625 of the New York city charter is amended to read as follows:

§ 625 Labor of prisoners.

Every inmate of an institution under the authority of the commissioner, *except for those pretrial detainees held for less than 30 days or those inmates who will serve, after sentencing, less than 30 days in a New York city correctional facility, shall be employed in some form of industry, provided vocational training, or provided educational programming* [, in farming operations or other employment, and products thereof shall be utilized in the institutions under the commissioner or in any other agency. Those persons held for trial may be employed in the same manner as sentenced prisoners, provided they give their consent in writing.] Such inmates [or prisoners held for trial] may be detailed by the commissioner to perform work or service on the grounds and buildings or on any public improvement under the charge of any other agency.

§ 3. This local law takes effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 1274

**Resolution calling upon the New York State Legislature to pass and the Governor to sign Rory Staunton's law, legislation directing the New York State Commissioner of Education to establish rules and regulations for a sepsis awareness and prevention program for schools, and the New York City Department of Education to develop and disseminate a comprehensive sepsis curriculum.**

By Council Members Dromm and Mendez.

**Whereas**, Sepsis is a complication caused by the body's overwhelming and life-threatening response to an infection; and

**Whereas**, Sepsis occurs when chemicals released into the bloodstream to fight a bacterial infection trigger widespread inflammatory responses throughout the body; and

**Whereas**, This inflammation can trigger changes that can damage multiple organ systems, causing them to fail; and

**Whereas**, In the worst cases, blood pressure drops and the heart weakens, leading to septic shock and potentially death; and

**Whereas**, According to the Centers for Disease Control and Prevention (CDC), sepsis can occur to anyone, at any time, from any type of infection, and can affect any part of the body; and

**Whereas**, Infants and children are at higher risk and sepsis is most common and most dangerous in older adults or those with weakened immune systems; and

**Whereas**, According to the National Institute of General Medical Sciences, severe sepsis strikes more than a million Americans every year, and it has been estimated that between 28 and 50 percent of these people die; and

**Whereas**, Early treatment of sepsis, usually with antibiotics and large amounts of intravenous fluids, improves chances for survival; and

**Whereas**, Rory Staunton, a twelve year-old Queens boy, tragically died as a result of sepsis, when the infection went unnoticed by medical staff; and

**Whereas**, A day after cutting his arm, Rory saw his pediatrician because he was vomiting, feverish, and had pain in his leg, at which point he was sent to the emergency room at NYU Langone Medical Center; and

**Whereas**, News media indicated that staff of NYU Langone treated and discharged Rory for an upset stomach and dehydration, although it was later determined that he had an infection, which likely entered through the cut in his arm; and

**Whereas**, According to media reports, it appears that several signs of sepsis were ignored or overlooked, including Rory's mottled skin, his rapid pulse, and his high volume of white blood cells; and

**Whereas**, He subsequently went into shock and experienced organ failure, and died three days later; and

**Whereas**, In the wake of this tragedy, Rory's family started the Rory Staunton Foundation to increase awareness of the symptoms of and risks of sepsis; and

**Whereas**, On January 29, 2013, Governor Andrew Cuomo of New York announced that all hospitals in New York State would be required to adopt evidence-based protocols for the early diagnosis and treatment of sepsis; and

**Whereas**, These regulations are now known as Rory's Regulations, in honor of Rory Staunton, and New York was the first state in the nation to implement such measures; and

**Whereas**, Additionally, a campaign called the STOP (Strengthening Treatment and Outcomes for Patients) Sepsis Collaborative was launched by the Greater New York Hospital Association (GNYHA) and the United Hospital Fund (UHF), which created a data collection tool with a structured checklist to identify and treat sepsis cases in a more standardized way; and

**Whereas**, “Rory Staunton's law,” as proposed by Senator Carl Marcellino and Assemblymember Catherine Nolan, aims to build on recent sepsis education efforts by requiring the New York State Commissioner of Education to promulgate rules and regulations relating to an ongoing sepsis awareness, prevention and education program; and

**Whereas**, The regulations would include a model curriculum, lesson plans and instructional resources relating to sepsis awareness and prevention that could be made available to every school district at no cost; and

**Whereas**, Rory Staunton's law would also require up-to-date instructional tools and materials for schools and libraries developed in collaboration with the New York State Commissioner of Health; and

**Whereas**, In addition, the Commissioner of Education would be required to issue a guidance memorandum to every school district to inform them of the availability of sepsis awareness and prevention materials and remind school districts of the availability of sepsis materials as part of sepsis awareness month every September; and

**Whereas**, In September 2015, The Rory Staunton Foundation partnered with Monsignor McClancy High School, a Catholic high school located in Queens, to pilot an education module for high school students examining the science of infectious diseases with a focus on sepsis; and

**Whereas**, The New York City Department of Education (DOE) should ensure that all schools throughout New York City have access to a comprehensive sepsis curriculum; and

**Whereas**, Raising awareness about sepsis prevention and recognition through outreach and education can help avert another tragedy; 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 Rory Staunton's law, legislation directing the New York State Commissioner of Education to establish rules and regulations for a sepsis awareness and prevention program for schools, and the New York City Department of Education to develop and disseminate a comprehensive sepsis curriculum.

Referred to the Committee on Education.

Preconsidered Res. No. 1275

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

By Council Member Ferreras-Copeland.

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

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

**Whereas**, On June 26, 2014 the City Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2017, Fiscal 2016, and Fiscal 2015 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves sets forth the changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Health Aging Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2017 Expense Budget, as well as the removal of funds from the administering agency, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the removal of funds from the administering agency receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the allocation of funds to the administering agency receiving funding pursuant to the Social Adult Day Care Enhancement Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Art as a Catalyst for Change Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Coalition of Theaters of Color Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Restorative Justice Program Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2017 Expense Budget, as well as the removal of funds from the administering agency, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Crisis Management System – Youth Programs Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the removal of funds from the administering agency receiving funding pursuant to the Post-Arrest Diversion Program for Young Adults Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Prevent Sexual Assault (PSA) Initiative for Young Adults in accordance with the Fiscal 2017 Expense Budget, as well as the allocation of funds to the administering agency, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the removal of funds from a certain organization receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Child Health and Wellness Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Access Health NYC Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the organizations that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2017, as set forth in Chart 29.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 1275 printed in these Minutes).

Int. No. 1349

By Council Members Garodnick, Menchaca, Richards, Vacca and Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to the compatibility of campaign finance board disclosure software**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (b) of subdivision 7 of section 3-708 of the administrative code of the city of New York is amended to read as follows:

(b) The board shall develop a program for informing candidates and the public as to the purpose and effect of the provisions of this chapter. The board shall prepare and make available educational materials, including compliance manuals and summaries and explanations of the purposes and provisions of this chapter. These

materials shall be prepared in plain language. The board shall prepare and make available materials, including, to the extent feasible, computer software, to facilitate the task of compliance with the disclosure and record-keeping requirements of this chapter. When disclosure reports are generated by use of the board's disclosure software, the board shall provide an opportunity for candidates to test their electronic filings on any of the three business days prior to the deadline for the filing of such disclosure reports. Any disclosure software issued by the board on or after January 1, 2008 shall enable users to meet their electronic disclosure obligations under this chapter and under article 14 of the election law, as amended by chapter 406 of the laws of 2005, *provided that if such disclosure software does not enable users to meet their electronic disclosure obligations under article 14 of the election law then the board shall prepare and deliver to the user an individual electronic file that enables the user to meet such obligations in a timely manner upon the request of any user and, for every date upon which disclosure filings are due from candidates and such disclosure software does not have such functionality, report to the council and the mayor the cause for such disclosure software not enabling users to meet such obligations and the date upon which such disclosure software is expected to have such functionality.*

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

Referred to the Committee on Standards and Ethics.

Int. No. 1350

By Council Members Garodnick, Greenfield and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to the adjudication of campaign finance violations**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (a) of subdivision (ii) of section 3-710.5 of the administrative code of the city of New York is amended to read as follows:

(a) The board shall give written notice and the opportunity to appear before the board to any participating, limited participating or non-participating candidate, his or her principal committee, authorized committee, committee treasurer or any other agent of such candidate, if the board has reason to believe that such has committed a violation or infraction before assessing any penalty for such action. Any such written notice of alleged violations shall be issued in a timely manner pursuant to all of the requirements of subdivision one of section 3-710 and shall precede the issuance of the final audit required pursuant to subdivision one of section 3-710. In the case of a written notice issued prior to the date of a covered election, or after the date of a covered election in the case of a notice regarding an alleged failure to respond to a request for audit documentation, such notice may be issued prior to the issuance of a draft audit. Alleged violations and proposed penalties shall be subject to resolution by adjudication before the board consistent with the procedures of section 1046 of the charter, unless such procedures are waived by the candidate or principal committee; provided, however, that in the case of adjudications conducted prior to the date of a covered election, the board shall use the procedures of section 1046 of the charter only to the extent practicable, given the expedited nature of such pre-election adjudications; *and further provided that alleged violations and proposed penalties may be subject, at the discretion of the candidate or principal committee prior to the commencement of an adjudication proceeding before the board, to a proceeding before a tribunal of the office of administrative trials and hearings, which shall be docketed by the board within thirty days of receiving valid notice of such selection. The board shall issue a final determination within thirty days of the conclusion of [the] an adjudication proceeding or, for proceedings before a tribunal of the office of administrative trials and hearings, within thirty days of receiving findings and recommendations regarding such proceeding.*

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

Referred to the Committee on Standards and Ethics.



Int. No. 1351

By Council Members Greenfield and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to the deposits of campaign contributions**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 10 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

10. All receipts accepted by a participating or limited participating candidate and his or her principal committee shall be deposited in an account of the principal committee. All receipts accepted by a non-participating candidate and his or her authorized committees shall be deposited in an account of the authorized committees. The treasurer of the principal committee or authorized committee shall be responsible for making such deposits. All deposits shall be made within [ten] *twenty* business days of receipt; provided, however, that deposits of contributions made in the form of [checks received by a participating, or limited participating or non-participating candidate and his or her committees for the office of city council more than one year before the first covered election for which such candidate is seeking nomination or election may be made within twenty business days of receipt] *cash shall be made within ten business days of receipt*. Each disclosure report filed pursuant to subdivision six of this section shall include the date of receipt of each contribution accepted.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Standards and Ethics.

Int. No. 1352

By Council Members Greenfield and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to inquiring if a person or entity is doing business with the city**

*Be it enacted by the Council as follows:*

Section 1. Paragraph a of subdivision 1-b of section 3-703 of the administrative code of the city of New York is amended to read as follows:

a. Each participating candidate and his or her principal committee shall [inquire of] *provide to* every individual or entity making[,] a contribution, loan, guarantee or other security for such loan in excess of the amounts set forth in subdivision 1-a of section 3-703[, through a question, in a form prescribed by the campaign finance board, as to whether such individual, corporation, partnership, political committee, employee organization or other entity has business dealings with the city, as that term is defined in this chapter, and, if so, the name of the agency or entity with which such business dealings are or were carried on and the appropriate type or category of such business dealings. Such form shall contain in prominent typeface and in a prominent location] *a notice containing* the statement "If a contributor has business dealings with the City as defined in the campaign finance act, such contributor may contribute only up to two hundred fifty dollars for city council, three hundred twenty dollars for borough president and four hundred dollars for mayor, comptroller or public advocate." [Upon receipt of the response to such inquiry (including any failure to respond), the] The principal committee shall [keep a copy in its records and shall] report each contribution to the board on the next applicable filing deadline in accordance with the board's disclosure schedule. The board shall check each contribution against the doing business database and shall notify the principal committee within twenty days of the reporting of such contribution if a contribution exceeding the doing business

contribution limitation set forth in subdivision 1-a of section 3-703 is subject to such limitations of this subchapter or if a contribution is not matchable pursuant to such subdivision. Notwithstanding any provision in this subdivision, in the six weeks preceding the covered election the board shall provide such notification to the principal or authorized committee within three business days of the reporting of such contribution to the board in accordance with applicable reporting deadlines. If the board fails to notify the principal committee that a contribution is in excess of the limitations set forth in subdivision 1-a of section 3-703 of this chapter in accordance with this subdivision, any such contribution shall be deemed valid for purposes of such limitation, provided, however, that no such contribution shall be matchable. Such principal committee shall have twenty days from the date of any such notification to return the amount of any contribution in excess of the limitations set forth in subdivision 1-a of section 3-703 to the contributor. No violation shall issue and no penalty shall be imposed where such excess amount is postmarked or delivered within twenty days of such notification by the board and the board shall not designate a candidate as having accepted a contribution in excess of such limitations where such excess has been returned in accordance with the time limitations set forth herein. Failure to return such excess amount in accordance with the provisions herein shall not result in the board withholding public funds for which the participating candidate's principal committee is otherwise eligible pursuant to section 3-705 of this chapter; provided, however, that the board may deduct an amount equal to the total unreturned contributions in excess of the limitations set forth in subdivision 1-a of section 3-703 of this chapter from such payment of public funds. For purposes of this section, "individual" shall include any chief executive officer, chief financial officer, and/or chief operating officer of an entity or persons serving in an equivalent capacity, any person in a senior managerial capacity regarding an entity, or any person with an interest in an entity, which exceeds ten percent of the entity. For purposes of this subdivision, the phrase "senior managerial capacity" shall mean a high level supervisory capacity, either by virtue of title or duties, in which substantial discretion and oversight is exercised over the solicitation, letting or administration of business transactions with the city, including contracts, franchises, concessions, grants, economic development agreements, and applications for land use approvals. [Notwithstanding any other provision of this section, no participating candidate shall be liable for any fine or penalty for the failure of any contributor to respond to any such request or for any erroneous response.]

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

Referred to the Committee on Standards and Ethics.

Int. No. 1353

By Council Members Greenfield, Menchaca and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to the return of a contribution to protect a reputational interest**

*Be it enacted by the Council as follows:*

Section 1. Section 3-703 of the administrative code of the city of New York is amended to add a new subdivision 17, to read as follows:

*17. Notwithstanding any other law or rule, at any time before or after receiving public funds, participating candidates may return a contribution because of the particular source or intermediary involved provided that if matching funds were received for such contribution then such matching funds shall be returned to the board.*

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Standards and Ethics.

Int. No. 1354

By Council Members Greenfield, Menchaca and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the timing of statement reviews**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (b) of subdivision (12) of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(b) The board shall review each disclosure report timely submitted by a candidate prior to the last date upon which such candidate may file a certification pursuant to paragraph (c) of subdivision one of this section, or subdivision one of section 3-718, and issue to the candidate a review [before the next disclosure report is due.] *within 30 days of the date upon which such disclosure report was due, provided that a candidate may agree to an extension of time for such review by the board. Any response from the candidate to such review shall be due no earlier than when the next disclosure report is due.* Such review shall inform the candidate of relevant questions the board has concerning the candidate's: (i) compliance with requirements of this chapter and of the rules issued by the board; and (ii) qualification for receiving public funds pursuant to this chapter. In the course of this review, the board shall give candidates an opportunity to respond to and correct potential violations, before the deadline for filing a certification pursuant to paragraph (c) of subdivision one of this section, or subdivision one of section 3-718, and give candidates an opportunity to address questions the board has concerning their matchable contribution claims or other issues concerning eligibility for receiving public funds pursuant to this chapter; provided, however, this paragraph shall not apply to the last required disclosure report before the deadline for filing a certification pursuant to paragraph (c) of subdivision one of this section or subdivision one of section 3-718. Nothing in this paragraph shall preclude the board from subsequently reviewing such disclosure reports and taking any action otherwise authorized under this chapter, *provided that the board shall not invalidate a matchable contribution claim in a subsequent review unless the board learns of new information that is relevant to the eligibility for matching of such contribution claim and that was not available to the board at the time of the initial review.*

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Standards and Ethics.

Int. No. 1355

By Council Member Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to required documentation for contributions**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (d) of subdivision 1 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(d) obtain and furnish to the campaign finance board, and his or her principal committee or authorized committees must obtain and furnish to the board, any information it may request relating to his or her campaign expenditures or contributions and furnish such documentation and other proof of compliance with this chapter as may be requested by such board, provided, however, that the board shall accept such required documentation through an electronically scanned transmission *and further provided that for contributions the following documentation, with copies maintained by such committee, shall be sufficient to demonstrate compliance and validity for matching funds:*

(i) for a contribution by cash, a contribution form containing the contributor's name and residential address;

(ii) for a contribution by money order, a copy of the money order, provided that an additional statement from such contributor, containing the contributor's name and residential address, shall be required if such information is not printed upon such money order by the issuing institution;

(iii) for a contribution by check, a copy of the check, made out to the authorized committee, provided that an additional contribution form from such contributor demonstrating an intent to contribute shall be required if such check is signed by a person other than the contributor;

(iv) for a contribution by credit card, text message contribution or other contribution from a payment account, a record from the merchant, processor or vendor containing the contributor's name, residential address, the amount of the contribution and an indicator showing that the contribution was charged to the contributor's account and processed. For a contribution by text message, the contributor's phone number must also be included, as well as the name, residential address and phone number of the registered user of the specific mobile device used to initiate the contribution, to the extent such information may be reasonably obtained under law;

(v) A contribution form shall not be required, except where specified, for contributions pursuant to subparagraphs (i), (ii), (iii), and (iv) of this paragraph. Where a contribution form is required, such form may be completed or corrected by the candidate or his or her committee and a contribution form signed or electronically affirmed by the contributor shall be sufficient to demonstrate compliance and validity for matching funds.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Standards and Ethics.

Int. No. 1356

By Council Members Lancman and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to the transfer of non-public campaign funds**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (a) of subdivision 14 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(a) Transfers that a principal committee receives from a political committee (other than [another principal committee] *an authorized committee filing contemporaneous disclosure statements with the board in a timely manner*) at any time during an election cycle shall:

(i) be attributed to previous contributions in accordance with the duly promulgated rules of the campaign finance board applicable to such transfer or use;

(ii) exclude an amount equal to the total of:

(A) such previous contributions, or portions thereof, that violate the limitations, restrictions, or prohibitions of the charter and this chapter applicable in the covered election for which the principal committee is designated; and

(B) such previous contributions, or portions thereof, for which the principal committee has not obtained and submitted to the board, prior to receipt of the transfer, evidence of the contributor's intent to designate the contribution for such covered election, and any other record, as determined by the rules of the board; and

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Standards and Ethics.

## Int. No. 1357

By Council Members Lancman, Salamanca, Levine, Richards, Mendez and Gentile.

**A Local Law to amend the New York city charter, in relation to the department of correction informing released persons of their voting rights**

*Be it enacted by the Council as follows:*

Section 1. Section 1057-a of the New York city charter is amended to add a new subdivision 9, to read as follows:

*9. The department of correction shall, in addition to the other requirements of this section for participating agencies, distribute to every person upon release from custody of the department a written notice on the voting rights of formerly incarcerated persons in the state of New York, including information on when such persons are or may become eligible to vote, and offer to every such person a voter registration form. Such written notice shall be developed in consultation with the voter assistance advisory committee.*

§ 2. Paragraph 5 of subdivision b of section 1054 of the New York city charter is amended to read as follows:

5. undertake, by itself or in cooperation with other public or private entities, activities intended to encourage and facilitate voter registration and voting by all residents of New York City who are eligible or may become eligible to vote, including eligible voters who are limited in English proficiency *and incarcerated or formerly incarcerated persons who are or may become eligible to vote;*

§ 3. This local law takes effect 120 days after becoming law.

Referred to the Committee on Governmental Operations.

## Int. No. 1358

By Council Members Lander and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to expenditures of non-public funds to assist public officers in the performance of their duties**

*Be it enacted by the Council as follows:*

Section 1. Paragraph a of subdivision 21 of section 3-702 of the administrative code of the city of New York is amended to add a new subparagraph 12, to read as follows:

*12. Expenditures to facilitate, support, or otherwise assist in the execution or performance of the duties of public office.*

§ 2. Subparagraphs 10 and 11 of paragraph a of subdivision 21 of section 3-702 of the administrative code of the city of New York are amended to read as follows:

10. Costs incurred in demonstrating eligibility for the ballot or public funds payments or defending against a claim that public funds must be repaid; [and]

11. Food and beverages provided to campaign workers and volunteers[.]; *and*

§ 3. Subdivision 2 of section 3-704 of the administrative code of the city of New York is amended to add a new paragraph (l), to read as follows:

*(l) expenditures to facilitate, support, or otherwise assist in the execution or performance of the duties of public office.*

§ 4. Paragraphs (j) and (k) of subdivision 2 of section 3-704 of the administrative code of the city of New York are amended to read as follows:

(j) payment of any penalty or fine imposed pursuant to federal, state or local law; [or]

(k) payments made through advances, except in the case of individual purchases in excess of two hundred

fifty dollars[.]; *or*

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

Referred to the Committee on Standards and Ethics.

Int. No. 1359

By Council Members Levin, Williams, Rodriguez, Rosenthal, Menchaca, Richards, Gentile and the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to auditing buildings for compliance with the affordability requirements of the 421-a tax exemption program**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

*CHAPTER 12  
AUDITS FOR COMPLIANCE WITH 421-A TAX EXEMPTION REQUIREMENTS*

*§ 26-1201 Definitions.*

*§ 26-1202 Audits.*

*§ 26-1203 Report.*

*§ 26-1201 Definitions. For the purposes of this chapter:*

*Affordability requirements. The term “affordability requirements” means any requirement that one or more dwelling units within a building receiving benefits under section 421-a of the real property tax law be occupied by or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed a certain threshold.*

*Department. The term “department” means the department of housing preservation and development.*

*§ 26-1202 Audit. The department shall audit no fewer than 20 percent of all buildings receiving benefits under section 421-a of the real property tax law annually to determine whether the owners of such buildings are in compliance with all applicable affordability requirements, have received a certification of eligibility and have approved applications for such benefits.*

*§ 26-1203 Report. Where an audit performed pursuant to section 26-1202 of this chapter reveals that a building owner is not (i) in compliance with the applicable affordability requirements (ii) does not have a certification of eligibility and / or (iii) does not have an approved application for such benefits, the department shall, within 60 days, report such building owner to the speaker of the council and to the department of finance for revocation of benefits under section 421-a of the real property tax law for the period of such noncompliance or, where the department determines that an on-going pattern of non-compliance exists, or that the owner does not have a certificate of eligibility and / or an approved application for such benefits, from the inception of such benefits.*

§ 2. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-139 to read as follows:

*§ 11-139 Report on revocations. Within 60 days after receiving a report from the department of housing preservation and development pursuant to section 26-1203 of the code, the department of finance shall report to the speaker of the council and to the mayor, a plan and a timeline for revocation of benefits under section 421-a of the real property tax law.*

§ 3. This local law takes effect one year after it becomes law, except that the commissioner of housing preservation and development may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1360

By Council Members Richards, Rose, Vacca and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to denying building permits where a nursing home has an excessive number of citations**

*Be it enacted by the Council as follows:*

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.2 to read as follows:

§ 28-105.1.2 *Denial of permit. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Life safety code citation. The term “life safety code citation” means noncompliance with a requirement set forth in the life safety code of the national fire protection association as is applicable to nursing homes.*

*Nursing home. The term “nursing home” has the same meaning as is ascribed to the term “facility” in section 483.5 of title 42 of the code of federal regulations.*

*Standard health citation. The term “standard health citation” means noncompliance with a requirement set forth in subpart B of part 483 of title 42 of the code of federal regulations.*

*b. The commissioner shall not issue permits for any nursing home if:*

*1. The nursing home contains fewer than 200 beds and was issued more than six standard health citations or more than eight life safety code citations in the aggregate for the three most recent surveys conducted by the New York state department of health pursuant to subpart E of part 488 of title 42 of the code of federal regulations;*

*2. The nursing home contains between 200 and 300 beds and was issued more than eight standard health citations or more than 10 life safety code citations in the aggregate for the three most recent surveys conducted by the New York state department of health pursuant to subpart E of part 488 of title 42 of the code of federal regulations; or*

*3. The nursing home contains more than 300 beds and was issued more than 10 standard health citations or more than 12 life safety code citations in the aggregate for the three most recent surveys conducted by the New York state department of health pursuant to subpart E of part 488 of title 42 of the code of federal regulations.*

*c. The commissioner may issue a permit for a nursing home where the issuance of such permit is necessary to correct an outstanding violation of this code or of any other applicable provisions of law or rule or where the commissioner determines that issuance of such permit is necessary to perform work to protect public health and safety.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1361

By Council Members Salamanca, Menchaca, Vacca and Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to the viewing of dates from the doing business database**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 20 of section 3-702 of the administrative code of the city of New York is amended to read as follows:

20. The term "doing business database" means a computerized database accessible to the board that contains the names of persons who have business dealings with the city; provided, however, that for purposes of this chapter the doing business database shall not be required to contain the names of any person whose business dealings with the city are solely of a type for which the board has not certified that such database includes the names of those persons engaged in such type of business dealings with the city. Such database shall be developed, maintained and updated by the office of the mayor in a manner so as to ensure its reasonable accuracy and completeness; provided, however, that in no event shall such database be updated less frequently than once a month. Such computerized database shall contain a function to enable members of the public to determine if a given person is in the database because such person has business dealings with the city and the date a person is considered doing business with the city pursuant to paragraph d of subdivision 18 of this section. A searchable list of persons removed from such computerized database, pursuant to paragraph c of subdivision 18 of this section, within the preceding five years, including the date the persons were considered doing business with the city and the date of removal from such computerized database, shall also be made available on the city's website. For purposes of this definition, the term "person" shall include an entity that has business dealings with the city, any chief executive officer, chief financial officer and/or chief operating officer of such entity or persons serving in an equivalent capacity, any person employed in a senior managerial capacity regarding such entity, or any person with an interest in such entity which exceeds ten percent of the entity, provided, however, that "entity" for purposes of this definition shall not include a neighborhood, community or similar association consisting of local residents or homeowners organized on a non-profit basis where such association is the applicant pursuant to subsection (3) of subdivision (a) of section 197-c of the charter or pursuant to section 201 of the charter or is a parent company or an affiliated company of an entity. For purposes of this subdivision, the phrase "senior managerial capacity" shall mean a high level supervisory capacity, either by virtue of title or duties, in which substantial discretion and oversight is exercised over the solicitation, letting or administration of business transactions with the city, including contracts, franchises, concessions, grants, economic development agreements and applications for land use approvals.

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

Referred to the Committee on Standards and Ethics.

Int. No. 1362

By Council Members Salamanca, Menchaca and Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to contributions in a special election**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (a) of subdivision 2 of section 3-705 of the administrative code of the city of New York is amended to read as follows:

(a) If the threshold for eligibility is met, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of six dollars for each one dollar of matchable contributions, up to one thousand fifty dollars in public funds per contributor [(or up to five hundred twenty-two dollars in public funds per contributor in the case of a special election)], obtained and reported to the campaign finance



board in accordance with the provisions of this chapter.

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

Referred to the Committee on Standards and Ethics.

Int. No. 1363

By Council Members Salamanca, Greenfield and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to the deadline for rescinding the written certification of participation in the matching funds program**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (i) of paragraph (c) of subdivision 1 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(i) the tenth day of June in the year of the covered election, or such other later date as the board shall provide, provided, however, that any candidate who files such written certification prior to such date shall be permitted to rescind such certification in writing on or before [such date] *the ninth Monday preceding the primary election or prior to the receipt of public funds, whichever occurs first;*

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Standards and Ethics.

Int. No. 1364

By Council Members Van Bramer and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to executive sessions of the campaign finance board**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (a) of subdivision (ii) of section 3-710.5 of the administrative code of the city of New York is amended to read as follows:

(a) The board shall give written notice and the opportunity to appear before the board to any participating, limited participating or non-participating candidate, his or her principal committee, authorized committee, committee treasurer or any other agent of such candidate, if the board has reason to believe that such has committed a violation or infraction before assessing any penalty for such action. Any such written notice of alleged violations shall be issued in a timely manner pursuant to all of the requirements of subdivision one of section 3-710 and shall precede the issuance of the final audit required pursuant to subdivision one of section 3-710. In the case of a written notice issued prior to the date of a covered election, or after the date of a covered election in the case of a notice regarding an alleged failure to respond to a request for audit documentation, such notice may be issued prior to the issuance of a draft audit. Alleged violations and proposed penalties shall be subject to resolution by adjudication before the board consistent with the procedures of section 1046 of the charter, unless such procedures are waived by the candidate or principal committee; provided, however, that in the case of adjudications conducted prior to the date of a covered election, the board shall use the procedures of section 1046 of the charter only to the extent practicable, given the expedited nature of such pre-election adjudications. *No candidate, representative of a candidate or campaign finance board staff other than a professional clerk hired or retained for such purpose and not otherwise supervised by campaign finance board staff shall be present during an executive session of the*

*board at which an adjudication before the board is discussed.* The board shall issue a final determination within thirty days of the conclusion of the adjudication proceeding.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Standards and Ethics.

Int. No. 1365

By Council Members Van Bramer, Kallos, Vacca and Mendez.

**A Local Law to amend the New York city charter, in relation to requiring the department of citywide administrative services to issue an annual report on collisions involving city-owned vehicles**

*Be it enacted by the Council as follows:*

Section 1. Section 827 of chapter 35 of the New York city charter, as added by local law 59 for the year 1996, is amended by adding a new subdivision b to read as follows:

§ 827. Automotive services. *a.* The commissioner shall acquire by purchase, lease or otherwise, vehicles and other automotive equipment for the use of city agencies; manage, maintain, store and operate a fleet of motor vehicles; assign fleets to agencies in accordance with the direction of the mayor and ensure the effective operation of all shops, yards, garages, fuel depots and other facilities required for the maintenance of fleets operated by agencies; and ensure the maintenance of records for all city-owned vehicles.

*b. Beginning no later than June 1, 2017 and no later than every June 1 thereafter, the commissioner shall submit to the city council and post on the website of the department of citywide administrative services a report providing information regarding collisions involving city-owned vehicles during the previous calendar year. Such report shall set forth information including but not limited to the following:*

*(1) total number of collisions, disaggregated by (a) agency, (b) borough, (c) community board, (d) if outside the city of New York, county, (e) whether the collision was with a moving or non-moving object, (f) weather condition at time of collision, (g) roadway surface condition at time of collision and (h) direction of impact;*

*(2) total number of collisions with fatalities, disaggregated by (a) agency, (b) borough, (c) community board, (d) if outside the city of New York, county, (e) whether the collision was with a moving or non-moving object, (f) weather condition at time of collision, (g) roadway surface condition at time of collision and (h) direction of impact;*

*(3) total number of collisions with injuries, disaggregated by (a) agency, (b) borough, (c) community board, (d) if outside the city of New York, county, (e) whether the collision was with a moving or non-moving object, (f) weather condition at time of collision, (g) roadway surface condition at time of collision and (h) direction of impact;*

*(4) total number of collisions in which driver was injured, disaggregated by agency;*

*(5) total number of collisions in which passengers were injured, disaggregated by agency;*

*(6) total number of collisions in which a pedestrian was injured, disaggregated by agency;*

*(7) number of collisions in which a bicyclist was injured, disaggregated by agency; and*

*(8) total number of preventable collisions, disaggregated by (a) agency, (b) borough, (c) community board, (d) if outside the city of New York, county, (e) whether the collision was with a moving or non-moving object, (f) weather condition at time of collision, (g) roadway surface condition at time of collision and (h) direction of impact.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1366

By Council Members Williams, Levin, Rodriguez, Rosenthal, Menchaca, Richards, Mendez, Gentile and the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to auditing buildings for compliance with the rent registration requirements of the 421-a tax exemption program**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

*CHAPTER 12*

*AUDITS FOR COMPLIANCE WITH 421-A TAX EXEMPTION RENT REGISTRATION REQUIREMENTS*

*§ 26-1201 Definitions.*

*§ 26-1202 Audits.*

*§ 26-1203 Report.*

*§ 26-1201 Definitions. For the purposes of this chapter:*

*Rent registration requirements. The term “rent registration requirements” means any requirement that one or more dwelling units within a building receiving benefits under section 421-a of the real property tax law be registered with the state division of housing and community renewal for rent stabilization.*

*Department. The term “department” means the department of housing preservation and development.*

*§ 26-1202 Audit. The department shall audit no fewer than twenty percent of all buildings receiving benefits under section 421-a of the real property tax law annually to determine whether such buildings are in compliance with all applicable rent registration requirements.*

*§ 26-1203 Report. Where an audit performed pursuant to section 26-1202 of this chapter reveals that a building owner is not in compliance with the applicable rent registration requirements, the department shall, within 60 days, report such building to the speaker of the council and to the department of finance for revocation of benefits under section 421-a of the real property tax law for the period of such noncompliance or, where the department determines that an on-going pattern of non-compliance exists, from the inception of such benefits.*

§ 2. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-139 to read as follows:

*§ 11-139. Report on revocations. Within 60 days after receiving a report from the department of housing preservation and development pursuant to section 26-1203 of the code, the department of finance shall report to the speaker of the council and to the mayor, a plan and a timeline for revocation of benefits under section 421-a of the real property tax law.*

§ 3. This local law takes effect one year after it becomes law, except that the commissioner of housing preservation and development may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1367

By Council Members Wills and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report the names of the schools to which teachers placed in the Absent Teacher Reserve have been assigned**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new Chapter 11 to title 21-A to read as follows:

*CHAPTER 11*  
*ABESENT TEACHER RESERVE SCHOOL ASSIGNMENT*

*§21-977 a. Definitions. For the purpose of this section, the term “absent teacher reserve (ATR)” means teachers whose jobs have been eliminated due to school closure, downsizing, or after disciplinary hearings and who remain available for teaching.*

*b. Every year on May 1, beginning with May 1, 2017, the department shall submit to the speaker of the council, post to its website and make available to students and parents, an annual report indicating the names of the schools to which teachers from the ATR have been assigned. Such report shall include, but not be limited to:*

- 1. The name of the former school where the teacher was assigned;*
- 2. The reason for placement in the ATR;*
- 3. The length of time spent in the ATR; and*
- 4. The name of the school to which the teacher was reassigned.*

*c. All information required by this section shall be aggregated citywide, as well as disaggregated by borough, council district, community school district, and school.*

*d. 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 or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

*§2. This local law takes effect immediately.*

Referred to the Committee on Education.

Preconsidered L.U. No. 520

By Council Member Ferreras-Copeland:

**2178 Atlantic Avenue, Block 1433, Lot 35; Brooklyn, Community District No. 16, Council District No. 41.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 521

By Council Member Ferreras-Copeland:

**The Tree of Life, Block 9793, part of Lot 78 (a/k/a Tentative Lot 79); Queens, Community District No. 12, Council District No. 24.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 522

By Council Member Greenfield:

**Application No. 20175116 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at 1461 Park Avenue (Block 1635, Lots 1, 7, and 16), Borough of Manhattan, Community Board 8, Council District 11.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions (preconsidered but laid over by the Subcommittee on Planning, Dispositions, and Concessions).

L.U. No. 523

By Council Member Greenfield:

**Application No. 20175117 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 716, Lot 15, Borough of Manhattan, Community Board 4, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 524

By Council Member Greenfield:

**Application No. 20175121 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article V and Article XI of the Private Housing Finance Law for approval of a real property tax exemption, termination of the prior tax exemption, voluntary dissolution of the current owner, and conveyance to a new owner for property located at Block 1844, Lot 20 and Block 1859, Lot 15, Borough of Manhattan, Community Board 7, Council District 7.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 525

By Council Member Greenfield:

**Application No. 20175118 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article V and Article XI of the Private Housing Finance Law for approval of an amendment to a previously approved plan and project, the leasing of the property from the current owner to the lessee, and a real property tax exemption for property located at Block 2724, Lot 103 and part of Lot 5, Borough of the Bronx, Community Board 2, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 526

By Council Member Greenfield:

**Application No. 20175119 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 2384, Lots 20, 120, and 123, Borough of the Bronx, Community Boards 3, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 527

By Council Member Greenfield:

**Application No. 20175120 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the General Municipal Law for approval of an Urban Development Action Area Project for property located at Block 2384, Lots 20, 120, and 123, Borough of the Bronx, Community Boards 3, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

<http://legistar.council.nyc.gov/Calendar.aspx>

## ANNOUNCEMENTS

**Thursday, November 17, 2016**

[Committee on Consumer Affairs](#) jointly with the  
[Committee on Immigration](#).....10:00 a.m.  
**Int 746** - By Council Members Dromm, Chin, Ferreras-Copeland, Koo, Palma, Rodriguez, Rosenthal, Mendez, Menchaca, Cabrera, Williams, Rose, King, Levine, Levin, Koslowitz, Lancman, Johnson, Barron, Lander, Miller, Reynoso, Torres, Kallos, Vacca, Eugene, Cumbo, Salamanca, Maisel, Gentile, Grodenchik, Constantinides, Treyger, Gibson, Richards, Van Bramer and the Public Advocate (Ms. James) - **A Local Law** to amend the administrative code of the city of New York, in relation to preventing the unauthorized practice of immigration law.  
 Council Chambers – City Hall  
 Rafael L. Espinal, Chairperson  
 Carlos Menchaca, Chairperson

[Committee on General Welfare](#) jointly with the  
[Committee on Health](#)..... 10:00 a.m.  
**Oversight** - Part 1 Medical Health Services in the DHS Shelter System  
**Int 929** - By Council Members Johnson, Chin, Eugene, Koo, Rose, Dickens, Rodriguez and Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring information on health services in shelters  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
 Stephen Levin, Chairperson  
 Corey Johnson, Chairperson

[Committee on Parks and Recreation](#).....10:00 a.m.  
**Oversight** - An Overview of the Department of Parks and Recreations’ Partnership for Parks Program.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
 Mark Levine, Chairperson

[Committee on Aging](#).....1:00 p.m.  
**Oversight** - The Department for the Aging’s Core Services  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
 Margaret Chin, Chairperson

[Committee on Governmental Operations](#).....1:00 p.m.  
**Oversight** - Assessment of NYC’s Language Access Services  
**Int 1181** - By The Speaker (Council Member Mark-Viverito) and Council Members Dickens, Chin, Mendez, Koo and Rosenthal - **A Local Law** to amend the New York city charter, in relation to improving access to city services for limited english proficient individuals.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
 Ben Kallos, Chairperson

**Monday, November 21, 2016**

[Subcommittee on Zoning & Franchises](#)..... 9:30 a.m.  
[See Land Use Calendar](#)  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
 Donovan Richards, Chairperson

[Committee on General Welfare](#) jointly with the  
[Committee on Mental Health, Developmental Disability,  
Alcoholism, Substance Abuse and Disability  
Services](#)..... 10:00 a.m.

**Oversight** – Part 2: Mental Health Services in the DHS Shelter System  
**Int 932** - By Council Members Levin, Chin, Cumbo, Eugene, Koo, Rose, Cohen, Dickens and Johnson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring information on mental health services in shelters.  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
Stephen Levin, Chairperson  
Andrew Cohen, Chairperson

[Committee on Standards and Ethics](#).....10:00 a.m.

**Int 1345** - By The Speaker (Council Member Mark-Viverito) and Council Members Garodnick, Crowley and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to conflicts of interest and organizations affiliated with elected officials.  
**Int 1349** - By Council Member Garodnick - **A Local Law** to amend the administrative code of the city of New York, in relation to the compatibility of campaign finance board disclosure software.  
**Int 1350** - By Council Members Garodnick and Greenfield - **A Local Law** to amend the administrative code of the city of New York, in relation to the adjudication of campaign finance violations.  
**Int 1351** - By Council Member Greenfield - **A Local Law** to amend the administrative code of the city of New York, in relation to the deposits of campaign contributions.  
**Int 1352** - By Council Member Greenfield - **A Local Law** to amend the administrative code of the city of New York, in relation to inquiring if a person or entity is doing business with the city.  
**Int 1353** - By Council Member Greenfield - **A Local Law** to amend the administrative code of the city of New York, in relation to the return of a contribution to protect a reputational interest  
**Int 1354** - By Council Member Greenfield - **A Local Law** to amend the administrative code of the city of New York, in relation to the timing of statement reviews.  
**Int 1355** - By Council Member Greenfield - **A Local Law** to amend the administrative code of the city of New York, in relation to required documentation for contributions.  
**Int 1356** - By Council Member Lancman - **A Local Law** to amend the administrative code of the city of New York, in relation to the transfer of non-public campaign funds.  
**Int 1358** - By Council Member Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to expenditures of non-public funds to assist public officers in the performance of their duties.  
**Int 1361** - By Council Member Salamanca - **A Local Law** to amend the administrative code of the city of New York, in relation to the viewing of dates from the doing business database.  
**Int 1362** - By Council Member Salamanca - **A Local Law** to amend the administrative code of the city of New York, in relation to contributions in a special election.  
**Int 1363** - By Council Members Salamanca and Greenfield - **A Local Law** to amend the administrative code of the city of New York, in relation to the deadline for rescinding the written certification of participation in the matching funds program.  
**Int 1364** - By Council Member Van Bramer - **A Local Law** to amend the administrative code of the city of New York, in relation to executive sessions of the campaign finance board.  
Council Chambers – City Hall  
Alan N. Maisel, Chairperson

★ *Deferred*  
[Subcommittee on Landmarks, Public Siting & Maritime Uses](#).....11:00 a.m.  
[See Land Use Calendar](#)  
~~Committee Room – 250 Broadway, 16<sup>th</sup> Floor~~ ~~Peter Koo, Chairperson~~

[Subcommittee on Planning, Dispositions & Concessions](#)..... 1:00 p.m.  
[See Land Use Calendar](#)  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
Inez Dickens, Chairperson



**Tuesday, November 22, 2016**

[Committee on Housing and Buildings](#) jointly with the  
[Committee on Finance](#) .....10:00 a.m.

**Oversight** - 421-a Enforcement

**Int 1009** - By the Public Advocate (Ms. James) and Council Members Chin and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to an online database for registered dwellings.

**Int 1359** - By Council Members Levin and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to auditing buildings for compliance with the affordability requirements of the 421-a tax exemption program.

**Int 1366** - By Council Member Williams and Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to auditing buildings for compliance with the rent registration requirements of the 421-a tax exemption program.

Council Chambers – City Hall

Jumaane D. Williams, Chairperson  
Julissa Ferreras-Copeland, Chairperson

[Committee on Courts and Legal Services](#) jointly with the  
[Committee on Public Safety](#) .....10:00 a.m.

**Oversight** - Examining the City’s Plans for the Provision of Indigent Defense Trial-Level Services for Homicides.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

Rory Lancman, Chairperson  
Vanessa L. Gibson, Chairperson

[Committee on Youth Services](#) .....10:00 a.m.

**Oversight** - Disconnected Youth (out of school and out of work).

**Int 708** - By Council Members Eugene, Chin, Rose and Lander - **A Local Law** in relation to a disconnected youth task force.

**Int 709** - By Council Members Eugene, Chin and Lander - **A Local Law** to amend the New York city charter, in relation to workforce development.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Mathieu Eugene, Chairperson

[Committee on Land Use](#) ..... 11:00 a.m.

**All items reported out of the Subcommittees**

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall

David G. Greenfield, Chairperson

[Committee on Education](#) .....1:00 p.m.

**Res 451** - By Council Members King, Koo, Eugene, Richards, Gentile, Espinal, Torres, Wills, Reynoso, Deutsch, Cabrera, Chin, Mealy and Ulrich - **Resolution** calling upon the New York City Department of Education to mandate school uniforms.

**Res 568** - By Council Members Dromm, Chin, Constantinides, Koslowitz, Rose, Vallone, Mendez, Grodenchik and Lancman - **Resolution** calling upon the New York City Department of Education to establish Diwali as an official holiday for New York City public school students.

**Res 845** - By Council Members Espinal, Levine, Barron, Constantinides, Eugene, Gentile, Gibson, Mendez, Rose, Cohen and Rosenthal - **Resolution** calling upon the New York State Education Department to expand the State’s financial literacy and personal finance education curriculum to all grades K through 12.

**Res 890** - By Council Members Levine, Williams, Chin, Constantinides, Koo, Mendez, Palma, Richards, Rose, Dickens and Espinal - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign A.329/S.554, to implement more foreign language instruction in elementary schools.

Council Chambers – City Hall

Daniel Dromm, Chairperson

**Monday, November 28, 2016**

[Committee on Environmental Protection](#) .....10:00 a.m.

**Oversight - The City’s in-City Power Plants**

**Res 320** - By Council Members Constantinides, Chin, Cornegy, Koo and Rose - **Resolution** calling on the state of New York to phase out Number 4 and Number 6 fuel oil in power plants in its plan to meet carbon dioxide reduction goals as set by the Environmental Protection Agency's Clean Power Plan.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor Costa Constantinides, Chairperson

★ *Note Location Change*

[Committee on Transportation](#) .....10:00 a.m.

**Oversight** - The present and future of Citibike in NYC.

★ Council Chambers – City Hall Ydanis Rodriguez, Chairperson

★ *Deferred*

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#) jointly with the  
[Subcommittee on Libraries](#) .....1:00 p.m.

**Oversight** – NYPL Schwarzman Building and Midtown Campus Plans

Council Chambers – City Hall James Van Bramer, Chairperson  
Andrew King, Chairperson

★ *Addition*

[Committee on Recovery and Resiliency](#) .....1:00 p.m.

**Oversight** - Workforce development, apprenticeship and local hiring initiatives in the various Sandy programs.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor Mark Treyger, Chairperson

**Tuesday, November 29, 2016**

[Stated Council Meeting](#).....*Ceremonial Tributes – 1:00 p.m.*  
.....*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) commented on the results of the 2016 Presidential election. Included in her comments was a pledge that the Council will never stop fighting for all New Yorkers whether an individual was born here, or overcame insurmountable odds to come to our city, or has sought administrative relief from deportation. The Speaker (Council Member Mark-Viverito) reaffirmed that New York City will remain a sanctuary city and that the undocumented community will not be abandoned.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) asked everyone to give a round of applause to departing Council Communications Director Eric Koch. She noted that he is leaving the Council to join Precision Strategies as a managing principal. The Speaker (Council Member Mark-Viverito) also mentioned the promotion of Press Secretary Robin Levine to be the new Council Communications Director.

During the Meeting and shortly before adjournment, the Speaker (Council Member Mark-Viverito) wished everyone a Happy Thanksgiving.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, November 29, 2016.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int Nos. 251-A, 551-A, 552-A, 728-B, 959-B, 1011-A, 1160, 1163-A, 1165, and 1282, all adopted by the Council at the October 13, 2016 Stated Meeting, were signed into law by the Mayor on October 31, 2016 as, respectively, Local Law Nos. 126, 127, 128, 129, 130, 131, 132, 133, 134, and 136 of 2016.*

*Int No. 1341, adopted by the Council at the October 27, 2016 Stated Meeting, was signed by the Mayor on November 2, 2016 as Local Law No. 136 of 2016.*

*Int Nos. 83-A, 464-A, 796-A, 1017-C, 1187-A, 1190-A, 1191-A, 1192-A, 1197-A, 1199-A, 1205-A, and 1242, all adopted at the Council at the October 27, 2016 Stated Meeting, were signed into law by the Mayor on November 16, 2016.*

