

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, May 10, 2017, 2:00 p.m.

The Public Advocate (Ms. James)

Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent on May 10, 2017: Council Members Ferreras-Copeland and King (but see *Editor's Note re Attendance below**).

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

After consulting with the Deputy City Clerk and Acting Clerk of the Council (Ms. Alisa Fuentes), the presence of a quorum was announced by the Public Advocate (Ms. James).

There were 49 Council Members marked present at this Stated Meeting on May 10, 2017 held in the Council Chambers of City Hall, New York, N.Y. (but see Editor's Note re Attendance below).*

**Editor's Note re: Attendance for the Stated Meeting held on May 10, 2017 and the Recessed Meetings held on May 24, 2017: The Recessed Meeting held subsequently on May 24, 2017 is considered to be the continuation and conclusion of this Stated Meeting which opened on May 10, 2017. For attendance purposes, therefore, any Council Member who was present at any one of these two Meetings will be considered present for all of these proceedings known collectively as the Stated Meeting of May 10, 2017. Although Council Members Ferreras-Copeland and King were absent at this Stated Meeting held on May 10, 2017, they were subsequently marked Present but Not Voting for these May 10th proceedings due to their presence at the later Recessed Meeting held on May 24, 2017.*

INVOCATION

The Invocation was delivered by Rev. Jonnel C. Doris, Pastor Full Gospel Assembly of Queens, 89-17 114th Street, Richmond Hill, N.Y. 11418.

Let us pray.

Our gracious and loving heavenly father,
 we thank you today for all daily blessings you have bestowed on us.
 We thank you for you eternal grace and mercies that are new every morning.
 Our hearts exclaim great is thy faithfulness.
 We thank you for the health and strength you have granted us
 to fulfill our purpose and calling to serve this great city.
 Scripture reminds us to pray for those in authority
 or govern our city that they will seek justice, love mercy
 and walk humbly before you.
 So today we pray for our city leaders -- our Mayor, our Public Advocate,
 our Comptroller, particularly our City Council Speaker, Melissa Mark-Viverito,
 and members of the City Council
 that you will continue to grant them the compassion
 for the least of these and those in need in our city,
 grant them the clarity of vision for our city,
 the wisdom to govern these trying and difficult times,
 the ability and fortitude and the indomitable will to make
 the right and necessary decisions,
 and to walk in unity and work in unity,
 togetherness for the good of our city.
 Bless their individual families and loved ones
 and communities they serve.
 I pray for today's proceedings
 and the agenda before them today;
 please guide them in all truth, prudence and wisdom
 as they work on behalf of all who visit
 and who call our great city home.
 In your most righteous and blessed name I pray. Amen.
 Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged that the City Clerk and Clerk of the Council (Mr. McSweeney) was not present at this Meeting due to the death of his mother Gloria A. McSweeney earlier in the week. The Speaker (Council Member Mark-Viverito) expressed gratitude to Mr. McSweeney for his service to the City and extended the Council's deepest condolences to him and his family during this difficult time.

ADOPTION OF MINUTES

Council Member Chin moved that the Minutes of the Stated Meeting of April 5, 2017 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-498

Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2018, pursuant to Section 249 of the New York City Charter.

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

Referred to the Committee on Finance.

M-499

Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2018, pursuant to Section 249 of the New York City Charter.

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

Referred to the Committee on Finance.

M-500

Communication from the Mayor - Submitting the Proposed City Fiscal Year 2018 Community Development Program, the Proposed CFY'18 Budget, the Proposed Reallocations-the CD XLIII Funds, Proposed CD XLIV Statement of Objectives and Budget, dated April 26, 2017.

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

Referred to the Committee on Finance.

M-501

Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2018 pursuant to Section 250 of the New York City Charter.

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

Referred to the Committee on Finance.

M-502

Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2018, Volumes I, II, III and IV, pursuant to Section 219(d) of the New York City Charter.

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

Referred to the Committee on Finance.

M-503

Communication from the Mayor - Submitting the Executive Budget -Geographic Reports for Expense Budget for Fiscal Year 2018.

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

Referred to the Committee on Finance.

M-504

Communication from the Mayor - Submitting the Executive Capital Budget Fiscal Year 2018, Capital Project Detail Data, Citywide Volumes 1 and 2 and Volumes for the Five Boroughs, dated April 26, 2017 pursuant to the provisions of Sections 213 (4) & 219 (D) of the New York City Charter.

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

Referred to the Committee on Finance.

M-505

Communication from the Mayor - Submitting the Budget Summary, Message of the Mayor and Summary of Reduction Program relative to the Executive Budget, Fiscal Year 2018, pursuant to Section 249 of the New York City Charter.

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

Referred to the Committee on Finance.

M-506

Communication from the Mayor – Submitting the Ten-Year Capital Strategy, Fiscal Year 2018-2027.

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

Referred to the Committee on Finance.

M-507

Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2018 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the New York City Charter.

April 26, 2017

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller

Honorable Ruben Diaz, Jr., Bronx Borough President
Honorable Eric L. Adams, Brooklyn Borough President
Honorable Gale A. Brewer, Manhattan Borough President
Honorable Melinda R. Katz, Queens Borough President
Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2018 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2018	\$9,000 Million
2019	11,262 Million
2020	11,723 Million
2021	11,389 Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2018 - 2021:

2018	\$6,860 Million
2019	9,019 Million
2020	9,485 Million
2021	9,249 Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2018 — 2021:

2018	\$2,140	Million
2019	2,243	Million
2020	2,238	Million
2021	2,140	Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2018, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2018	\$13,432	Million
2019	12,230	Million
2020	12,109	Million
2021	8,884	Million

Sincerely,

Bill de Blasio
Mayor

Received, Ordered, Printed and Filed.

LAND USE CALL-UPS

M-508

By Council Member Kallos:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 1678 3rd Avenue, Borough of Manhattan, Community Board 8, Application No. 20175235 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote.

M-509

By Council Member Mendez:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 174 2nd Avenue, Borough of Manhattan, Community Board 3, Application No. 20175305 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote.

M-510

By Council Member Mendez:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 442 3rd Avenue, Borough of Manhattan, Community Board 6, Application No. 20175243 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote.

M-511

By Council Member Rodriguez:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 251 Dyckman Street, Borough of Manhattan, Community Board 12, Application No. 20175315 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote.

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

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

Present but Not Voting (“non-voting”) – Ferreras-Copeland and King.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer Affairs

Report for Int. No. 518-A

Report of the Committee on Consumer Affairs 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 secondhand automobile dealers to disclose whether automobiles have been recalled by the automobiles’ manufacturers.

The Committee on Consumer Affairs, to which the annexed proposed amended local law was referred on October 22, 2014 (Minutes, page 3797), respectfully

REPORTS:

INTRODUCTION

On October 28, 2014 the Committee on Consumer Affairs, chaired by Council Member Rafael Espinal, held a hearing titled “Used Car Sales in New York City: Ensuring Consumer Protections and Safety in the Sale of Used Vehicles Recalled by the Manufacturer,” where the Committee heard testimony on Introductory Bill Number 518 (“Int. No. 518”). At that hearing, the Committee heard from the Department of Consumer Affairs (“DCA”), representatives from the used car industry, representatives from the automobile dealer industry, licensed used car dealers operating in New York City, and other interested parties.

On Wednesday, April 26, 2017, the Committee on Consumer Affairs held a vote on Proposed Introductory Bill 518-A (Proposed Int. No. 518-A), A Local Law to amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to disclose whether automobiles have been recalled by the automobiles’ manufacturers. The Committee voted in favor of Proposed Int. No. 518-A by a vote of three in favor, none opposed and no abstentions.

BACKGROUND

The used car market is an attractive and affordable option for New York City residents who wish to own their own a car. With over 800 licensed used car dealers across the five boroughs, New York City’s consumers

have plenty of options to choose from.¹ While the used car market helps fill an important need for many New Yorkers, it is also the subject of a high volume of consumer complaints and has a long history of deceptive and unfair practices. For these reasons, the laws of the city of New York require that all used car dealers be licensed and regulated by the DCA in order to do business in the City.²

On July 30, 2014, the DCA announced an investigation to discover whether used car dealers were selling recalled vehicles without first making repairs.³ Subpoenas were issued to 200 dealers requiring them to provide their records and policies on selling unrepaired recalled cars, the number of unrepaired recalled cars the dealer sold in the past year, and whether consumers were notified at the time of such sales.⁴

The impetus for conducting the investigation was DCA's enforcement of the Used Car Lemon Law ("Lemon Law") codified in the General Business Law of the State of New York⁵ and the Consumer Protection Law codified in the Administrative Code of the City of New York.⁶ DCA has promulgated rules requiring dealers of used vehicles to give written notice to their customers detailing their rights under the Lemon Law.⁷ This law requires dealers of used vehicles to provide warranty information in writing with every sale of a used vehicle sold for over \$1,500 and with mileage less than 100,000.⁸ Used cars sold for less than \$1,500 and/or at mileage over 100,000 are covered under an implied warranty that the vehicles are roadworthy and the dealer must certify that such vehicles are safe to drive.⁹ It is thus unlawful to sell a vehicle "As Is." The rules of the city of New York require that dealers of used vehicles maintain records of sales and policies, and produce these records upon request to DCA.¹⁰

In its press release, DCA noted that the investigation sought to close a loop hole in federal law that fails to require dealers of used vehicles to first repair parts and vehicles subject to a manufacturer's recall before selling those vehicles to a consumer.¹¹ In the federal recall process, manufacturers must notify the owner of new cars of any defects and must repair recalled vehicles at no cost to the consumer. However, the notice requirement does not apply to owners of used cars. Several pieces of legislation have been presented to Congress to address these gaps in the federal law. The Motor Vehicle Safety Act of 2014 would change a number of recall procedures, including prohibiting a car dealer from selling a used vehicle until the consumer is notified of any outstanding recall defects that have not been repaired.¹²

The Committee appreciated hearing testimony from DCA as to the results of its investigation, and testimony from all invited witnesses on the important matter of ensuring consumer protections and safety in the sale of used vehicles recalled by the manufacturer.

ANALYSIS OF PROPOSED INT. NO. 518-A:

Int. No. 518 would create a new City law requiring that dealers of secondhand automobiles disclose recall information to consumers when selling automobiles, parts or equipment that are the subject of a recall by the national highway transportation safety administration or the NHTSA. Printing out the recall information directly from the NHTSA website suffices this disclosure requirement. A prospective purchaser must sign or initial the printout, which must then be retained by the dealer for a minimum of five years, in electronic or hardcopy format, and is subject to inspection by the DCA. This bill would impose a \$1000 fine for a first offense, a \$1000 fine or imprisonment for a subsequent offense, and suspension or revocation of a dealer's license at the discretion of the commissioner for any subsequent offenses during a three-year period. The law would take effect 120 days after it is enacted into law, provided, however, that the commissioner of consumer

¹ Dep't of Consumer Affairs, "New York City's Department of Consumer Affairs Launches Investigation into the Sale of Unrepaired Recalled Used Cars, Aggressively Protecting New Yorkers from Potentially Fatal Defects," Press release, July 30, 2014, Available at http://www.nyc.gov/html/dca/html/pr2014/pr_073014.shtml.

² N.Y.C. Admin. Code § 20-265.

³ Supra note 1

⁴ Id.

⁵ G.B.L. Sec. 198b

⁶ N.Y.C. Admin. Code §20-700

⁷ 6 R.C.N.Y. 2-103

⁸ Supra note 5

⁹ NY CLS Veh. & Tr. § 417

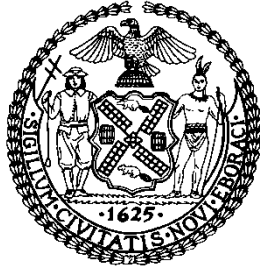
¹⁰ Supra note 6

¹¹ Supra note 1

¹² Senate Bill 2559, Introduced in Senate (06/26/2014), Available at <https://www.congress.gov/bill/113th-congress/senate-bill/2559>

affairs may take such measures as are necessary to implement this local law, including the promulgation of rules, prior to such date.

(The following is the text of the Fiscal Impact Statement for Int. No. 518-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 518-A

COMMITTEE: Consumer Affairs

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to disclose whether automobiles have been recalled by the automobiles' manufacturers

SPONSORS: Council Members Richards, Williams, Dickens, Johnson, Koo, Mendez, Rosenthal, Cohen, Constantinides, Vallone, Kallos and Levin

SUMMARY OF LEGISLATION: This bill would require secondhand automobile dealers to provide to the purchaser, prior to the execution of the contract for sale, a copy of the recall information from the National Highway Transportation Safety Administration (NHTSA) website when selling automobiles, parts or equipment that are the subject of a recall. Such disclosure, which would be signed or initialed by the purchaser, would be retained by the dealer for five years, and would be subject to inspection by the Department of Consumer Affairs (DCA). This bill would impose a \$1,000 fine for a first offense, a \$1,000 fine or imprisonment for a second offense committed within three years of the first offense, and suspension or revocation of a dealer's license at the discretion of the commissioner for any subsequent offenses within that three-year period.

Effective Date: The local law would take effect 120 days after it becomes law. However, the DCA Commissioner may take such measures as are necessary to implement this local law, including the promulgation of rules, prior to such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that there would be no impact on Revenue resulting from this legislation as full compliance is expected.

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

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, Finance Division
John Russell, Unit Head, Finance Division
Eric Bernstein, Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 518 on October 22, 2014 and referred to the Committee on Consumer Affairs. A hearing was held by the Committee on October 28, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 518-A, will be considered by the Committee on April 26, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 518-A will be submitted to the full Council for a vote on May 10, 2017.

DATE PREPARED: April 19, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 518-A:)

Int. No. 518-A

By Council Members Richards, Williams, Johnson, Koo, Mendez, Rosenthal, Cohen, Constantinides, Vallone, Kallos, Levin and Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to disclose whether automobiles have been recalled by the automobiles' manufacturers

Be it enacted by the Council as follows:

Section 1. Section 20-268 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. 1. A person who is licensed as a dealer in secondhand automobiles who sells a secondhand automobile, automobile part or equipment that is identified as having been recalled by the national highway transportation safety administration ("NHTSA"), pursuant to its authority under chapter 301 of title 49 of the United States code, must provide to the purchaser, prior to the execution of the contract for sale, a copy of the recall information for such secondhand automobile, automobile part or equipment, as printed out directly from the NHTSA website, <https://www.nhtsa.gov/recalls>, or any successor to such website. Such disclosure shall be made in writing and that writing must be signed or initialed by the purchaser of the secondhand automobile, automobile part or equipment. Such signed or initialed disclosure shall be maintained by the dealer, in either electronic or paper form, for no less than five years and such disclosure shall be subject to inspection by the commissioner.

2. Nothing in this subdivision shall supersede any existing city, state or federal law or regulation pertaining to automobile safety or roadworthiness, or prevent the department or any other city, state or federal agency from enforcing any city, state or federal law or regulation pertaining to automobile safety or roadworthiness.

§2. Subdivision a of section 20-275 of the administrative code of the city of New York is amended to read as follows:

a. Any person who shall violate any of the provisions of this subchapter or any rule or regulation issued thereunder shall be guilty of a class A misdemeanor and upon the first conviction be subject to a fine of at least five hundred dollars and upon any subsequent conviction be subject to a fine of one thousand dollars and/or imprisonment of at least fifteen days; *except that any person who violates subdivision h of section 20-268 shall be subject to a fine of: (i) one thousand dollars for the first offense; (ii) one thousand dollars and/or imprisonment of at least fifteen days for any subsequent offense committed within three years of the first offense; and (iii) shall be subject to suspension or revocation of his or her secondhand automobile license at the discretion of the commissioner for any subsequent violations within such three year period. For purposes of this subdivision, each automobile sold in violation of subdivision h of section 20-268 shall count as a separate offense.*

§3. This local law shall take effect 120 days after its enactment into law provided, however, that the commissioner of consumer affairs may take such measures as are necessary to implement this local law, including the promulgation of rules, prior to such date.

RAFAEL L. ESPINAL, Jr., *Chairperson*; JULISSA FERRERAS-COPELAND, RORY I. LANCMAN; Committee on Consumer Affairs, April 26, 2017. *Other Council Members Attending: Garodnick and Williams.*

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

Report of the Committee on Education

Report for Int. No. 1028-B

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, A Local Law to amend the administrative code of the city of New York, in relation to creating a sexual health education task force.

The Committee on Education, to which the annexed proposed amended local law was referred on December 16, 2015 (Minutes, page 4535), respectfully

REPORTS:

Introduction

On May 9, 2017, the Committee on Education, chaired by Council Member Daniel Dromm, will vote on Proposed Introduction No. 1028-B, sponsored by Council Member Laurie Cumbo. A hearing was previously held on this bill on April 19, 2017. At that hearing, the Committee received testimony from representatives from the Department of Education (DOE), advocates, educators, parents, students, and other members of the public.

Background

Sexual Health Education

New York State requires that all students meet the *Learning Standards for Health* at each of the elementary, middle, and high school levels.¹ Although these standards cover topics related to healthy development and positive health behaviors, the State does not require specific topics in sexual health education

¹ New York State Education Law § 804; Commissioner's Regulation 135.3.

beyond instruction regarding HIV/AIDS prevention.² Although State law and regulations do not mandate specific sexual health topics,³ the New York State Education Department (NYSED) publishes a guidance document for teaching the state standards. This document covers sexual health more comprehensively, with topics such as sexual risk, relationship violence, and violence prevention, including child sexual abuse.⁴ But, the document is only a guide, and instruction in such sexual health topics is not mandated.

In 2011, the DOE, under then-Chancellor Walcott, mandated that DOE middle and high schools include sexual health education as part of the comprehensive health education course required by New York State, at the middle and high school levels.⁵ The DOE currently recommends that schools use the *HealthSmart* middle and high school curricula for the required middle and high school health education courses.⁶ *HealthSmart* is aligned with NYSED Learning Standards, and additionally covers topics in sexual health; however, there is no requirement that schools use this particular curriculum.⁷ According to the DOE, there is currently no data on how many schools are actually using the curriculum or, if not, which curricula are being used.

Although comprehensive data is not available to show whether, or to what extent, schools are complying with the City's requirement, many advocates claim that New York City students are not receiving comprehensive sexual health education.⁸ The New York Civil Liberties Union Teen Activist Project and Youth Organizing Institute recently conducted an anonymous survey regarding comprehensive sexual health education.⁹ The two-page survey was given to a non-representative sample of 302 public high school students; 93% reported that they had taken a health class, but only 25% reported having taken a sexual health education class.¹⁰ Moreover, only 36% reported that they had learned about topics specific to non-heterosexual relationships.¹¹ While this data is not comprehensive, it demonstrates the need for a better understanding of how many New York City public school students are receiving sexual health education.

In 2016, the Council passed two reporting laws requiring the DOE to report on its provision of health education. Local Law 14 of 2016, sponsored by Council Member Laurie Cumbo, requires the DOE to report on its provision of health education, generally, to students in grades 6 through 12.¹² Local Law 15 of 2016, sponsored by Council Member Vanessa Gibson, requires the DOE to report on its provision of sexual health training of instructors in the preceding school year.¹³ The Local Law 14 report received from DOE in December 2016 showed that, in many cases, students are meeting high school health education requirements only in their final semester of high school.¹⁴ Additionally, the report showed that only 57.3% of eighth graders

² See Commissioner's Regulation 135.3; Learning Standards for Health, Physical Education, and Family and Consumer Sciences at Three Levels, available at <http://www.p12.nysed.gov/sss/schoolhealth/schoolhealtheducation/healthPEFACSLearningStandards.pdf> (last visited Apr. 6, 2017) [hereinafter Learning Standards].

³ A bill has been introduced in the State Assembly, A00533, sponsored by Assemblywoman Aileen Gunther, which would require health education to include information about the prevention of sexual abuse and assault. There is no corresponding bill in the State Senate. See http://assembly.state.ny.us/leg/?default_fld=&bn=A00533&term=2017&Summary=Y&Actions=Y&Text=Y&Votes=Y.

⁴ Department of Education, A Guidance Document for Achieving the New York State Standards in Health Education, available at <http://www.p12.nysed.gov/sss/documents/GuidanceDocument4.25.update.pdf> (last visited Apr. 10, 2017).

⁵ See Department of Education, Sexual Health Education in Middle and High School, available at <http://schools.nyc.gov/NR/rdonlyres/E8BEF0FA-1165-47A3-852D-618E2E0744A4/0/WQRGSexualHealthMSHS20160907.pdf> (last visited Apr. 11, 2017).

⁶ See Department of Education, Sexual Health Education in Middle and High School, available at <http://schools.nyc.gov/NR/rdonlyres/E8BEF0FA-1165-47A3-852D-618E2E0744A4/0/WQRGSexualHealthMSHS20160907.pdf> (last visited Apr. 11, 2017).

⁷ *Id.*

⁸ See, e.g., Christina Veiga, "Let's talk about sex (education): NYC high school students weigh in on what they're not learning in school", Chalkbeat, March 21, 2017, available at <http://www.chalkbeat.org/posts/ny/2017/03/21/lets-talk-about-sex-education-nyc-high-school-students-say-sex-ed-is-weak-on-lgbtq-issues/> (last visited Apr. 11, 2017).

⁹ New York Civil Liberties Union, LGBTQ Sex Ed & Safety A survey of New York City High School Students, available at https://www.nyclu.org/sites/default/files/field_documents/20170320-nyclu-lgbt-ed-safety-survey.pdf (last visited Apr. 11, 2017).

¹⁰ *Id.*

¹¹ *Id.*

¹² See Local Law 14 of 2016. The law includes sexual health education in its definition of health education, but does not separately track the provision of sexual health education.

¹³ See Local Law 15 of 2016.

¹⁴ See Department of Education, Local Law 14 2016 Report – Health Education Data, available at <http://schools.nyc.gov/community/city/publicaffairs/Health+Data.htm> (last visited Apr. 11, 2017) (showing that while 99.7% of graduates had met high school health requirements, only 62.1% of students in grades 9 to 12 had completed at least one semester of health instruction).

had completed at least one semester of health instruction.¹⁵ The report does not separately track the provision of sexual health education, specifically. With regard to health education instructors, the Local Law 15 report received from DOE in December 2016 showed that in the preceding two school years, only 7.6% of all health education instructors received professional development training provided by the DOE on sexual health education,¹⁶ and only 292 instructors attended multiple sessions of sexual health education professional development.¹⁷ These reports further highlight the need for additional information on whether schools are complying with the City’s mandates for providing sexual health education.

Analysis of Legislation

Prop. Int. No. 1028-B

Since its initial hearing, the bill has received several amendments. The bill has been amended to clarify that the task force will review information provided by the DOE and other stakeholders regarding the DOE’s recommended curricula and whether it meets certain standards. The bill has also been amended to clarify that the task force would issue a report describing the extent to which the recommended curricula meet such standards, and the bill was amended to add that the report would include recommendations for improving the methods of tracking the implementation of sexual health education. Finally, the bill has been amended to require at least two students be members of the task force, and that all members of the task force would serve at the pleasure of the Mayor.

Section one of Prop. Int. No. 1028-B would provide the following definitions: “Age-appropriate” would mean topics, messages and teaching methods suitable to particular ages or age groups of students, based on developing cognitive, emotional and behavioral capacity typical for the age or age group; “Medically-accurate” would mean verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, where applicable, or comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective and complete; “School” would mean a school of the city school district of the city of New York; “Student” would mean any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school, not including pre-kindergarten students.

Section one would establish a task force consisting of at least nine members. It would provide that the members of the task force would be appointed by the Mayor after consultation with the Speaker of the Council, and that one member would be designated as chairperson by the Mayor after consultation with the Speaker. Section one would require that the task force would include at least three experts in sexual health education, at least one teacher from a New York city public school, at least one staff person from a school who is not a teacher (such as a guidance counselor or social worker), at least two high school students; at least one expert in the field of lesbian, gay, bisexual, transgender, questioning and gender non-conforming health education and at least one representative from the Department of Health and Mental Hygiene. The bill would provide that such members would serve without compensation, and that members of the task force would serve at the pleasure of the Mayor. The bill would further provide that any vacancies on the task force would be filled in the same manner as the original appointment – by the Mayor after consultation with the Speaker.

Section one would additionally provide that the task force would be required to do the following:

1. Review information provided by the DOE and other stakeholders regarding whether the curriculum recommended by the DOE: aligns with national standards, is age-appropriate and medically-accurate, covers the issue of sexual abuse prevention, covers the issues of healthy relationships and consent, and covers issues pertaining to individuals and relationships other than heterosexual, including but not limited to lesbian, gay, bisexual, transgender and gender non-conforming;

¹⁵ *Id.*

¹⁶ See Department of Education, Local Law 15 2016 Report – Health Education Instructor Data, *available at* <http://schools.nyc.gov/community/city/publicaffairs/Health+Data.htm> (last visited Apr. 11, 2017).

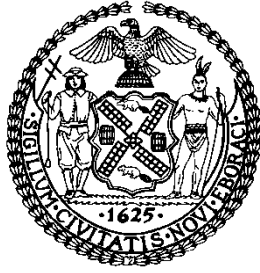
¹⁷ *Id.*

2. Review the implementation of sexual health education in kindergarten through twelfth grade, including: the number and percentage of students in each grade receiving sexual health education; the amount of instruction time dedicated to sexual health education in each grade; whether the instruction is provided by a teacher, other staff member, community group or other instructor; whether curricula other than the sexual health education curriculum recommended by the DOE is being used for instruction, and for each such curriculum, whether it (1) aligns with national standards, (2) is age-appropriate and medically-accurate, (3) covers the issue of sexual abuse prevention, (4) covers the issues of healthy relationships and consent and (5) covers issues pertaining to individuals and relationships other than heterosexual, including but not limited to lesbian, gay, bisexual, transgender, questioning and gender non-conforming;
3. Issue a report that:
 - a. Describes the extent to which the recommended curricula include the topics of sexual abuse prevention, healthy relationships and consent and issues pertaining to individuals and relationships other than heterosexual, including but not limited to, lesbian, gay, bisexual, transgender and gender non-conforming;
 - b. Describes the extent to which the recommended curricula align with national standards, are age-appropriate and medically-accurate;
 - c. Makes recommendations for any changes to the recommended sexual health curriculum for students in grades K-12;
 - d. Makes recommendations for any changes to the implementation of sexual health education for students in grades K-12;
 - e. Makes recommendations for improving methods of tracking the implementation of sexual health educations for students in grades K-12;
 - f. Make recommendations regarding any training or professional development for school staff related to providing sexual health education to students in grades K-12;
 - g. Makes recommendations regarding any issues related to sexual health education that are specific to students who identify as other than heterosexual, including but not limited to lesbian, gay, bisexual, transgender, questioning and gender non-conforming students, including recommendations that specifically address sexual health knowledge for same-sex relationships; and
 - h. Includes additional findings and recommendations as determined by the task force.

Section one would also provide that the task force would be required to provide an opportunity for students and parents to provide comments and feedback to the task force. The bill would also provide that the task force must submit its report of findings and recommendations to the Mayor and the Speaker no later than December 1, 2017. The bill would further allow the task force to make ongoing findings and recommendations, as the task force deems necessary.

Section two would provide that the law would take effect immediately and would expire and be deemed repealed five years after the date of the local law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1028-B:)



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

PROPOSED INTRO. NO.: 1028-B

COMMITTEE: Education

TITLE: A local law to amend the administrative code of the city of New York, in relation to creating a sexual health education task force.

SPONSORS: Council Members Cumbo, the Speaker (Council Member Mark-Viverito), Chin, Koo, Lander, Mendez, Torres, Rosenthal, Menchaca, Barron, Kallos, Constantinides, Treyger, and Dromm.

SUMMARY OF LEGISLATION: Proposed Intro. 1028-B would require the Mayor to appoint, in consultation with the Speaker, members to a sexual education task force comprised of a minimum of nine members; including at least three experts in sexual health education, at least one teacher from a New York City (NYC) public school, at least one staff person from a NYC public school who is not a teacher (such as a guidance counselor or social worker), at least two high school students, at least one expert in the field of lesbian, gay, bisexual, transgender, questioning and gender non-conforming health education, and at least one representative from the Department of Health and Mental Hygiene. The task force would be responsible for reviewing information about the current recommended sexual health education curriculum, including whether it meets national standards, and the implementation of sexual health education in NYC public schools, as well as issuing a report with findings and recommendations to the Mayor and Speaker by December 1, 2017.

EFFECTIVE DATE: This local law would take effect immediately, and is expired and deemed repealed after five years.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures. Task force members would be participating on their own time and materials can be covered with existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: None

SOURCE OF INFORMATION: New York City Finance Division.

ESTIMATE PREPARED BY: Elizabeth Hoffman, Principal Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
 Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on December 16, 2015 as Intro. 1028 and was referred to the Committee on Education. The legislation was subsequently amended and the amended version, Proposed Intro. 1028-A, was considered by the Committee at a hearing on April 19, 2017, and the legislation was then laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1028-B, will be voted on by the Committee on May 9, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1028-B will be submitted to the full Council for a vote on May 10, 2017.

DATE PREPARED: May 4, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1028-B:)

Int. No. 1028-B

By Council Members Cumbo, the Speaker (Council Member Mark-Viverito), Chin, Koo, Lander, Mendez, Torres, Rosenthal, Menchaca, Barron, Kallos, Constantinides, Treyger, Dromm, Levin, Garodnick, Rose and Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to creating a sexual health education task force

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

*Chapter 11
Sexual Education Task Force*

§ 21-973 Sexual health education task force. a. Definitions. For the purposes of this section only, the following definitions shall apply:

Age-appropriate. The term “age-appropriate” means topics, messages and teaching methods suitable to particular ages or age groups of students, based on developing cognitive, emotional and behavioral capacity typical for the age or age group.

Medically-accurate. The term “medically-accurate” means verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, where applicable, or comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective and complete.

School. The term “school” means a school of the city school district of the city of New York.

Student. The term “student” shall mean any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision, not including a pre-kindergarten student or a preschool child as preschool child is defined in section 4410 of the education law.

b. There shall be established a sexual health education task force consisting of at least nine members. Members of the task force shall be appointed by the mayor after consultation with the speaker of the council. Such task force shall meet at least quarterly. One member shall be designated as chairperson by the mayor after consultation with the speaker. Members of the task force shall include at least three experts in the field of sexual health education; at least one teacher employed by the department; at least one staff person employed by the department who is not a teacher, such as a guidance counselor, social worker or public health

educator; at least two students who attend a high school; at least one expert in the field of lesbian, gay, bisexual, transgender, questioning and gender non-conforming health education; and at least one representative from the department of health and mental hygiene. All members of such task force shall serve without compensation and at the pleasure of the mayor. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment.

c. The sexual health education task force shall:

1. review information provided by the department and other stakeholders regarding the sexual health education curricula currently recommended by the department, including but not limited to, information on (a) whether such recommended curricula align with national standards, (b) whether such recommended curricula are age-appropriate and medically-accurate, (c) whether such recommended curricula cover the issue of sexual abuse prevention, (d) whether such recommended curricula cover the issues of healthy relationships and consent and (e) whether such recommended curricula cover issues pertaining to individuals and relationships other than heterosexual, including but not limited to, lesbian, gay, bisexual, transgender and gender non-conforming;

2. review the implementation of sexual health education for students, including but not limited to, (a) the number and percentage of students in each grade receiving sexual health education, (b) the amount of instruction time dedicated to sexual health education in each grade, (c) whether the instruction is provided by a teacher, other staff member, community group or other instructor, (d) whether curricula other than the sexual health education curricula recommended by the department are being used for instruction, and for each such curriculum (1) whether such curriculum aligns with national standards, (2) whether such curriculum is age-appropriate and medically-accurate, (3) whether such curriculum covers the issue of sexual abuse prevention, (4) whether such curriculum covers the issues of healthy relationships and consent and (5) whether such curriculum covers issues pertaining to individuals and relationships other than heterosexual, including but not limited to, lesbian, gay, bisexual, transgender, questioning and gender non-conforming; and

3. issue a report that:

(a) describes the extent to which the sexual health curricula recommended by the department include the topics of sexual abuse prevention, healthy relationships and consent and issues pertaining to individuals and relationships other than heterosexual, including but not limited to, lesbian, gay, bisexual, transgender and gender non-conforming;

(b) describes the extent to which such curricula align with national standards, are age-appropriate and medically-accurate;

(c) makes recommendations for the improvement and expansion, or the replacement, of the recommended sexual health curricula for students;

(d) makes recommendations for the improvement and expansion of the implementation of sexual health education for students;

(e) makes recommendations for improving methods of tracking the implementation of sexual health education for students;

(f) makes recommendations about training or professional development that would aid school staff in providing sexual health education to students;

(g) makes recommendations about the inclusion of sexual health education content areas that specifically address issues relevant to students who identify as other than heterosexual, including but not limited to, lesbian, gay, bisexual, transgender, questioning and gender non-conforming students, including recommendations that specifically address sexual health knowledge for same-sex relationships; and

(h) includes additional findings and recommendations as determined by the task force.

d. The task force shall, in conducting its review and making recommendations pursuant to subdivision c of this section, provide an opportunity for students and parents to provide comments and feedback to the task force.

e. No later than December 1, 2017, the task force shall submit to the mayor and the speaker of the council a report including the findings and recommendations of the task force pursuant to subdivision c of this section. Following submission of such report, the task force may make ongoing findings and recommendations, as the task force deems necessary.

§ 2. This law takes effect immediately and is expired and deemed repealed five years after the date of the local law that added this section.

DANIEL DROMM, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ; MARGARET S. CHIN, DEBORAH L. ROSE, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, HELEN K. ROSENTHAL, MARK TREYGER; BEN KALLOS; Committee on Education, May 9 , 2017.

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

Report of the Committee on Environmental Protection

Report for Int. No. 1346-A

Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, 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.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on November 16, 2016 (Minutes, page 3756), respectfully

REPORTS:

Introduction

On May 8, 2017, the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, will hold a vote on Proposed Int. No. 1346-A, 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.

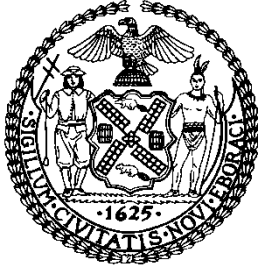
The Committee held a hearing on this bill May 13, 2016. More information about this bill is available with the materials for that hearing, which can be accessed online at <https://goo.gl/LnoIdR> .

Summary of Proposed Int. No. 1346-A

Governments that maintain a storm drain system must comply with the Municipal Separate Storm Sewer System (MS4) permit which is issued by the New York State Department of Environmental Conservation (DEC). In 2015, DEC issued a new MS4 Permit to the City that significantly expands the City's obligations to reduce the discharge of pollutants into the MS4 system.

This bill provides the New York City Department of Environmental Protection (DEP) with the authority to implement and enforce stormwater management practices that are needed to comply with the State-issued Permit.

(The following is the text of the Fiscal Impact Statement for Int. No. 1346-A:)



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

PROPOSED INTRO. NO. 1346-A

COMMITTEE: ENVIRONMENTAL PROTECTION

TITLE: 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

SPONSORS: Council Members Constantinides, Richards, Gibson, Rosenthal, Johnson, Rodriguez, Lancman, Van Bramer, Vacca, Koslowitz, Torres, Gentile, Espinal, Cohen, Kallos, Vallone, Levin, Crowley, Menchaca, Williams, Rose, Levine, Reynoso, Chin, Eugene, Garodnick, Dromm, Ferreras-Copeland, Cabrera, Greenfield, Maisel, Lander, Koo, Treyger, Cornegy, Salamanca, Deutsch, Barron and Ulrich (by request of the Mayor)

SUMMARY OF LEGISLATION: Governments that maintain a storm drain system must comply with the Municipal Storm Sewer System (MS4) permit, which is issued by the New York State Department of Environmental Conservation (DEC). In 2015, DEC issued a new MS4 Permit to New York City that significantly expands the City’s obligations to reduce the discharge of pollutants into the MS4 system.

Proposed Intro. No. 1346-A would provide the New York City Department of Environmental Protection (DEP) with the authority to implement and enforce stormwater management practices that are needed to comply with the State-issued Permit.

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 FY8
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the DEP would use existing resources to implement this legislation. Currently, the DEP’s Fiscal 2018 Executive Plan includes approximately \$2.4 million, growing to approximately \$3 million in Fiscal 2020 for an MS4 Program; Council Finance believes additional funding is not necessary although costs related to the development and implementation of this program may grow in the outyears.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

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

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1346 on November 16, 2016 and was referred to the Committee on Environmental Protection. The Committee considered the legislation at a hearing on December 13, 2016, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1346-A, will be considered by the Committee on May 8, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1346-A will be submitted to the full Council for a vote on May 10, 2017.

DATE PREPARED: May 5, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1346-A:)

Int. No. 1346-A

By Council Members Constantinides, Richards, Gibson, Rosenthal, Johnson, Rodriguez, Lancman, Van Bramer, Vacca, Koslowitz, Torres, Gentile, Espinal, Cohen, Kallos, Vallone, Levin, Crowley, Menchaca, Williams, Rose, Levine, Reynoso, Chin, Eugene, Garodnick, Dromm, Ferreras-Copeland, Cabrera, Greenfield, Maisel, Lander, Koo, Treyger, Cornegy, Salamanca, Deutsch, Barron and Ulrich (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 the Council as follows:

Section 1. Paragraph (2) of subdivision 1 of section 224.1 of the New York city charter, as amended by local law number 31 for the year 2016, is amended to read as follows:

(2) (i) Each capital project that involves the construction of a new city-owned building and each capital project that involves an addition to an existing city-owned building or the substantial reconstruction of an existing city-owned building, where such substantial reconstruction involves substantial work on the building envelope, shall be designed and constructed as a low energy intensity building.

(ii) For each capital project subject to subparagraph (i) of this paragraph the design agency shall consider the feasibility of designing and constructing such project as an onsite energy generating building.

(iii) For each capital project subject to subparagraph (i) of this paragraph with an estimated height of no more than three stories above grade, the design agency shall consider the feasibility of designing and constructing such project as a net zero energy building.

(iv) *For each capital project subject to subparagraph (i) of this paragraph the design agency shall consider the feasibility of designing and constructing such project to incorporate green infrastructure.*

[(iv)] (v) This paragraph shall apply only to capital projects which are added to the capital plan on or after July 1, 2017.

§ 2. 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].

§ 3. 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; 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, compel the attendance of witnesses and take such witnesses' 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.*

(3) *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 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, and with provisions of law related thereto.*

§ 4. 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.

§ 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. Chapter 5 of title 24 of 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 of environmental protection 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 *within the office of administrative trials and hearings*, 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 of environmental protection 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 of any order[,] or rule [or regulation] issued by the board or commissioner pursuant to such provisions or to 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] such 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, *in accordance with applicable law*, 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 *within the office of administrative trials and hearings* for a hearing. Such hearing shall be provided, pursuant to the rules [and regulations] of [the] *such board within such office*, and shall be held within [forty-eight hours] *two 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 within the office of administrative trials and hearings 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] *such board within such office*, 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, *in accordance with applicable law*, 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 *within the office of administrative trials and hearings* 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 of any rule [or regulation] issued by the environmental control board within the office of administrative trials and hearings or [commissioner] commissioner 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] *office of administrative trials and hearings, pursuant to section 1049-a of the charter*, 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] *office*. Such [board] *office*, after a hearing [as] provided [by the rules and regulations of the board] *in accordance with applicable law and rules*, 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] *1049-a* of the [New York city] charter. A civil penalty imposed by [the board] *such office* may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The *environmental control board within the office of administrative trials and hearings*, 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 of environmental protection.*

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 *within the office of administrative trials and hearings* 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 of any 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 of environmental protection and of other city agencies designated by the commissioner of environmental protection 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 of environmental protection 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 habitats. 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 to conduct inspections on behalf of the department.

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 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” includes (i) a water body for which NYSDEC has established a total maximum daily load (“TMDL”), (ii) a water body for which NYSDEC expects that existing controls such as permits will resolve the impairment, and (iii) 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 area-wide 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” or “NOI” 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” or “NOT” 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.

Qualified professional. The term “qualified professional” means a person who is knowledgeable in the principles and practices of stormwater management and treatment.

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, which is required by the MSGP, for controlling stormwater runoff and pollutants.

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 to the department for review in accordance with rules of the department a stormwater pollution prevention plan, certified by a qualified professional, and for projects covered by the NYSDEC construction general permit a copy of the NOI. 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 development projects 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 with respect to such work.

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 ensure public safety or to stabilize the construction site.

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 ensure public safety or to stabilize the construction site.

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) that 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 professionals 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 professional 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, and shall, at a minimum, conduct inspections of such sources in accordance with the schedule and requirements for such inspections set forth in the NYC MS4 Permit. 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 environmental control board within the office of administrative trials and hearings, shall enforce the provisions of this chapter and the rules promulgated pursuant thereto.

§24-581 Orders. The commissioner, and the environmental control board within the office of administrative trials and hearings, 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 (i) inspection by a qualified inspector or qualified professional, (ii) maintenance, repair or replacement of post-construction stormwater management facilities, (iii) compliance with the MSGP through actions including, but not limited to, monitoring, analysis, and reporting or (iv) 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 to 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, in accordance with applicable law, the commissioner may enter on any public or private property.*

d. Any person affected by such an order may make written application to the environmental control board within the office of administrative trials and hearings for a hearing. Such hearing shall be provided, pursuant to the rules of such board within such office, and shall be held within two 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 environmental control board within the office of administrative trials and hearings or the 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 such board within such office, 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, in accordance with applicable law, 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 environmental control board within the office of administrative trials and hearings, 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 environmental control board within the office of administrative trials and hearings 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 office of administrative trials and hearings, pursuant to section 1049-a of the charter, 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 office. Such office, after a hearing as provided in accordance with applicable law and rules, 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 charter. A civil penalty imposed by such office may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The environmental control board within the office of administrative trials and hearings, in its discretion, may, within the limits set forth in this section, 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 environmental control board within the office of administrative trials and hearings, 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 pursuant to chapter 5-A of title 24 of the administrative code. 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, three, five, six and seven of this local law take effect 30 days after it becomes law;
2. Except as otherwise provided in this local law, section four and sections eight through twenty-one of this local law take effect on the earliest date or dates upon which it is practicable to commence implementation of such sections consistent with the requirements of the state pollutant discharge elimination system (SPDES) permit for municipal separate storm sewer systems of New York city, SPDES No. NY-0287890 and ensuring an appropriate assumption of regulatory authority by the city of New York pursuant to such permit. Such date or dates shall be determined by the department of environmental protection and set forth in rules implementing the provisions of such sections, provided that such date or dates shall be no earlier than forty-

five days after 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 such permit and no later than six months after the date of such SWMP approval, and provided further that upon the determination of the effective date or dates pursuant to this subdivision, 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; 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, and the amendments set forth in section four and in sections nine through twenty of this local law, shall not apply to any project for which the notice of intent, as such term is defined in subchapter 1 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, was submitted to the New York state department of environmental conservation before the effective date of subchapter 2 of such chapter, as provided in paragraph two of this such section;

3. 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.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, DONOVAN J. RICHARDS, RORY I. LANCMAN, ERIC A. ULRICH; Committee on Environmental Protection, May 8, 2017.

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

Report of the Committee on 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 LU No. 625

Report of the Committee on Finance in favor of a Resolution approving Madison Court, Block 1376, Lot 32; Queens, Community District No. 3, Council District No. 21.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 10, 2017, and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

May 10, 2017

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

FROM: Eric Bernstein, Counsel, Finance Division

RE: Finance Committee Agenda of May 10, 2017 - Resolution approving a tax exemption for two Land Use items (Council Districts 16 and 21)

Item 1: McKinley Manor

McKinley Manor Apartments is a 60 unit building located in the Bronx providing Section 8 rental housing for low-income individuals and families. The property is owned by East 168th Street Associates, L.P. (“Company”), a redevelopment company formed pursuant to Article V of the Private Housing Finance Law.

The Board of Estimate originally approved a resolution on October 20, 1983 (Cal. No.30) providing for a tax exemption for the Exemption Area. The original exemption, which will expire on October 30, 2024, requires a 10% annual shelter rent tax, plus an additional amount equal to 25% of the amount by which the rent is increased by the Department of Housing and Urban Development (HUD) pursuant to its’ Housing Assistance Payments (HAP) contract. The HAP contract provides project-based Section 8 rental subsidy for all of the units.

As noted, the Project’s current tax exemption expires on October 30, 2024. In order to refinance, the housing company is requesting an extension of the exemption for 40 years. The owner will enter into a 20-year restrictive agreement requiring that it remain an Article V and maintain the building as affordable housing.

Summary:

- Borough – Bronx
- Block 2615, Lot 57
- Council District – 16
- Council Member – Gibson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 60 units, plus one commercial space
- Type of Exemption-Article V Tax Exemption, Partial, 40-year term
- Population – Section 8 rental households
- Sponsor – East 168th Street Associates, L.P.
- Purpose – preservation
- Cost to the City –
 - Cumulative Tax Benefit: \$1.45M
 - NPV of Exemption Benefits: \$530,731 (\$8,846/unit)
- Housing Code Violations-
 - Class A: 1
 - Class B: 2
 - Class C: 0
- Anticipated AMI targets: 50% AMI

Item 2: Madison Court

Madison Court is a 69 unit building in East Elmhurst, Queens owned by Madison Court-Queens Associates, L.P. and Madison Court II, LLC. Currently, it does not have a tax exemption or signed agreement with the City.

Under the proposed project, Madison Court Housing Development Fund Corporation (“HDFC”) will acquire the fee interest in the property and Madison Court Limited Partnership (“Company”) will acquire the beneficial interest and operate the property. Upon acquisition of the property, the HDFC and Company will enter into a Rental Assistance Demonstration (RAD) contract with the Department of Housing and Urban Development (HUD). Furthermore, the HDFC and HPD will enter into a 40-year agreement restricting the use of the development to low-income rental housing. The project’s developer specializes in buying buildings in HPD’s Alternative Enforcement Program, and repairing and clearing the issues that result in outstanding violations. HPD is requesting to preserve the affordability of the property by providing a new partial Article XI tax exemption pursuant to Section 577 of the Private Housing Finance Law.

Summary:

- Borough – Queens
- Block 1376, Lot 32
- Council District – 21
- Council Member – Ferreras-Copeland
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 69 units
- Type of Exemption-Article XI Tax Exemption, Partial, 40-year term
- Population – low-income rental households
- Sponsor – Iris Holdings
- Purpose – preservation
- Cost to the City – \$2.58M (NPV)
- Housing Code Violations-
 - Class A: 54
 - Class B: 195
 - Class C: 36
- Anticipated AMI targets: 50% AMI

(For text of the coupled resolution for LU Nos. 626, please see the resolution following the Report of the Committee on Finance for LU No. 626 printed in these Minutes; for text of the coupled resolution for LU No. 625, please see below)

Accordingly, this Committee recommends the adoption of LU Nos. 625 and 626.

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

Res. No. 1464

Resolution approving an exemption from real property taxes for property located at (Block 1376, Lot 32) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 625).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 24, 2017 that the Council take the following action regarding a housing project located at (Block 1376, Lot 32) 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 as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) “Company” shall mean Madison Court Limited Partnership.
 - (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 in the Borough of Queens, City and State of New York, identified as Block 1376, Lot 32 on the Tax Map of the City of New York.
 - (e) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (f) “HDFC” shall mean Madison Court Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (h) “New Owner” shall mean, collectively, the HDFC and the Company.
 - (i) “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.
 - (j) “Gross Rent” shall mean the gross potential rents from all residential and commercial units (both occupied and vacant) of the Exemption Area, including any federal

- subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
- (k) “Gross Rent Tax” shall mean an amount equal to ten percent (10%) of the Gross Rent for the tax year in which the real property tax payment is made.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
 4. Notwithstanding any provision hereof to the contrary:
 - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the PHFL, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - (c) Nothing herein shall entitle the HDFC, the Company, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule, or regulation.

JAMES G. VAN BRAMER, *Acting Chairperson*; YDANIS A. RODRIGUEZ, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 10, 2017.

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

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. 626

Report of the Committee on Finance in favor of a Resolution approving McKinley Manor, Block 2615, Lot 57; Bronx, Community District No. 3, Council District No. 16.

The Committee on Finance, to which the annexed preconsidered land use item was referred on May 10, 2017, and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for LU No. 625 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1465

Resolution approving a partial exemption from real property taxes for property located at (Block 2615, Lot 57) in the Bronx, pursuant to Section 125 of the Private Housing Finance Law (Preconsidered L.U. 626).

By Council Member Ferreras-Copeland

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 24, 2017 that the Council take the following action regarding a housing project located at (Block 2615, Lot 57) the Bronx ("Exemption Area"):

Approve an additional period of tax exemption for the Project pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council states that the owner of the Project (the "Company") is a duly organized redevelopment company under Article V of the Private Housing Finance Law;

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

RESOLVED: The Council hereby approves, pursuant to PHFL Section 125(1)(a-3), an additional period of tax exemption as follows:

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

- a. “Company” shall mean East 168th Street Associates, L.P.
 - b. “Effective Date” shall mean the later of (a) October 30, 2024, or (b) the date that the Company and HPD enter into the Restrictive Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2615, Lot 57 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) October 30, 2064, (ii) the date of the expiration or termination of the Regulatory Agreement, (iii) the date upon which the Exemption Area ceases to be owned by the Owner or, with the prior written approval of HPD, another redevelopment company organized pursuant to Article V of the Private Housing Finance Law, (iv) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (v) the date of the expiration or termination of the Exemption Area’s Section 8 Housing Assistance Payments Contract.
 - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. “Owner” shall mean the Company or, with the prior written approval of HPD, any future owner of the Exemption Area that is a redevelopment company organized pursuant to Article V of the Private Housing Finance Law.
 - h. “Regulatory Agreement” shall mean the Redevelopment Agreement dated October 20, 1983 between the City of New York and the Owner, establishing certain controls upon the operation of the Exemption Area in accordance with Private Housing Finance Law Section 114.
 - i. “Restrictive Agreement” shall mean an agreement between HPD and the Company that is entered into on or after January 1, 2017 and that requires the Exemption Area to remain a redevelopment company development organized under and operated pursuant to Article V of the Private Housing Finance Law for a period of twenty years from the date of execution.
2. All of the value of the 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 the Expiration Date.
 3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of (i) the amount of taxes due in the year immediately prior to the Effective Date, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which were authorized on the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article V of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the Restrictive 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 consent of 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 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 Company to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, 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.

JAMES G. VAN BRAMER, *Acting Chairperson*; YDANIS A. RODRIGUEZ, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 10, 2017.

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

Report of the Committee on Housing and Buildings

Report for Int. No. 823-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 reporting on illegal conversions of dwelling units for other than permanent residence purposes.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 10, 2015 (Minutes, page 2225), respectfully

REPORTS:

Introduction

On May 8, 2017, 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. 823-A, Proposed Int. No. 1218-A, and Int. No. 1586.

The Committee previously heard Int. No. 823 on October 30, 2015 and received testimony from representatives of testimony from representatives of the Department of Housing Preservation and Development (HPD), the Department of Buildings (DOB), the Mayor's Office of Special Enforcement (OSE), short-term rental service providers, housing advocates, legal service providers, members of the real estate industry, and other interested members of the public. More information about this bill is available with materials from that hearing, and can be accessed online at <https://goo.gl/roLrhS>.

The Committee previously heard Int. No. 1218 on October 31, 2016 and receive testimony from representatives of the Department of Buildings (DOB), the Department of Housing Preservation and Development (HPD), housing advocates, legal service providers, members of the real estate industry, and other interested members of the public. More information about this bill is available with materials from that hearing, and can be accessed online at <https://goo.gl/3CVfbK>.

The Committee also previously heard Int. No. 1586 on May 2, 2017 and received testimony from the Mayor's Office, members of the real estate industry and workers from the hotel industry. More information about this bill is available with materials from that hearing, and can be accessed online at <https://goo.gl/xU8NO0>.

Proposed Int. No. 823-A

Proposed Int. No. 823-A would require the Department of Buildings to submit an annual report to the Council on illegal conversions of dwelling units for other than permanent residence purposes. Int. No. 823-A would take effect immediately.

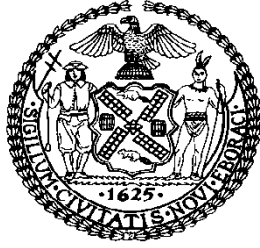
Proposed Int. No. 1218-A

Proposed Int. No. 1218-A would increase the penalties for illegally converting residential space so that it contains three or more dwelling units above the amount legally allowed. The bill contains a one-time exception for owners that reasonably did not know of such conversion and who promptly took steps to correct the condition. The bill would also require that the Department of Buildings (DOB) seek to obtain an access warrant where it is unable to obtain access to a building where it suspects an illegal conversion has occurred. Proposed Int. No. 1218-A would take effect 120 days after it becomes law.

Int. No. 1586

Int. No. 1586 would extend, by two years (until June 2, 2019), the limitations placed on the conversion of certain hotel space for purposes other than use as a hotel, as imposed by Local Law number 50 for the year 2015 (LL 50/2015), which restricted hotels in Manhattan having 150 units or more, from converting more than 20 percent of the floor area used for sleeping accommodations to a different use. As set out in LL 50/2015, in order to convert additional hotel space, a hotel owner would have to apply to the Board of Standards and Appeals for a waiver in accordance with § 25-703 of the administrative code of the city of New York. Int. No. 1586 would require a supplementary industry report to be prepared that analyzes the cumulative impact of the hotel industry on the economy of the city, with specific analyses of, and recommendations for, addressing any impacts of hotel conversions on the availability of quality jobs for city residents. The supplementary report is to be completed by no later than June 2, 2018.

(The following is the text of the Fiscal Impact Statement for Int. No. 823-A:)



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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 823-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting on illegal conversions of dwelling units for other than permanent residence purposes

SPONSORS: Council Members Rodriguez, Rosenthal, Williams, Chin, Johnson, Kallos, Levine, Gentile, Mendez, Menchaca, Reynoso, Van Bramer, Richards, Greenfield, Treyger and Dromm

SUMMARY OF LEGISLATION: Proposed Intro. No. 823-A would require the Department of Buildings (DOB), in coordination with the Mayor's Office of Special Enforcement, to submit an annual report to the Council that details the number of complaints, inspections, violations issued, and civil penalties imposed for the illegal conversions of dwelling units for other than permanent residence purposes disaggregated by council district. The report is due to the Council by no later than September 1 of each year.

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
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 10, 2015 as Intro. No. 823 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on October 30, 2015, and the bill was laid over. The legislation was subsequently amended, and the

amended version, Proposed Intro. 823-A, will be considered by the Committee on May 8, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 10, 2017.

DATE PREPARED: May 5, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 823-A:)

Int. No. 823-A

By Council Members Rodriguez, Rosenthal, Williams, Chin, Johnson, Kallos, Levine, Gentile, Mendez, Menchaca, Reynoso, Van Bramer, Richards, Greenfield, Treyger, Dromm, Vallone and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on illegal conversions of dwelling units for other than permanent residence purposes

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-210.3.1 to read as follows:

§ 28-210.3.1 Reporting on illegal conversions of dwelling units from permanent residences. *By no later than September 1 of each year, the department shall, with the cooperation of the mayor's office of special enforcement and all other relevant city agencies, submit a report to the council including, but not limited to, the following information for the previous year, disaggregated by council district:*

1. *The number of complaints received by the department alleging the conversion of dwelling units for other than permanent residence purposes;*
2. *The number of inspections conducted by the city in response to suspected conversions of dwelling units for other than permanent residence purposes;*
3. *The number of notices of violation issued for conversions of dwelling units for other than permanent residence purposes;*
4. *The amount of civil penalties imposed for such violations and the amount of such penalties collected;*
5. *For each inspection resulting in the issuance of a notice of violation:*
 - 5.1. *The name of the owner and the address of the building to which such notice of violation was issued; and*
 - 5.2. *The number and type of violations issued, disaggregated by whether such violations are upheld, pending or dismissed;*
6. *For each inspection resulting in the issuance of a notice of violation pursuant to section 28-210.3:*
 - 6.1. *Whether each such notice of violation was classified as immediately hazardous pursuant to item 16 of section 28-201.2.1;*
 - 6.2. *For each such immediately hazardous violation, whether the notice of violation was for the illegal conversion of more than one dwelling unit or for a second or subsequent offense; and*

6.3. *The number of notices of violation issued pursuant to section 28-210.3 to the building in the five years preceding the submission date of the report.*

§ 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, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, May 8, 2017.

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

Report for Int. No. 1218-A

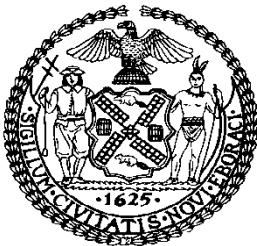
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to illegal conversions.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 21, 2016 (Minutes, page 2223), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 823-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1218-A:



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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1218-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to illegal conversions

SPONSORS: Council Members Gentile, Williams, Grodenchik, Kallos, Rosenthal, Miller, Koo, Rose, Salamanca, King, Dromm, Levin, Treyger, Gibson, Vallone, Lancman, Cornegy, Crowley, Menchaca, Mealy, Greenfield, Koslowitz and Ulrich (at the request of the Brooklyn Borough President)

SUMMARY OF LEGISLATION: Proposed Intro. 1218-A would increase the minimum penalty to \$15,000 for illegally converting residential space so that it contains three or more dwelling units above the amount legally allowed. The bill contains a one-time exception for owners that reasonably did not know of such conversion

and who promptly took steps to correct the condition. The bill would also require that the Department of Buildings (“DOB”) seek to obtain an access warrant where it is unable to obtain access to a building where it suspects an illegal conversion has occurred.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, except that the Commissioner of Buildings and the Commissioner of Finance may take such measures as are necessary for its implementation, including the promulgation of rules, before its effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While DOB may impose penalties to property owners that illegally convert residential space so that it contains three or more dwelling units above the amount legally allowed, such penalties are not mandated under this legislation, and thus not assumed in this cost estimate. Furthermore, this estimate assumes residential property owners would fully comply with the provisions of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 21, 2016 as Intro. No. 1218 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on October 31, 2016, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1218-A, will be considered by the Committee on May 8, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 10, 2017.

DATE PREPARED: May 5, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1218-A:)

Int. No. 1218-A

By Council Members Gentile, Williams, Grodenchik, Kallos, Rosenthal, Miller, Koo, Rose, Salamanca, King, Dromm, Levin, Treyger, Gibson, Vallone, Lancman, Cornegy, Crowley, Menchaca, Mealy, Greenfield, Koslowitz, Deutsch, Barron and Ulrich (at the request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to illegal conversions

Be it enacted by the Council as follows:

Section 1. Item 13 of section 28-201.2.1 of the administrative code of the city of New York, as amended by local law number 17 for the year 2010, is amended to read as follows:

13. A violation of any provision of chapter 4 of this title for engaging in any business or occupation without a required license or other authorization.

[13.1. The minimum civil penalty that shall be imposed for a violation of section 28-408.1 or section 28-410.1 of this code and the minimum fine that shall be imposed for a violation of such sections shall be two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.]

§ 2. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-202.1 Civil penalties. Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by civil penalties within the ranges set forth below:

1. For immediately hazardous violations, a civil penalty of not less than one thousand dollars nor more than [twenty-five thousand dollars] \$25,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than [one thousand dollars] \$1,000 for each day that the violation is not corrected. The commissioner may by rule establish such specified daily penalties.
2. For major violations, a civil penalty of not more than [ten thousand dollars] \$10,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than [two hundred fifty dollars] \$250 for each month that the violation is not corrected. The commissioner may by rule establish such specified monthly penalties.
3. For lesser violations, a civil penalty of not more than [five hundred dollars] \$500 may be imposed for each violation.

Exceptions:

1. The owner, lessee, occupant, manager or operator of a building affected by a natural or man-made disaster, as determined by the commissioner, shall not be subject to a civil penalty for a violation involving such building if (i) notice of such violation is issued by the department during the 90-day period immediately after such disaster or, in the case of a major natural or man-made disaster as determined by the commissioner, during the six-month period immediately after such disaster, and (ii) such violation is corrected on or before 40 days after such disaster period or such greater amount of time as determined by the commissioner for such violation. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to

immediately hazardous violations, violations charged as aggravated violations or violations without connection to such disaster, as determined by the department.

2. The owner, lessee, occupant, manager or operator of a building where a violation occurs shall not be subject to a civil penalty for such violation if (i) such violation was connected to a natural or man-made disaster, as determined by the commissioner, and (ii) such building is undergoing, or scheduled or under evaluation for, work or acquisition through a city-operated disaster recovery program responding to such disaster.

3. The owner, lessee, occupant, manager or operator of a building shall not be subject to a civil penalty for a violation resulting from work done by a city employee, or by a third party under contract with the city, in response to a natural or man-made disaster, provided that such violation is corrected on or before 60 days after the issuance of such violation, or such greater amount of time as determined by the commissioner for such violation. If such owner, lessee, occupant, manager or operator of a building can demonstrate to the satisfaction of the department that a city employee or third party under contract with the city has committed to correcting such violation then such violation shall be rescinded, without penalty. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations or violations charged as aggravated violations.

4. *The minimum civil penalty for a violation of section 28-408.1 or section 28-410.1 of this code shall be \$2,500 for a first violation and \$5,000 for a second violation, in addition to any separate daily penalty imposed pursuant to item 1 of this section.*

5. *For a violation of section 28-210.1:*

5.1. *Unless exception 5.2 applies, the minimum civil penalty for a violation of section 28-210.1 in any building involving the illegal conversion, maintenance or occupancy of three or more dwelling units above the number of dwelling units that is legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records shall be \$15,000. Each dwelling unit above the number that is legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records shall constitute a separate offense that shall be charged separately and shall be punishable by a separate civil penalty. Provided, however, that the penalties for multiple violations of this exception may be based on the same evidence; and*

5.2. *The owner of a building shall not be subject to a civil penalty for a violation of section 28-210.1 in such building if such owner can show the following:*

5.2.1. *Such violation was the first such violation issued for such building or was issued within 30 days after such first violation;*

5.2.2. *At the time such violation was issued or, if such violation was issued within 30 days after such first violation was issued, the time such first violation was issued, a registration for such building has been properly filed with the department of housing preservation and development in accordance with article two of subchapter 4 of the housing maintenance code; and*

5.2.3. *At the time such violation was issued or, if such violation was issued within 30 days after such first violation was issued, the time such first violation was issued, such owner reasonably did not know of, or could not reasonably have known of such illegal conversion, the maintenance thereof or occupancy thereof and takes lawful immediate*

and diligent steps to cure said violation.

§ 3. Section 28-204.6 of the administrative code of the city of New York, as added by local law number 33 of 2007, is amended to read as follows:

§ 28-204.6 Tax Lien. Enforcement of environmental control board judgments against owners for certain building code violations. Notwithstanding any provision of law to the contrary, an environmental control board judgment against an owner for *(i) a building code violation with respect to a private dwelling, a wooden-framed single room occupancy multiple dwelling, or a dwelling with a legal occupancy of three or fewer dwelling units or (ii) a violation of section 28-210.1 involving the illegal conversion, maintenance or occupancy of three or more dwelling units than are legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records*, shall constitute a tax lien on the property named in the violation with respect to which such judgment was rendered, as hereinafter provided. Such liens shall be entered and enforced as provided in this section 28-204.6.

§ 4. Article 210 of title 28 of the administrative code of the city of New York is amended by adding new section 28-210.1.1 to read as follows:

§ 28-210.1.1 Inspection; failure to gain access to premises. *Upon receiving a complaint of a condition relating to a building or part thereof that would, if observed by the commissioner, be identified by the commissioner as a violation of section 28-210.1 involving the illegal conversion, maintenance or occupancy of three or more dwelling units than are legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records, the commissioner shall attempt to enter and inspect such building or part thereof. After two unsuccessful attempts to gain access to such building or part thereof, the commissioner shall request the corporation counsel to make an application in any court of competent jurisdiction for an ex parte administrative warrant directing the entry and inspection of such premises or location and to issue violations found upon access to such premises or locations. In preparing such requests, priority may be given by the commissioner to requests based on the degree of hazard to safety or property that the commissioner believes present. Such counsel shall promptly consider such request, and where such counsel determines that there is appropriate basis to obtain such an order, shall seek such an order. The commissioner shall promptly execute any such order in accordance with its terms.*

§ 5. Section 11-319 of the administrative code of the city of New York is amended by adding a new subdivision a-6 to read as follows:

a-6. Notwithstanding any provision of this chapter to the contrary, beginning on September first, two thousand seventeen, a lien that includes civil penalties for a violation of section 28-201.1 of the code where such civil penalties accrued on or after July first, two thousand seventeen, and became a lien pursuant to section 28-204.6.6 of the code, may be sold by the city pursuant to this chapter, where such civil penalties component of such lien, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale (i) shall have remained unpaid in whole or in part for one year or more, and (ii) equals or exceeds the sum of one thousand dollars. After such sale, any such civil penalties component of such lien may be transferred in the manner provided by this chapter.

§ 6. This local law shall take effect 120 days after it becomes law, except that the commissioner of buildings and the commissioner of finance may take such actions 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, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, May 8, 2017.

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

Report for Int. No. 1586

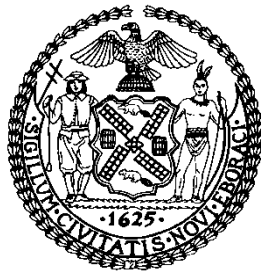
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend local law number 50 for the year 2015, relating to the preservation of certain hotels, a moratorium and report relating to such preservation, and the expiration and repeal of such amendments, in relation to extending the effective period of the provisions of such local law and requiring a supplemental report relating to such preservation.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 25, 2017 (Minutes, page 1164), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 823-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1586:



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

FISCAL IMPACT STATEMENT

INTRO. NO: 1586

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend local law number 50 for the year 2015, relating to the preservation of certain hotels, a moratorium and report relating to such preservation, and the expiration and repeal of such amendments, in relation to extending the effective period of the provisions of such local law and requiring a supplemental report relating to such preservation.

SPONSOR(S): Council Members Torres, Menchaca, Cumbo, Van Bramer, Richards, Levine, Rose, Espinal, Salamanca, Rosenthal, Rodriguez, Gibson, Chin, Cohen, Constantinides, Deutsch, Dromm, Ferreras-Copeland, Gentile, Johnson, Kallos, King, Koslowitz, Lancman, Lander, Levin, Maisel, Mendez, Miller, Palma, Perkins, Reynoso, Treyger, Williams, Wills, Vacca, Cabrera, Eugene, Grodenchik, Cornegy, Crowley, Borelli and Ulrich

SUMMARY OF LEGISLATION: Intro. No. 1586 would extend the limitations placed by Local Law 50 of 2015 on the conversion of certain hotel space for purposes other than use as a hotel from June 2, 2017 to June 2, 2019. Local Law 50 of 2015 restricts hotels having 150 units or more from converting more than 20 percent of the floor area used for sleeping accommodations to a different use without a waiver. As such, with the passage of this bill, in order to convert additional hotel space during the two-year period, a hotel owner will continue to apply to the Board of Standards and Appeals for a waiver in accordance with §25-703 of the Administrative Code of the City of New York.

In addition, this bill would also require that one or more City agencies designated by the Mayor complete a supplementary report, by June 2, 2018, outlining the short-term and long-term economic effects of hotel

conversions on the City, including its effects on employment. The report would include recommendations for the preservation of hotels, including zoning amendments, regulatory actions and financial incentives to enhance the hotel industry.

EFFECTIVE DATE: This local law would take effect immediately and would expire and be deemed repealed June 2, 2019.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES AND EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures. Since this legislation is a straight extension of an existing Local Law, its passage should not have any new impact on the collection of hotel tax revenue. Additionally, it is estimated that this legislation would not have an impact on revenues or expenditures because the Board of Standards and Appeals would use existing resources to review applications for waivers and to hold public hearings.

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

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on April 25, 2017 as Intro. No. 1586 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on May 2, 2016, and the bill was laid over. The Committee will vote on Intro. No. 1586 on May 8, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 10, 2017.

DATE PREPARED: May 5, 2017.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1586:)

Int. No. 1586

By Council Members Torres, Menchaca, Cumbo, Van Bramer, Richards, Levine, Rose, Espinal, Salamanca, Rosenthal, Rodriguez, Gibson, Chin, Cohen, Constantinides, Deutsch, Dromm, Ferreras-Copeland, Gentile, Johnson, Kallos, King, Koslowitz, Lancman, Lander, Levin, Maisel, Mendez, Miller, Palma, Perkins, Reynoso, Treyger, Williams, Wills, Vacca, Cabrera, Eugene, Grodenchik, Cornegy, Crowley, Mealy, Barron, Borelli and Ulrich.

A Local Law to amend local law number 50 for the year 2015, relating to the preservation of certain hotels, a moratorium and report relating to such preservation, and the expiration and repeal of such amendments, in relation to extending the effective period of the provisions of such local law and requiring a supplemental report relating to such preservation

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. a. The council finds and declares that:

1. The Manhattan hotel industry alone generates almost \$11.8 billion in economic activity and is responsible for generating over 65,000 jobs throughout the city.

2. Larger hotels, which include many upscale and luxury hotels, often provide enhanced services to guests and are a vital component of Manhattan's hotel industry, serving as an important source of quality jobs for city residents. These larger hotels are at significant risk for condominium conversion, and indeed several hotels have converted to residential condominiums in the last decade, resulting in a significant loss of quality jobs. Because of this recent conversion history and current market trends, the council is concerned that more such hotels will seek to convert to residential condominiums or other non-hotel uses in the near future.

3. The council continues to be concerned that once undertaken, such conversions are potentially irreversible and that, as elaborated in the legislative findings set forth in section one of local law number 50 for the year 2015, the loss of even a small number of such hotels creates a corresponding loss of these quality hotel industry jobs. This is coupled with the loss of economic activity generated by these hotels, which may not be replaced in their particular communities, posing a significant risk to the economy, market for quality jobs and quality of life for residents and visitors, both city-wide and in the particular communities where these conversions occur. The impact of such losses is not adequately counteracted through development of smaller and budget-quality hotels, as these hotels tend to employ less personnel and provide fewer on-site services.

4. In local law number 50 for the year 2015, the council required a report to examine, among other things, the short-term and long-term impacts of conversions of primary hotel space in Manhattan on the availability of quality jobs for city residents and other potential impacts of such conversions. A review of that report indicates a need for further research and analysis of the impacts of these conversions as well as substantive and particularized recommendations for addressing any impacts on the availability of quality jobs for city residents.

5. An in-depth supplemental report is therefore required in order to fully understand the current and projected impact of hotel conversions on the city, both in terms of their effect on the availability of quality jobs and, to the extent practicable, their other relevant impacts. Such report should also set forth particularized recommendations, as appropriate, in relation to promoting the preservation and enhancement of the hotel industry and particular sectors thereof. Following the preparation of the supplementary report, additional time is required to allow the city to consider and, if deemed necessary, develop and implement the recommendations or other responsive policy.

b. As a result of the foregoing, the council finds that it is necessary and appropriate to extend the duration of local law number 50 for the year 2015 for a limited term in order to facilitate the preparation and consideration of a supplemental report to be completed by appropriate city offices or agencies, and to maintain the city's inventory of these critical hotels pending the development and implementation of the recommendations of such report.

§ 2. Supplemental hotel industry report. No later than June 2, 2018, one or more offices or agencies designated by the mayor shall complete a supplementary report analyzing the cumulative impact of the hotel industry and particular sectors thereof, including hotels as defined in section 25-701 of the administrative code of the city of New York, on the economy of the city. Such report shall include, but need not be limited to:

a. An updated analysis of recent and projected conversions of primary hotel space, as such term is defined in section 25-701 of the administrative code of the city of New York, and other hotel space to other uses, and the short-term and long-term impacts of such conversions on the city's economy, with particular attention to the availability of quality jobs for city residents and, to the extent practicable, other relevant impacts; and

b. Particularized recommendations for the preservation and enhancement of the hotel industry and particular sectors thereof, including hotels as defined in section 25-701 of the administrative code of the city of

New York, and of tourism more broadly, including, as appropriate, recommendations relating to legislation, zoning text or map amendments, regulatory actions and financial or other incentives.

§ 3. Section four of local law number 50 for the year 2015 is amended to read as follows:

§ 4. This local law takes effect immediately, and expires and is deemed repealed [two years after its effective date] *June 2, 2019*.

§ 4. 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, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, May 8, 2017.

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

Reports of the Committee on Land Use

Report for L.U. No. 602

Report of the Committee on Land Use in favor of approving Application No. 20175219 HKK (N 170265 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of People's Trust Company Building located at 181-183 Montague Street (Block 244, Lot 15), as an historic landmark, Borough of Brooklyn, Community Board 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on April 5, 2017 (Minutes, page 1016) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2

20175219 HKK (N 170265 HKK)

Designation by the Landmarks Preservation Commission [DL-494/LP-2586] pursuant to Section 3020 of the New York City Charter of the landmark designation of the People's Trust Company Building located at 181 Montague Street aka 181-183 Montague Street (Block 244, Lot 15), as an historic landmark.

PUBLIC HEARING

DATE: May 2, 2017

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** May 2, 2017

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

In Favor:

Koo, Palma, Mendez, Levin, Rose, Barron, Kallos.

Against: Abstain:

None None

COMMITTEE ACTION**DATE:** May 4, 2017

The Committee recommends that the Council affirm the attached resolution.

In Favor:

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

Against: Abstain:

None None

In connection herewith, Council Member Greenfield and Koo offered the following resolution:

Res. No. 1466

Resolution affirming the designation by the Landmarks Preservation Commission of the People's Trust Company Building located at 181 Montague Street (a/k/a 181-183 Montague Street) (Tax Map Block 244, Lot 15 in part), Borough of Brooklyn, Designation List No. 494, LP-2586 (L.U. No. 602; 20175219 HKK; N 170265 HKK).

By Council Members Greenfield and Koo.

WHEREAS, the Landmarks Preservation Commission filed with the Council on February 3, 2017 a copy of its designation report dated January 24, 2107 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the People's Trust Company Building located at 181 Montague Street (aka 181-183 Montague Street), Community District 2, Borough of Brooklyn, as a landmark and Tax Map Block 244, Lot 15 in part, as its landmark site (the "Designation");

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

WHEREAS, the New York City Planning Commission submitted to the Council on March 24, 2017, its report on the Designation dated March 22, 2017 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on May 2, 2017;
and

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

RESOLVED:

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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

Report for L.U. No. 603

Report of the Committee on Land Use in favor of approving Application No. 20175220 HKK (N 170266 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the National Title Guaranty Company Building, located at 185 Montague Street (Block 244, Lot 13), as an historic landmark, Borough of Brooklyn, Community Board 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on April 5, 2017 (Minutes, page 1016) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2

20175220 HKK (N 170266 HKK)

Designation by the Landmarks Preservation Commission [DL-494/LP-2587] pursuant to Section 3020 of the New York City Charter of the landmark designation of the National Title Guaranty Company Building located at 185 Montague Street (Block 244, Lot 13), as an historic landmark.

PUBLIC HEARING

DATE: May 2, 2017

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** May 2, 2017

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

In Favor:

Koo, Palma, Mendez, Levin, Rose, Barron, Kallos.

Against:	Abstain:
None	None

COMMITTEE ACTION**DATE:** May 4, 2017

The Committee recommends that the Council affirm the attached resolution.

In Favor:

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

Against:	Abstain:
None	None

In connection herewith, Council Members Greenfield and Koo offered the following resolution:

Res. No. 1467

Resolution affirming the designation by the Landmarks Preservation Commission of the National Title Guaranty Company Building located at 185 Montague Street (Tax Map Block 244, Lot 13), Borough of Brooklyn, Designation List No. 494, LP-2587 (L.U. No. 603; 20175220 HKK; N 170266 HKK).

By Council Members Greenfield and Koo.

WHEREAS, the Landmarks Preservation Commission filed with the Council on February 3, 2017 a copy of its designation report dated January 24, 2107 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the National Title Guaranty Trust Company Building located at 185 Montague Street, Community District 2, Borough of Brooklyn, as a landmark and Tax Map Block 244, Lot 13, as its landmark site (the "Designation");

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

WHEREAS, the New York City Planning Commission submitted to the Council on March 24, 2017, its report on the Designation dated March 22, 2017 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on May 2, 2017; and

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

RESOLVED:

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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

Report for L.U. No. 612

Report of the Committee on Land Use in favor of approving Application No. C 170142 ZMK submitted by Atlantic East Affiliates LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 17c, changing an existing R6 District to an R8A/C2-4 District on property located at Atlantic Avenue and Eastern Parkway, Borough of Brooklyn, Community District 16, Council District 37.

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1173), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 16

C 170142 ZMK

City Planning Commission decision approving an application submitted by Atlantic East Affiliates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17c.

INTENT

To approve the amendment to the Zoning Map, which in conjunction with the related action would facilitate the development of a new 10-story mixed-use building, containing approximately 67 affordable dwelling units in the Ocean Hill neighborhood of Community District 16 in Brooklyn.

PUBLIC HEARING**DATE:** May 2, 2017**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 2, 2017

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** May 4, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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. 613

Report of the Committee on Land Use in favor of approving Application No. N 170143 ZRK submitted by Atlantic East Affiliates LLC pursuant to Section 201 of the New York City Charter, for an

amendment to the Zoning Resolution, modifying Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 16, Council District 37.

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1173), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 16

N 170143 ZRK

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

INTENT

To approve the amendment to the text of the Zoning Resolution, which in conjunction with the related action would facilitate the development of a new 10-story mixed-use building, containing approximately 67 affordable dwelling units in the Ocean Hill neighborhood of Community District 16 in Brooklyn.

PUBLIC HEARING

DATE: May 2, 2017

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 2, 2017

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 4, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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. 618

Report of the Committee on Land Use in favor of approving Application No. 20175326 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at 287 West 150th Street, Borough of Manhattan, Community Board 10, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1175) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 10

20175326 HAM

Application submitted by the New York City Department of Housing Preservation and Development for the termination of a prior tax exemption and approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2036, Lot 10, Borough of Manhattan, Community District 10, Council District 9.

INTENT

Approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the exemption area and termination of the prior tax exemption for a project consisting of one multiple dwelling that provides rental housing for low-income families.

PUBLIC HEARING**DATE:** May 2, 2017**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 2, 2017

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** May 4, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None

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

Res. No. 1468

Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of a prior tax exemption for property located at Block 2036, Lot 10, Borough of Manhattan, (L.U. No. 618; Non-ULURP No. 20175326 HAM).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 18, 2017 its request dated April 11, 2017 that the Council approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 2036, Lot 10, Community District No. 10, Borough of Manhattan, Council District No. 9 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 2, 2017;

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "Effective Date" shall mean the date that HPD and the Owner enter into the new Regulatory Agreement. .
 - b. "Exemption Area" shall mean real property located in the Borough of Manhattan, City and State of New York, identified as Block 2036, Lot 10 on the Tax Map of the City of New York.
 - c. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the new Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. "HDFC" shall mean the 287 Housing Development Fund Corporation.
 - e. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. "Owner" shall mean the HDFC or any future owner of the Exemption Area.
 - h. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Council on June 5, 2001 (Cal. No. 1948).
 - i. "New Regulatory Agreement" shall mean the new regulatory agreement between HPD and the Owner entered into on or after June 1, 2017 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:

- a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the new Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, 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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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

Report for L.U. No. 620

Report of the Committee on Land Use in favor of approving Application No. 20175319 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an amendment to a previously approved urban development action area project and tax exemption, for property located at Block 1696, Lot 9, Borough of Queens, Community Board 3, Council District 21.

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1175) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 3

20175319 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 696 of Article 16 of the General Municipal Law, for a property located at 32-10 102nd Street (Block 1696, Lot 9), Council District 21.

INTENT

To amend the terms of a previously approved tax exemption pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

DATE: May 2, 2017

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 2, 2017

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 4, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None

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

Res No. 1469

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 696 of the General Municipal Law for an Exemption Area located at 32-10 102nd Street (Block 1696, Lot 9), in Community District 3, Borough of Queens (L.U. No. 620; 20175319 HAQ).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 31, 2017 its request dated March 20, 2017 that the Council approve an amended real property tax exemption (the "Amended Tax Exemption") for property located at 32-10 102nd Street (Block 01696, Lot 9), Community District 3, Borough of Queens (the "Exemption Area"):

WHEREAS, HPD's request for the amendment is related to a prior tax exemption application approved by City Council Resolution adopted September 28, 2016, Resolution No. 1236 of 2016; L.U. No. 454 (the "Prior Resolution"), which stated that the tax exemption shall commence on January 1st or July 1st on the later date after Sponsor acquires the Exemption Area or enters into an enforcement mortgage with HPD;

WHEREAS, upon due notice, the Council held a public hearing on the Amended Tax Exemption on May 2, 2017;

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

RESOLVED:

The Council approves the Amended Tax Exemption requested by HPD for the Exemption Area pursuant Section 696 of the General Municipal Law under the terms and conditions of the Prior Resolution, with the following amendment:

Paragraph (a) of the Prior Resolution is deleted and replaced with the following:

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of twenty years, during the last ten years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on January 1st or July 1st following the later of (i) the date that Sponsor acquires the Exemption Area, or (ii) the date that Sponsor and HPD enter into financing documents for the project. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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

Report for L.U. No. 621

Report of the Committee on Land Use in favor of approving Application No. 20175320 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an amendment to a previously approved urban development action area project and tax exemption, for property located at Block 10573, Lot 43, Borough of Queens, Community Board 13, Council District 23.

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1175) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 13

20175320 HAQ

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment to a previously approved tax exemption for property located at 89-55 208th Street (Block 10573, Lot 43), Council District 23.

INTENT

To amend the terms of a previously approved tax exemption pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

DATE: May 2, 2017

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 2, 2017

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** May 4, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None

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

Res No. 1470

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 696 of the General Municipal Law for an Exemption Area located at 89-55 208th Street (Block 10573, Lot 43), in Community District 3, Borough of Queens (L.U. No. 621; 20175320 HAQ).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 31, 2017 its request dated March 20, 2017 that the Council approve an amended real property tax exemption (the "Amended Tax Exemption") for property located at 89-55 208th Street (Block 10573, Lot 43), Community District 13, Borough of Queens (the "Exemption Area"):

WHEREAS, HPD's request for the amendment is related to a prior tax exemption application approved by City Council Resolution adopted September 28, 2016, Resolution No. 1237 of 2016; L.U. No. 455 (the "Prior Resolution"), which stated that the tax exemption shall commence on January 1st or July 1st on the later date after Sponsor acquires the Exemption Area or enters into an enforcement mortgage with HPD;

WHEREAS, upon due notice, the Council held a public hearing on the Amended Tax Exemption on May 2, 2017;

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

RESOLVED:

The Council approves the Amended Tax Exemption requested by HPD for the Exemption Area pursuant Section 696 of the General Municipal Law under the terms and conditions of the Prior Resolution, with the following amendment:

Paragraph (a) of the Prior Resolution is deleted and replaced with the following:

- b. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of twenty years, during the last ten years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on January 1st or July 1st following the later of (i) the date that Sponsor acquires the Exemption Area, or (ii) the date that Sponsor and HPD enter into financing documents for the project. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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

Report for L.U. No. 622

Report of the Committee on Land Use in favor of approving Application No. 20175323 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an amendment to a previously approved urban development action area project and tax exemption, for property located at Block 15013, Lot 4, Block 12594, Lot 16, Block 13086, Lot 57, Borough of Queens, Community Boards 12 and 13, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1176) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CBs - 12 and 13

20175323 HAQ

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment to a previously approved tax exemption for property located at 144-41 158th Street (Block 15013, Lot 4), 171-15 144th Avenue (Block 12594, Lot 16), and 222-33 143rd Road (Block 13086, Lot 57), Council District 31.

INTENT

To amend the terms of a previously approved tax exemption pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING**DATE:** May 2, 2017**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 2, 2017

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** May 4, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None

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

Res. No. 1471

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 696 of the General Municipal Law for an Exemption Area located at 144-41 158th Street (Block 15013, Lot 4), 171-15 144th Avenue (Block 12594, Lot 16), and 222-33 143rd Road (Block 13086, Lot 57), in Community Districts 12 and 13, Borough of Queens (L.U. No. 622; 20175323 HAQ).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 31, 2017 its request dated March 20, 2017 that the Council approve an amended real property tax exemption (the "Amended Tax Exemption") for property located at 144-41 158th Street (Block 15013, Lot 4), 171-15 144th Avenue (Block 12594, Lot 16), and 222-33 143rd Road (Block 13086, Lot 57, Community Districts 12 and 13, Borough of Queens (the "Exemption Area")):

WHEREAS, HPD's request for the amendment is related to a prior tax exemption application approved by City Council Resolution adopted September 28, 2016, Resolution No. 1239 of 2016; L.U. No. 457 (the "Prior Resolution"), which stated that the tax exemption shall commence on January 1st or July 1st on the later date after Sponsor acquires the Exemption Area or enters into an enforcement mortgage with HPD;

WHEREAS, upon due notice, the Council held a public hearing on the Amended Tax Exemption on May 2, 2017;

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

RESOLVED:

The Council approves the Amended Tax Exemption requested by HPD for the Exemption Area pursuant Section 696 of the General Municipal Law under the terms and conditions of the Prior Resolution, with the following amendment:

Paragraph (a) of the Prior Resolution is deleted and replaced with the following:

- c. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of twenty years, during the last ten years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on January 1st or July 1st following the later of (i) the date that Sponsor acquires the Exemption Area, or (ii) the date that Sponsor and HPD enter into financing documents for the project. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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

Report for L.U. No. 623

Report of the Committee on Land Use in favor of approving Application No. 20175322 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an amendment to a previously approved urban development action area project and tax exemption, for property located at Block 11206, Lot 67, Block 11026, Lot 379, Block 11069, Lot 198, Block 11033, Lot 69, Block 12634, Lot 24, Block 12654, Lot 7, Block 12605, Lot 39, Block 12438, Lot 142, Block 12462, Lot 12, Block 12469, Lot 137, Block 12375, Lot 85, Block 12370, Lot 16, Block 12368, Lot 53, Borough of Queens, Community Boards 12 and 13, Council District 27.

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1176) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CBs - 12 and 13

20175322 HAQ

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment to a previously approved tax exemption for property located at 223-19 111th Avenue (Block 11206, Lot 67), 114-26 208th Street (Block 11026, Lot 379), 197-18 116th Avenue (Block 11069, Lot 198), 190-17 115th Drive (Block 11033, Lot 69), 117-27 204th Street (Block 12634, Lot 24), 198-14 119th Avenue (Block 12654, Lot 7), 190-01 118th Road (Block 12605, Lot 39), 186-20 Foch Boulevard (Block 12438, Lot 142), 177-48 Baisley Boulevard (Block 12462, Lot 12), 177-19 120th Avenue (Block 12469, Lot 137), 171-48 119th Road (Block 12375, Lot 85), 168-32 119th Avenue (Block 12370, Lot 16), and 168-31 118th Road (Block 12368, Lot 53), Council District 27.

INTENT

To amend the terms of a previously approved tax exemption pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

DATE: May 2, 2017

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 2, 2017

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 4, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None

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

Res. No. 1472

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 696 of the General Municipal Law for an Exemption Area located at 223-19 111th Avenue (Block 11206, Lot 67), 114-26 208th Street (Block 11026, Lot 379), 197-18 116th Avenue (Block 11069, Lot 198), 190-17 115th Drive (Block 11033, Lot 69), 117-27 204th Street (Block 12634, Lot 24), 198-14 119th Avenue (Block 12654, Lot 7), 190-01 118th Road (Block 12605, Lot 39), 186-20 Foch Boulevard (Block 12438, Lot 142), 177-48 Baisley Boulevard (Block 12462, Lot 12), 177-19 120th Avenue (Block 12469, Lot 137), 171-48 119th Road (Block 12375, Lot 85), 168-32 119th Avenue (Block 12370, Lot 16) and 168-31 118th Road (Block 12368, Lot 53), in Community Districts 12 and 13, Borough of Queens (L.U. No. 623; 20175322 HAQ).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 31, 2017 its request dated March 20, 2017 that the Council approve an amended real property tax exemption (the "Amended Tax Exemption") for property located at 223-19 111th Avenue (Block 11206, Lot 67), 114-26 208th Street (Block 11026, Lot 379), 197-18 116th Avenue (Block 11069, Lot 198), 190-17 115th Drive (Block 11033, Lot 69), 117-27 204th Street (Block 12634, Lot 24), 198-14 119th Avenue (Block 12654, Lot 7), 190-01 118th Road (Block 12605, Lot 39), 186-20 Foch Boulevard (Block 12438, Lot 142), 177-48 Baisley Boulevard (Block 12462, Lot 12), 177-19 120th Avenue (Block 12469, Lot 137), 171-48 119th Road (Block 12375, Lot 85), 168-32 119th Avenue (Block 12370, Lot 16) and 168-31 118th Road (Block 12368, Lot 53), Community Districts 12 and 13, Borough of Queens (the "Exemption Area"):

WHEREAS, HPD's request for the amendment is related to a prior tax exemption application approved by City Council Resolution adopted October 13, 2016, Resolution No. 1251 of 2016; L.U. No. 453 (the "Prior Resolution"), which stated that the tax exemption shall commence on January 1st or July 1st on the later date after Sponsor acquires the Exemption Area or enters into an enforcement mortgage with HPD;

WHEREAS, upon due notice, the Council held a public hearing on the Amended Tax Exemption on May 2, 2017;

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

RESOLVED:

The Council approves the Amended Tax Exemption requested by HPD for the Exemption Area pursuant Section 696 of the General Municipal Law under the terms and conditions of the Prior Resolution, with the following amendment:

Paragraph (a) of the Prior Resolution is deleted and replaced with the following:

- d. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of twenty years, during the last ten years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on January 1st or July 1st following the later of (i) the date that Sponsor acquires the Exemption Area, or (ii) the date that Sponsor and HPD enter into financing documents for the project. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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

Report for L.U. No. 624

Report of the Committee on Land Use in favor of approving Application No. 20175321 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an amendment to a previously approved urban development action area project and tax exemption, for property located at Block 6856, Lot 59, Borough of Queens, Community Board 8, Council District 24.

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1176) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 8

20175321 HAQ

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment to a previously approved tax exemption for property located at 80-44 162nd Street (Block 6856, Lot 59), Council District 24.

INTENT

To amend the terms of a previously approved tax exemption pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

DATE: May 2, 2017

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 2, 2017

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 4, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None

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

Res. No. 1473

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 696 of the General Municipal Law for an Exemption Area located at 80-44 162nd Street (Block 06856, Lot 59), in Community District 8, Borough of Queens (L.U. No. 624; 20175321 HAQ).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 31, 2017 its request dated March 20, 2017 that the Council approve an amended real property tax exemption (the "Amended Tax Exemption") for property located at 80-44 162nd Street (Block 06856, Lot 59), Community District 8, Borough of Queens (the "Exemption Area"):

WHEREAS, HPD's request for the amendment is related to a prior tax exemption application approved by City Council Resolution adopted September 28, 2016, Resolution No. 1238 of 2016; L.U. No.

456 (the “Prior Resolution”), which stated that the tax exemption shall commence on January 1st or July 1st on the later date after Sponsor acquires the Exemption Area or enters into an enforcement mortgage with HPD;

WHEREAS, upon due notice, the Council held a public hearing on the Amended Tax Exemption on May 2, 2017;

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

RESOLVED:

The Council approves the Amended Tax Exemption requested by HPD for the Exemption Area pursuant Section 696 of the General Municipal Law under the terms and conditions of the Prior Resolution, with the following amendment:

Paragraph (a) of the Prior Resolution is deleted and replaced with the following:

- e. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of twenty years, during the last ten years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on January 1st or July 1st following the later of (i) the date that Sponsor acquires the Exemption Area, or (ii) the date that Sponsor and HPD enter into financing documents for the project. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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

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

Report for L.U. No. 630

Report of the Committee on Land Use in favor of approving Application No. 20175310 HKM (N 170321 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Waldorf-Astoria Hotel Interiors, located at 301 Park Avenue (Block 1304, Lot), as an historic landmark, Borough of Manhattan, Community Board 5, Council District 4.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on May 10, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

20175310 HKM (N 170321 HKM)

Designation by the Landmarks Preservation Commission [DL-496/LP-2591] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Waldorf-Astoria Hotel Interiors of the ground through third floors, located at 301 Park Avenue, aka 101-121 East 49th Street, 100-120 East 50th Street and 538-556 Lexington Avenue (Tax Map Block 1304, Lot 7501), as a historic landmark.

PUBLIC HEARING

DATE: May 2, 2017

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 2, 2017

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

In Favor:

Koo, Palma, Mendez, Levin, Rose, Barron, Kallos.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 4, 2017

The Committee recommends that the Council affirm the attached resolution.

In Favor:

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

Against:

None

Abstain:

None

In connection herewith, Council Members Greenfield and Koo offered the following resolution:

Res. No. 1474

Resolution affirming the designation by the Landmarks Preservation Commission of the Waldorf-Astoria Hotel Interiors, ground through third floors, located at 301 Park Avenue (a/k/a 101-121 East 49th Street, 100-120 East 50th Street and 538-556 Lexington Avenue), (Tax Map Block 1304, Lot 7501), Borough of Manhattan, Designation List No. 496, LP-2591 (Preconsidered L.U. No. 630; 20175310 HKM; N 170321 HKM).

By Council Members Greenfield and Koo.

WHEREAS, the Landmarks Preservation Commission filed with the Council on March 16, 2017 a copy of its designation report dated March 7, 2017 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Waldorf-Astoria Hotel Interiors, ground through third floors, located at 301 Park Avenue (a/k/a 101-121 East 49th Street, 100-120 East 50th Street and 538-556 Lexington Avenue), Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 1304, Lot 7501, as its landmark site (the "Designation");

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

WHEREAS, the New York City Planning Commission submitted to the Council on April 28, 2017, its report on the Designation dated April 26, 2017 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on May 2, 2017; and

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

RESOLVED:

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

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, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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

Report of the Committee on Rules, Privileges and Elections

Report for M-494

Report of the Committee on Rules, Privileges and Elections approving the re-appointment of Carlo Silvestri as a member of the New York City Tax Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on April 25, 2017 (Minutes, page 1028) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-496 printed in these Minutes)

Pursuant to § 31 and § 153 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **Carlo Silvestri** as a member of the **New York City Tax Commission** to serve the remainder of a six-year term that expires on January 6, 2022.

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

Res 1475

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF CARLO SILVESTRI AS A MEMBER OF THE NEW YORK CITY TAX COMMISSION.

By Council Member Lander.

RESOLVED, that pursuant to §§ 31 and § 153 of the New York City Charter, the Mayor does hereby approve the appointment of **Carlo Silvestri** as a member of the **New York City Tax Commission** for the remainder of a six-year term expiring on January 6, 2022.

BRADFORD S. LANDER, *Chairperson*; DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, May 10, 2017.

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

Report for M-495

Report of the Committee on Rules, Privileges and Elections approving the re-appointment of Debra Scotto as a member of the New York City Environmental Control Board ("real estate representative").

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on April 25, 2017 (Minutes, page 1029) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-496 printed in these Minutes)

Pursuant to § 31 and § 1049-a of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **Debra Scotto** as a member of the **New York City Environmental Control Board (“real estate representative”)** to serve for the remainder of a four-year term that expires on November 24, 2017.

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

Res No. 1476

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF DEBRA SCOTTO AS A MEMBER OF THE NEW YORK CITY ENVIRONMENTAL CONTROL BOARD (“REAL ESTATE REPRESENTATIVE”).

By Council Member Lander.

RESOLVED, that pursuant to §§ 31 and § 1049-a of the New York City Charter, the Mayor does hereby approve the appointment of **Debra Scotto** as a member of the **New York City Environmental Control Board (“real estate representative”)** for the remainder of a four-year term expiring on November 24, 2017.

BRADFORD S. LANDER, *Chairperson*; DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, May 10, 2017.

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

Report for M-496

Report of the Committee on Rules, Privileges and Elections approving the re-appointment by the Mayor of Joseph Douek as a member of the New York City Planning Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Communication was referred on April 25, 2017 (Minutes, page 1030) and which same Mayor’s Message was coupled with the resolution shown below, respectfully

REPORTS:

Topic I: *New York City Planning Commission – (Candidate for re-appointment upon the advice and consent of the Council)*

- **Joseph Douek [M-496]**

In a letter dated April 7, 2017, the Brooklyn Borough President formally submitted the name of Joseph Douek to the Council of the City of New York, for its advice and consent, regarding his re-appointment to the City Planning Commission (“CPC”).

Pursuant to the *New York City Charter* (“*Charter*”) §192, there shall be a thirteen-member City Planning Commission, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate,

and one by each Borough President. [Charter §192(a)] All members, except the Chair, are subject to the advice and consent of the Council. [Charter §192(a)] Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment. [Charter §192(a)]

The *Charter* provides that CPC members shall serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* §191), serves at the pleasure of the Mayor. [Charter §192(a)] For purposes of Chapter 68 of the *Charter* (Conflicts of Interest), CPC members, other than the Chair, shall not be considered regular employees of the City. [Charter §192(b)] There is no limitation on the number of terms a CPC member may serve. [Charter §192(a)] CPC members are prohibited from holding any other City office while they serve on the CPC. [Charter §192(b)] The Chair receives an annual salary of \$214,413. The CPC member designated to serve as the Vice-Chair receives an annual salary of \$65,121. The other CPC members receive an annual salary of \$54,150.

CPC is responsible for the following:

- CPC must engage in planning focused on the City’s orderly growth, improvement, and future development, which includes consideration of appropriate resources for housing, business, industry, recreation, and culture. [Charter §192(d)];
- CPC assists the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program, as well as the annual *Statement of Needs*. [Charter §192(f)];
- CPC oversees and coordinates environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law – Article 8*). [Charter §192(e)];
- Every four years, the CPC must prepare and file with the Mayor, Council, Public Advocate, Borough Presidents and Community Boards, a zoning and planning report containing CPC’s Planning Policy, and in light of this policy, provide a proposal for implementing the policy, along with any associated recommended amendments, if any, to the Zoning Resolution. The report must also include the plans and studies CPC undertook or completed in the previous four years. [Charter §192(f)]; and
- CPC must review, and either approve or deny, any City proposal involving the City’s request to make acquisitions for office space and any requests for existing buildings for office use. [Charter §195]

CPC is also responsible for promulgating various rules, some of which consists of the following:

- It is CPC’s responsibility to establish minimum standards for certifying the *Uniform Land Use and Review Procedure* (“ULURP”) applications, which includes providing specific time periods for pre-certification review. [Charter §197-c (i)];
- The criteria associated with the selection of sites for capital projects is also established by CPC. [Charter §218 (a)];
- CPC establishes the minimum standards for the form and content of plans for the development of the City and boroughs. [Charter §197-a (b)]; and
- CPC also adopts rules that either list major concessions or establishes a procedure for determining whether a concession is defined as a *major concession*, as it relates to the act of City Agencies granting concessions. [Charter §374 (b)].

Joseph Douek is scheduled to appear before the Committee on Rules, Privileges, and Elections on Wednesday, May 3, 2017. If appointed to the CPC, Mr. Douek, a resident of Brooklyn, will serve a five-year term that begins on July 1, 2017 and expires on June 30, 2022. Copies of Mr. Douek's résumé and report/resolution are attached to this Briefing paper.

Topic II: New York City Health and Hospitals Corporation – (Council candidate for re-designation and re-appointment)

- **Robert Nolan [Preconsidered M 512]**

The New York City Health and Hospitals Corporation (“HHC”) was constituted pursuant to Chapter 1016 of the laws of 1969, thereafter codified §7384 *et seq.* of the *Unconsolidated Laws of the State of New York*. HHC is a public benefit corporation whose purpose is to: (a) provide and deliver high quality, dignified and comprehensive care and treatment for the ill and infirm, both physical and mental, particularly to those who can least afford such services; (b) extend equally to all served, comprehensive health services of the highest quality, in an atmosphere of human care and respect; (c) promote and protect, as both innovator and advocate, the health, welfare and safety of the people of the State of New York and of the City of New York; and (d) join with other health workers and communities in a partnership to promote and protect health in its fullest sense—the total physical, mental and social well-being of the people. *HHC By Laws Article II*.

As provided by law, a Board of Directors consisting of sixteen (16) members administers HHC. As specified in HHC By Laws Article IV, §3, the Administrator of the Health Services Administration, the Commissioner of Health and Mental Hygiene, the Director of Community Mental Health Services, the Administrator of the Human Resources Administration and the Deputy Mayor/City Administrator, or their successors shall be directors *ex-officio*. Ten (10) additional directors are appointed by the Mayor, five (5) of whom are designated by the City Council.¹ The President of HHC serves as the sixteenth director.²

Under current HHC By-Laws,³ the Board of Directors has established the following standing committees: Executive Committee, Finance Committee, Capital Committee, Medical and Professional Affairs Committee, Quality Assurance Committee, Audit Committee, Community Relations Committee, Strategic Planning Committee, and the Equal Employment Opportunity Committee. Each of the standing committees, except the Audit Committee,⁴ shall be composed of the Chair of the Board with approval of a majority of the Board. In addition to standing committees, the Board, by resolution passed by a majority of the whole number of directors, may designate special committees, each to consist of three or more directors, one of whom shall be the Chair of the Board. The Chair of each committee, both standing and special, shall be designated by a majority vote of the Board.

¹ The Mayor must confirm the Council's designees in order for these individuals to serve on the Board of Directors.

² The President of HHC is also referred to as the Chief Executive Officer. This individual is chosen by the other fifteen directors and serves at the pleasure of the Board of Directors. According to HHC *By-Laws* Article VII, §4(A), the President shall have general charge of the business and affairs of HHC and shall have the direction of all other officers, agents and employees. He or she shall, if present, and in absence of the Chair of the Board and Vice chair of the Board, preside at all meetings of the Board. The President may assign such duties to the other officers of HHC, as he or she deem appropriate. In HHC *By-Laws* Article VIII, §1, it is noted that the President appoints an Executive Director for each HHC facility. This individual serves at the pleasure of the President. Other duties of the President include the establishment of Community Advisory Boards for each HHC facility. Community Advisory Boards consider and advise HHC with respect to the plans and programs of HHC. See *HHC By-Laws*, Article XI.

³ As amended through May 31, 2001.

⁴ The Audit Committee consists of members designated by the Board of Directors other than those serving *ex-officio*.

The term of a director, other than those serving ex-officio and/or at the pleasure of the Board, is for five years. The Mayor shall fill any vacancy which may occur by reason of death, resignation, or otherwise, in a manner consistent with the original appointment. The directors do not receive compensation for their services, but are reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

Mr. Nolan is scheduled to appear before the Committee on Rules, Privileges and Elections on Wednesday, May 3, 2017. If Mr. Nolan, a resident of the Bronx is designated by the Council, and subsequently appointed to HHC by the Mayor, he will serve for the remainder of a five-year term that will expire on March 20, 2022. Copies of Mr. Nolan's résumé and report/resolution are attached to this Briefing paper.

Topic III: New York City Environmental Control Board – (Candidate for appointment by the Mayor upon advice and consent of the Council)

- **Debra Scotto [M-495]**

Within the New York City Office of Administrative Trials and Hearings (“OATH”) there is an Environmental Control Board (“ECB”) that adjudicates notices of violation issued by various city agencies including the Departments of Environmental Protection, Police, Sanitation, Health and Mental Hygiene, Fire and Buildings. ECB has the power to render decisions and orders and to impose civil penalties under law provided for such violations. ECB may apply to a court of competent jurisdiction for enforcement of any decision, order or subpoena that it issues. ECB's responsibilities and structure are outlined in New York City Charter section 1049-a.

Among the provisions of law enforced by ECB are those relating to the cleanliness of city streets; the disposal of wastes; the provision of a pure, wholesome and adequate supply of water; the prevention of air, water and noise pollution; the regulation of street peddling; and the city response to emergencies caused by releases or threatened releases of hazardous substances. ECB has the authority to make, amend or rescind such rules and regulations to carry out its duties. Also, ECB has concurrent jurisdiction with the Board of Health to enforce those provisions of the health code and the rules and regulations relating thereto that the Board of Health shall designate.

ECB consists of the Commissioners of the Departments of Environmental Protection, Sanitation, Health and Mental Hygiene, Buildings, Police, Fire and the Chief Administrative Law Judge of OATH, as well as six persons appointed by the Mayor with the advice and consent of the Council. The Chief Administrative Judge of OATH serves as Chair of ECB. Within its appropriation, ECB may appoint an Executive Director and such hearing officers, including non-salaried hearing officers and other employees as it finds necessary, to properly perform its duties.

Members other than agency Commissioners may not be employed by the City. Five of the six non-Commission members must possess broad general background and experience, one in each of the following areas: air pollution control, water pollution control, noise pollution control, real estate, or the business community. The sixth non-Commissioner member represents the general public. Members other than the agency Commissioners are compensated and receive a \$175.10 per-diem when performing the work of ECB. Member terms are for four years.

Ms. Scotto is scheduled to appear before the Committee on Rules, Privileges and Elections on Wednesday, May 3, 2017. Upon appointment by the Mayor with the advice and consent of the Council, Ms. Scotto will serve for the remainder of a four-year term that will expire on November 24, 2017, as the ECB member with experience in the field of real estate. Copies of Ms. Scotto's résumé and report/resolution are attached to this

Briefing paper.

Topic IV: New York City Tax Commission – (Candidate for appointment by the Mayor upon advice and consent of the Council)

- **Carlo Silvestri [M-494]**

The Tax Commission (the “Commission”) is charged with the duty of reviewing and correcting all assessments of real property within the City of New York that are set by the New York City Department of Finance. *New York City Charter* (“Charter”) § 153 (b). Any Commissioner shall exercise such other powers and duties as the President may from time to time assign. [*Charter* § 154.]

The Commission consists of the President and six Commissioners.⁵ *Charter* § 31 states that the Mayor, with advice and consent of the Council, shall appoint members of the Commission after a public hearing. Each Commissioner shall have at least three years of business experience in the field of real estate or real estate law. At least one resident of each borough shall be included among the Commissioners. [*Charter* § 153 (a).] The President of the Commission receives an annual salary of \$192,198. Commissioners receive an annual salary of \$25,677.

Real property tax assessment-related claims subject to administrative and corrective action by the Commission may assert: inequality; excessiveness, including the denial of a full or partial exemption; unlawfulness; and misclassification. See definitions – Charter §§ 163 and 164(b) (class one property). The Commission’s administrative determinations are subject to *de novo* judicial review. [*Charter* § 165(a).]

Between the fifteenth day of January and the twenty-fifth day of May, the Commission may itself, or by a Commissioner or assessor authorized by the Commission, act upon applications, compel the attendance of witnesses, administer oaths or affirmations and examine applicants and other witnesses under oath. In addition, the Commission is empowered to make rules of practice for its proceedings. [*Charter* § 164(a).]

The Commission determines the final assessed valuation or taxable assessed valuation, or the actual assessment or transition assessment, or the proper class designation of the real property of each applicant. The final assessed valuation or taxable assessed valuation of real property may be the same or less than the original assessment or, if determined to be unlawful, the same shall be ordered stricken from the roll or, where appropriate, entered on the exempt portion of the roll. If it is determined that the real property is misclassified, the correct class designation or allocation of assessed valuation shall be entered on the roll. [*Charter* § 164(b).]

Applications for correction of assessment of real property assessed at seven hundred fifty thousand dollars or more are dealt with between the first day of February and the first day of September. [*Charter* § 164-a (a).]

The final determination of the Commission upon any application for the correction of an assessment shall be rendered not later than the twenty-fifth day of May. Otherwise, the assessment objected to shall be deemed to be the final determination of the Commission. [*Charter* § 165.] A proceeding to review or correct on the merits any final determination of the Commission may be had as provided by law, and, if brought to review a determination mentioned in *Charter* § 165, must be commenced before the twenty-fifth day of October following the time when the determination sought to be reviewed or corrected was made. [*Charter* § 166.]

The President or any Commissioner may enter upon real property and into buildings and structures at all reasonable times to ascertain the character of the property. Refusal by the owner or his agent to permit such entry shall be triable by a judge of the Criminal court and punishable by not more than thirty days’

⁵ The Tax Commission currently consists of the following members: Ellen E. Hoffman, President; Susan Grossman; Kirk Tzanides; and Richard Stabile.

imprisonment, or by a fine of not more than fifty dollars, or both. [*Charter* § 156.]

The Commission shall issue an annual report to the City Council and to the Mayor not later than the first day of March in each year. [*Charter* § 155.]

If appointed, Mr. Silvestri, a resident of Queens, will replace Richard Stabile and serve the remainder of a six-year term that expires on January 6, 2022. Copies of Mr. Silvestri's résumé and report/resolution are attached to this Briefing paper.

PROJECT STAFF

Charles W. Davis III, Director of Investigations
Alycia Vassell, Legislative Investigator
Andre Johnson-Brown, Legislative Investigator

(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominees Carlo Silvestri [M-494], Debra Scotto [M-495], and Robert Nolan [Preconsidered M-512], please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M-494, M-495, and Preconsidered M-512 printed in these Minutes; For nominee Joseph Douek [M-496], please see immediately below:)

Pursuant to § 31 and § 192(a) of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Brooklyn Borough President of **Joseph Douek** as a member of the **New York City Planning Commission** to serve for a five-year term that will begin on July 1, 2017 and expires June 30, 2022.

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

Res. No. 1477

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JOSEPH DOUEK AS A MEMBER OF THE NEW YORK CITY PLANNING COMMISSION.

By Council Member Lander.

RESOLVED, that pursuant to §§ 31 and § 192(a) of the New York City Charter, the Council does hereby approve the re-appointment by the Brooklyn Borough President of **Joseph Douek** as a member of the **New York City Planning Commission** to serve for a five-year term that will begin on July 1, 2017 and expires June 30, 2022.

BRADFORD S. LANDER, *Chairperson*; DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, May 10, 2017.

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

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

Report for Preconsidered M-512

Report of the Committee on Rules, Privileges and Elections approving the re-designation of Robert Nolan as a member of the New York City Health and Hospitals Corporation.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Communication was referred on May 10, 2017 and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-496 printed in these Minutes)

Pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Committee on Rules, Privileges and Elections, hereby approves the re-designation and re-appointment by the Council of Robert Nolan as a member of the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five-year term that will expire on March 20, 2022.

This matter will be referred to the Committee on May 10, 2017.

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

Res 1478

RESOLUTION APPROVING THE DESIGNATION BY THE COUNCIL OF ROBERT NOLAN AS A MEMBER OF THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION.

By Council Member Lander.

RESOLVED, that pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Council does hereby approve the re-designation and re-appointment of **Robert Nolan** as a candidate as a member of the **New York City Health and Hospitals Corporation Board of Directors** to serve for the remainder of a five-year term that will expire on March 20, 2022.

BRADFORD S. LANDER, *Chairperson*; DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, May 10, 2017.

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

Report of the Committee on Transportation

Report for Int. No. 1117-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to businesses using a bicycle for commercial purposes.

The Committee on Transportation, to which the annexed amended proposed local law was referred on March 9, 2017 (Minutes, page 642), respectfully

REPORTS:

INTRODUCTION

On May 9, 2017, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 1117-A, a Local Law in relation to businesses using a bicycle for commercial purposes; Proposed Int. No. 1177-A, a Local Law in relation to requiring a report regarding the feasibility of implementing Barnes dance pedestrian interval crossing systems at high-crash intersections; Proposed Int. No. 1285-A, a Local Law in relation to requiring a study on locations with significant pedestrian traffic. This is the second hearing on these items. The first hearing was held on November 15, 2016, at which the Committee heard testimony from the New York City Department of Transportation (“DOT”) and other interested stakeholders.

BACKGROUND

Commercial Cycling Laws and Independent Contractors

The New York City Administrative Code imposes a number of regulations on businesses that use delivery cyclists.¹ Businesses must provide cyclists with individual identification (ID) numbers, upper body apparel with the name of the business and the bicyclist’s ID number, a helmet, and a business identification card.² Businesses are also required to equip each bicycle with a sign identifying the business and the operator, a lamp, a bell, white headlight and red taillight, reflectors, and brakes.³ Further, businesses must display a poster explaining the laws applicable to bicycles and businesses in an area of the business that is conspicuous to delivery cyclists and patrons, and in a language that the cyclists understand.⁴ Cyclists must complete a bicycle safety course before operating on behalf of a business.⁵

Throughout the local laws regarding commercial cyclists, such individuals are referred to as employees. However, as the market for on-demand food and item delivery grows, so have the number of businesses using commercial cyclists. Services such as Postmates and UberRUSH allow individuals to order items from a wide array of stores or restaurants and have it delivered for a fee.⁶ Cyclists used by services that classify their operators as independent contractors are not covered under the current commercial cyclist law.

¹ N.Y.C. Admin. Code § 10-157.

² *Id.*

³ *Id.*

⁴ *Id.* § 10-157.1.

⁵ *Id.* at § 10-157(e).

⁶ James Covert, *Uber is taking on PostMates with new delivery service*, N.Y. POST, Oct. 14, 2015, available at <http://nypost.com/2015/10/14/uber-is-taking-on-postmates-with-new-delivery-service/>.

Barnes Dance Intersections

A “Barnes dance” is a method of coordinating traffic and pedestrian control signals so there is a period in which traffic is halted in all directions, allowing pedestrians to cross in any direction, including diagonally.⁷ The pattern, also referred to as a pedestrian scramble, is named after Henry A. Barnes, a former New York City traffic commissioner.⁸

The City utilizes exclusive pedestrian signals—those that stop traffic in all directions and allow traditional, but not diagonal crossing—at over 200 locations, but has created only a handful of Barnes dances.⁹ Barnes dances arguably create one of the safest crossing environments for pedestrians, but necessarily slow traffic and can often be confusing to those not familiar with such a system.

Sidewalk Crowding

Pedestrian crowding on sidewalks in many parts of the City is increasing significantly, raising a host of logistical and safety issues.¹⁰ A recent *New York Times* story explored the issue of sidewalk overcrowding in the City, noting that on Fifth Avenue, between 54th and 55th Streets, saw 26,831 pedestrians passed through in three hours in May 2015, an increase of 30 percent from the previous year.¹¹ In areas surrounding the Port Authority Bus Terminal, Penn Station, and Times Square, pedestrians are forced into the street due to overcrowding, presenting considerable safety and traffic flow problems.¹² The problem is not limited to Manhattan—areas in Flushing, Queens have also seen a considerable increase in pedestrian overcrowding.¹³ DOT conducts a bi-annual count of pedestrians at 114 locations, including 100 on-street locations, the East River and Harlem Bridge crossings, and the Hudson River Greenway.¹⁴

ANALYSIS OF PROPOSED INT. NO. 1117-A

Section one of Proposed Int. No. 1117-A would amend subdivision a of section 10-157 of the Administrative Code to define “bicycle operator” as a person who delivers packages, parcels, papers, or articles of any type by bicycle on behalf of a business using a bicycle for commercial purposes and who is paid by such business. It would also make minor wording changes to the definitions of “bicycle” and “business using a bicycle for commercial purposes.”

Section one of Proposed Int. No. 1117-A would also amend subdivision b of section 10-157 by removing the requirement that an identifying sign be affixed to commercial bicycles and adding a requirement that a business using a bicycle for commercial purposes that does not have a business location within the City that is open and available to the public provide to DOT the following information:

- The name under which such business is authorized to do business in the state, pursuant to the state’s Business Corporation Law.
- The registered agent upon whom process against such business may be served and the address of such agent, or, if the business has designated the Secretary of State as its agent for receiving such process, the Post Office address to which the Secretary of State may mail a copy of such process.
- Any other information requested by DOT.

⁷ U.S. Federal Highway Administration, Addendum: The Barnes Dance, <http://www.fhwa.dot.gov/infrastructure/barnes.cfm> (last accessed Nov. 11, 2016).

⁸ *Id.*

⁹ N.Y.C. Department of Transportation, Exclusive Pedestrian Signals, <http://www.nyc.gov/html/dot/html/infrastructure/exclusive-ped-signals.shtml> (last accessed Nov. 11, 2016).

¹⁰ Winnie Hu, *New York’s Sidewalks Are So Packed, Pedestrians Are Taking to the Streets*, N.Y. TIMES, Jun. 30, 2016, available at <http://www.nytimes.com/2016/07/01/nyregion/new-york-city-overcrowded-sidewalks.html>.

¹¹ *Id.*

¹² *Id.*; Staff conversations with Times Square Alliance.

¹³ *Id.*

¹⁴ N.Y.C. Department of Transportation, Pedestrians – Bi-Annual Pedestrian Counts, <http://www.nyc.gov/html/dot/html/about/datafeeds.shtml#Pedestrians> (last accessed Jul. 20, 2016).

Section one of Proposed Int. No. 1117-A would also amend subdivision c of section 10-157 of the Administrative Code, which requires every business using a bicycle for commercial purposes to assign an operator an identification number, to remove language referring to such operators as employees, to clarify that the bicycle operator is required to carry the identification card, and to make other minor wording changes.

Section one of Proposed Int. No. 1117-A would also amend subdivision d of section 10-157 of the Administrative Code, which requires every business using a bicycle for commercial purposes to maintain a roster of operators, to remove language referring to such operators as employees, to require that the roster include date of completion of the bicycle safety course for each operator not just whether it has been completed, and to make other minor wording changes.

Section one of Proposed Int. No. 1117-A would also amend subdivision e of section 10-157 of the Administrative Code to remove language referring to bicycle operators as employees, to clarify that businesses may not require any of its bicycle operators to provide required protective headgear at the operator's expense, and to make other minor wording changes.

Section one of Proposed Int. No. 1117-A would also amend subdivision f of section 10-157 of the Administrative Code, which requires every business using a bicycle for commercial purposes to ensure that bicycles used have proper safety equipment, to remove language referring to operators as employees and to clarify that a business may not require any of its bicycle operators to provide such equipment at the operator's expense.

Section one of Proposed Int. No. 1117-A would also amend subdivision g of section 10-157 of the Administrative Code, which provides that any business using a bicycle for commercial purposes is responsible for compliance with the section, to remove language referring to operators as employees.

Section one of Proposed Int. No. 1117-A would also amend subdivision h of section 10-157 of the Administrative Code to remove references to the identifying sign currently required by subdivision b to be affixed to bicycles used for commercial purposes and to make other minor wording changes.

Section one of Proposed Int. No. 1117-A would also amend subdivision i of section 10-157 of the Administrative Code, which requires any business using a bicycle for commercial purposes to provide operators with upper body apparel with the business' names and the operators identification number, to remove language referring to such operators as employees and to make other minor wording changes.

Section one of Proposed Int. No. 1117-A would also amend subdivision k of section 10-157 of the Administrative Code, which prohibits a business using a bicycle for commercial purposes from possessing and permitting the operation of motorized scooters, to remove language referring to such operators as employees and to make other minor wording changes.

Sections two and three of Proposed Int. No. 1117-A would amend subdivisions a and b of section 10-157.1 of the Administrative Code, which requires businesses using a bicycle for commercial purposes to post a sign describing the requirements of section 10-157, to allow business without a physical location in the city to comply by providing such information in writing to bicycle operators operating on its behalf and to make other minor wording changes.

Section four of Proposed Int. No. 1117-A states that the local law would take effect 120 days after it becomes law, except that DOT may take such measures as are necessary for the implementation of the local law, including the promulgation of rules, prior to such date.

ANALYSIS OF PROPOSED INT. NO. 1177-A

Section one of Proposed Int. No. 1177-A would set forth the applicable definitions. A Barnes dance pedestrian interval crossing system is defined as a system of utilizing pedestrian control signals that allows pedestrians an exclusive interval in which to completely cross in any direction, including diagonally, within the intersection while traffic is stopped in all directions.

Section two of Proposed Int. No 1177-A would require DOT to prepare a report by August 1, 2017 regarding the feasibility of implementing Barnes dance pedestrian interval crossing systems at high-crash intersections. The report would also examine other types of crossings that allow pedestrians to cross while traffic is stopped in all directions and would include an update to DOT's August 2016 left turn pedestrian and bicyclist crash study.

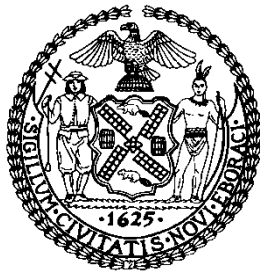
Section three of Proposed Int. No. 1177-A states that the local law would take effect immediately.

ANALYSIS OF PROPOSED INT. NO. 1285-A

Section one of Proposed Int. No. 1285-A would require DOT to prepare a report by June 1, 2018 relating to pedestrian traffic. The study would require DOT to identify six locations with significant pedestrian traffic and develop strategies for enhancing safety and traffic flow at those locations.

Section two of Proposed Int. No. 1285-A states that the local law would take effect immediately.

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



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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1117-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to businesses using a bicycle for commercial purposes

SPONSORS: Council Members Van Bramer, Rodriguez, Rosenthal, Kallos, Constantinides, Chin, Cohen and Menchaca

SUMMARY OF LEGISLATION: Proposed Intro. 1117-A would require commercial bicyclists and businesses utilizing the services of commercial bicyclists to be subject to a number of safety and record-keeping requirements such as completion of a bicycle safety course and wearing reflective vests that identify the business. These laws currently only apply to commercial bicyclists that are employees. The bill would amend these laws to cover commercial bicyclists that are classified as independent contractors.

EFFECTIVE DATE: The local law would take effect in 120 days, except that the Department of Transportation may take such measures as are necessary for the implementation of the local law, including the promulgation of rules, prior to the effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures since existing resources would be used by the Department to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Brandon West, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1117 on March 9, 2016 and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee on November 15, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1117-A, will be considered by the Committee on May 9, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1117-A will be submitted to the full Council for a vote on May 10, 2017.

DATE PREPARED: May 4, 2017.

(For text of Int. Nos. 1177-A and 1285-A and their Fiscal Impact Statements, please see, respectively, the Reports of the Committee on Transportation for Int. Nos. 1177-A and 1285-A; for text of Int. No. 1117-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1117-A, 1177-A, and 1285-A.

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

Int. No. 1117-A

By Council Members Van Bramer, Rodriguez, Rosenthal, Kallos, Constantinides, Chin, Cohen, Menchaca, Rose and Greenfield.

A Local Law to amend the administrative code of the city of New York, in relation to businesses using a bicycle for commercial purposes

Be it enacted by the Council as follows:

Section 1. Section 10-157 of the administrative code of the city of New York, as amended by local law number 56 for the year 2012, paragraph 2 of subdivision e as added by local law number 9 for the year 2007, paragraph 3 of subdivision e as added by local law number 54 for the year 2012, subdivision i as added by local law number 52 for the year 2012, subdivision j as added by local law number 55 for the year 2012, subdivision k as added by local law number 41 for the year 2013, is amended to read as follows:

a. For purposes of this section *and section 10-157.1*, the following terms [shall] have the following meanings:

[(1)] *Bicycle.* The term "bicycle" [shall have] *has* the same meaning as in section 19-176 [of this code], and [shall] also [mean] *means* any wheeled device propelled exclusively by human power as well as any

motor-assisted device that is not capable of being registered by the New York state department of motor vehicles[;].

(2) *Bicycle operator.* The term “bicycle operator” means a person who delivers packages, parcels, papers, or articles of any type by bicycle on behalf of a business using a bicycle for commercial purposes and who is paid by such business.

Business using a bicycle for commercial purposes. The term “business using a bicycle for commercial purposes” [shall mean] means a person, firm, partnership, joint venture, association, corporation, or other entity [which engages in the course of its business] that, either on behalf of itself or others, [in delivering] delivers packages, parcels, papers, or articles of any type by bicycle. Nothing contained in this section shall be construed as applying to persons under the age of sixteen who use a bicycle only to deliver daily newspapers or circulars.

b. [A business using a bicycle for commercial purposes shall provide identification of such business by requiring every bicycle to be identified by affixing to the rear of each bicycle, bicycle seat or both sides of the delivery basket, a metal or plastic sign measuring no less than three inches by five inches, with the name of the business and an identification number unique to that particular bicycle in lettering and numerals no less than one inch in height so as to be plainly readable at a distance of not less than ten feet and maintaining same in good condition thereon. A sign is no longer in good condition if it is missing any of its component parts or is otherwise damaged so as to impair its functionality.] *A business using a bicycle for commercial purposes that does not have a site within the city that is open and available to the public must provide to the department of transportation, upon a form prescribed by the department, the following information:*

(1) *the name under which such business is authorized to do business in the state, pursuant to the business corporation law,*

(2) *the registered agent upon whom process against such business may be served and the address of such agent, or, if the business has designated the secretary of state as its agent for receiving such process, the post office address to which the secretary of state may mail a copy of such process, and*

(3) *any other information requested by the department.*

c. [Every] A business using a bicycle for commercial purposes must assign to [every] *each of its bicycle [operator employed by such business] operators* a three digit identification number, *except that the department of transportation may promulgate a rule to require an identification number with four or more digits.* Such business must issue to [every] *each of its bicycle [operator] operators* an identification card [which] *that* contains the name, [three digit] identification number and photo of the bicycle operator and the name, address and telephone number of [the] *such business [by which the bicycle operator is employed].* [Such business shall ensure that such identification card is carried by the bicycle operator while such bicycle operator is making deliveries, or otherwise riding a bicycle on behalf of the business, and such] *A bicycle operator shall carry such identification card while making deliveries or otherwise operating a bicycle on behalf of any such business.* [Such] *A bicycle operator shall be required to produce such identification card upon the demand of an authorized employee of the police department or department of transportation or any other person authorized by law.*

d. [Every] A business using a bicycle for commercial purposes shall maintain a roster of its bicycle operators [employed by such business]. Such roster shall include [the] *for each such bicycle operator;* name [and place of residence]; *home address [of every employee operating a bicycle on behalf of such business, the]; start date [of employment and discharge of each such employee, every such employee's three digit]; discharge date, if applicable; identification number[, and whether such employee has completed]; and date of completion of the bicycle safety course required by paragraph 3 of subdivision e of this section.* [The owner of any business using a bicycle for commercial purposes shall be responsible for maintaining such roster.] Such roster shall be made available for inspection [during regular and usual business hours or any other such time that such entity is open for business] upon request of an authorized employee of the police department or department of transportation or any other person authorized by law.

e. (1) [The owner of any] A business using a bicycle for commercial purposes shall provide[,] at its own expense[,] *or ensure the availability of protective headgear suitable for each of its bicycle [operator] operators.* *Such business may not require any of its bicycle operators to provide such headgear at such operator's expense.* Such headgear shall:

(i) meet the standards set forth by the consumer product safety commission in title 16, part 1203 of the code of federal regulations; *and*

(ii) [be readily available at each site of the business using a bicycle for commercial purposes for use by each bicycle operator; and

(iii)] be replaced if such headgear is no longer in good condition. Headgear is no longer in good condition if it is missing any of its component parts or is otherwise damaged so as to impair its functionality.

(2) Each bicycle operator shall wear protective headgear that meets the requirements of paragraph 1 of this subdivision while making deliveries or otherwise operating a bicycle on behalf of [such] *a business using a bicycle for commercial purposes*. The term “wear [such] protective headgear” means having the headgear fastened securely upon the head with the headgear straps.

(3) Each bicycle operator shall [be required to] complete a bicycle safety course *prior to making deliveries or otherwise operating a bicycle on behalf of a business using a bicycle for commercial purposes*. For purposes of this section, “bicycle safety course” shall mean information provided by the department of transportation[,] regarding safe bicycling and adherence to traffic and commercial bicycle laws. [Such requirement shall include, but not be limited to, the following:

(i) Each bicycle operator shall complete a bicycle safety course prior to operating a bicycle on behalf of a business using a bicycle for commercial purposes;

(ii) Each business using a bicycle for commercial purposes shall indicate on the roster required to be maintained by subdivision d of this section that each bicycle operator employed by such business has completed such bicycle safety course;

(iii) The owner of any business using a bicycle for commercial purposes shall ensure that all bicycle operators employed by such business shall complete such bicycle safety course prior to operating a bicycle on behalf of such business, shall maintain records of such operators' completion of such bicycle safety course, and shall make such records available for inspection during regular business hours or any other time such business is open for business upon request of an authorized employee of the police department or department of transportation or any other person authorized by law; and

(iv)] (4) The commissioner of transportation shall post on the department of transportation's website the content of the bicycle safety course required by this section [on or before the effective date of this section].

f. [The owner of any] *A business using a bicycle for commercial purposes, notwithstanding that a bicycle may be provided by [an employee thereof] any of its bicycle operators*, shall provide at its own expense [and] or ensure that each bicycle is equipped with: a lamp; a bell or other device capable of giving an audible signal from a distance of at least one hundred feet, provided however that a siren or whistle shall not be used; brakes; reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel; as well as other devices or material in accordance with section 1236 of the vehicle and traffic law. *Such business may not require any of its bicycle operators to provide such equipment at such operator's expense.*

g. [Any] *A business using a bicycle for commercial purposes shall be responsible for the compliance with the provisions of this section of [any employees it shall retain] its bicycle operators*. Violation of any of the provisions of this section by any such business, or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than two hundred fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition, any *such* business [using a bicycle for commercial purposes] that violates any of the provisions of this section or any of the rules promulgated pursuant hereto shall be subject to a civil penalty of one hundred dollars. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than thirty days after such business has already violated the same provision or rule shall be subject to an additional civil penalty of two hundred fifty dollars. Such civil penalties may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board.

h. Any [person] *bicycle operator* who makes deliveries or otherwise operates a bicycle on behalf of a business using a bicycle for commercial purposes [without carrying the identification sign required by subdivision b of this section or] without carrying the identification card required by subdivision c of this section, or who fails to produce such identification [sign or] card upon demand pursuant to such [subdivisions] *subdivision*, or who fails to wear protective headgear required by subdivision e of this section or the retro-

reflective apparel required by subdivision i of this section, shall be guilty of a traffic infraction and upon conviction thereof shall be liable for a fine of not less than twenty-five dollars nor more than fifty dollars. It shall be an affirmative defense to such traffic infraction that such business did not provide the protective headgear, the identification *card* or the retro-reflective apparel required by subdivisions [b,] c, e or i of this section. Such traffic infraction may be adjudicated by [such] an administrative tribunal [as is] authorized under article two-A of the vehicle and traffic law.

i. A business using a bicycle for commercial purposes shall provide for and require each *of its* bicycle [operator employed by such business] *operators* to wear, and each such bicycle operator shall wear, a retro-reflective jacket, vest, or other wearing apparel on the upper part of such operator's body as the outermost garment while making deliveries[,] or otherwise [riding] *operating* a bicycle on behalf of such business, the back of which shall indicate such [business'] *business's* name and such bicycle operator's individual identification number as assigned pursuant to subdivision c of this section in lettering and numerals not less than one inch in height so as to be plainly readable at a distance of not less than ten feet.

j. The provisions of this section shall be enforceable by an authorized employee of the police department or department of transportation or any other person authorized by law.

k. A business using a bicycle for commercial purposes shall not possess any motorized scooter and shall not permit any [employee of such business] *person* to operate [such] a motorized scooter on behalf of such business. A business using a bicycle for commercial purposes shall be liable for any violation of section 19-176.2(b) [of this code] committed by [an employee] *any person operating a motorized scooter on behalf of* such business [while such employee is operating a motorized scooter on behalf of such business]. For purposes of this section, "motorized scooter" shall be as defined in section 19-176.2 [of this code].

§ 2. Subdivision a of section 10-157.1 of the administrative code of the city of New York, as amended by local law number 56 for the year 2012, is amended to read as follows:

a. [Every] A business using a bicycle for commercial purposes, as defined in subdivision a of section 10-157 [of this chapter], shall post one or more signs at each [business using the bicycle for commercial purposes site summarizing] *site of such business, provided that, if such business has only a post office address within the city, such business shall provide a written notice to each of its bicycle operators. Such sign or notice shall summarize:*

(1) the responsibilities of bicycle operators and businesses *using a bicycle for commercial purposes* pursuant to section 10-157 [of this chapter]; and

(2) the provisions of the vehicle and traffic law, administrative code of the city of New York and department of transportation traffic rules and regulations that the commissioner of transportation in his or her discretion determines are most important for the safe operation of bicycles in [New York] *the city*. [Not less than fifteen days prior to the effective date of this section, the] *The* department of transportation shall post on its website the provisions required to be [posted] *summarized on such sign or notice* under this subdivision.

§ 3. Subdivision b of section 10-157.1 of the administrative code of the city of New York, as added by local law number 10 for the year 2007, is amended to read as follows:

b. Every sign *or notice* required pursuant to subdivision a of this section shall be:

(1) in English and Spanish and any other language spoken predominantly by any bicycle operator [utilized by the] *of a business using a bicycle for commercial purposes*; and

(2) *in the case of a sign,* posted in a manner conspicuous to *such business's* bicycle operators [utilized by the business] and to patrons of [the] *such business* present at the [employment] *business* site; *or*

(3) *in the case of a notice, provided to such business's bicycle operators.*

§ 4. This local law takes effect 120 days after it becomes law, except that the department of transportation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, ANTONIO REYNOSO; DONOVAN J. RICHARDS; Committee on Transportation, May 9, 2017.

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

Report for Int. No. 1177-A

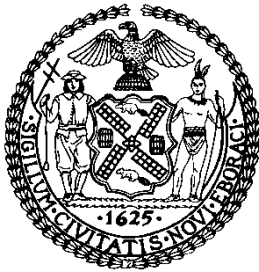
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law in relation to requiring a report regarding the feasibility of implementing Barnes dance pedestrian interval crossing systems at high-crash intersections.

The Committee on Transportation, to which the annexed proposed amended local law was referred on May 5, 2016 (Minutes, page 1319), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 1117-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1177-A:



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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1177-A

COMMITTEE: Transportation

TITLE: A Local Law relation to requiring a study on the feasibility of implementing Barnes dance pedestrian interval crossing systems in dangerous intersections.

SPONSORS: Council Members Rosenthal, Eugene, Rodriguez, Chin, Gentile, Cohen, Johnson, Menchaca, Deutsch, Gibson, Richards, Constantinides, Lancman, Van Bramer, Vacca, Koslowitz, Torres, Espinal, Kallos, Vallone, Levin, Crowley, Williams, Rose, Levine, Reynoso, Garodnick, Dromm, Ferreras-Copeland, Cabrera, Greenfield, Maisel, Lander, Koo, Treyger, Cornegy, Salamanca, Barron and Ulrich

SUMMARY OF LEGISLATION: Proposed Intro. 1177-A would require the Department of Transportation (the Department) to prepare a report regarding the feasibility of implementing Barnes dance pedestrian interval crossing systems at 25 high-crash intersections citywide. A Barnes dance uses pedestrian control signals to allow pedestrians to completely cross an intersection in any direction, including diagonally, while traffic is stopped in all directions. The report would also examine other types of crossings that allow pedestrians to cross while traffic is stopped in all directions and would include an update on the implementation of the action plan included in the left turn pedestrian and bicyclist crash study entitled “Don’t Cut Corners,” published by the Department in August 2016 pursuant to Local Law 21 of 2014. The Department is required to submit the report to the Mayor and the Speaker of the City Council and posted on its website by August 1, 2017.

EFFECTIVE DATE: The local law would take effect immediately and remains in effect until the submission of the report required pursuant to section two of this local law, upon which submission, this local law is deemed repealed.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: Because existing resources would be used by the Department to comply with this local law, it is estimated that this legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Brandon West, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1177 on May 5, 2016, and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee on November 15, 2016, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1177-A, will be considered by the Committee on May 9, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1177-A will be submitted to the full Council for a vote on May 10, 2017.

DATE PREPARED: May 4, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1177-A:)

Int. No. 1177-A

By Council Members Rosenthal, Eugene, Rodriguez, Chin, Gentile, Cohen, Johnson, Menchaca, Deutsch, Gibson, Richards, Constantinides, Lancman, Van Bramer, Vacca, Koslowitz, Torres, Espinal, Kallos,

Vallone, Levin, Crowley, Williams, Rose, Levine, Reynoso, Garodnick, Dromm, Ferreras-Copeland, Cabrera, Greenfield, Maisel, Lander, Koo, Treyger, Cornegy, Salamanca, Barron and Ulrich.

A Local Law in relation to requiring a report regarding the feasibility of implementing Barnes dance pedestrian interval crossing systems at high-crash intersections

Be it enacted by the Council as follows:

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

Department. The term “department” means the department of transportation.

Barnes dance pedestrian interval crossing system. The term “Barnes dance pedestrian interval crossing system” means a system of utilizing pedestrian control signals that allows pedestrians an exclusive interval in which to completely cross in any direction, including diagonally, within the intersection while traffic is stopped in all directions.

Exclusive pedestrian phase. The term “exclusive pedestrian phase” means a signal phase that allows pedestrians to completely cross any marked crossing of an intersection or street crossing while traffic is stopped in all directions.

Mid-block crossing. The term “Mid-block crossing” means a marked pedestrian crossing of a street at a location between intersections.

One-way-away T intersection. The term “One-way-away T intersection” means an intersection with three legs in a T configuration at which the street that ends in the intersection is a one-way street traveling away from such intersection.

§ 2. The department shall prepare a report regarding the feasibility of implementing Barnes dance pedestrian interval crossing systems at high-crash intersections. Such report shall include locations of signalized intersections or signalized street crossings utilizing an exclusive pedestrian phase, disaggregated by type of intersection or street crossing, such as a mid-block crossing or one-way-away T intersection. Such report shall also include an update on implementation of the action plan included in the left turn pedestrian and bicyclist crash study entitled “Don’t Cut Corners,” published by the department in August 2016 and prepared pursuant to local law 21 for the year 2014. The department shall post on its website and submit to the mayor and the speaker of the city council such report no later than August 1, 2017.

§ 3. This local law takes effect immediately and remains in effect until the submission of the report required pursuant to section two of this local law, upon which submission, this local law is deemed repealed.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, ANTONIO REYNOSO; DONOVAN J. RICHARDS; Committee on Transportation, May 9, 2017.

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

Report for Int. No. 1285-A

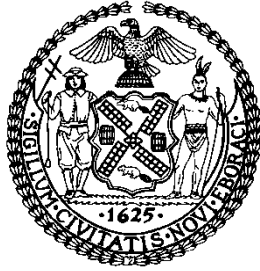
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law in relation to requiring a study on locations with significant pedestrian traffic.

The Committee on Transportation, to which the annexed proposed amended local law was referred on September 28, 2016 (Minutes, page 3217), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 1117-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1285-A:



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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1285-A

COMMITTEE: Transportation

TITLE: A Local Law relation to requiring a study on locations with significant pedestrian traffic.

SPONSORS: Council Members Rodriguez, Chin, Menchaca, Kallos, Cohen, Constantinides and Levin

SUMMARY OF LEGISLATION: Proposed Intro. 1285-A would require the Department of Transportation (the DOT) to conduct a study relating to pedestrian traffic. The study would require DOT to identify six locations with significant pedestrian traffic and to develop strategies for enhancing safety and traffic flow at those locations. DOT will post on its website and submit to the Speaker of the Council and the Mayor the results of the study no later than June 1, 2018.

EFFECTIVE DATE: The 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
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: Because existing resources would be used to comply with this local law, it is estimated that the legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Brandon West, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1285 on September 28, 2016 and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee on November 15, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1285-A, will be considered by the Committee on Transportation on May 9, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1285-A will be submitted to the full Council for a vote on May 10, 2017.

DATE PREPARED: May 4, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1285-A:)

Int. No. 1285-A

By Council Members Rodriguez, Chin, Menchaca, Kallos, Cohen, Constantinides, Levin, Rose and Greenfield.

A Local Law in relation to requiring a study on locations with significant pedestrian traffic

Be it enacted by the Council as follows:

Section 1. The department of transportation shall conduct a study relating to pedestrian traffic. As part of such study, the department shall identify six locations with significant pedestrian traffic and develop strategies for enhancing safety and traffic flow at such locations. No later than June 1, 2018, the department shall post on its website and submit to the speaker of the council and the mayor the results of such study, including information on whether any such strategies were implemented, and the status of such implementation, as applicable.

§ 2. This local law takes effect immediately and remains in effect until the submission of the report required pursuant to section one of this local law, upon which submission, this local law is deemed repealed.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, ANTONIO REYNOSO; DONOVAN J. RICHARDS; Committee on Transportation, May 9, 2017.

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

GENERAL ORDER CALENDAR

Report for L.U. No. 589 & Res. No. 1479

Report of the Committee on Land Use in favor of approving Application No. C 160221 ZMK submitted by Riverside Developers USA Inc. pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 12d, changing an existing M1-2 district to an R7A/C2-4 district and an M1-2/R6A district, Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 837) and which was previously brought before the Council at the April 25, 2017 Stated Meeting (Minutes, page 1080) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN - CB 3

C 160221 ZMK

City Planning Commission decision approving an application submitted by Riverside Developers USA Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d.

INTENT

To approve the zoning map amendment, which along with the related action would facilitate the development of two new buildings in the Bedford-Stuyvesant neighborhood of Community District 3 in Brooklyn.

PUBLIC HEARING

DATE: March 28, 2017

Witnesses in Favor: Four

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: April 19, 2017

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

In Favor:

Richards, Gentile, Garodnick, Wills, Reynoso.

Against:

None

Abstain:

Williams

COMMITTEE ACTION**DATE:** April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against:

Lander
Williams

Abstain:

None.

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1479

Resolution approving the decision of the City Planning Commission on ULURP No. C 160221 ZMK, a Zoning Map amendment (L.U. No. 589).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2017 its decision dated March 8, 2017 (the "Decision"), on the application submitted by Riverside Developers USA, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 12d, which in conjunction with the related action would facilitate the development of two new buildings in the Bedford-Stuyvesant neighborhood of Brooklyn, (ULURP No. C 160221 ZMK), Community District 3, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application N 160222 ZRK (L.U. No. 590), an amendment to the text of the Zoning Resolution to designate a Mandatory Inclusionary Housing area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 28, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 4, 2016 (CEQR No. 16DCP121K), which includes (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-395) (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 160221 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. 12d:

1. changing from an M1-2 District to an R7A District property bounded by Flushing Avenue, Franklin Avenue, the easterly prolongation of the northerly street line of Little Nassau Street, the terminus of Little Nassau Street, Little Nassau Street, and Kent Avenue;
2. changing from an M1-2 District to an M1-2/R6A District property bounded by the easterly prolongation of the northerly street line of Little Nassau Street, Skillman Street, a line 330 feet northerly of Park Avenue, and Franklin Avenue;
3. establishing within the proposed R7A District a C2-4 District bounded by Flushing Avenue, Franklin Avenue, the easterly prolongation of the northerly street line of Little Nassau Street, the terminus of Little Nassau Street, Little Nassau Street, and Kent Avenue; and
4. establishing a Special Mixed Use District (MX-4) bounded by the easterly prolongation of the northerly street line of Little Nassau Street, Skillman Street, a line 330 feet northerly of Park Avenue, and Franklin Avenue;

as shown on a diagram (for illustrative purposes only), dated October 4, 2016 and subject to the conditions of the CEQR Declaration E-395, Community District 3, Borough of Brooklyn.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Report for L.U. No. 590 & Res. No. 1480

Report of the Committee on Land Use in favor of approving Application No. N 160222 ZRK submitted by Riverside Developers USA Inc. pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 837) and which was previously brought before the Council at the April 25, 2017 Stated Meeting (Minutes, page 1082) and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT**BROOKLYN - CB 3****N 160222 ZRK**

City Planning Commission decision approving an application submitted by Riverside Developers USA, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying Appendix F (Inclusionary Housing Designated Areas) and a related section in Article XII, Chapter 3 (Special Mixed Use District) to apply Inclusionary Housing regulations in Borough of Brooklyn.

INTENT

To approve the amendment to the Zoning Resolution which along with the related action would facilitate the development of two new buildings in the Bedford-Stuyvesant neighborhood of Community District 3 in Brooklyn.

PUBLIC HEARING**DATE:** March 28, 2017**Witnesses in Favor:** Four**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** April 19, 2017

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.

Against:

None

Abstain:

Williams

COMMITTEE ACTION**DATE:** April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against:

Lander

Williams

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on April 26, 2017. The City Planning Commission filed a letter dated May 8, 2017, with the Council on May 9, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res. No. 1480

Resolution approving modifications the decision of the City Planning Commission on Application No. N 160222 ZRK, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F (Inclusionary Housing Designated Areas) and a related section in Article XII, Chapter 3 (Special Mixed Use District) to apply Inclusionary Housing regulations in Community District 3, Borough of Brooklyn (L.U. No. 590).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2017 its decision dated March 8, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Riverside Developers USA, Inc. for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F (Inclusionary Housing Designated Areas) and a related section in Article XII, Chapter 3 (Special Mixed Use District) to apply Inclusionary Housing regulations in Brooklyn Community District 3. This action, along with the related amendment to the Zoning Map would facilitate the development of two new buildings in the Bedford-Stuyvesant neighborhood of Brooklyn, (Application No. N 160222 ZRK), Community District 3, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application C 160221 ZMK (L.U. No. 589), an amendment to the Zoning Map changing an M1-2 zoning district on portions of two blocks to an R7A/C2-4 district and an M1-2/R6A (MX-4) district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 28, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 4, 2016 (CEQR No. 16DCP121K), which includes (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-395) (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 160222 ZRK, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter underlined is new, to be added;

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

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

Matter in double ~~strikeout~~ is old, deleted by the City Council;

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

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

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use District

* * *

123-63

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

* * *

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

#Special Mixed Use District#	Designated #Residence District#
MX 2 - Community District 2 Brooklyn	R7A R8A
<u>MX 4 - Community District 3</u> <u>Brooklyn</u>	<u>R6A</u>
MX 8 - Community District 1 Brooklyn	R6 R6A R6B R7A

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

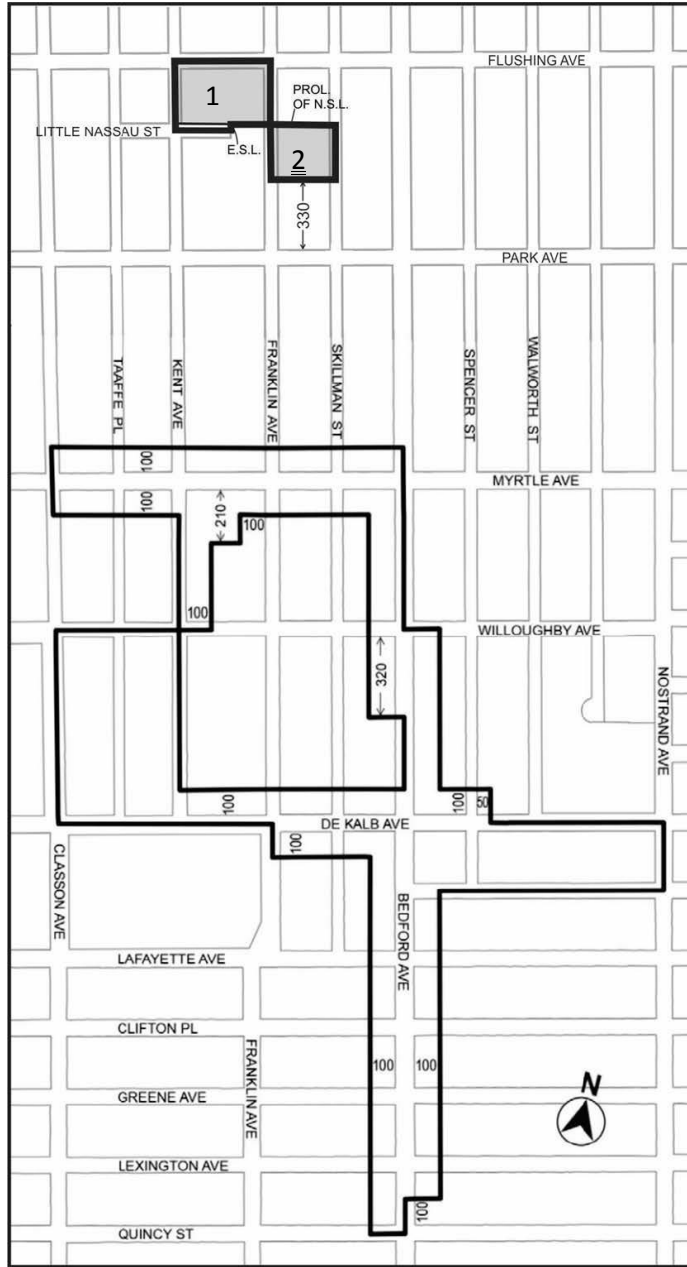
Brooklyn Community District 3

In the R6A, R7A, and R7D Districts within the areas shown on the following Maps 1, 2, 3, 4, and 5:

* * *

Map 3 – [date of adoption]

[PROPOSED MAP]





Inclusionary Housing Designated Area



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

Area 1 (date of adoption) – MIH Program Option 1, Option 2 and Workforce Option

Area 2 (date of adoption) – MIH Program Option 1 and Option 2

Portion of Community District 3, Brooklyn

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Elsie Rivera	1940 East Tremont Avenue #4F Bronx, N.Y. 10462	18
Dwayne Morgan	188-04 64th Avenue #3D Fresh Meadows, N.Y. 11365	23
Nedra Knight	145-47 181st Street Queens, N.Y. 11413	31

Zuleima Astol	744 60th Street #2 Brooklyn, N.Y. 11220	38
Rose Kourani	111 Smith Place Staten Island, N.Y. 10302	49
Elena Brady	72 Greeley Avenue Staten Island, N.Y. 10306	50
Francine Capelli	19 Leeds Street Staten Island, N.Y. 10306	50

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Lin Yong Luo	207 Madison Street #16 New York, N.Y. 10002	1
Jason Morales	65-75 Pike Street #10A New York, N.Y. 10002	1
Natainya Curry	485 1St Avenue #4N New York, N.Y. 10016	2
Alisa Reich	226 East 3rd Street #1R New York, N.Y. 10009	2
Marion L. MacQueen	230 Central Park South #5A New York, N.Y. 10019	4
Aida I. Menendez	1806 First Avenue #22H New York, N.Y. 10028	5
Karol Real	319 East 95th Street #11 New York, N.Y. 10128	5
Diane Blair	940 St. Nicholas Avenue #1K New York, N.Y. 10032	7
Kenneth W. Majerus	372 Central Park West #12T New York, N.Y. 10025	7
Manuel Villafane	225 East 106th Street #14B New York, N.Y. 10029	8
Maria V. Sanchez	2289 5th Avenue #16B New York, N.Y. 10037	9
Anntoinette H. Peterson	320 Wadsworth Avenue Bsmt New York, N.Y. 10040	10

Deborah Cooke	120 Casals Place #22H Bronx, N.Y. 10475	12
Natalie O. Spencer	3301 Palmer Avenue Bronx, N.Y. 10475	12
Ruthan Williams	716 East 231st Street #1 Bronx, N.Y. 10466	12
Mildred I. Martinez	2081 Cruger Avenue #1F Bronx, N.Y. 10462	13
Susan Nwosu	1730 Montgomery Avenue #4E Bronx, N.Y. 10453	14
Samuel Cortorreal	1456 Townsend Avenue #4D Bronx, N.Y. 10452	16
Carlos Melendez	500 East 165th Street #7N Bronx, N.Y. 10456	17
Cesar A. Riofrio	1369 Leland Avenue Bronx, N.Y. 10460	18
Joanne Torres	1669 Lafayette Avenue #A Bronx, N.Y. 10473	18
Oswald Joseph Bien-Aime	23-61 Jackson Mill Road Queens, N.Y. 11369	21
Tracy Garcia-Mitchell	96-04 57th Avenue #18G Queens, N.Y. 11368	21
Akm Rahman	147-25 88th Avenue #2M Jamaica, N.Y. 11435	24
Kofii Carter	35-35 21st Street #2D Queens, N.Y. 11106	26
Cindy Garcia	43-19 39th Place #21 Sunnyside, N.Y. 11104	26
Walter Gottschalk	38-20 47th Avenue Long Island City, N.Y. 11101	26
Antoinette Witherspoon	41-11 12th Street #5D Queens, N.Y. 11101	26
Carol Bell	190-36 118th Road St. Albans, N.Y. 11412	27

Lois-Jean Benjamin	164-03 O'Donnell Road #1 Jamaica, N.Y. 11433	27
Jean Frantz Noel	163-27 130th Avenue #2B Jamaica, N.Y. 11434	28
Vlad Benjamin	108-49 63rd Avenue #6R Queens, N.Y. 11375	29
Caroline Bolanos-Matthews	141-12 183rd Street Springfield Gardens, N.Y. 11413	31
Monique Mangum	257-43 148th Drive Rosedale, N.Y. 11422	31
Carol McPherson	257-45 149th Avenue Rosedale, N.Y. 11422	31
Rolando Vasquez	330 Bergen Street #1C Brooklyn, N.Y. 11217	33
Brenai Campbell	1680 Bedford Avenue #3B Brooklyn, N.Y. 11225	35
Charlena Lowery	309 Lafayette Avenue #17K Brooklyn, NY. 11238	35
Debbie Williams	217 Washington Avenue Brooklyn, N.Y. 11205	35
Margaret Felder	110 Van Buren Street Brooklyn, N.Y. 11221	36
John M. Frederick II	1400 Bergen Street #8H Brooklyn, N.Y. 11213	36
Diana Alvarez	125 Richmond Street Brooklyn, N.Y. 11208	37
Willie G. Mack	173 Van Siclen Avenue Brooklyn, N.Y. 11207	37
Vincent F. Guzzi	423 57th Street #2C Brooklyn, N.Y. 11220	38
Miriam Rivera	134 Dikeman Street #4R Brooklyn, N.Y. 11231	38
John Johnston	346 Coney Island Avenue #105 Brooklyn, N.Y. 11218	39

Sofia Zoulis	62 Louisa Street Brooklyn, N.Y. 11218	39
Maxi Eugene	143 Linden Blvd #2A Brooklyn, N.Y. 11226	40
Stephanie D. Jones	155 East 43rd Street Brooklyn, N.Y. 11203	41
Ruth Thomas	788 Hancock Street Brooklyn, N.Y. 11233	41
Gasper Burgos	350 Sheffield Avenue #3K Brooklyn, N.Y. 11207	42
Irma Mojica	525 Crescent Street Brooklyn, N.Y. 11208	42
Lorraine Richards-Hanberry	357 Wortman Avenue #4A Brooklyn, N.Y. 11207	42
Sawana J. Rozier	1371 Linden Blvd #7D Brooklyn, N.Y. 11212	42
Donald Frangipani	6912 17th Avenue Brooklyn, N.Y. 11214	43
John Quaglione	8904 Shore Court Brooklyn, N.Y. 11209	43
Patricia Anne Rizzo	1757 Bath Avenue #2 Brooklyn, N.Y. 11214	43
Mary Anne Zoleo	8701 Shore Road #324 Brooklyn, N.Y. 11209	43
Yitzchok Fishman	159 Parkville Avenue Brooklyn, N.Y. 11230	44
Fran Oliva	2150 71st Street #3A Brooklyn, N.Y. 11204	44
Wilner Michel	1245 Ocean Avenue #1E Brooklyn, N.Y. 11230	45
Jean Herald Similien	3420 Avenue H #3C Brooklyn, N.Y. 11210	45
Carole Wilson	638 East 59th Street Brooklyn, N.Y. 11234	45
Marissa Gangichiodo	1652 East 56th Street Brooklyn, N.Y. 11234	46

Suzanne G. Rose	11 Kansas Place Brooklyn, N.Y. 11234	46
Andrea J. Thompson	1123 East 53rd Street Brooklyn, N.Y. 11234	46
Victoria Shargorosky	2665 Homecrest Avenue #2C Brooklyn, N.Y. 11235	48
Kelly Ilene Steier	1730 East 14th Street #3A Brooklyn, N.Y. 11229	48
Marcia Greenblatt	2765 West 5th Street #20E Brooklyn, N.Y. 11224	48
Joann Randazzo	1930 72nd Street Brooklyn, N.Y. 11204	48
Marina Tkachuk	2432 East 28th Street #2 Brooklyn, N.Y. 11235	48
Sara L. Beden	165 St. Marks Place #3F Staten Island, N.Y. 10301	49
Renee Parham	78 Pleasant Valley Avenue Staten Island, N.Y. 10304	49
Lisa DeGratto	28 Bogota Street Staten Island, N.Y. 10314	50
Dylene Schifando	360 Burgher Avenue Staten Island, N.Y. 10305	50
Harry Helfenbaum	64 Annadale Road Staten Island, N.Y. 10312	51
Debra Thives	15 Wildwood Lane Staten Island, N.Y. 10307	51
Barbara Tonrey	92 Token Street Staten Island, N.Y. 10312	51
Gina-Marie Zupo	29 Luke Court Staten Island, N.Y. 10306	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) | M-494 & Res 1475 - | Carlo Silvestri - As a member of the New York City Tax Commission. |
| (2) | M-495 & Res 1476 - | Debra Scotto - As a member of the New York City Environmental Control Board (“real estate representative”). |
| (3) | M-496 & Res 1477 - | Joseph Douek - As a member of the New York City Planning Commission. |
| (4) | M-512 & Res 1478 - | Robert Nolan - As a member of the New York City Health and Hospitals Corporation. |
| (5) | Int. 518-A - | Secondhand automobile dealers to disclose whether automobiles have been recalled by the automobiles’ manufacturers. |
| (6) | Int 823-A - | Illegal conversions of dwelling units for other than permanent residence purposes. |
| (7) | Int 1028-B - | Sexual health education task force. |
| (8) | Int 1117-A - | Businesses using a bicycle for commercial purposes. |
| (9) | Int 1177-A - | Implementing Barnes dance pedestrian interval crossing systems at high-crash intersections. |
| (10) | Int 1218-A - | Illegal conversions. |
| (11) | Int 1285-A - | Pedestrian traffic. |
| (12) | Int 1346-A - | Water pollution control, including provisions relating to stormwater management and control of discharges into storm sewers. |
| (13) | Int 1586 - | Preservation of certain hotels, a moratorium and report relating to such preservation, and the expiration and repeal of such amendments. |

- (14) **L.U. 589 & Res 1479 -** App. **C 160221 ZMK** Brooklyn, Community District 3, Council District 33.
- (15) **L.U. 590 & Res 1480 -** App. **N 160222 ZRK** Brooklyn, Community District 3, Council District 33.
- (16) **L.U. 602 & Res 1466 -** App. **20175219 HKK (N 170265 HKK)** Brooklyn, Community Board 2, Council District 33.
- (17) **L.U. 603 & Res 1467 -** App. **20175220 HKK (N 170266 HKK)** Brooklyn, Community Board 2, Council District 33.
- (18) **L.U. 618 & Res 1468 -** App. **20175326 HAM** Manhattan, Community Board 10, Council District 9.
- (19) **L.U. 620 & Res 1469 -** App. **20175319 HAQ** Queens, Community Board 3, Council District 21.
- (20) **L.U. 621 & Res 1470 -** App. **20175320 HAQ** Queens, Community Board 13, Council District 23.
- (21) **L.U. 622 & Res 1471 -** App. **20175323 HAQ** Queens, Community Boards 12 and 13, Council District 31.
- (22) **L.U. 623 & Res 1472 -** App. **20175322 HAQ** Queens, Community Boards 12 and 13, Council District 27.
- (23) **L.U. 624 & Res 1473 -** App. **20175321 HAQ** Queens, Community Board 8, Council District 24.
- (24) **L.U. 625 & Res 1464 -** Queens, Community District No. 3, Council District No. 21.
- (25) **L.U. 626 & Res 1465 -** Bronx, Community District No. 3, Council District No. 16.
- (26) **L.U. 630 & Res 1474 -** App. **20175310 HKM (N 170321 HKM)** Manhattan, Community Board 5, Council District 4.
- (27) **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, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

Present but Not Voting (“non-voting”) – Ferreras-Copeland and King.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items (Council Members Ferreras-Copeland and King should be considered Present but Not Voting for all of the items listed below as well):

The following was the vote recorded for **Int. No. 1586**:

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Gentile, Gibson, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Garodnick, Greenfield, Vallone and Matteo – **4**.

The following was the vote recorded for **LU No. 589 & Res. No. 1479 and LU No. 590 & Res. No. 1480**:

Affirmative – Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

Negative – Barron, Lander and Williams – **3**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 518-A, 823-A, 1028-B, 1117-A, 1177-A, 1218-A, 1285-A, 1346-A and 1586.

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote item Res. No. 1374-A

Report of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services in favor approving, as amended, a Resolution establishing June 8 annually as Teen Mental Health Awareness Day in the City of New York.

The Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, to which the annexed amended resolution was referred on February 15, 2017 (Minutes, page 519), respectfully

REPORTS:

Introduction

The Committee on Mental Health, Developmental Disabilities, Alcoholism, Substance Abuse, and Disability Services will hold a second hearing on Proposed Res. No. 1374-A, which will establish June 8 annually as Teen Mental Health Awareness Day in the City of New York. on May 9, 2017. On April 6, 2017, the Committee on Youth Services chaired by Council Member Mathieu Eugene, and the Committee on Mental Health, Developmental Disabilities, Alcoholism, Substance Abuse, and Disability Services chaired by Council Member Andrew Cohen held the first hearing on Proposed Res No 1374-A.

Background

Seventy-three thousand New York City (“the City”) students reported feeling sad or hopeless each month.¹ Eight percent of public high school students in the City reported attempting suicide and that percentage doubles if a student has been bullied on school grounds, which 18% of students experience.² Gay and lesbian youth experienced nearly twice as much bullying on school property as heterosexual youth³, and are more than twice as likely to attempt suicide.⁴ LGBT youth of color may also experience compounded stressors related to racism and discrimination.⁵ This resolution would recognize the unique mental health challenges that young people experience during adolescence and work to destigmatize and encourage seeking mental health treatment.

Analysis of Legislation

Proposed Res. No. 1374-A

Proposed Res. No. 1374-A would note that the National Alliance on Mental Illness has estimated that 20% of young people between the ages of 13 and 18 live with a mental health condition and 50% of all lifetime cases of mental illness begin by the age of 14. The Resolution states that according to the ThriveNYC Mental

¹ “ThriveNYC: A Mental Health Roadmap for All” at 17. <https://thrivenyc.cityofnewyork.us/wp-content/uploads/2017/02/ThriveNYC.pdf>

² ThriveNYC: A Mental Health Roadmap for All at 22.

³ New York City Department of Health and Mental Hygiene, Epi Data Brief, Dec 2013, No. 37 <https://www1.nyc.gov/assets/doh/downloads/pdf/epi/databrief37.pdf>

⁴ ThriveNYC: A Mental Health Roadmap for All at 22.

⁵ ThriveNYC: A Mental Health Roadmap for All at 22.

Health Roadmap, 8% of public high school students in New York City report suicide attempts, and 73,000 report feeling sad or hopeless each month and that 27% of New York City public high school students reported feeling sad or hopeless almost every day for two or more weeks and that only 18% of those students received help from a counselor.

Proposed Res. No. 1374-A would also state that despite the prevalence of mental health issues among young people in New York City, not all of those who need treatment receive it. The Resolution would note that the Mental Health Roadmap reported that while 26% of CUNY students suffer from significant anxiety, just 10% of CUNY students receive help from campus counseling or the health center. Proposed Res. No. 1374-A would explain that beyond the cost of unfulfilled human potential, mental illness also imposes a heavy financial burden.

The Resolution would cite that in a 2015 report, the Department of Health and Mental Hygiene found that New York City suffers \$14 billion in annual productivity losses due to depression and substance misuse. The Resolution would also note that reducing the stigma that surrounds mental health treatment has been one of the core objectives of ThriveNYC. Proposed Res. No. 1374-A would state that a 2008 study performed at the Annenberg Public Policy Center at the University of Pennsylvania found that providing teenagers and young adults with information about the effectiveness of depression treatment reduced the prevalence of preexisting negative stereotypes about the condition.

The Resolution would also explain that years of research on the brain have shown that the prefrontal cortex is not fully developed in teenagers and young adults, thereby inhibiting their ability to make decisions, plan for the future, and regulate their emotions and a teen mental health awareness day could start conversations across the city that destigmatize mental illness and encourage teenagers to seek the treatment and services they need. Additionally, the Resolution would note that in light of the pervasiveness of mental illnesses among young people, the current gaps in access to mental healthcare, and the inherent psychological vulnerabilities of adolescents and young people, mental health awareness deserves extensive engagement on the part of city government.

Finally, Proposed Res. No. 1374-A would state that the Council of the City of New York establishes June 8 annually as Teen Mental Health Awareness Day in the City of New York.

Accordingly, this Committee recommends its adoption, as amended.

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

Res. No. 1374-A

Resolution establishing June 8 annually as Teen Mental Health Awareness Day in the City of New York

By Council Members Cohen and Rosenthal.

Whereas, The National Alliance on Mental Illness (NAMI) has estimated that 20 percent of young people between the ages of 13 and 18 live with a mental health condition and 50 percent of all lifetime cases of mental illness begin by the age of 14; and

Whereas, According to the ThriveNYC Mental Health Roadmap, 8 percent of public high school students in New York City report suicide attempts, and 73,000 report feeling sad or hopeless each month; and

Whereas, The Mental Health Roadmap also noted that 27 percent of New York City public high school students reported feeling sad or hopeless almost every day for two or more weeks and that only 18 percent of those students received help from a counselor; and

Whereas, Despite the prevalence of mental health issues among young people in New York City, not all of those who need treatment receive it; and

Whereas, The Mental Health Roadmap reported that while 26 percent of CUNY students suffer from significant anxiety, just 10 percent of CUNY students receive help from campus counseling or the health center; and

Whereas; Beyond the cost of unfulfilled human potential, mental illness also imposes a heavy financial burden; and

Whereas; In a 2015 report, the Department of Health and Mental Hygiene found that New York City suffers \$14 billion in annual productivity losses due to depression and substance misuse; and

Whereas, Reducing the stigma that surrounds mental health treatment has been one of the core objectives of ThriveNYC; and

Whereas, A 2008 study performed at the Annenberg Public Policy Center at the University of Pennsylvania found that providing teenagers and young adults with information about the effectiveness of depression treatment reduced the prevalence of preexisting negative stereotypes about the condition; and

Whereas, Additionally, years of research on the brain have shown that the prefrontal cortex is not fully developed in teenagers and young adults, thereby inhibiting their ability to make decisions, plan for the future, and regulate their emotions; and

Whereas, A teen mental health awareness day could start conversations across the city that destigmatize mental illness and encourage teenagers to seek the treatment and services they need; and

Whereas, In light of the pervasiveness of mental illnesses among young people, the current gaps in access to mental healthcare, and the inherent psychological vulnerabilities of adolescents and young people, mental health awareness deserves extensive engagement on the part of city government; now, therefore, be it

Resolved, That the Council of the City of New York establishes June 8 annually as Teen Mental Health Awareness Day in the City of New York

ANDREW COHEN, *Chairperson*; ELIZABETH S. CROWLEY, RUBEN WILLS, COREY D. JOHNSON, PAUL A. VALLONE, BARRY S. GRODENCHIK, JOSEPH C. BORELLI; Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, May 10, 2017.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

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

Report for voice-vote item Res. No. 1463

Report of the Committee on Immigration in favor of approving a Resolution calling upon the Secretary of the Department of Homeland Security to re-designate and extend Temporary Protected Status for Guinea, Liberia and Sierra Leone, as these countries have not recovered from the Ebola epidemic and it would be unsafe for nationals currently present in the United States to return home at this time.

The Committee on Immigration, to which the annexed preconsidered resolution was referred on May 10, 2017, respectfully

REPORTS:

I. INTRODUCTION

On May 10, 2017, the Committee on Immigration, chaired by Council Member Carlos Menchaca, held a public hearing and vote on Preconsidered Resolution No. 1463, which calls upon the Secretary of the Department of Homeland Security to re-designate and extend Temporary Protected Status for Guinea, Liberia and Sierra Leone, as they have not recovered from the Ebola epidemic and it would be unsafe for nationals currently present in the United States to return home at this time. Advocates, and stakeholders testified about the challenges these affected countries face, and the continued need for Temporary Protected Status for nationals of these countries.

On May 10, 2017, the Committee on Immigration voted in favor of Preconsidered Resolution No. 1463 by a vote of four to zero. The Council is set to vote on the resolution at the May 10, 2017 Stated Meeting.

II. BACKGROUND

From 2014 to 2016, Guinea, Liberia, and Sierra Leone underwent a significant public health emergency due to the outbreak of Ebola and are still recovering from the health, public safety and economic crises that ensued.

According to the Centers for Disease Control and Prevention (CDC), as of February 28, 2016, there were 28,639 suspected, probable, and confirmed cases of Ebola and 11,316 deaths from Ebola during the 2014 epidemic in West Africa. By comparison, there were 2,427 reported cases and 1,597 deaths in all other known cases and outbreaks of Ebola combined.¹ Further, approximately 17,300 children have lost one or both parents to Ebola during the recent outbreak.²

Guinea, Liberia and Sierra Leone, which are among the poorest countries in the world, have only recently emerged from years of civil war and unrest that left basic health infrastructures severely damaged or destroyed.³ Prior to the 2014 Ebola outbreak, these three countries already had a ratio of only one to two doctors per nearly 100,000 people.⁴ After the 2014 Ebola outbreak, the CDC estimated an 8% decrease in the healthcare workforce in Liberia and a 23% decrease in health services delivery in Sierra Leone.⁵

In 2015, approximately \$2.2 billion in GDP was lost in the affected countries, which threatens not only macroeconomic stability, but also food security, human capital development and private sector growth.⁶

Guinea, Liberia and Sierra Leone are now suffering from a rise in non-Ebola-related illnesses and deaths, which have been attributed to the widespread collapse of their already fragile healthcare systems.

Recognizing the significant remaining economic, social, and political challenges that remain, it is unsafe for nationals of Guinea, Liberia and Sierra Leone who are currently present in the United States to return to their country of origin at this time.

III. TEMPORARY PROTECTED STATUS (TPS)

Temporary Protected Status (TPS) designation is reserved for situations where immigrants present in the United States are unable to return safely to their home country due to ongoing, armed conflict, environmental disaster, or other extraordinary and temporary conditions that prevent safe return.

While the Department of Homeland Security (DHS) is tasked with designating the countries that receive TPS designation, it is the United States Citizenship and Immigration Services (USCIS), an agency within DHS, that is responsible for administering the TPS program and adjudicating each foreign national's application for TPS.

¹ <https://www.cdc.gov/vhf/ebola/outbreaks/2014-west-africa/cost-of-ebola.html>

² <https://www.cdc.gov/vhf/ebola/pdf/impact-ebola-economy.pdf>

³ <http://www.who.int/csr/disease/ebola/one-year-report/factors/en/>

⁴ <http://www.who.int/csr/disease/ebola/one-year-report/factors/en/>

⁵ <https://www.cdc.gov/vhf/ebola/pdf/impact-ebola-economy.pdf>

⁶ <https://www.cdc.gov/vhf/ebola/pdf/impact-ebola-economy.pdf>

A national of a country with TPS designation is only eligible for TPS benefits if he or she: (i) establishes continuous physical presence and residence in the United States since the date specified for that particular country; (ii) is not subject to one of the criminal, security-related, or other bars to TPS; and (iii) applies for TPS benefits within the time frame specified by USCIS.⁷

TPS status does not lead to a green card or citizenship. By designating a country for TPS, the DHS extends TPS eligibility to nationals of that country present in the United States, and allows those who meet the eligibility criteria to temporarily reside and work in the United States until they can safely return to their country of origin.

Upon termination of the TPS designation, nationals of that country revert back to the immigration status they had prior to being granted TPS. If the individual did not have status prior to TPS, and did not subsequently acquire status, they must return to their country of origin by the effective date of the TPS designation termination.⁸

IV. TPS DESIGNATIONS FOR GUINEA, LIBERIA, AND SIERRA LEONE

The DHS designated Guinea, Liberia, and Sierra Leone for TPS on November 21, 2014 in light of the wide-spread Ebola epidemic. According to the Congressional Research Service, as of January 2017, there are approximately 1,180 Sierra Leone TPS recipients, approximately 2,160 Liberian TPS recipients, and approximately 930 Guinea TPS recipients due to the Ebola crisis.

In September 2016, the DHS extended the designation for an additional six months, claiming that the rampant spread of the Ebola virus had been controlled. Further, the DHS announced that the TPS designations for these three countries would be terminated effective May 21, 2017.

The announcement and upcoming termination have led to an outpouring of requests that the DHS extend the TPS designation for these countries. Advocacy and support for this extension has not been limited to advocates and stakeholders. For example, members of the United States Congress, including Donald M. Payne Jr., Jose E. Serrano, Yvette D. Clarke, and Keith Ellison, launched a letter writing campaign requesting that Secretary of Homeland Security John Kelly extend TPS protections for nationals of the countries impacted by the Ebola crisis.

Additionally, New York City Council Member Debi Rose called upon Secretary Kelly to re-designate the countries for TPS, highlighting the dearth of adequate healthcare and the grave economic conditions that either resulted from, or were exacerbated by, the 2014 Ebola epidemic in Guinea, Liberia and Sierra Leone.

V. CONCLUSION

New York City is home to the largest Liberian population in the United States, as well as sizeable Guinean and Sierra Leonean populations. In light of the well-documented struggles that the affected countries continue to face after the Ebola epidemic, it is imperative that the DHS re-designate and extend TPS for Guinea, Liberia and Sierra Leone, until nationals of those countries can safely return home.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)

⁷ <https://www.uscis.gov/humanitarian/temporary-protected-status#Eligibility%20Requirements>

⁸ <https://www.uscis.gov/humanitarian/temporary-protected-status#Eligibility%20Requirements>

CARLOS MENCHACA, *Chairperson*; DANIEL DROMM, PETER A. KOO, RAFAEL L. ESPINAL, Jr.; Committee on Immigration, May 10, 2017.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1590

By Council Members Cabrera, Rosenthal, Levin and Wills.

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

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-911 to read as follows:

§ 21-911 Preventive services training. a. Definitions. For the purposes of this section, the term “preventive services” means supportive and rehabilitative services provided, in accordance with title four of the social services law, to children and their families for the purposes of: averting an impairment or disruption of a family which will or could result in the placement of a child in foster care; enabling a child who has been placed in foster care to return to his family at an earlier time than would otherwise be possible; or reducing the likelihood that a child who has been discharged from foster care would return to such care.

b. Prior to providing any preventive services, every individual providing such services on behalf of ACS shall attend, at a minimum, training provided by ACS on identifying and reporting suspected physical abuse and neglect. ACS shall also require all such individuals to attend trainings, the content of which shall be determined by ACS, at least twice per year.

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

Referred to the Committee on General Welfare.

Res. No. 1457

Resolution proclaiming May 6th, the 135th anniversary of President Chester Arthur signing the Chinese Exclusion Act, as a Day of Inclusion in recognition of the harm caused by racially discriminatory immigration measures and to honor the contributions of all immigrants and refugees who have enriched our communities.

By Council Members Chin, Koo, Menchaca, Dromm, Constantinides and Gentile.

Whereas, The United States of America is a nation composed of immigrants and their descendants; and

Whereas, Just as immigration fuels today’s economy, 19th century immigration fueled post-Revolutionary War growth in the United States of America; and

Whereas, Immigrants formed approximately a quarter of the Union Army during the Civil War, worked the factories that drove the American Industrial Revolution, supplied the laborers to lay the transcontinental railroad and helped settle the West; and

Whereas, Irish and Chinese immigrant labor provided the bulk of the workforce in the construction of the transcontinental railroad; and

Whereas, By 1868 over 12,000 Chinese immigrants were employed by the Central Pacific Railroad, comprising nearly 80% of its workforce; and

Whereas, The company was impressed with the work ethic of Chinese workers and their willingness to do dangerous work, including blasting paths for track in the Sierra Nevada mountains; and

Whereas, As the railroad was nearing completion Chinese laborers were instrumental in laying a record ten miles of track in just twelve hours; and

Whereas, Despite these contributions, Chinese workers were paid less than other workers and were often subject to discriminatory state laws, including California’s Chinese Police Tax, which was later declared unconstitutional; and

Whereas, On May 6, 1882, President Chester Arthur signed the Chinese Exclusion Act, which was the nation’s first law to prohibit immigration solely on the basis of ethnicity; and

Whereas, The Chinese Exclusion Act was based on racial hostility against Chinese, who were characterized as “unassimilable” and were blamed for lowering wages, taking away jobs and endangering the American way of life; and

Whereas, The Chinese Exclusion Act, which required extension every ten years, was renewed in 1892, 1902 and extended indefinitely in 1904, preventing Chinese laborers from entering the U.S. and denying Chinese a pathway to citizenship for more than 60 years; and

Whereas, Subsequent legislation such as the 1892 Geary Act, which required all Chinese to register for and carry Certificates of Residence or risk imprisonment and deportation, set a precedent for future discriminatory registries of immigrants and descendants of immigrants; and

Whereas, The first legislative action to repeal the Chinese Exclusion Act was the Magnuson Act in 1943, during World War II, which removed the effects of the Exclusion Act on domestic Chinese residents, but allowed only 105 Chinese immigrants per year; and

Whereas, The Immigration Act of 1965 eliminated national origins immigration policies; and

Whereas, The U.S. Senate in 2011 and the U.S. House of Representatives in 2012 unanimously expressed regret for the passage of Chinese Exclusion Laws and affirmed that the United States was founded on the principle that all persons are created equal; and

Whereas, However on January 27, 2017 newly elected President Donald J. Trump signed an executive order banning immigration from seven Muslim nations, including refugees from Syria, a country embroiled in a devastating civil war; and

Whereas, The executive order and subsequent orders have been blocked in the courts thus far, but President Trump stated in a recent interview, that he is “absolutely” considering proposals to break up the Ninth Circuit Court of Appeals, where his executive orders have met challenge; and

Whereas, A bill, introduced by Senator Jeff Flake, would split off six states, currently in the Ninth Circuit Court of Appeals, into a new Twelfth Circuit Court; and

Whereas, New York City remains a gateway to immigrants—over 37% of New York City’s population are foreign-born, their economic activity accounts for about 32% of our Gross City Product and their diversity drives our creativity; and

Whereas, Should the federal government forget its commitment to the preservation of civil rights and constitutional protections for all people, as recent events and actions suggest, New York City will remain steadfast; now, therefore, be it

Resolved, That the Council of the City of New York remembers May 6th, the 135th anniversary of President Chester Arthur signing the Chinese Exclusion Act, as a Day of Inclusion in recognition of the harm caused by racially discriminatory immigration measures and to honor the contributions of all immigrants and refugees who have enriched our communities.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 1458

Resolution calling upon the New York City Employee Retirement System to determine that members are disabled for purposes of accidental disability pensions, if both the New York State Workers’ Compensation Board and U.S. Social Security Administration determine that a member is disabled

By Council Member Cornegy.

Whereas, When employees of the City of New York are injured on the job, they become eligible for

various Federal, State and City benefits; and

Whereas, City employees who are injured in the course of their duties may be eligible for workers' compensation benefits, Social Security benefits and accidental retirement disability benefits; and

Whereas, The New York State Workers' Compensation System, the U.S. Social Security Administration, and the New York City Employee Retirement System (NYCERS) all have thorough processes for determining whether a City employee injured at work is eligible for benefits; and

Whereas, NYCERS has the sole discretion to determine whether an employee injured in the course of their job is eligible for an accidental retirement disability pension; and

Whereas, As confirmed by case law from 2008, NYCERS has the sole independent authority to determine eligibility for an accidental retirement disability pension based on the system's 1-B Medical Board's analysis and determination; and

Whereas, It is possible for an injured worker to be classified as disabled by, and receive benefits from, the New York State Workers' Compensation Board and the U.S. Social Security Administration, but be simultaneously denied an accidental disability pension by NYCERS; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Employee Retirement System to determine that members are disabled for purposes of disability pensions, if both the New York State Workers Compensation Board and U.S. Social Security Administration determine that a member is disabled.

Referred to the Committee on Civil Service and Labor.

Res. No. 1459

Resolution honoring Sheila Abdus-Salaam, Associate Judge of the New York State Court of Appeals, for her service to the State and City of New York.

By Council Members Cornegy, Constantinides and Barron.

Whereas, On Wednesday, April 12, 2017 New York State Court of Appeals Justice, Sheila Abdus-Salaam, who spent her life in public service, passed away; and

Whereas, The Honorable Sheila Abdus-Salaam was the first African-American woman to serve on New York State's highest court, a position served with distinction and an achievement that crowned a distinguished legal career; and

Whereas, Sheila Abdus-Salaam was born, Sheila Turner, in Washington, D.C. in 1952 to a working-class family and was one of seven children; and

Whereas, A young Ms. Turner was inspired to pursue a career in law after the civil rights lawyer, Frankie Muse Freeman, visited her high school; and

Whereas, Ms. Abdus-Salaam would later recall of Freeman, "She was riveting...she was doing what I wanted to do: use the law to help people;" and

Whereas, Ms. Turner attended public schools in the nation's capital before moving to New York where she attended and graduated from Barnard College in 1974; and

Whereas, Ms. Turner proceeded to Columbia Law School where she earned her J.D. in 1977; and

Whereas, In 1977, Ms. Turner married Sharif Abdus-Salaam, took his surname, which may be translated, "servant of all the peaceable," and kept it though the marriage ended seven years later; and

Whereas, Upon graduation from law school, Ms. Abdus-Salaam immediately began serving the community as a staff attorney for East Brooklyn Legal Services; and

Whereas, One of her first jobs working for Legal Services was representing the poor in landlord-tenant disputes; and

Whereas, In 1980 she took a job as an assistant attorney general in the Civil Rights Bureau of the New York State Attorney General's office; and

Whereas, One of her first cases and early victories as an assistant attorney general was an anti-discrimination suit brought by 30 female New York City bus drivers who had been denied promotions; and

Whereas, In 1988 Ms. Abdus-Salaam became General Counsel for the New York City Office of Labor Services until she was elected Civil Court Judge in 1991; and

Whereas, In 1993 Judge Abdus-Salaam was elected to the Supreme Court for New York County and re-elected in 2007; and

Whereas, Judge Abdus-Salaam was appointed an Associate Justice of the Appellate Division, First Department in 2009 by Governor David Paterson; and

Whereas, In 2013 Justice Abdus-Salaam was appointed to the Court Appeals by Governor Andrew Cuomo who praised her “working class roots” and her “deep understanding of the everyday issues facing New Yorkers”; and

Whereas, Justice Abdus-Salaam, whose great-grandfather had been a slave, stated in an interview, “All the way from Arrington, Virginia, where my family was the property of someone else, to my sitting on the highest court of the State of New York is amazing and huge,” she added, “It tells you and me what it is to know who we are and what we can do;” and

Whereas, It is generally agreed among her colleagues that Justice Abdus-Salaam was protective of the rights of the vulnerable and the accused; and

Whereas, Consistent with those principles, Justice Abdus-Salaam was committed to civil rights and equal access to justice; and

Whereas, In August of 2016, in the *Matter of Brooke S.B. v. Elizabeth A.C.C.*, a custody case involving a same-sex unmarried couple that jointly agreed to have a child, Appellate Court Justice Sheila Abdus-Salaam wrote an important decision that expanded the definition of who is a parent; and

Whereas, Justice Abdus-Salaam wrote, “...today, we overrule Alison D. and hold that where a partner shows by clear and convincing evidence that the parties agreed to conceive a child and to raise the child together, the non-biological, non-adoptive partner has standing to seek visitation and custody under Domestic Relations Law § 70.,” and

Whereas, Justice Abdus-Salaam also served on the Task Force to Expand Access to Civil Legal Services in New York, which seeks to address the crisis of the unrepresented in the State court system; and

Whereas, In 2010, the Task Force’s first report noted that over 98% of tenants were unrepresented in eviction cases and 99% of borrowers were then unrepresented in consumer credit cases; and

Whereas, A subcommittee of the Task Force, led by Justice Abdus-Salaam, recommended that the Task Force be converted to a permanent entity through enactment of a Rule of the Chief Judge; and

Whereas, The creation of the Permanent Commission on Access to Justice was announced on July 22, 2015 by Chief Judge Jonathan Lippman;

Whereas, Sheila Abdus-Salaam came to New York City in 1974 to attend college and never left; and

Whereas, In 1980, Ms. Abdus-Salaam invested in Harlem community she loved, purchasing a brownstone where she lived until her recent and untimely death on April 12, 2017; and

Whereas, On the afternoon of that day, Justice Abdus-Salaam’s lifeless body was found floating in the Hudson River—she was pronounced dead at 2pm by paramedics; and

Whereas, Police found no signs of trauma and the circumstances of her death remain unknown; and

Whereas, Justice Abdus-Salaam is survived by her husband, Rev. Gregory Jacobs; and

Whereas, Justice Abdus-Salaam spent her life in the service of the State of New York, our City and her fellow human beings; now, therefore, be it

Resolved, That the Council of the City of New York honors Sheila Abdus-Salaam, Associate Judge of the New York State Court of Appeals, for her service to the State and City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 1460

Resolution honoring the life of comedian Charlie Murphy.

By Council Members Cornegy and King.

Whereas, Charlie Murphy was born on July 12, 1959 in Brooklyn, New York and raised on Long Island; and

Whereas, According to his 2009 book, *The Making Of A Stand-Up Guy*, as an adolescent, Murphy was charged as a youthful offender on his first offense and after violating his parole, spent ten months in county jail; and

Whereas, Upon being released from jail in 1978, Murphy enlisted in the United States Navy and served as a boiler technician for six years; and

Whereas, Following his service, Murphy worked as a hip hop manager and the head of security for his younger brother, the celebrated comedian, Eddie Murphy; and

Whereas, In 1989, Murphy made his feature film debut alongside his brother in “Harlem Nights,” and went on to appear in other films, including “CB2,” “Jungle Fever,” “Night at the Museum” and “Lottery Ticket;” and

Whereas, Murphy also received screenwriting credits on several films, including “Vampire in Brooklyn” and “Norbit,” which starred his brother; and

Whereas, In 2001, Murphy made his stand-up debut at the age of 42; and

Whereas, Murphy rose to fame as a co-star and writer on Dave Chapelle’s “Chappelle’s Show” from 2003-4, with his ‘True Hollywood Story sketches,’ in which he recounted peculiar celebrity encounters he and brother, Eddie, had with Rick James, Prince and others; and

Whereas, On April 12, 2017, following a battle with leukemia, Murphy passed away at the age of 57 in New York City; and

Whereas, Murphy is remembered by fellow comedians as a great storyteller and one of the funniest comedians; now, therefore, be it

Resolved, That the Council of the City of New York honors the life of comedian Charlie Murphy.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1591

By Council Members Crowley, Barron, Johnson, Cohen, Cabrera, Koo, Miller, Cornegy and Mealy.

A Local Law to amend the New York city charter, in relation to having an inspector general within the department of investigation who would monitor only the department of homeless services and the human resources administration

Be it enacted by the Council as follows:

Section 1. Section 807 of the New York city charter, as added by a vote of the electors on November 4, 1975, is amended to read as follows:

§ 807. Inspectors general of agencies. *a.* No person shall be appointed as an inspector general of a city agency unless such appointment is approved by the commissioner of investigation. The commissioner of investigation shall promulgate standards of conduct and shall monitor and evaluate the activities of inspectors general in the agencies to assure uniformity of activity by them.

b. *The commissioner of the department of investigation shall appoint one inspector general whose duty it is to monitor solely the department of homeless services and the department of social services/human resources administration.*

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

Referred to the Committee on Oversight and Investigations.

Int. No. 1592

By Council Members Dromm and Constantinides.

A Local Law to amend the administrative code of the city of New York, in relation to requests for trees

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-106.1 to read as follows:

§ 18-106.1 Report on requests for trees. a. By no later than December 1 of each year, the commissioner shall submit to the mayor and the council, and publicly post on its website, a report on requests to have trees planted on streets which were received by the department during the previous fiscal year. Such report shall include, but not be limited to:

- 1. The number of such requests, disaggregated by whether the site requested was an existing empty tree bed or a paved sidewalk;*
- 2. The number of trees planted during the previous fiscal year in response to such requests;*
- 3. The number of such requests, which were not approved, disaggregated by the reason for such non-approval;*
- 4. An analysis of whether any requests which were not approved, could be approved for a different type of tree; and*
- 5. The number of existing empty tree beds.*

b. Such report shall also include recommendations for increasing the number of trees planted in response to requests for street trees.

§ 2. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

**CHAPTER 9
DASHBOARDS**

§ 23-901 Definitions. As used in this chapter, the following terms have the following meanings:

Dashboard. The term “dashboard” means a data visualization tool publicly available on the internet that includes a customizable interface and uses current data from one or more sources.

Department. The term “department” means the department of information technology and telecommunications or any successor agency.

§ 23-902 Requests for trees. Within one year of the effective date of the local law that added this section, the department of parks and recreation shall, in conjunction with the department, create a dashboard consisting, at a minimum, of data on requests to have trees planted on streets which were received by the department of parks and recreation. Such data shall include, but not be limited to:

- (i) the number of such requests;*
- (ii) the number of such requests which have been added to the list of trees to be planted; and*
- (iii) the number of trees planted in response to such requests*
- (iv) the number of such requests which were denied disaggregated by the reason for such denial.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 1593

By Council Members Espinal, Johnson, Rose, Maisel, Constantinides, Van Bramer, Koslowitz and Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation to the protection of spectators in baseball stadiums

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

*Subchapter 13
Protection of Spectators in Baseball Stadiums*

§20-699.7.1 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

Baseball stadium. A stadium with a capacity of at least 5,000 spectators, in which baseball games are played and seating or standing room is assigned by issuance of tickets purchased by spectators.

Protective netting. An open-meshed material made by knotting together wire, rope, thread, or any other material as approved by the commissioner, used to protect spectators at baseball games from errant baseballs.

§20-699.7.2 Required netting. All baseball stadiums in the city of New York shall extend protective netting from the area behind home plate to the foul poles at the end of both foul lines, during baseball games played in such stadiums.

§20-699.7.3 Posting of signs. Signs warning spectators about the danger of baseballs landing in the seating area shall be posted conspicuously in all baseball stadiums, in sizes, styles and locations to be determined by the commissioner.

§20-699.7.4 Rules and regulations. The department is authorized to promulgate such rules and regulations as it deems necessary to implement and enforce the provisions of this subchapter.

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

Referred to the Committee on Consumer Affairs.

Res. No. 1461

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.6134, legislation that would require the New York Public Service Commission to develop recommendations regarding the establishment of microgrids

By Council Members Espinal and Constantinides.

Whereas, Superstorm Sandy hit New York on October 29, 2012 and its impacts were unprecedented in the City's history; and

Whereas, Superstorm Sandy resulted in the deaths of 44 New Yorkers, caused \$19 billion in damages and lost economic activity and impacted the City's infrastructure including its electricity generation and distribution system, which caused power outages to critical facilities including hospitals and nursing homes; and

Whereas, Superstorm Sandy caused power outages across the City when electricity substations were flooded and overhead infrastructure, such as power lines and utility poles, were damaged or knocked down by strong winds and downed trees and tree branches; and

Whereas, According to the Special Initiative for Rebuilding and Resiliency, at least 140 miles of overhead power lines, 900 transformers and 1,100 poles were damaged during Superstorm Sandy, and as a result, two-thirds of the City's customers who were served by overhead infrastructure lost power at some point; and

Whereas, By the time Superstorm Sandy had passed, more than 800,000 electricity customers – representing over 2,000,000 New Yorkers – were without power for periods that ranged from four days to two weeks; and

Whereas, The New York City Panel on Climate Change projects that by the year 2050, in the City, extreme weather events are likely to worsen; heat waves are likely to increase in frequency, intensity, and

duration; heavy downpours are likely to increase in frequency, intensity and duration; and coastal flooding is likely to increase in frequency, extent, and height; and

Whereas, A microgrid is a relatively small power network, consisting of electricity generation sources, electricity users and control equipment within a geographically defined area; and

Whereas, Microgrids are usually connected to a centralized electrical grid, but are able to disconnect from, and function independently of the centralized electrical grid; and

Whereas, Communities that have microgrids installed can reduce their vulnerability to power outages due to extreme weather events, as microgrids enable communities to use local sources of power, decreasing their reliance on distantly-located power generation sources and long-distance electricity transmission via overhead and underground power lines; and

Whereas, Microgrids enable communities to “island,” meaning they can function and utilize locally generated electricity regardless of whether the larger, centralized electric grid is fully functional; and

Whereas, State Assemblyman Marcos Crespo introduced a bill in the State Legislature, A.6134, which would require the New York Public Service Commission to develop recommendations regarding the establishment of microgrids in the State, including (a) whether microgrids should be established at hospitals, first responder headquarters, such as police and fire stations, emergency shelters, schools, water filtration plants, sewage treatment plants and other locations in the State; (b) the geographic areas in the State where the establishment of microgrids should be a priority, based upon severe storm damage during the two years prior to the effective date of this act; and (c) funding mechanisms that should be considered in order to pay for the establishment of microgrids; 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.6134, legislation that would require the New York Public Service Commission to develop recommendations regarding the establishment of microgrids.

Referred to the Committee on Environmental Protection.

Int. No. 1594

By Council Members Kallos, Constantinides and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to providing open application program interfaces for all government services

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 23 of the administrative code of the city of New York is amended to add a new section 23-202, to read as follows:

§ 23-202 Open application program interfaces. a. Any information, including both text in a narrative form and data as defined in section 23-501, posted online or otherwise made available electronically to the public by an agency shall also be made available through a web application program interface that permits programs to request and receive such information directly from a city web portal.

b. Any non-emergency city services for which intake information is accepted from the public by phone, paper form, web application or mobile application, including but not limited to 311, shall also permit such intake to be made through a web application program interface that permits programs to transmit such information directly to a city web portal.

c. Any public data sets posted to the single web portal pursuant to chapter five of this title shall be exempted from the requirements of this section.

d. The department of information technology and telecommunications shall post in a single portal on the city website information on how to utilize each of the web application program interfaces required pursuant to subdivisions a and b of this section, including both plain language descriptions and technical details. Such portal shall also include a listing of the application program interfaces available pursuant to subdivisions a

and b, the endpoint for each such application program interface, and, for those required pursuant to subdivision a, a description of the information contained therein.

§ 2. This local law takes effect one year after enactment.

Referred to the Committee on Technology.

Int. No. 1595

By Council Member Lander.

A Local Law to amend the administrative code of the city of New York, in relation to a campaign finance small contribution matching option

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:

2. (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, *except as otherwise provided in subdivision eleven of this section.*

§ 2. Section 3-705 of the administrative code of the city of New York is amended to add a new subdivision 11, to read as follows:

11. Notwithstanding any other provision of this chapter to the contrary, a participating candidate may choose, by filing a written certification with the board, to receive public funds based on a small contribution matching system. If such a small contribution matching system is chosen by a participating candidate then the requirements of this chapter shall apply except for paragraph (f) of subdivision 1 of section 3-703, paragraph (a) of subdivision 2 of this section, and subdivision 3 of section 3-706, which shall instead be substituted as described in this subdivision. The amount of any contribution or contributions received prior to the filing of such certification that are in excess of the limitations of paragraph (a) of this subdivision must be refunded prior to filing and if, after such refunds, such candidate still meets the threshold for eligibility for public financing then such candidate shall be eligible for the small contribution matching system. After filing such certification:

(a) the participating candidate must not accept and his or her principal committee must not accept, either directly or by transfer, any contribution or contributions from any one individual, partnership, political committee, labor organization or other entity for all covered elections held in the same calendar year in which he or she is a participating candidate which in the aggregate: (i) for the office of mayor, public advocate or comptroller shall exceed \$400, or (ii) for borough president shall exceed \$320, or (iii) for member of the city council shall exceed \$250; provided that for the purposes of this paragraph, contributions made by different labor organizations shall not be aggregated or treated as contributions from a single contributor for purposes of the contribution limit that is set forth in this paragraph if those labor organizations make contributions from different accounts, maintain separate accounts with different signatories, do not share a majority of members of their governing boards, and do not share a majority of the officers of their governing boards; and provided further that if state law prescribes a contribution limitation of a lesser amount, this paragraph shall not be deemed to authorize acceptance of a contribution in excess of such lesser amount.

(b) if the threshold for eligibility is met, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of ten dollars for each one dollar of matchable contributions, up to \$1,750 in public funds per contributor, obtained and reported to the campaign finance board in accordance with the provisions of this chapter. In no case shall the principal committee of a participating candidate receive public funds in excess of the limit established pursuant to paragraph (b) of subdivision 2 of this

section.

(c) *If any candidate in any covered election chooses not to file a certification as a participating or limited participating candidate pursuant to this chapter, and where the campaign finance board has determined that such candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate:*

(1) exceeds half the applicable expenditure limit for such office fixed by subdivision 1 of section 3-706, then such expenditure limit applicable to participating candidates in the small contribution matching system in such election for such office shall be increased to one hundred fifty percent of such limit, provided that in no case shall the principal committee of a participating candidate receive public funds in excess of the limit established pursuant to paragraph (b) of subdivision 2 of this section.

(2) exceeds three times the applicable expenditure limit for such office fixed by subdivision one of section 3-706, then such expenditure limit shall no longer apply to participating candidates in the small contribution matching system in such election for such office, provided that in no case shall the principal committee of a participating candidate receive public funds in excess of the limit established pursuant to paragraph (b) of subdivision 2 of this section.

(d) No funds shall be provided pursuant to this subdivision with respect to any covered election specified in subdivision five of this section.

§ 3. Subdivision 7 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

7. Not later than the first day of March in the year two thousand eighteen and every fourth year thereafter the campaign finance board shall (i) determine the percentage difference between the average over a calendar year of the consumer price index for the metropolitan New York-New Jersey region published by the United States bureau of labor statistics for the twelve months preceding the beginning of such calendar year and the average over the calendar year two thousand fifteen of such consumer price index; (ii) adjust each maximum contribution applicable pursuant to paragraph (f) of subdivision one of this section *and subdivision 11 of section 3-705* by the amount of such percentage difference to the nearest fifty dollars; and (iii) publish such adjusted maximum contribution in the City Record. Such adjusted maximum contribution shall be in effect for any election held before the next such adjustment.

§ 4. This local law takes effect on April 1, 2018.

Referred to the Committee on Governmental Operations

Int. No. 1596

By Council Members Lander, Reynoso, Chin, Levin, Rosenthal, Miller, Dromm, Menchaca, Johnson, Vacca and Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to certain expanded polystyrene items

Be it enacted by the Council as follows:

Section 1. Section 16-329 of the administrative code of the city of New York, as added by local law number 142 for the year 2013, is amended to read as follows:

§ 16-329 Restrictions on the sale or use of certain expanded polystyrene items. a. Definitions. When used in this section:

[“Chain] *Chain food service establishment.* The term “chain food service establishment” means five or more food service establishments located within the city that [(1)] (i) conduct business under the same business name or [(2)] (ii) operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

["Chain] *Chain store*. The term "chain store" means five or more stores located within the city that [(1)] (i) conduct business under the same business name or [(2)] (ii) operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

["Economically feasible" means cost effective based on consideration of factors including, but not limited to, direct and avoided costs such as whether the material is capable of being collected by the department in the same truck as source separated metal, glass and plastic recyclable material, and shall include consideration of markets for recycled material.]

["Environmentally effective" means not having negative environmental consequences including, but not limited to, having the capability to be recycled into new and marketable products without a significant amount of material accepted for recycling being delivered to landfills or incinerators.]

["Expanded] *Expanded polystyrene*. The term "expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Such term shall not include rigid polystyrene.

["Food] *Food service establishment*. The term "food service establishment" means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle. Food service establishment shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.

["Manufacturer"] *Manufacturer*. The term "manufacturer" means every person, firm or corporation that:

1. [produces] *Produces* expanded polystyrene or polystyrene loose fill packaging that is sold or distributed in the city; or
2. [imports] *Imports* expanded polystyrene or polystyrene loose fill packaging that is sold or distributed in the city.

["Mobile] *Mobile food commissary*. The term "mobile food commissary" means any facility that:

1. [disposes] *Disposes* of solid waste generated by the operation of a food service establishment that is located in or is a pushcart, stand or vehicle; or
2. [supplies] *Supplies* potable water and food, whether pre-packaged or prepared at the mobile food commissary, and supplies non-food items.

["Polystyrene] *Polystyrene loose fill packaging*. The term "polystyrene loose fill packaging," commonly known as packing peanuts, means a void-filling packaging product made of expanded polystyrene that is used as a packaging fill.

["Safe for employees" means that, among other factors, the collection and sorting of any source separated material does not pose a greater risk to the health and safety of persons involved in such collection and sorting than the risk associated with the collection and sorting of any other source separated recyclable material in the metal, glass and plastic recycling stream.]

["Single] *Single service articles*. The term "single service articles" means cups, containers, lids, closures, trays, plates, knives, spoons, stoppers, paddles, straws, place mats, napkins, doilies, wrapping materials, toothpicks and all similar articles that are intended by the manufacturer to be used once for eating or drinking or that are generally recognized by the public as items to be discarded after one use.

["Store"] *Store*. The term "store" means a retail or wholesale establishment other than a food service establishment.

[b. No later than January first, two thousand fifteen, the commissioner shall determine, after consulting with the department's designated recycling contractor for metal, glass and plastic materials, manufacturers and recyclers of expanded polystyrene, and, in the commissioner's discretion, any other person or group having expertise on expanded polystyrene, whether expanded polystyrene single service articles can be recycled at the designated recycling processing facility at the South Brooklyn Marine Terminal in a manner that is environmentally effective, economically feasible, and safe for employees. At such time, the commissioner shall report to the mayor and the council on such determination. If the commissioner determines that expanded polystyrene single service articles can be recycled in such manner, the commissioner shall adopt and implement rules designating expanded polystyrene single service articles and, as appropriate, other expanded

polystyrene products, as a recyclable material and require the source separation of such expanded polystyrene for department-managed recycling.]

[c. If expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, then, on and after July first, two thousand fifteen, no] *b. No* food service establishment, mobile food commissary, or store shall possess, sell, or offer for use single service articles that consist of expanded polystyrene including, but not limited to, providing food in single service articles that consist of expanded polystyrene. This subdivision shall not apply to [(1)] *(i)* expanded polystyrene containers used for prepackaged food that have been filled and sealed prior to receipt by the food service establishment, mobile food commissary, or store or [(2)] *(ii)* expanded polystyrene containers used to store raw meat, pork, fish, seafood or poultry sold from a butcher case or similar retail appliance.

[d. If expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, then, on and after July first, two thousand fifteen, no] *c. No* manufacturer or store shall sell or offer for sale polystyrene loose fill packaging in the city.

[e.] *d.* Any not-for-profit corporation, regardless of its income, and any food service establishment, mobile food commissary, or store that had a gross income under [five hundred thousand dollars] \$500,000 per location on their annual income tax filing for the most recent tax year and is not part of a chain food service establishment or a chain store may request from the commissioner of small business services, in a manner and form established by such commissioner, a financial hardship waiver of the requirements of this section. Such waiver request may apply to one or more single service articles possessed, sold, or offered for use by any such not-for-profit corporation, food service establishment, mobile food commissary, or store. The commissioner of small business services shall, after consultation with the commissioner, grant such waiver if such not-for-profit corporation, food service establishment, mobile food commissary, or store proves: [(1)] *(i)* that there is no comparable alternative product not composed of expanded polystyrene that would cost the same as or less than the single service article composed of expanded polystyrene, and [(2)] *(ii)* that the purchase or use of an alternative product not composed of expanded polystyrene would create an undue financial hardship. Such financial hardship waiver shall be valid for [twelve] 12 months and shall be renewable upon application to the commissioner of small business services. A pending application for such financial hardship waiver shall be a defense to any notice of violation issued pursuant to this section to which such pending application relates and such notice of violation shall be dismissed.

[f. On and after January first, two thousand fifteen, the department shall provide outreach and education as follows:

(1) if expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, the] *e. The* department, in consultation with the department of health and mental hygiene and the department of consumer affairs, shall conduct outreach and education to food service establishments, mobile food commissaries, and stores to inform them of the provisions of this section and provide assistance with identifying replacement material, and such outreach and education shall be offered in multiple languages[; and

(2) if expanded polystyrene single service articles are designated as a recyclable material pursuant to subdivision b of this section, the department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, for the purpose of improving compliance with such new recycling designation].

[g.] *f.* The department, the department of health and mental hygiene and the department of consumer affairs shall have the authority to enforce the provisions of this section.

§ 2. Subdivision f of section 16-324 of the administrative code of the city of New York, as added by local law number 142 for the year 2013, is amended to read as follows:

f. Any person who violates section 16-329 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer affairs, or in a proceeding before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of [two hundred fifty dollars] \$250 for the first violation, [five hundred dollars] \$500 for the second violation committed on a different day within a period of [twelve] 12 months, and [one thousand dollars] \$1,000 for the third and each subsequent violation committed on different days within a period of [twelve] 12 months, except that the department, the

department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs before [January first, two thousand sixteen] *June 1, 2018*.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of sanitation, commissioner of health and mental hygiene, commissioner of consumer affairs and commissioner of small business services shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1597

By Council Members Levin, Dromm, Barron, Rose, Johnson, Deutsch, Kallos, Rosenthal, Koslowitz, Vacca, Salamanca, Williams, Richards, Cabrera, Gentile, Garodnick, Mendez, Constantinides, Reynoso and Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of homeless services recognize time spent in foster care as homelessness for the purpose of meeting rental voucher eligibility requirements

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-139 to read as follows:

§ 21-139 *Rental assistance for foster care youth. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Foster care youth. The term “foster care youth” means a young person who was placed in an out-of-home placement with the administration for children’s services after the filing of a petition in family court pursuant to article 3, 7, 10, 10-a, 10-b or 10-c of the family court act or section 358-a or 384-b of the social services law.

Rental assistance program. The term “rental assistance program” means any city rental assistance program that is designed to help homeless individuals by subsidizing rent in which the human resources administration or the department of homeless services determines eligibility including, but not limited, to the LINC Rental Assistance Programs for Families with Children as defined in section 7.01 of title 68 of the New York codes, rules and regulations, the LINC Rental Assistance Programs for Single Adults and Adult Families as defined in section 7.10 of title 68 of the New York codes, rules and regulations, the Living in Communities Family and Friend Rental Assistance Program as defined in section 7.18 of title 68 of the New York codes, rules and regulations, the CITYFEPS Programs as defined in section 8.01 8 of title 68 of the New York codes, rules and regulations and the Special Exit and Prevention Supplement Program as defined in section 8.1 of title 68 the New York codes, rules and regulations.

b. Rental assistance program eligibility. For any foster care youth or former foster care youth who is 24 years old or younger, including a foster care youth or former foster care youth adopted or under guardianship at or after the age of 16, the department shall consider the time such youth spent in foster care as homelessness when determining such youth’s eligibility for rental assistance programs when such eligibility is dependent on having spent time residing in the city shelter system.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of homeless services may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on General Welfare.

Int. No. 1598

By Council Members Levin, Rosenthal and Wills.

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

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-911 to read as follows:

§ 21-911 *Preventive services surveys.* a. *Definitions.* For the purposes of this section, the term “preventive services” means supportive and rehabilitative services provided, in accordance with title four of the social services law, to children and their families for the purposes of: averting an impairment or disruption of a family which will or could result in the placement of a child in foster care; enabling a child who has been placed in foster care to return to his family at an earlier time than would otherwise be possible; or reducing the likelihood that a child who has been discharged from foster care would return to such care.

b. Commencing one year after the effective date of the local law that added this section, ACS shall provide to all families receiving preventive services an annual survey regarding the family’s experiences with each preventive services provider that provided the family services during the preceding calendar year. Such surveys may be administered online or through a mobile application. ACS shall not attribute survey responses to families without their consent. In addition to questions, such surveys shall provide space for such families to provide ACS with any additional information they wish to share.

c. Such survey shall include but not be limited to questions regarding the following: interactions with caseworkers, the type and quality of services, and suggestions for how services may be improved.

d. No later than six months following the first administration of the survey required pursuant to this section, and annually thereafter, ACS shall submit to the speaker of the council and post on its website aggregated data from such surveys and any steps ACS had taken in response to the information provided in such surveys.

e. Not later than 120 days after the effective date of the local law that added this section, ACS shall submit to the speaker of the council a report on its plan for the implementation of the survey required pursuant to this section.

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

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1599

By Council Member Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring annual reporting on individuals referred to supportive housing

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the City of New York is amended by adding a new section 21-139 to read as follows:

§ 21-139 *Annual reporting on supportive housing. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Supportive housing. The term “supportive housing” includes both single-site and scattered-site housing and means permanent affordable housing accompanied by supportive services.

Single-site. The term “single-site” means a designated building where each individual or family has a private living quarters and may share kitchens and/or common recreational rooms or other facilities.

Scattered-site. The term “scattered-site” means units in apartment buildings spread throughout a neighborhood or community that are designated for specific populations.

Interview. The term “interview” means a meeting between an individual applying for supportive housing and the housing provider for the purpose of placement.

b. Not later than March 1 of each calendar year, the commissioner of social services shall post on the department’s website and provide the following information to the council:

1. The number of individuals referred to single-site or scattered-site supportive housing;

2. The number of individuals accepted to single-site or scattered-site supportive housing;

3. The number of individuals rejected for single-site or scattered-site supportive housing;

4. The number of referred individuals still awaiting placement to single-site or scattered site supportive housing.

5. Such report shall include, but need not be limited to, the following disaggregated categories: (i) source of referral; (ii) amount of time individual has been homeless; (iii) individual’s current shelter placement; (iv) number of interviews the individual has attended; (v) amount of time the individual has awaited placement; and (vi) reason individual was rejected for placement.

c. Reports required pursuant to this section shall only contain information in the aggregate and shall not contain any personally identifiable information.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1600

By Council Members Levin, Lander and Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to preventing certain types of dust from construction from becoming airborne

Be it enacted by the Council as follows:

Section 1. Subsection c of section 24-146 of the administrative code of the city of New York is amended to read as follows:

(c) No person shall cause or permit a building or its appurtenances or a road to be constructed, altered or repaired without taking such precautions as may be ordered by the commissioner or as established by the rules of the department to prevent dust, *including dust from any material, regardless of composition, designed and customarily used in construction, including, but not limited to, any rails, pillars, columns, beams, bricks, flooring, wall, ceiling, roofing material, insulation material, gravel, sand, cement or asphalt*, from becoming air-borne.

§ 2. Subsection b of section 24-190 of the administrative code of the city of New York is amended to read as follows:

(b) Any person, other than a corporation, who violates any order of the commissioner or the board or any provision of section 24-120, 24-122 or 24-146 of this code or who illegally breaks a seal on equipment, upon conviction shall be punished for each offense by a fine of not less than [fifty dollars] \$50 nor more than [five hundred dollars] \$500 or by imprisonment for not more than [thirty] 30 days or by both.

Any corporation which violates any order of the commissioner or the board or any provision of section 24-120[,] or 24-122 [or 24-146] of this code, or which illegally causes a seal to be broken, upon conviction shall be punished for each offense by a fine of not less than [one hundred dollars] \$100 nor more than [two thousand dollars] \$2,000.

Any corporation which violates any provision of section 24-146 of this code shall be punished for each offense by a fine of not less than \$500 nor more than \$2,000 or by imprisonment for not more than 30 days or by both.

Every day during which such violation occurs constitutes a separate offense.

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

Referred to the Committee on Environmental Protection.

Int. No. 1601

By Council Members Levin, the Speaker (Council Member Mark-Viverito) and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to childstat meetings

*Be it enacted by the Council as follows:*Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-911 to read as follows:

§ 21-911 Childstat. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Borough commissioner. The term “borough commissioner” means the individual who exercises oversight of ACS practices in each borough.

Deputy director of operations. The term “deputy director of operations” means the individual who reports directly to the director of operations, or the individual who exercises oversight over the work of a zone if no director of operations exists for such zone.

Director of operations. The term “director of operations” means the individual who exercises oversight over the work of a zone.

b. The commissioner shall coordinate meetings to improve overall agency functioning with respect to child welfare practices. Such meetings shall be held at least once a week, and shall consist of a comprehensive review of the practices of one zone. Each zone shall be the subject of a separate meeting. At a minimum, the commissioner, at least one deputy commissioner, the borough commissioner for the borough where the zone under review is located, the director or deputy director of operations for the zone under review, and any other staff as determined by the commissioner shall attend such meetings. At each such meeting, at a minimum, the following information shall be reviewed:

1. Aggregate data analysis of indicators established by the commissioner, including but not limited to indicators addressing workload management, timeliness, and case practices. Such aggregate data shall be compiled to examine trends. The trends for the zone under review shall be compared with the trends of ACS as a whole.

2. An in-depth analysis of at least one randomly selected open case from the zone under review. Such analysis shall include, but not be limited to, an examination of the case history, the current status of the case, and any decision making related to the case.

c. The commissioner shall submit to the speaker and post on its website semiannual reports regarding the meetings required pursuant to this section. Each six-month period shall be deemed to end on June 30 and December 31 of each calendar year. Each report shall be submitted within 60 days after end of such period. The first such report shall be due 60 days after June 30, 2017. Such reports shall include the number of times each zone was under review during the period, examples of data trends that were examined, and any agency practices that were created, reformed or ended as a result of the meetings required pursuant to this section. The reports required pursuant to this section shall remain permanently accessible on ACS’ website.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Res. No. 1462

Resolution in support of the Home Stability Support plan, which would create a new statewide rent supplement for families and individuals who are eligible for public assistance benefits and who are facing eviction, homelessness, or the loss of housing due to situations such as domestic violence or hazardous living conditions.

By Council Members Levin, Crowley, Vallone, Grodenchik, Richards, Salamanca, Rosenthal, Johnson, Chin, Palma, Barron, Wills and Menchaca.

Whereas, New York City (N.Y.C. or the City) is in the midst of an affordable housing crisis due to the fact that over the past 20 years wages for the City's renters have failed to increase at a fast enough rate to keep pace with rent increases; and

Whereas, According to the Coalition for the Homeless, between 2010 and 2014 the median household income in the City rose by 2 percent, while median rents rose by 14 percent; and

Whereas, In the lowest-income neighborhoods, the median income decreased by 7 percent, while rents rose by 26 percent; and

Whereas, One-third of N.Y.C. residents are housing insecure, meaning they are spending more than 50 percent of their income on rent and were they to miss a paycheck they would be unable to pay their rent; and

Whereas, In recent years homelessness in the City reached the highest levels since the great depression of the 1930s; and

Whereas, According to the N.Y.C. Department of Homeless Services (DHS) Daily Report as of December 2016, more than 60,000 individuals live homeless shelters including 23,738 children; and

Whereas, Legislative action has been taken at the Federal, State and local level to create and fund cash assistance and rent supplement programs to help people make ends meet and remain in their homes, but these programs are not providing enough assistance to keep pace with the increasingly high cost of living in the City; and

Whereas, Cash assistance programs, administered locally through the Human Resources Administration (HRA), are designed to enable households, with limited incomes, meet the basic needs of living, shelter, food, utility, and other daily living expenses; and

Whereas, Eligibility for a cash assistance grant is based on household size, income, and other factors; and

Whereas, Cash assistance is divided into three specific need areas: basic allowance, home energy allowance and shelter allowance; and

Whereas, The shelter allowance schedule is a series of state regulatory limits on rent assistance based on district, family size, and whether heat is included in the rent; and

Whereas, According to the Community Service Society, the current shelter allowance for a 3 person household with children is \$400 per month, while the 2016 U.S. Department of Housing and Urban Development (HUD) fair market rent for a two bedroom unit is \$1,571 per month; and

Whereas, According to the Coalition for the Homeless, two-thirds of households on public assistance who live in private housing statewide are grappling with rents that exceed their shelter allowances; and

Whereas, According to data compiled by the Coalition for the Homeless, the Legal Aid Society, and the Empire Justice Center, in the City there are 54,013 households receiving shelter allowances that do not cover the cost of their rent; and

Whereas, In New York City, 41,628 households that receive shelter allowances have a rent that is one and a half times the shelter allowance and are on the brink of becoming homeless; and

Whereas, Rental supplements were created by New York State in 2003, authorizing localities to administer rent supplements to supplement cash assistance; and

Whereas, Rent supplements, including Living In Communities (LINC), the City Family Eviction Prevention Supplement (CITYFEPS), and the Special Exit and Prevention Supplement (SEPS), provide additional monetary grants to individuals and families struggling to pay their rent; and

Whereas, Increasing rent supplements would cost far less than it currently costs to house a family in a New York City shelter; and

Whereas, New York State Assembly Member Andrew Hevesi proposed the Home Stability Support (HSS) plan to ensure people are not forced into shelter and are instead able to remain in their rental unit; and

Whereas, HSS would be funded entirely by State dollars and would provide relief by replacing all existing rent supplements; and

Whereas, The goal of HSS is to bridge the difference between the shelter allowance and 85 percent of the local Fair Market Rent (FMR), determined by HUD; and

Whereas, HSS would allow localities to raise the supplement up to 100 percent of the FMR should they choose to subsidize the remainder; and

Whereas, Furthermore, as proposed, HSS would also include a differential for housing that does not include heat in the monthly rent; and

Whereas, As proposed, HSS would also encourage employment by including a one-year transitional benefit for households that increase their earnings enough to leave public assistance; now, therefore be it

Resolved, That the Council of the City of New York supports the Home Stability Support plan, which would create a new statewide rent supplement for families and individuals who are eligible for public assistance benefits and who are facing eviction, homelessness, or the loss of housing due to situations such as domestic violence or hazardous living conditions.

Referred to the Committee on General Welfare.

Int. No. 1602

By Council Members Levine and Constantinides.

A Local Law to amend the administrative code of the city of New York, in relation to authorizing free muni-meter parking for electric vehicles on Saturdays and providing for the subsequent repeal of such authorization

Be it enacted by the Council as follows:

Section 1. Section 19-101 of the administrative code of the city of New York, as amended by local law number 71 for the year 2011, is amended to read as follows:

§ 19-101 Definitions. Whenever used in this title:

[a. "Commissioner" shall mean the commissioner of transportation.

b. "Department" shall mean the department of transportation.

c. "Street" has the meaning ascribed thereto in subdivision thirteen of section 1-112 of this code.

d. "Sidewalk" shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians.

e. "Asphalt" shall mean a dark brown to black bitumen pitch that melts readily and which appears in nature in asphalt beds or is produced as a by-product of the petroleum industry.

f. "Asphaltic concrete" or "asphalt paving" shall mean a mixture of liquid asphalt and graded aggregate used as paving material.

g. "I-4 mix" shall mean a type of heavy duty asphaltic concrete mix containing 0.75 inch (19mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

h. "Reclaimed asphalt pavement" shall mean asphalt pavement that has been processed for reuse in asphaltic concrete.]

Asphalt. The term "asphalt" means a dark brown to black bitumen pitch that melts readily and which appears in nature in asphalt beds or is produced as a by-product of the petroleum industry.

Asphaltic concrete or asphalt paving. The term "asphaltic concrete" or "asphalt paving" means a mixture of liquid asphalt and graded aggregate used as paving material.

Commissioner. The term "commissioner" means the commissioner of transportation.

Department. The term "department" means the department of transportation.

I-4 mix. The term "I-4 mix" means a type of heavy duty asphaltic concrete mix containing 0.75 inch (19mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

Muni-meter. The term "muni-meter" means an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle's dashboard.

Reclaimed asphalt pavement. The term "reclaimed asphalt pavement" means asphalt pavement that has been processed for reuse in asphaltic concrete.

Sidewalk. The term "sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians.

Street. The term "street" has the meaning ascribed thereto in subdivision thirteen of section 1-112 of this code.

§ 2. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

§ 19-163.3 *Electric vehicle muni-meter parking.* a. For purposes of this section, the term "electric vehicle" means a vehicle powered solely by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and does not include vehicles that are capable of being powered by fuels other than electricity.

b. Notwithstanding any other provision of law, no person parking an electric vehicle at a muni-meter is required to activate such muni-meter on a Saturday.

c. The commissioner may adopt rules and regulations related to the identification of vehicles that are eligible under subdivision b of this section.

§ 3. This local law takes effect 120 days after it becomes law, and remains in effect until June 30 of the third year after such effective date, when it is deemed repealed. The commissioner of transportation shall take all measures necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Transportation.

Int. No. 1603

By Council Member Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to the circumstances under which a permit may not be withdrawn

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 28-105.13 to read as follows:

§ 28-105.13 Permit withdrawal. Upon department receipt of a request, from a contractor, to withdraw a permit, the department shall notify the owner of the property that is subject to such permit and shall inquire as to whether such owner consents to such permit withdrawal and the payment status of the permitted work, in addition to any other notices that the department may send to such owner.

§ 28-105.13.1 Permit withdrawal denial. *Where a property owner has submitted documentation showing that such permitted work was paid for in full and that they have not consented to the withdrawal of such permit, such request for permit withdrawal shall be denied, and all applicable permits for such work shall be automatically renewed. Such contractor shall be responsible for all fees associated with such renewals until such work is completed, the contractor submits proof of return of such payment, the property owner consents to the withdrawal of such permit or a court of competent jurisdiction orders the withdrawal of such permit .*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings 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. 1604

By Council Members Mendez, Dromm, Menchaca, Torres, Van Bramer, Johnson, Vacca, Cumbo, Perkins, Rosenthal, Constantinides, Salamanca, Palma, Levin, Chin, Williams and Richards.

A Local Law to amend the New York city charter, in relation to requiring agencies to provide training to agency staff regarding individuals' gender pronouns and to require agencies to amend their official forms and databases to collect and retain gender pronoun information

Be it enacted by the Council as follows:

Section 1. Section 15 of Chapter 1 of the New York city charter is amended by adding a new subdivision 1 to read as follows:

1. 1. Definitions. For purposes of this section, the term "gender pronoun" means a pronoun or set of pronouns that an individual identifies with and that others should use when talking to or about that individual.

2. Within six months of the effective date of this subdivision, the office of operations shall submit to the mayor and the speaker of the city council a plan to provide a mandatory training program to frontline workers and managers at city agencies regarding how to appropriately address city residents by, and conduct intake regarding, individuals' gender pronouns and develop a manual to be used in such training. Such training shall be conducted within 120 days of submission of such plan and shall include, but not be limited to, the following:

(a) an overview of the need to address an individual by their gender pronoun;

(b) an explanation of each of the gender pronoun options required to be included on the demographic forms required by subsection 3; and

(c) an explanation that residents shall be given the options of completing all paperwork in a private space and filling out any paperwork without oral guidance from city agency staff.

3. As soon as practicable, but no later than one year after the effective date of this subdivision, the office of operations shall ensure that any forms used by city agencies to collect demographic information of city residents seeking services shall additionally include an option for such residents to indicate such residents' gender pronouns. Such forms shall include the following gender pronoun options: (1) he/him/his, (2) she/her/hers, (3) they/them/theirs, (4) ze/hir, (5) an option for individuals to write in gender pronouns not included on such forms and (6) such other additional terms as determined by the office of operations. Such forms shall additionally indicate that providing gender pronoun information is voluntary. This paragraph shall apply only to such forms as are within the authority of city agencies to edit or amend.

4. Within one year of the effective date of this subdivision, the office of operations shall ensure that city agencies that use forms to collect demographic information that are not within the authority of city agencies to edit or amend shall provide city residents seeking services from such agencies with a separate demographic form that includes the gender pronoun options required by paragraph 3.

5. *Within one year of the effective date of this subdivision city agencies shall ensure that any computer system or database used by such agencies for the purpose of maintaining demographic information has the capacity to receive and maintain such gender pronoun information, to the extent it is within the city's authority to make changes to such system or database.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil Rights.

Int. No. 1605

By Council Members Richards, Espinal, Vacca, Levin, Rosenthal and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to New York City agencies polices regarding work-related communications during non-work hours

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 12 of the administrative code of the city of New York is hereby amended to add a new section 12-140 to read as follows:

§ 12-140. *Work-related communications during non-work hours. a. Within 90 days of the enactment of this local law, each agency of the city of New York shall generate a policy regarding the off-hour work-related usage of electronic communications, including but not limited to, mobile phones and electronic mail. Such policy may contain:*

(a) Guidelines for usage by such agency's employees of city-owned mobile phones during non-work hours;

(b) guidelines for such agency's employees accessing of city electronic mail accounts during non-work hours;

(c) guidelines for such agency's employees usage of other forms of communication in connection with their employment during non-work hours;

(d) clear differentiation, if necessary, if any elements of the policy are different for managerial and non-managerial employees; and

(e) exceptions, if any, to such policy.

b. Within 120 days of the enactment of this local law, each agency shall transmit its policy regarding work-related communications during non-work hours to the mayor.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Technology.

Int. No. 1606

By Council Member Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to defensive driving courses for employees of the city of New York and employees of contractors of the city of New York

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is hereby amended to add a new section 6-142 to read as follows:

§ 6-142. *Defensive driving course. a. Definitions. For purposes of this section, the following terms shall have the following meanings:*

Contract. The term “contract” means any written agreement, purchase order or instrument whereby the city is committed to expend or does expend funds in return for an interest in real property, work, labor, services, supplies, equipment, materials, construction, construction related service or any combination of the foregoing.

Contracting agency. The term “contracting agency” means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

Contractor. The term “contractor” means any individual, sole proprietorship, partnership, joint venture, corporation or other form of doing business.

Covered contract. The term “covered contract” means a contract between a contracting agency and a contractor which by itself, or when aggregated with all contracts awarded to such contractor by any contracting agency during the immediately preceding twelve months, has a value of one hundred thousand dollars or more.

Employee. The term “employee” means a person employed by a contractor.

b. Defensive driving course for city contractors’ employees. Any contractor with a covered contract with a contracting agency which owns no less than five motor vehicles in its fleet used in performance of the contract, shall require that any employee who is required to drive a contractor-owned motor vehicle in performance of their duties, shall take a defensive driving course provided by New York state department of motor vehicles. Such course shall be taken within thirty days of either:

1. A new employee commencing employment, if the duties of the position require driving a contractor-owned motor vehicle; or

2. An existing employee being given new responsibilities that require driving of a contractor-owned motor vehicle.

c. The cost of such course shall be borne by the contractor.

d. This local law shall not apply to any agency that already requires its employees who use city-owned motor vehicles to take a defensive driving course.

§ 2. Chapter 1 of title 12 of the administrative code of the city of New York is hereby amended to add a new section 12-140 to read as follows:

§ 12-140. a. Defensive driving course. Any employee of any agency of the city of New York who is given access to and duties that require driving a city-owned motor vehicle, shall take a defensive driving course provided by New York state department of motor vehicles. Such course shall be taken within thirty days of either:

1. A new employee commencing employment, if the duties of the position require driving a contractor-owned motor vehicle; or

2. An existing employee being given new responsibilities that require driving of a contractor-owned motor vehicle.

b. The cost of such course shall be borne by the employee’s agency.

§ 3. This local law shall take effect in 120 days.

Referred to the Committee on Civil Service and Labor.

Int. No. 1607

By Council Members Rose, Rosenthal, Levin, Wills and Johnson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to report more information regarding the caseloads of its front-line workers and child safety conferences

Be it enacted by the Council as follows:

Section 1. Section 21-901 of the administrative code of the city of New York, as amended by local law number 44 for the year 2013, is amended to read as follows:

§ 21-901. Definitions.

[Whenever]As used in this chapter, the *following* terms [set forth below are defined as follows]*have the following meanings:*

Abused child. The term “[Abused]*abused* child” means a child or youth who has been subjected to “physical abuse,” “sexual abuse” and/or “psychological abuse” as defined in section [four hundred eighty-eight]488 of the New York state social services law while in the custody of ACS.

ACS. The term “ACS” means the administration for children’s services, or any successor agency charged with operating the city’s child welfare system.

Bias-based incidents. The term “[Bias-based] *bias-based* incidents” means incidents, including fights or altercations between a child and another child or staff, that arose in whole or in part due to a child’s perceived or actual sexual orientation, gender expression or gender identity, as reported by such child.

Case worker. The term “[Case] *case worker*” means a diagnostic child protective specialist assigned to a zone or office, including borough offices, emergency children’s services, child advocacy centers and the office of special investigation.

Child. The term “[Child]*child*” means “youth” as defined in this section.

Commissioner. The term “[Commissioner]*commissioner*” means the commissioner of ACS.

Detention. The term “[Detention]*detention*” means the temporary care and maintenance of youth held:

1. away from their homes pursuant to article three or seven of the family court act; or
2. pending a hearing for an alleged violation of the conditions of release from the New York state office of children and family services or ACS facility or authorized agency; or
3. pending a hearing for an alleged violation of a condition of parole as a juvenile offender; or
4. pending a return to a jurisdiction other than the one in which the youth is held; or
5. pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender; or
6. pending a hearing on an extension of placement; or
7. pending transfer to a facility upon commitment or placement by a court.

Detention facility. The term “[Detention]*detention* facility” means a facility, certified by the New York state office of children and family services, for the care of youth detained in accordance with the provisions of the family court act, regulations of the New York state office of children and family services, and the criminal procedure law.

Entry order. The term “[Entry]*entry* order” means an order entered pursuant to subdivision two of section ten hundred thirty-four of the family court act to enter specific premises where there is probable cause to believe an abused or neglected child may be found.

Fiscal year. The term “[Fiscal]*fiscal* year” means the fiscal year for the city of New York.

IRT investigation. The term “IRT investigation” means an instant response team investigation conducted pursuant to the Administration for Children’s Services and Law Enforcement Instant Response Teams Protocol dated February 1998 or any protocol hereafter promulgated that sets forth guidelines for the use of interdisciplinary instant response teams.

Limited secure placement facility. The term “[Limited]*limited* secure placement facility” means a placement facility characterized by physically restricting construction, hardware and procedures which are less restrictive than the construction, hardware and procedures of a secure placement facility.

Mechanical restraint. The term “[Mechanical]*mechanical* restraint” means the use of a mechanical device to restrict the movement or normal function of a portion of a child’s body, including but not limited to, handcuffs, leg cuffs, daisy chains or waist restraint.

Neglected child. The term “[Neglected]*neglected* child” means a child or youth who has been subjected to neglect as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

Non-secure detention or placement facility. The term “[Non-secure]*non-secure* detention or placement facility” means a detention or placement facility characterized by the absence of physically restricting construction, hardware and procedures.

Physical injury or impairment. The term “[Physical]physical injury or impairment” means any confirmed harm, hurt or damage resulting in a significant worsening or diminution of a child’s physical condition.

Physical restraint. The term “[Physical]physical restraint” means the use of bodily force to limit a child’s freedom of movement during a physical confrontation or to prevent a confrontation.

Placement. The term “[Placement]placement” means the temporary care and maintenance of adjudicated youth held away from their homes pursuant to article three of the family court act.

Placement facility. The term “[Placement]placement facility” means a facility, certified by the New York state office of children and family services, for the care of youth placed in accordance with the provisions of the family court act and the regulations of the New York state office of children and family services.

Room confinement. The term “[Room]room confinement” means the confinement of a child in a room, including but not limited to the child’s own room, when locked or when the child is authoritatively told not to leave.

Secure detention or placement facility. The term “[Secure]secure detention or placement facility” means a detention or placement facility characterized by physically restricting construction, hardware and procedures.

Youth. The term “[Youth]youth” means a person who resides in a juvenile detention or placement facility in the custody of ACS.

Zone. The term “[Zone]zone” means one of no fewer than 13 divisions of ACS child protective services headed by a deputy director who exercises oversight over the work of child protective managers, supervisors and child protective specialists in a specific geographic area, or the Office of Confidential Investigations.

§ 2. Subdivision 1 of section 21-902 of the administrative code of the city of New York, as added by local law number 20 for the year 2006, is amended to read as follows:

1. Child protective services. The following information regarding child protective services shall be included in the quarterly report, disaggregated by *zone and office, including borough offices, emergency children’s services, child advocacy centers and the office of special investigation*:

a. number of case workers employed and number of vacancies in case work staff at the end of the reporting period;

b. experience *level* of case workers, broken down by years of experience in New York City’s child welfare system as follows: [1-3 years of experience; 3-5 years of experience; 5-7 years of experience; 7-9 years of experience; 9 or more years of experience]*less than 1 year - up to 1 year; over 1 year – up to 3 years; over 3 years – up to 5 years; over 5 years – up to 7 years; over 7 years - up to 9 years; and over 9 years;*

c. average and median [caseload]caseloads of case workers, including:

(1) number per case worker of active investigations;

(2) number per case worker of post-investigation cases to which the case worker remained assigned, including cases that have been filed in court;

d. number of case workers with, at any time in the reporting period:

(1) a caseload of more than [15 cases]12 active investigations; and

(2) a caseload of 12 or more active investigations and one or more post-investigation cases to which the case worker remained assigned;

e. number of level one supervisors;

f. experience of level one supervisors, broken down by years of experience in New York City’s child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

g. number of level two supervisors;

h. experience of level two supervisors, broken down by years of experience in New York City’s child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

i. number of child protective managers;

j. experience of child protective managers, broken down by years of experience in New York City’s child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

k. number of workers in ACS’s family services unit responsible for directly monitoring children in their homes;

l. average and median number of cases per worker in ACS’s family services unit;

[k]m. number of reports of suspected child abuse or neglect referred to the zone *and field office* for investigation, disaggregated by the type of case;

[l]n. number of reports of suspected child abuse or neglect referred to the zone *and field office* for investigation that were indicated during the reporting period, disaggregated by the type of case and whether the case was referred to preventive services, court mandated services, foster care placement or closed;

[m]o. number of unfounded cases, disaggregated by whether or not the case was referred to preventive services;

[n]p. number of investigations that resulted in closure without referral to preventive services, disaggregated by the type of case and whether the case was indicated or unfounded and the reason for closure;

[o]q. number of reports of suspected child abuse or neglect referred to the zone *and field office* that involved a family with respect to which ACS had received at least one prior report of suspected abuse or neglect within the past 24 months, disaggregated by the type of case;

[p]r. number of reports of suspected child abuse or neglect referred to the zone that involved a family that had at least one child previously in the foster care system, disaggregated by the type of case;

[q]s. number of reports of suspected child abuse or neglect referred to protective services for which protective services conducted a [72-hour case]child safety conference, disaggregated by:

(1) the type of case;

(2) *whether ACS conducted an emergency removal of the child or children; and*

(3) *if ACS conducted an emergency removal of the child or children, whether such emergency removal took place before or after the child safety conference;*

[r. number of reports of suspected child abuse or neglect referred to protective services for which an elevated risk conference was held, disaggregated by the type of case;]

[s]t. number of IRT investigations commenced; and

[t]u. number of entry orders sought and number of entry orders obtained.

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

Referred to the Committee on General Welfare.

Preconsidered Res. No. 1463

Resolution calling upon the Secretary of the Department of Homeland Security to re-designate and extend Temporary Protected Status for Guinea, Liberia and Sierra Leone, as these countries have not recovered from the Ebola epidemic and it would be unsafe for nationals currently present in the United States to return home at this time.

By Council Members Rose, the Speaker (Council Member Mark-Viverito) and Menchaca.

Whereas, Guinea, Liberia, and Sierra Leone underwent a significant public health emergency from 2014 to 2016 due to the outbreak of Ebola and are still recovering from the crisis the outbreak caused in their respective countries; and

Whereas, The most recent outbreak is believed to have started in a village in Guinea in December 2013; and

Whereas, As of February 28, 2016, there were 28,639 suspected, probable, and confirmed cases of Ebola and 11,316 deaths from Ebola during the 2014 epidemic in West Africa, where, in comparison, there were 2,427 reported cases and 1,597 deaths in all other known cases and outbreaks of Ebola combined; and

Whereas, Approximately 17,300 children lost one or both parents to Ebola during the 2014 outbreak; and

Whereas, The affected countries, which are among the poorest countries in the world, had only recently emerged from years of civil war and unrest that left basic health infrastructures severely damaged or destroyed; and

Whereas, Prior to the Ebola outbreaks, the three countries already had a ratio of only one to two doctors per nearly 100,000 population; and

Whereas, After the 2014 Ebola outbreak, the Center for Disease Control estimated an 8% decrease in the healthcare workforce in Liberia and a 23% decrease in health services delivery in Sierra Leone; and

Whereas, The reduction in access to healthcare services because of Ebola caused an estimated 10,600 additional deaths due to untreated conditions in Guinea, Liberia, and Sierra Leone; and

Whereas, The affected countries are now suffering from a rise in non-Ebola-related illnesses and deaths, which have attributed to the widespread collapse of already fragile health systems; and

Whereas, Furthermore, \$2.2 billion in GDP was lost in Guinea, Liberia, and Sierra Leone in 2015 in the aftermath of the outbreak, threatening not only macroeconomic stability but also food security, human capital development, and private sector growth; and

Whereas, Sierra Leone, for example, lost approximately half of its private work force after the outbreak; and

Whereas, The Secretary of the Department of Homeland Security (DHS) has the authority to designate a country for Temporary Protected Status (TPS) in the event that its nationals are unable to safely return to that country due to ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent safe return; and

Whereas, During the temporary designation period, eligible nationals may apply individually for TPS and, if approved, may not be detained by the DHS based solely on immigration status, and may remain in the United States, and obtain employment and travel authorization; and

Whereas, Once the Secretary of the DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to obtaining TPS, or to any other status they may have acquired while registered for TPS; and

Whereas, Those who did not previously have or acquire lawful immigration status must depart from the United States upon termination of TPS status; and

Whereas, On November 21, 2014, Guinea, Liberia, and Sierra Leone were designated for TPS on account of the Ebola epidemic; and

Whereas, As of January 2017, there are approximately 1,180 Sierra Leone TPS recipients, approximately 2,160 Liberian TPS recipients, and approximately 930 Guinea TPS recipients due to the Ebola crisis; and

Whereas, On September 22, 2016, the DHS announced their intention to terminate the TPS designations for these countries, claiming that the wide-spread transmission of the Ebola virus that lead to the designations for TPS had ended; and

Whereas, At that time, the DHS extended TPS benefits for each of the three countries for an additional 6 months for the purpose of orderly transition; and

Whereas, The termination of the TPS designations for Guinea, Liberia, and Sierra Leone will become effective May 21, 2017; and

Whereas, There are significant remaining economic, social, and political challenges for the three governments to tackle before it can accept the return of its nationals; and

Whereas, These continued circumstances make it unsafe for nationals of the affected countries currently in the United States to return to their country of origin; and

Whereas, On account of the continued dangerous conditions in the affected countries United States Congress Members Donald M. Payne Jr., Jose E. Serrano, Yvette D. Clarke, and Keith Ellison launched a letter writing campaign asking Secretary of Homeland Security John Kelly to re-designate Guinea, Liberia, and Sierra Leone for TPS; and

Whereas, New York City Council Member Debi Rose also called upon Secretary Kelly to re-designate the countries for TPS, highlighting the dearth of adequate healthcare and the grave economic situations that either resulted from, or were exacerbated by, the recent Ebola epidemic in the affected countries; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to re-designate and extend Temporary Protected Status for Guinea, Liberia and Sierra Leone, as these countries have not recovered from the recent Ebola epidemic and it would be unsafe for nationals currently present in the United States to return home at this time.

Adopted by the Council *via* voice-vote (preconsidered and approved by the Committee on Immigration).

Int. No. 1608

By Council Member Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to penalties for the unauthorized alteration or demolition of a premises calendared by the landmarks preservation commission

Be it enacted by the Council as follows:

Section 1. Section 28-202.1 of the administrative code of the city of New York is amended by adding a new exception 4 to read as follows:

4. Demolition or alteration of a building or structure calendared by the landmarks preservation commission pursuant to section 25-303 in violation of section 105.2 of the building code shall be subject to a civil penalty of not less than twenty-five thousand dollars and not more than fifty thousand dollars.

§ 2. Section 28-203.1 of the administrative code is amended by adding a new exception 4 to read as follows:

4. Every person convicted of demolishing or altering a building or structure calendared by the landmarks preservation commission pursuant to section 25-303 in violation of section 105.2 of the building code shall be guilty of a misdemeanor punishable by a fine of not more than fifty thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1609

By Council Members Salamanca, Rosenthal, Levin and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to report annually on the aggregate findings and recommendations of its accountability review panel

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-911 to read as follows:

§ 21-911 Annual report regarding accountability review panel findings and recommendations. Within 45 days after the end of each calendar year, ACS shall publish and make available on its website a report on the findings and recommendations of its accountability review panel during the previous calendar year.

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

Referred to the Committee on General Welfare.

Int. No. 1610

By Council Members Salamanca and Rosenthal.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to offering resources and trainings to hairdressers to help them recognize potential signs of domestic violence in their clients

Be it enacted by the Council as follows:

Section 1. Paragraph 5 of subdivision c of section 19 of the New York city charter is amended by adding a new subparagraph i to read as follows:

(i) For the purposes of this paragraph, “such other functions as may be appropriate” shall include offering at least one hour of training biennially to persons licensed to practice cosmetology, as defined by section 400(7) of the general business law of New York, in relation to recognizing signs of domestic violence and connecting potential victims of domestic violence to city resources as needed.

§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-699.7 to read as follows:

§ 20-699.7 Training to recognize signs of domestic violence. a. Required training. Every two years, any cosmetologist practicing in the city of New York must complete training on recognizing signs of domestic violence in their clients, provided by the mayor’s office to combat domestic violence. For purposes of this section of the code the term “cosmetologist” means any natural person, engaged in the practice of cosmetology, as defined by section 400(7) of the general business law of New York.

b. Penalty. Any person who violates subdivision a of this section or any of the regulations promulgated thereunder is liable for a civil penalty not to exceed \$250 for each violation. Each failure to comply with subdivision a of this section constitutes a separate violation.

c. Rules and regulations. The department is authorized to promulgate such rules and regulations as it deems necessary to implement and enforce the provisions of this section.

§ 3. This local law takes effect 120 days after its enactment.

Referred to the Committee on Women’s Issues.

Int. No. 1611

By Council Members Torres, Lancman, Gibson, Constantinides and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports on clearance rates of index crimes

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-168 to read as follows:

§14-168. Major crime clearance report. a. The term “clearance rate” means the number of crimes where at least one person has been arrested, charged with the commission of the offense, and turned over to the court for prosecution, divided by the total number of crimes recorded.

b. The commissioner shall submit to the council and the mayor on a quarterly basis, and post to the department’s website on a quarterly basis, a report for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division, of the clearance rate for the following crimes:

1. Homicide as defined in article 125 of the penal law;

2. Rape as defined in article 130 of the penal law;
 3. Robbery as defined in article 160 of the penal law;
 4. Aggravated assault as defined in article 120 of the penal law;
 5. Burglary as defined in article 140 of the penal law;
 6. Larceny as defined in article 155 of the penal law; and
 7. Motor vehicle theft as defined in article 165 of the penal law.
- §2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1612

By Council Member Williams

A Local Law to amend the administrative code of the city of New York, in relation to a report on the waiting lists of Mitchell-Lama housing developments

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 13 to read as follows:

*CHAPTER 13
MITCHELL-LAMA DEVELOPMENT REPORTING REQUIREMENTS*

§ 26-1301 Definition: For the purposes of this chapter:

Department. The term “department” means the department of housing preservation and development.

Mitchell-Lama development. The term “Mitchell-Lama development” means a housing development organized pursuant to article two of the private housing finance law and supervised by the department.

§ 26-1302 Mitchell-Lama development waiting list report. By no later than January 15 of each year, the department shall submit to the mayor and the council, and post on its website, a report on waiting lists for Mitchell-Lama developments. Such report shall, at a minimum, contain the following information for each waiting list of each Mitchell-Lama development:

1. *The number of unique applicants on the waiting list on the last day of the prior calendar year;*
2. *The number of applicants on the waiting list who satisfy each of the following conditions:*
 - (a) *Such applicant was not selected for occupancy in such development within the prior calendar year;*
 - (b) *A person whose position on the waiting list was sequentially later than such applicant was selected for occupancy in such development within the prior calendar year;*
3. *The number of applicants who qualified for a preference for such development within the prior calendar year;*
4. *The total number of complaints received within the prior calendar year regarding the waiting list for such development, including, but not limited to, complaints regarding the wait list process and any preferences given to applicants; and*
5. *The average percentage rent increase for such development.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Preconsidered L.U. No. 625

By Council Member Ferreras-Copeland:

Madison Court, Block 1376, Lot 32; Queens, Community District No. 3, Council District No. 21.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 626

By Council Member Ferreras-Copeland:

McKinley Manor, Block 2615, Lot 57; Bronx, Community District No. 3, Council District No. 16.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 627

By Council Member Greenfield:

Application No. 20175390 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at Block 3805, Lots 123 and 124, Borough of the Bronx, Community District 9, Council District 18.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 628

By Council Member Greenfield:

Application No. 20175270 HKM (N 170298 HKM) for the designation by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the Morningside Heights Historic District, Borough of Manhattan, Community Board 7 and 9, Council District 6 and 7.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

Preconsidered L.U. No. 629

By Council Member Greenfield:

Application No. 20175271 HKM (N 170297 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Cathedral Church of St. John the Divine, located at 1047 Amsterdam Avenue (7501 Block 1865, Lots 1, 10, S8010), as an historic landmark, Borough of Manhattan, Community Board 9, Council District 7.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

Preconsidered L.U. No. 630

By Council Member Greenfield:

Application No. 20175310 HKM (N 170321 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Waldorf-Astoria Hotel Interiors, located at 301 Park Avenue (Block 1304, Lot), as an historic landmark, Borough of Manhattan, Community Board 5, Council District 4.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

L.U. No. 631

By Council Member Greenfield:

Application No. 20175315 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Vida Enterprises, Inc., d/b/a Pat'e Palo, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 251 Dyckman Street, Borough of Manhattan, Community Board 12, Council District 10. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 632

By Council Member Greenfield:

Application No. 20175235 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Phillipos Restaurant Inc., d/b/a Barking Dog, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1678 3rd Avenue, Borough of Manhattan, Community Board 8, Council District 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 633

By Council Member Greenfield:

Application No. 20175305 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Love Mamak Corp., d/b/a Mamak, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 174 2nd Avenue, Borough of Manhattan, Community Board 3, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 634

By Council Member Greenfield:

Application No. 20175243 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ruby's Midtown LLC for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 442 3rd Avenue, Borough of Manhattan, Community Board 6, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 635

By Council Member Greenfield:

Application No. N 160282 ZRK submitted by Kent/Greenpoint, 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 Section 62-35 (Special Bulk Regulations in Certain Areas within Community District 1, Brooklyn) Borough of Brooklyn, Community Board 1, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 636

By Council Member Greenfield:

Application No. 20175122 SCR pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 800-Seat Primary/Intermediate School Facility to be located at the block bounded by Osgood Avenue to the north, Waverly Place to the south, Wiederer Place to the east, and Targee Street to the west (Block 635, Lot 1), in the Stapleton section of Staten Island, in Community School District No. 31, Community Board 1, Council District 49.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 637

By Council Member Greenfield:

Application No. 20175203 SCK pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 1000-Seat Primary/Intermediate School Facility to be located at the block bounded by Atlantic Avenue, Logan Street, Dinsmore Place and Chestnut Street (Block 4142, Lot 32 in portion), in the East New York section of Brooklyn, in Community School District No. 19, Community Board 5, Council District 37.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 638

By Council Member Greenfield:

Application No. 20175417 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new real property tax exemption for property located in the Borough of Manhattan, Community Board 11, Council District 5 and 8.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 639

By Council Member Greenfield:

Application No. 20175419 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 23 of the Private Housing Finance Law for the approval of a mortgage loan for property located at Block 3256, Lots 156 and 75, the Borough of the Bronx, Community Board 8, Council District 14.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

<http://legistar.council.nyc.gov/Calendar.aspx>

A N N O U N C E M E N T S

**DUE TO THE EXIGENCIES OF THE BUDGET ADOPTION
MEETINGS OF THE FINANCE AND STATE AND FEDERAL LEGISLATION
COMMITTEES AND THE STATED MEETING OF
THE COUNCIL ARE RECESSED SUBJECT TO CALL.

WE WILL KEEP YOU ADVISED ACCORDINGLY**

Thursday, May 11, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Housing Preservation & Development	Housing & Buildings
12:00 – 2:00	Buildings	Housing & Buildings
2:00 – 3:00	Immigrant Affairs	Immigration

Friday, May 12, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Sanitation	Sanitation & Solid Waste Management
12:00 – 12:45	Citywide Administrative Services	Governmental Operations
12:45 – 2:30	Board of Elections	Governmental Operations
2:30 – 3:00	Campaign Finance Board	Governmental Operations
3:00 – 4:00	Law Department	Governmental Operations

[Committee on Sanitation and Solid Waste Management](#)..... 1:00 p.m.

Int. 1480 - By Council Members Cabrera, Richards, Koslowitz, Gentile, Crowley, Palma, Mendez, Mealy, Gibson, Salamanca, King, Williams, Wills, Vallone, Rose, Greenfield, Perkins, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to designating expanded polystyrene as recyclable and repealing sections 16-324(f) and 16-329 of the administrative code of the city of New York.

Committee Room – 250 Broadway, 16th Floor

Antonio Reynoso, Chairperson

Monday, May 15, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	Human Resources Administration	General Welfare
11:30 – 1:00	Homeless Services	General Welfare
1:30 – 3:00	Administration for Children’s Services	General Welfare & Women’s Issues & Juvenile Justice

Tuesday, May 16, 2017

[Subcommittee on Zoning & Franchises](#)..... 9:30 a.m.
[See Land Use Calendar](#)
 Committee Room – 250 Broadway, 16th Floor Donovan Richards, Chairperson

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:30	Education (Expense)	Education
1:00 – 3:00	Education (Capital)/School Construction Authority	Education

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... 11:00 a.m.
[See Land Use Calendar](#)
 Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#)..... 1:00 p.m.
[See Land Use Calendar](#)
 Committee Room – 250 Broadway, 16th Floor Rafael Salamanca, Chairperson

Wednesday, May 17, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:00	MTA NYC Transit	Transportation
11:00 – 11:45	Taxi & Limousine Commission	Transportation
11:45 – 1:15	Transportation	Transportation

Thursday, May 18, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	NYCHA	Public Housing
12:00 – 1:00	Information and Technology and Telecommunication	Land Use & Technology
1:00 – 2:30	Parks and Recreation	Parks & Recreation

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

Friday, May 19, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
11:00 – 12:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations jointly with Subcommittee on Libraries
12:30 – 2:00	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations

Monday, May 22, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:30	Police	Public Safety
12:30 – 2:00	District Attorneys / Special Narcotics Prosecutor	Public Safety

Wednesday, May 24, 2017

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) announced that it was National Foster Care Month and that various members of the Council were participating in Foster Youth Shadow Day. She emphasized that elected officials had a role to help city youth navigate the foster care system and then transition these young people out to lead healthy and thriving lives and become contributing members of the community. The Speaker (Council Member Mark-Viverito) welcomed the participating young individuals on the Council floor to City Hall. She also thanked Council Member Levin for spearheading the effort that brought the Foster Youth Shadow Day to the Council Chambers.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) recessed this Meeting subject to call.

Editor's Local Law Note: Int. No. 1253-A, adopted by the Council at the April 5, 2017 Stated Meeting, was signed into law by the Mayor on May 4, 2017 as Local Law No. 67 of 2017.

Int. Nos. 81-A, 648-A, 891-A, 965-A, 1224-A, 1254-A, 1271-A, 1311-A, 1324-A, 1421-A, 1433-A, 1435-A, 1446-A, and 1448-A, all adopted by the Council at the April 25, 2017 Stated Meeting, were signed into law by the Mayor on May 10, 2017 as, respectively, Local Law Nos. 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81 of 2017.

