

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Wednesday, February 15, 2017, 2:20 p.m.

The Public Advocate (Ms. James)

*Acting President Pro Tempore and Presiding Officer*

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Member Mendez.

Paternity: Council Member Levin.

Medical Leave: Council Members Rose and Wills.

*There is a vacant seat in the Council pending the swearing-in of the certified winner of the February 14, 2017 Special Election in the 9th Council District (Manhattan).*

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

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

*There were 46 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by: Pastor Corey Easterling, Southern Baptist Church, 810 Stanley Ave, Brooklyn, N.Y. 11207.

Please bow your heads.

Dear wise and loving father,  
 first let us say thank you  
 on behalf of those that are gathered here today.  
 Thank you for the many abundant blessings that you have shown to us.  
 Thank you for life itself and the measure of health in which you have given.  
 Thank you for the ability of being involved in useful work,  
 and for the honor of bearing appropriate authorities.  
 You have placed and established these various authorities  
 to promote peace, justice and order.  
 Therefore, we pray for Public Advocate.  
 We pray for all City officials, and to us—to all assembled Council  
 that is standing here today.  
 I ask that you would graciously grant them wisdom  
 to governing the conflicting interests and issues of our times,  
 a sense of welfare and true need of all people.  
 Grant them a key first for justice and rightness,  
 a confidence for what is good and fitting.  
 Grant them the ability to work together  
 with harmony that even if there's disagreement,  
 it is disagreement with honesty and above all,  
 grant them personal peace in their lives and in their family.  
 I pray for the agenda that is set before them today.  
 Please give them assurance of what will please you,  
 and what will benefit those  
 who live in and around this great city of New York.  
 All of these merits we pray.  
 Amen.

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

**ADOPTION OF MINUTES**

Council Member Dromm moved that the Minutes of the Charter Meeting of January 4, 2017 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-478

**Communication from the Mayor – Submitting Preliminary Mayor’s Management Report (PMMR) for Fiscal Year 2017.**

## MESSAGE FROM THE DIRECTOR

The Preliminary Mayor’s Management Report (PMMR) for Fiscal 2017 provides a comprehensive assessment of the City’s performance from July through October 2016. Through reporting on performance indicators taken from 44 individual City agencies and offices, the PMMR enables the public to evaluate the efficacy of City government in meeting the central needs of New Yorkers.

In addition to reporting performance indicators, each agency chapter features narrative that provides context and explanations for noteworthy metrics, as well as updated Focus on Equity statements that convey each agency’s approach to the fair delivery of quality services across the City’s neighborhoods and constituencies. By encouraging New Yorkers to closely assess the performance of their government, the PMMR exemplifies the mutually reinforcing importance of public transparency and accountability. This data is also deployed by the Administration throughout the year to proactively monitor the speed, quality, and scale of government services.

The “Collaborating to Deliver Results” section of the PMMR highlights signature City initiatives that entail cooperative and coordinated actions among many different agencies. These chapters feature indicators that reflect the implementation and performance of these particular programs. Over time, applicable indicators may be included in the appropriate agencies’ chapters, reflecting the continuity of these initiatives. This occurred with earlier multi-agency programs such as Pre-K for All and IDNYC. The 2017 PMMR covers nine “Collaboration” initiatives, including Housing New York, Vision Zero, and ThriveNYC.

While the PMMR covers the first four months of the fiscal year, more information can be found using the City’s comprehensive online Citywide Performance Reporting (CPR) tool. This interactive website allows for a customized user experience, where selected data can be viewed on the community level or over user-selected time periods dating back to Fiscal 2003. Visit the CPR website at [www.nyc.gov/cpr](http://www.nyc.gov/cpr).

Mindy Tarlow  
Director, Mayor’s Office of Operations

**(For text of report, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; please also see the Mayor’s Office of Management and Budget page on the New York City website at <http://www1.nyc.gov>)**

Received, Ordered, Printed & Filed.

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

M-479

**Malini Cadambi Daniel, Candidate for re-appointment by the Council to the New York City Equal Employment Practices Commission pursuant to § 830 of the New York City Charter.**

**(For text of letter, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)**

Referred to the Committee on Rules, Privileges and Elections.

**LAND USE CALL-UPS**

M-480

By the Chair of the Land Use Committee Council Member Greenfield:

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure application no. C 170098 PPK shall be subject to Council review. This item is related to Application no. C 170097 HAK which is subject to Council review pursuant to Section 197-d(b)(1) of the New York City Charter.**

Coupled on Call-Up Vote.

M-481

By the Chair of the Land Use Committee Council Member Greenfield:

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure application no. C 170099 PPK shall be subject to Council review. This item is related to Application no. C 170097 HAK which is subject to Council review pursuant to Section 197-d(b)(1) of the New York City Charter.**

Coupled on Call-Up Vote.

M-482

By Council Member Reynoso:

**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 321 Starr Street, Borough of Brooklyn, Community Board 4, Application No. 20175195 TCK 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, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

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.

Shortly after the pledge of allegiance following the opening of this Meeting, a letter written by the late Coretta Scott King opposing the 1986 nomination of Jeffery B. Sessions to a federal district court judgeship in the Southern District of Alabama was read. This was the letter that Senator Elizabeth Warren was prevented from reading on the Senate floor on February 7, 2017 in her opposition to Senator Sessions's present day nomination for U.S. Attorney General. The letter was read in portions by the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James), and Council Members Rosenthal, Chin, Gibson, Mendez, Koslowitz Crowley, Barron, and Ferreras-Copeland.

## **REPORTS OF THE STANDING COMMITTEES**

### **Report of the Committee on Finance**

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

Report for LU No. 567

### **Report of the Committee on Finance in favor of a Resolution approving 795 St. Nicholas Avenue, Block 2064, Lot 36; Manhattan, Community Board No. 9, Council District No. 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 15, 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:)**

February 15, 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 February 15, 2017 - Resolution approving a tax exemption for six Land Use items (Council Districts 9, 16, and 17)

Note: The following six items are part of the Sheva Portfolio, for each of which Article XI exemptions<sup>1</sup> are being requested to preserve their long term affordability (one per project). Each project in the Sheva portfolio is currently owned by a separate LLC, but with identical ownership structures. The prior owner of the portfolio financed a rehab of the properties in the late 1980's through HPD's Participation Loan Program with Community Preservation Corporation (CPC) as the 1st mortgage lender. The prior owner went into bankruptcy, and Langsam Property Services (the "Sponsor") acquired the properties in 1992 from the bankruptcy trustee after completion of foreclosure and bankruptcy proceedings with the prior owner.

**Item 1: 795 St. Nicholas Avenue**

795 St. Nicholas Avenue is a single building with 57 residential units located in the Harlem neighborhood of Manhattan. The current owner is 795 Sheva Realty Associates LLC, which is controlled by Langsam Property Services as managing member ("Sponsor"). 795 St. Nicholas Avenue does not currently have any regulatory restrictions other than rent stabilization. Existing rents average 63% of AMI, while market rents in the neighborhood average 98% of AMI.

The project consists of the City providing a 30-year Article XI exemption with a Gross Rent Payment of 0.96%, and the property entering into a regulatory agreement maintaining long term affordability that will be coterminous with the exemption. At closing, title of 795 St. Nicholas Avenue will be conveyed to 795 Sheva Realty HDfC, Inc., with 795 Sheva Realty Associates LLC remaining beneficial owner.

Summary:

- Borough – Manhattan
- Block 2064, Lot 36
- Council District – 9
- Council Member – Vacant (Note: CM Dickens, the former CM, approved the project prior to her resignation from the Council)
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 57
- Type of Exemption-Article XI Tax Exemption, Partial, 30-year term
- Population – low- and moderate-income rental households
- Sponsor – Langsam Property Services
- Purpose – preservation
- Cost to the City – \$6.5M
- Housing Code Violations-8 Class A, 69 Class B, 14 Class C
- Income Limitation-
  - 5 units-50% of AMI
  - 15 units-70% of AMI
  - 36 units-90% of AMI

**Item 2: 1240 Walton Avenue**

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<sup>1</sup> The Housing Preservation Opportunities Program (Article XI Preservation) is an initiative offered by HPD to property owners of multiple dwellings that do not necessarily need rehabilitation financing. As part of the initiative, HPD seeks approval of Article XI tax exemptions, provided property owners agree to enter into Regulatory Agreements with certain controls regarding long term affordability.

1240 Walton Avenue is located in the Concourse section of the Bronx and contains 157 residential units and 1 commercial unit in a single building. The current owner is 1240 Sheva Realty Associates LLC, which is controlled by Langsam Property Services as managing member (“Sponsor”). 1240 Walton Avenue does not currently have any regulatory restrictions other than rent stabilization. While existing rents average 56% of AMI, market rents in the neighborhood average 86% of AMI.

The project consists of the City providing a 30-year Article XI exemption with a Gross Rent Payment of 2.49%, and the property entering into a regulatory agreement maintaining long term affordability that will be coterminous with the exemption. At closing, title to 1240 Walton Avenue will be conveyed to 1240 Sheva Realty HDFC, Inc., with 1240 Sheva Realty Associates LLC remaining beneficial owner.

**Summary:**

- Borough – Bronx
- Block 2465, Lot 25
- Council District – 16
- Council Member – Gibson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 157, plus one commercial unit
- Type of Exemption: Article XI Tax Exemption, Partial, 30-year term
- Population – low- and moderate-income rental households
- Sponsor – Langsam Property Services
- Purpose-preservation
- Cost to the City – \$6M
- Housing Code Violations-34 Class A, 114 Class B, and 5 Class C
- Income Limitation-
  - 19 units-50% of AMI
  - 92 units-70% of AMI
  - 45 units-80% of AMI

**Item 3: 1130 Anderson Avenue**

1130 Anderson Avenue is a single building located in the Highbridge section of the Bronx and containing 43 residential units. The current owner is 1130 Sheva Realty Associates LLC, which is controlled by Langsam Property Services as managing member (“Sponsor”). 1130 Anderson Avenue does not currently have any regulatory restrictions other than rent stabilization. Existing rents average 55% of AMI, while market rents in the neighborhood average 84% of AMI.

The project consists of the City providing a 30-year Article XI exemption with a Gross Rent Payment of 1.25%, and the property entering into a regulatory agreement maintaining long term affordability that will be coterminous with the exemption. At closing, title of 1130 Anderson Avenue will be conveyed to 1130 Sheva Realty HDFC, Inc., with 1130 Sheva Realty Associates LLC remaining beneficial owner.

**Summary:**

- Borough – Bronx
- Block 2505, Lot 46
- Council District – 16
- Council Member – Gibson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 43 (including one superintendent unit)
- Type of Exemption: Article XI Tax Exemption, Partial, 30-year term

- Population – low- and moderate-income rental households
- Sponsor – Langsam Property Services
- Purpose-preservation
- Cost to the City – \$1.6M
- Housing Code Violations-2 Class A, 9 Class B, and 9 Class C
- Income Limitation-
  - 6 units-50% of AMI
  - 36 units-80% of AMI

#### **Item 4: 288 East 168<sup>th</sup> Street**

288 East 168th Street is located in the Concourse section of the Bronx and contains 28 residential units and one commercial unit in a single building. The current owner is 288 Sheva Realty Associates LLC, which is controlled by Langsam Property Services as managing member (“Sponsor”). 288 East 168th Street does not currently have any regulatory restrictions other than rent stabilization. Existing rents average 55% of AMI, market rents in the neighborhood average 74% of AMI.

The project consists of the City providing a 30-year Article XI exemption with a Gross Rent Payment of 2.11%, and the property entering into a regulatory agreement maintaining long term affordability that will be coterminous with the exemption. At closing, title of 288 East 168th Street will be conveyed to 288 Sheva Realty HDFC, Inc., with 288 Sheva Realty Associates LLC remaining beneficial owner.

#### **Summary:**

- Borough – Bronx
- Block 2435, Lot 15
- Council District – 16
- Council Member – Gibson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 28 (including one superintendent unit)
- Type of Exemption: Article XI Tax Exemption, Partial, 30-year term
- Population – low- and moderate-income rental households
- Sponsor – Langsam Property Services
- Purpose-preservation
- Cost to the City – \$1.1M
- Housing Code Violations-20 Class A, 63 Class B, and 21 Class C
- Income Limitation-
  - 5 units-50% of AMI
  - 22 units-70% of AMI

#### **Item 5: 424 & 430 Grand Concourse**

424 & 430 Grand Concourse are two buildings located in the Mott Haven section of the Bronx containing a total of 56 residential units and 4 commercial units. The current owner is 424 Sheva Realty Associates LLC, which is controlled by Langsam Property Services as managing member (“Sponsor”). 424 & 430 Grand Concourse does not currently have any regulatory restrictions other than rent stabilization. Existing rents average 53% of AMI, while market rents in the neighborhood average 81% of AMI.

The project consists of the City providing a 30-year Article XI exemption with a Gross Rent Payment of 1.43%, and the property entering into a regulatory agreement maintaining long term affordability that will be coterminous with the exemption. At closing, title of 424 & 430 Grand Concourse will be conveyed to 424 Sheva Realty HDFC, Inc., with 424 Sheva Realty Associates LLC remaining beneficial owner.



Summary:

- Borough – Bronx
- Block 2343, Lots 10 and 12
- Council District – 17
- Council Member – Salamanca
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 56 residential, 4 commercial
- Type of Exemption: Article XI Tax Exemption, Partial, 30-year term
- Population – low- and moderate-income rental households
- Sponsor – Langstam Property Services
- Purpose-preservation
- Cost to the City – \$2.5M
- Housing Code Violations-8 Class A, 16 Class B, and 9 Class C (424 Grand Concourse); 12 Class A, 32 Class B, and 22 Class C (430 Grand Concourse)
- Income Limitation-
  - 10 units-50% of AMI
  - 45 units-70% of AMI

**Item 6: 830-850 Stebbins Avenue**

830-850 Stebbins Avenue is located in the Longwood section of the Bronx and contains 71 residential units and 7 commercial unit in a single building. The current owner is 830 Sheva Realty Associates LLC, which is controlled by Langsam Property Services as managing member (“Sponsor”). 830-850 Stebbins Avenue does not currently have any regulatory restrictions other than rent stabilization. Existing rents average 58% of AMI, market rents in the neighborhood average 79% of AMI.

The project consists of the City providing a 30-year Article XI exemption with a Gross Rent Payment of 0.94%, and the property entering into a regulatory agreement maintaining long term affordability that will be coterminous with the exemption. At closing, title of 830-850 Stebbins Avenue will be conveyed to 830 Sheva Realty HDPC, Inc., with 830 Sheva Realty Associates LLC remaining beneficial owner.

Summary:

- Borough – Bronx
- Block 2696, Lot 75
- Council District – 17
- Council Member – Salamanca
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 71 residential units, 7 commercial units
- Type of Exemption: Article XI Tax Exemption, Partial, 30-year term
- Population – low- and moderate-income rental households
- Sponsor – Langstam Property Services
- Purpose-preservation
- Cost to the City – \$3.1M
- Housing Code Violations-41 Class A, 135 Class B, and 12 Class C
- Income Limitation-
  - 19 units-55% of AMI
  - 45 units-70% of AMI
  - 31 units-80% of AMI

**(For text of the coupled resolutions for LU Nos. 568, 569, 570, 571 and 572, please see the Report of the Committee on Finance for LU Nos. 568, 569, 570, 571 and 572, respectively, printed in these Minutes; for the coupled resolution for LU No. 567, please see below:)**

*Accordingly, this Committee recommends the adoption of LU Nos. 567, 568, 569, 570, 571, and 572.*

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

Res. No. 1375

**Resolution approving an exemption from real property taxes for property located at (Block 2064, Lot 36) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 567).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated January 23, 2017 that the Council take the following action regarding a housing project located at (Block 2064, Lot 36) Manhattan (“Exemption Area”):

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

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the “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 795 Sheva Realty Associates LLC.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the HPD Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2064, Lot 36 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 thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "Gross Rent" shall mean the gross potential rents from all commercial and residential units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
  - g. "Gross Rent Tax" shall mean an amount equal to ninety-six hundredths of one percent (0.96%) of Gross Rent.
  - h. "HDFC" shall mean 795 Sheva Realty Housing Development Fund Company, Inc.
  - i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - j. "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - k. "Owner" shall mean, collectively, the HDFC and the Company.
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 the business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD 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 construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists 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.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL; Committee on Finance, February 15, 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. 568

**Report of the Committee on Finance in favor of a Resolution approving 1240 Walton Avenue, Block 2465, Lot 25; Bronx, Community District No. 4, Council District No. 16.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 15, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for LU No. 567 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1376

**Resolution approving an exemption from real property taxes for property located at (Block 2465, Lot 25) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 568).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated January 23, 2017 that the Council take the following action regarding a housing project located at (Block 2465, Lot 25) Bronx (“Exemption Area”):

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

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the “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 1240 Sheva Realty Associates LLC.
  - (b) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (c) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - (d) “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2465, Lot 25, 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 thirty (30) years from the Effective Date, (ii) the date of expiration or termination of the Regulatory Agreement or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (f) “Gross Rent” shall mean the gross potential rents from all commercial and residential units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
  - (g) “Gross Rent Tax” shall mean an amount equal to two and forty-nine hundredths percent (2.49%) of Gross Rent.
  - (h) “HDFC” shall mean 1240 Sheva Realty Housing Development Fund Company, Inc.
  - (i) “HPD” shall mean the City of New York Department of Housing Preservation and Development.
  - (j) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.
  - (k) “Owner” shall mean, collectively, the HDFC and the Company.
  - (l) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be

exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - (c) Nothing herein shall entitle the HDPC 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. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, February 15, 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 of the Committee on Finance in favor of a Resolution approving 288 East 168<sup>th</sup> Street, Block 2435, Lot 15; Bronx, Community Board No. 4, Council District No. 16.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 15, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for LU No. 567 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1377

**Resolution approving an exemption from real property taxes for property located at (Block 2435, Lot 15) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 569).**

By Council Member Ferreras-Copeland

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated January 23, 2017 that the Council take the following action regarding a housing project located at (Block 2435, Lot 15) Bronx (“Exemption Area”):

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

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the “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 288 Sheva Realty Associates LLC.
  - (b) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (c) “Exemption” shall mean the exemption from real property taxation provided hereunder.

- (d) “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2435, Lot 15, on the Tax Map of the City of New York.
  - (e) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of expiration or termination of the Regulatory Agreement or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (f) “Gross Rent” shall mean the gross potential rents from all commercial and residential units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
  - (g) “Gross Rent Tax” shall mean an amount equal to two and eleven hundredths percent (2.11%) of Gross Rent.
  - (h) “HDFC” shall mean 288 Sheva Realty Housing Development Fund Company, Inc.
  - (i) “HPD” shall mean the City of New York Department of Housing Preservation and Development.
  - (j) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.
  - (k) “Owner” shall mean, collectively, the HDFC and the Company.
  - (l) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.



- (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists 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.
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. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, February 15, 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. 570

**Report of the Committee on Finance in favor of a Resolution approving 424 & 430 Grand Concourse, Block 2343, Lots 10 and 12; Bronx, Community Board No. 1, Council District No. 17.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 15, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for LU No. 567 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1378

**Resolution approving an exemption from real property taxes for property located at (Block 2343, Lot 10 and 12) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 570).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated January 23, 2017 that the Council take the following action regarding a housing project located at (Block 2343, Lots 10 and 12) Bronx (“Exemption Area”):

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

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the “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 424 Sheva Realty Associates LLC.
  - (b) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (c) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - (d) “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2343, Lots 10 and 12, 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 thirty (30) years from the Effective Date, (ii) the date of expiration or termination of the Regulatory Agreement or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (f) “Gross Rent” shall mean the gross potential rents from all commercial and residential units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
  - (g) “Gross Rent Tax” shall mean an amount equal to one and forty-three hundredths percent (1.43%) of Gross Rent.
  - (h) “HDFC” shall mean 424 Sheva Realty Housing Development Fund Company, Inc.
  - (i) “HPD” shall mean the City of New York Department of Housing Preservation and Development.
  - (j) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.
  - (k) “Owner” shall mean, collectively, the HDFC and the Company.

(1) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:

(a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

(b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.

(c) Nothing herein shall entitle the HDPC 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. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, February 15, 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. 571

**Report of the Committee on Finance in favor of a Resolution approving 830-850 Stebbins Avenue, Block 2696, Lot 75; Bronx, Community District No. 2, Council District No. 17.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 15, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for LU No. 567 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1379

**Resolution approving an exemption from real property taxes for property located at (Block 2696, Lot 75) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 571).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated January 23, 2017 that the Council take the following action regarding a housing project located at (Block 2696, Lot 75) Bronx (“Exemption Area”):

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

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the “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 830 Sheva Realty Associates LLC.

- (b) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (c) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - (d) “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2696, Lot 75, 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 thirty (30) years from the Effective Date, (ii) the date of expiration or termination of the Regulatory Agreement or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (f) “Gross Rent” shall mean the gross potential rents from all commercial and residential units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
  - (g) “Gross Rent Tax” shall mean an amount equal to ninety-four hundredths of one percent (0.94%) of Gross Rent.
  - (h) “HDFC” shall mean 830 Sheva Realty Housing Development Fund Company, Inc.
  - (i) “HPD” shall mean the City of New York Department of Housing Preservation and Development.
  - (j) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.
  - (k) “Owner” shall mean, collectively, the HDFC and the Company.
  - (l) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with

the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

(b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.

(c) Nothing herein shall entitle the HDPC 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. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, February 15, 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. 572

**Report of the Committee on Finance in favor of 1130 Anderson Avenue, Block 2505, Lot 46; Bronx, Community District No. 4, Council District No. 16.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 15, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for LU No. 567 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1380

**Resolution approving an exemption from real property taxes for property located at (Block 2505, Lot 46) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 572).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated January 23, 2017 that the Council take the following action regarding a housing project located at (Block 2505, Lot 46) Bronx (“Exemption Area”):

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

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the “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 1130 Sheva Realty Associates LLC.
  - (b) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (c) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - (d) “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2505, Lot 46, 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 thirty (30) years from the Effective Date, (ii) the date of expiration or termination of the Regulatory Agreement or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (f) “Gross Rent” shall mean the gross potential rents from all commercial and residential units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
  - (g) “Gross Rent Tax” shall mean an amount equal to one and twenty-five hundredths percent (1.25%) of Gross Rent.
  - (h) “HDFC” shall mean 1130 Sheva Realty Housing Development Fund Company, Inc.

- (i) “HPD” shall mean the City of New York Department of Housing Preservation and Development.
- (j) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.
- (k) “Owner” shall mean, collectively, the HDFC and the Company.
- (l) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:

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

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. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect.



JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, February 15, 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 Governmental Operations**

Report for Int. No. 1181-A

**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to improving access to city services for limited English proficiency individuals.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on May 25, 2016 (Minutes, page 1466), respectfully

### **REPORTS:**

#### **INTRODUCTION**

On February 14, 2017, the Committee on Governmental Operations, chaired by Council Member Benjamin Kallos, will hold second hearing and vote on Proposed Int. No. 1181-A, sponsored by The Speaker, Council Member Melissa Mark-Viverito, in relation to improving access to city services for limited English proficiency individuals. This bill received a first hearing on November 17, 2016.

#### **BACKGROUND**

##### *1989 Charter Revision*

In 1989, the Charter Revision Commission proposed, and then voters in the General Election later approved, the establishment of an “Office of Language Services” within the Mayor’s Office, to set standards for, provide technical assistance and training to, and monitor the performance of City agencies in providing translation and interpretation services in languages other than English.

1

This office, to be headed by a language services coordinator, was charged with establishing standards and criteria to be used by City agencies which provide services to the public for estimating and reporting on the need to provide services in languages other than English. The office was additionally charged with providing technical assistance to agencies in delivering such language services, developing testing materials for training, monitoring and reporting on the performance of City agencies in delivering such services and to maintain in a central place a public library of written materials published by City agencies in such languages.<sup>2</sup>

##### *Mayor’s Office of Immigrant Affairs*

An Office of Immigrant Affairs was established within the Mayor’s executive office by a ballot question approved at the General Election in 2001. It was meant to “promote the utilization of city services by all its residents including... speakers of foreign languages.”<sup>3</sup> Among its powers are duties are to “advise and assist

<sup>1</sup> NYC Charter Revision Commission, Summary of Final Proposals, August 1989, ‘Service Delivery,’ p. 29, available at: [http://www.nyc.gov/html/charter/downloads/pdf/1989\\_final\\_report.pdf](http://www.nyc.gov/html/charter/downloads/pdf/1989_final_report.pdf)

<sup>2</sup> NYC Charter §15(c)

<sup>3</sup> NYC Charter §18(a)

the mayor and the council in developing and implementing policies designed to assist immigrants and other foreign-language speakers in the city,” as well as to establish programs to inform and educate foreign language speakers, and to manage a citywide list of translators and interpreters.<sup>4</sup>

#### *Executive Order 120*

On July 22, 2008, then-Mayor Michael Bloomberg signed Executive Order No. 120, a Citywide Policy on Language Access to Ensure the Effective Delivery of City Services.<sup>5</sup> It requires that “[a]ll City agencies that provide direct public services shall ensure meaningful access to such services by taking reasonable steps to develop and implement agency-specific language assistance plans regarding LEP persons... For agencies that provide services to the public that are not programmatic in nature, such as emergency services, the provisions of this order shall be implemented to the degree practicable.”<sup>6</sup> Under this EO, agencies were given flexibility to determine the appropriate language assistance for their agency’s service populations, but were required to designate a Language Access Coordinator, and develop a language access plan. The plan must consider four factors: i) the number or proportion of LEP persons in the eligible service population, ii) the frequency with which LEP individuals come into contact with the agency, iii) the importance of the benefit or service to the LEP person, and iv) the resources available to the agency and the costs of providing various types of language services. The agencies are to provide services in languages based on at least the top six LEP languages, based on United States census data and as those languages are relevant to services offered by each agency. The plans must also address areas of document translation, interpretation services, training of frontline staff, posting of signage, establishment of measurement systems and the creation of public awareness strategies.<sup>7</sup>

#### *Local Laws on Language Access*

Many local laws passed by the City Council have made provisions for language access in specific instances. In the current session, for example: for translations of localized emergency preparedness materials,<sup>8</sup> for translations of e-mail and text message notifications to voters,<sup>9</sup> for oral summaries of an inmate bill of rights for persons whose preferred language is outside of the City’s language access plan,<sup>10</sup> for the translation of lectures or educational materials related to business education events,<sup>11</sup> for the translation of a business owner’s bill of rights,<sup>12</sup> for the translation of elevator work occupant notifications into Spanish and other languages,<sup>13</sup> for consumer protection educational materials,<sup>14</sup> for disclosures in an independent expenditure communication,<sup>15</sup> and a housing information guide for tenants in Spanish and other languages.<sup>16</sup> The City Council has also passed a law this session in relation to the collection of demographic data regarding ancestry and languages spoken.<sup>17</sup>

Similar language access laws have been passed in prior sessions. One of particular note is Local Law 73 of 2003, in relation to the provision of language assistance services for persons receiving assistance from certain agencies in relation to health and human services; which was cited as being influential in Executive Order 120.<sup>18</sup>

#### *Presidential Executive Order*

At the Federal level, Presidential Executive Order 13166, titled “Improving Access to Services for Persons

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<sup>4</sup> NYC Charter §18(b)

<sup>5</sup> Executive Order 120, available at: [http://www.nyc.gov/html/om/pdf/2008/pr282-08\\_eo\\_120.pdf](http://www.nyc.gov/html/om/pdf/2008/pr282-08_eo_120.pdf)

<sup>6</sup> Id. at §1

<sup>7</sup> Id at §2

<sup>8</sup> Local Law 17 of 2015

<sup>9</sup> Local Law 64 of 2016

<sup>10</sup> Local Law 91 of 2015

<sup>11</sup> Local Law 68 of 2015

<sup>12</sup> Local Law 65 of 2015

<sup>13</sup> Local Law 47 of 2015

<sup>14</sup> Local Law 28 of 2015

<sup>15</sup> Local Law 41 of 2014

<sup>16</sup> Local Law 45 of 2014

<sup>17</sup> Local Law 126 of 2016

<sup>18</sup> [http://www.nyc.gov/html/om/pdf/2008/pr282-08\\_eo\\_120.pdf](http://www.nyc.gov/html/om/pdf/2008/pr282-08_eo_120.pdf)

with Limited English Proficiency,” was signed on August 11, 2000. The EO requires Federal agencies to develop a plan to examine the services they provide, identify potential language needs and implement a system to provide access. It also requires the extending of guidance to cover recipients of Federal financial assistance to ensure consistency with the Limited English Proficiency guidance issued by the Department of Justice, to ensure there is no discrimination on the basis of national origin under Title VI of the Civil Rights Act of 1964.<sup>19</sup>

#### *Implementation of Language Access Policies in NYC*

Under Executive Order 120, City agencies providing direct public services are required to develop and implement agency-specific language access plans.<sup>20</sup> These plans can generally be found on an agency’s website, though in different locations on each website and some may be more difficult to locate than others or be missing outright.<sup>21</sup> Within such plans the specific language access goals and activities of that agency can be found. For example, the Office of Administrative Trials and Hearings (OATH) determined that it should go beyond the top six Limited English Proficiency (LEP) languages required by the executive order when translating forms and brochures for its Hearings Division, making those materials available in the top seven non-English languages based on interpreter requests at OATH and guidance from the Mayor’s Office.<sup>22</sup> Similarly, OATH’s desktop signs offering free translation services for LEP persons are displayed in sixteen languages.<sup>23</sup> Their plan also details issues such as how such persons will be identified and how quality of language access services will be verified through the use of periodic surveys.<sup>24</sup> Similarly, the language access plan for the Department of Housing Preservation and Development provides a chart listing all of the offices and divisions within the agency, the core public facing services provided by that agency, the frequency of interaction with the LEP persons and the likely “Level of Importance to LEP Population.”<sup>25</sup> While each language access plan is different, the details contained therein can provide a yardstick to measure actual agency performance against.

In a study several years ago, by Make the Road New York and the New York Immigrant Coalition, it was found that many agencies were failing to provide language assistance to LEP New Yorkers, often because respondents were unaware of the availability of language services. The study further concluded that there was a disparity in the quality of language access services between different geographic areas and between different languages.<sup>26</sup> While a significant amount of time has passed since that study, it did occur after the passage of Executive Order 120 and can serve as a reminder that the existence of a plan may not be sufficient to ensure its effective implementation in all circumstances, particularly when the public is unaware of their rights. It is also a reminder of the potential malleability of such plans or executive orders, for better or worse, in future administrations.

There does seem to be a significant need for language access services across all of the City’s public facing agencies. Based on data in the 2016 Mayor’s Management report, in the last fiscal year there were almost one million requests for interpretation made to the Human Resources Administration, over 550,000 such requests made to 311 and over 200,000 such requests made to the NYPD.<sup>27</sup> Even smaller agencies, such as the Business Integrity Commission or the Office of the City Medical Examiner received interpretation requests in the last fiscal year, with 93 and 664 respectively.<sup>28</sup> Every public service offered by an agency may be one that an LEP

<sup>19</sup> Presidential Executive Order 13166, available at: <https://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf> and Department of Justice Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, available at: <https://www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf>

<sup>20</sup> Executive Order 120, §1, available at: [http://www.nyc.gov/html/om/pdf/2008/pr282-08\\_eo\\_120.pdf](http://www.nyc.gov/html/om/pdf/2008/pr282-08_eo_120.pdf)

<sup>21</sup> For example, committee staff was unable to locate the Department of Consumer Affairs’ Language Access Plan on their website.

<sup>22</sup> OATH, Language Access Plan, July 2015, p. 8, available at: [http://www.nyc.gov/html/oath/downloads/pdf/lap/oath\\_lap070115.pdf](http://www.nyc.gov/html/oath/downloads/pdf/lap/oath_lap070115.pdf)

<sup>23</sup> Id.

<sup>24</sup> Id. at 17

<sup>25</sup> Dept. of Housing Preservation and Development, Language Access Plan, July 2015, p. 4, available at: <https://www1.nyc.gov/assets/hpd/downloads/pdf/HPD-Language-AccessPlan.pdf>

<sup>26</sup> Make the Road New York and the New York Immigrant Coalition, ‘Still Lost in Translation,’ July 2010, available at: [http://www.maketheroad.org/pix\\_reports/MRNY\\_Still\\_Lost\\_in\\_Translation\\_July\\_2010.pdf](http://www.maketheroad.org/pix_reports/MRNY_Still_Lost_in_Translation_July_2010.pdf)

<sup>27</sup> 2016 MMR Appendix: Customer Service “Requests for Interpretation,” available at:

[http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2016/requests\\_for\\_interpretation.pdf](http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2016/requests_for_interpretation.pdf)

<sup>28</sup> Id.

New Yorker needs access to and a failure to provide language assistance may mean a failure to be able to provide that needed service.

**Proposed Int. No. 1181-A**

Proposed Int. No. 1181-A contains a declaration of legislative findings and intent recognizing that a large percentage of the City's inhabitants speak languages other than English and that the well-being and safety of the City as a whole is put in jeopardy if the people of the City are unable to access City services or effectively communicate with City agencies. Therefore, it is declared desirable that the City promote the utilization of City services by all its residents, including speakers of languages other than English.

Proposed Int. No. 1181-A would first require covered agencies to provide language access services for all designated citywide languages. Covered agencies would be all those City agencies that provide direct public services (defined as services by an agency directly to program beneficiaries, participants or applicants) or emergency services. The designated citywide languages would be ten languages, to be determined by the Office of the Language Services Coordinator, with six based on United States census data and four based on Department of Education data. The language access services would include identifying and translating documents commonly distributed to the public, providing interpretation services and the posting of multilingual signage about the availability of interpretation services. The language access services provided by each covered agency would be described in a language access implementation plan developed and implemented by each agency, in consultation with the Office of the Language Services Coordinator and the Office of Immigrant Affairs.

The language access implementation plans would be required to include certain items. Each plan would designate a language access coordinator to oversee the creation and execution of such plan, with the coordinator's name and title posted on the agency's website. Each plan would describe how the agency would provide language access services to ensure meaningful access to information and direct public services, and such plans would identify the documents to be translated and services for which language access services are to be provided so as to meet those goals. In developing each plan, several factors should be taken into consideration, including considerations of the service population, frequency of contact with the agency, the importance of the service, and the resources available to the agency. As an example, an agency that provides licensing services might find, in developing and implementing such plan, that meaningful access to such service can be provided by translating informational guidance documents on such licensing service. Each plan would also incorporate an evaluation of the language access needs of the service population, including a consideration of relevant language data that may be available. Each plan would incorporate planning to address language access needs in emergency preparedness and response. Each plan would incorporate consideration of language access in agency communications to the public. Each plan would incorporate plain language principles for documents. Each plan would incorporate the training of frontline workers on language access policies and determine the agency's capacity to provide language access services through staffing and contracts with third parties. Each plan would incorporate public awareness strategies. Each plan would include a process to monitor and timely respond to public complaints regarding language access. Finally, each plan would describe the steps by which the plan would be effectuated, provided that for newly required languages not currently covered by that agency, such services would be required to be provided by July 1, 2018, except for the purposes of issuing a license, permit or registration which would be required to be provided by July 1, 2020. Each agency would be required to update their plan based on changes in their service population, or services, at least every three years and publish such plans on their website.

Each covered agency would also be required to provide for telephonic interpretation services in at least 100 languages, including common and esoteric languages as identified by the Office of the Language Services Coordinator.

The bill would also require the Office of the Language Services Coordinator, in consultation with the Office of Immigrant Affairs, to work with covered agencies on the development and implementation of their language access implementation plans and language access services. Additionally, they would collect annual reports from covered agencies regarding such implementation. The two offices would also coordinate to perform outreach in neighborhoods containing a significant number of persons that do not speak any of the languages already covered by most agencies' language access implementation plans, but which might

otherwise contain a likely service population, to inquire what agency direct public services might be used by such persons if such services were available in a language spoken by such persons. It would also be required to make recommendations to agencies on specific programs for which the providing of language access services in languages not already required might be beneficial. The bill also provides greater specificity to the requirement to monitor agency performance.

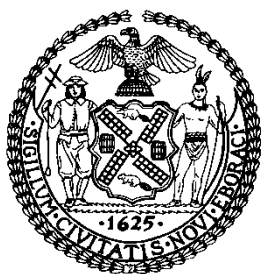
The Office of the Language Services Coordinator would also be required to issue annual reports, beginning on June 30, 2018, providing information on the implementation of the law, including: the name of each agency’s language access coordinator, a copy of each agency’s language access implementation plan, information regarding how members of the public may submit complaints or requests, data on complaints and requests and how they were addressed, a copy of the list of designated citywide languages and the data relied upon for its creation, and information regarding the required outreach to language communities outside of those generally served.

Proposed Int. No. 1181-A would also require that a copy of every complaint received by 311 on language accessibility, or request for additional language services, be forwarded to both the relevant agency and the Office of the Language Services Provider.

Finally, the bill includes a preview provision requiring the Office of the Language Services Coordinator to make a preliminary assessment, by May 15, 2017, of the languages like to be the designated citywide languages when the bill takes full effect.

It would take effect on July 1, 2017, except for the preview provision which would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1181-A:)**



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

**PROPOSED INTRO. NO: 1181-A  
COMMITTEE: Governmental Operations**

**TITLE:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to improving access to city services for limited English proficiency individuals

**SPONSORS:** The Speaker (Council Member Mark-Viverito) and Council Members Chin, Mendez, Koo, Rosenthal, Kallos, Menchaca, Levine and Salamanca

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1181-A would require the designation of ten languages for which all covered agencies would be required to provide language access services. Such services would include translating documents, providing interpretation services and multilingual signage. Each covered agency would also be required to develop and implement language access implementation plans to describe how such services will be provided. The bill would also require monitoring and reporting on such services.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** This local law would take effect on July 1, 2017, except that work on the preliminary assessment will begin immediately.

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY18</b>
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<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$1,200,000	\$1,200,000	\$1,200,000
<b>Net</b>	\$1,200,000	\$1,200,000	\$1,200,000

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

**IMPACT ON EXPENDITURES:** Based on current costs related to the City's existing translation and in-person interpretation services, it is estimated that the enactment of this legislation, which would expand translation services to include up to four additional languages, would require additional funding of \$1.2 million annually.

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

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

**ESTIMATE PREPARED BY:** John Russell, Unit Head

**ESTIMATE REVIEWED BY:** Eric Bernstein, Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 25, 2016 as Intro. No. 1181 and referred to the Committee on Governmental Operations. The legislation was considered at a hearing on November 17, 2016 and was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1181-A, will be voted on by the Committee on Governmental Operations at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1181-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 10, 2017

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

**(The following is the text of Int. No. 1181-A:)**

Int. No. 1181-A

By The Speaker (Council Member Mark-Viverito) and Council Members Chin, Mendez, Koo, Rosenthal, Kallos, Menchaca, Levine, Salamanca, Levin and Treyger.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to improving access to city services for limited English proficiency individuals.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. The city recognizes that a large percentage of its inhabitants speak languages other than English and that the well-being and safety of the city as a whole is put in jeopardy if the people of the city are unable to access city services or effectively communicate with city agencies. The city further recognizes that effective language access is a tool to promote equity in economic opportunity, education, health, civic participation, and all other aspects of the life of the city, and that it is a

necessary component of city agencies' ability to accomplish their mandates. It is therefore desirable that the city promote the utilization of city services by all its residents, including speakers of languages other than English.

§ 2. Title 23 of the administrative code of the city of New York is amended to add a new chapter 11, to read as follows:

*CHAPTER 11  
LANGUAGE ACCESS*

§ 23-1101 *Definitions. a. For the purposes of this chapter, the following terms shall have the following meanings:*

*Covered agencies. The term "covered agencies" means every city agency that provides direct public services or emergency services.*

*Designated citywide languages. The term "designated citywide languages" means the top six limited English proficiency languages spoken by the population of New York city as determined by the department of city planning and the office of the language services coordinator, based on United States census data; and the top four limited English proficiency languages spoken by the population served or likely to be served by the agencies of the city of New York as determined by the office of the language services coordinator, based on language access data collected by the department of education, excluding the languages designated based on United States census data.*

*Direct public services. The term "direct public services" shall mean services administered by an agency directly to program beneficiaries, participants, or applicants.*

§ 23-1102 *Language access implementation plans. a. Every covered agency shall provide language access services for all designated citywide languages. Such language access services shall include, but not be limited to:*

- 1. identifying and translating those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services;*
- 2. providing interpretation services, including through telephonic interpretation services; and*
- 3. posting of multilingual signage in conspicuous locations about the availability of free interpretation services.*

*b. Each covered agency shall, in consultation with the office of the language services coordinator and the office of immigrant affairs, develop and implement an agency-specific language access implementation plan to describe how language access services will be provided and to ensure meaningful access to information and direct public services. The implementation plans of emergency service providers shall include provision for their requirements to be implemented to the degree practicable. For each covered agency, the language access implementation plan shall:*

*1. designate a language access coordinator to oversee the creation and execution of such implementation plan and provide for the name and title of such language access coordinator to be posted in a conspicuous place on such agency's website;*

*2. describe how such agency will provide the language access services required by subdivision a.*

*3. consider the following factors in developing such implementation plan: (a) the number or proportion of limited English proficiency persons in the eligible service population; (b) the frequency with which limited English proficiency individuals come into contact with the agency, including the evaluation conducted pursuant to paragraph 4 of this subdivision; (c) the importance of the benefit, service, information, or encounter to the limited English proficiency person (including the consequences of lack of language services or inadequate interpretation or translation); and (d) the resources available to the agency and the costs of providing various types of language services.*

*4. incorporate an evaluation of the language access needs of the service population, or likely service population, of such agency, and consider under what circumstance some or all of the direct public services of such agency should be provided in a language or languages supplemental to the designated citywide languages. Such evaluation should consider any available data on the service population of such agency, including but not limited to (i) relevant survey data collected pursuant to paragraph 1 of subdivision i of section 15 of the charter, (ii) language data collected by such agency through intake processes or other*

processes for collecting client, applicant or participant information, and (iii) the data collected by such agency on language access services rendered or requested. Such evaluation should also consider any information collected pursuant to paragraph 3 of subdivision c of section 15 of the charter.

5. incorporate planning to address language access needs in the agency's emergency preparedness and response;

6. incorporate consideration of language access in agency communications, including emergency notifications, public hearings and events, press releases, and other communications to the public;

7. incorporate plain language principles for documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services and for other public communications, by using plain language, where possible, in place of technical, legal, or specialized terms, and by using layout and design strategies to make such documents and communications easier to read, understand, and act upon;

8. incorporate the training of frontline workers and managers on language access policies and procedures;

9. incorporate appropriate public awareness strategies regarding the agency's language access services;

10. include a process to monitor and timely respond to public complaints regarding language access;

11. determine such agency's capacity with regard to providing language access services, both through agency staffing and contracts with third parties; and

12. describe the steps by which such agency's language access policy will be effectuated, provided that for any designated citywide language for which such agency does not provide language access services at the time of the enactment of this section, such agency shall provide such services (i) by July 1, 2020 for purposes of issuing a license, permit or registration, and (ii) by July 1, 2018 for all other purposes of this section.

c. Each covered agency shall provide for telephonic interpretation services in at least 100 languages, including both common and esoteric languages as identified by the office of the language services coordinator.

d. Each covered agency shall update its language access implementation plan, based on changes in the agency's service population or services, at least every three years and publish such implementation plan on its website.

§ 3. Subdivision c of section 15 of the New York city charter, as added at a General Election held on November 7, 1989, is amended to read as follows:

c. There shall be an office of the language services coordinator within the office of operations. Within appropriations therefor, the *office of the language services* coordinator shall appoint such experts and assistants as necessary to fulfill the duties assigned to the office by this charter, *in consultation with the office of immigrant affairs*. The office of the language services coordinator shall have the following powers and duties:[.]

1. To [establish standards and criteria, to be used by city agencies which provide services to the public, for estimating, and reporting on, the need to provide such services in languages other than English.]

*work with each agency subject to the requirements of section 23-1102 of the code on the development and implementation of its agency-specific language access implementation plan to ensure meaningful access to information and direct public services.*

2. *To collect annual reports from each such agency regarding implementation of its language access implementation plan.*

3. *To perform outreach, in coordination with the office of immigrant affairs or other agencies, in neighborhoods containing a significant number of persons that do not speak any of the languages already covered by most agencies' language access implementation plans, but which might otherwise contain a likely service population, to inquire what agency direct public services, as defined in section 23-1101 of the code, might be used by such persons if services in a language spoken by such persons were available, and collect information therefrom to be shared with the relevant agencies.*

4. *To make recommendations to city agencies on specific programs for which the providing of language access services in languages not already required pursuant to section 23-1102 of the code may be beneficial.*

5. *Beginning no later than June 30, 2018, and no later than every June 30 thereafter, submit to the city council and post on the city website a report providing information regarding each agency subject to the requirements of section 23-1102, including:*



- (i) *the name of the individual designated as the agency's language access coordinator, including all titles held by such individual;*
  - (ii) *the agency's language access implementation plan, to be updated every three years unless such implementation plan has been updated by such agency since it was last reported;*
  - (iii) *information regarding how members of the public may submit language access complaints, questions and requests to the agency;*
  - (iv) *data on complaints and requests received pursuant to section 23-301 of the code and a description of how such complaints and requests were addressed;*
  - (v) *a copy of the list of designated citywide languages, created pursuant to section 23-1101 of the code, as well as the data relied upon for its creation;*
  - (vi) *information regarding the outreach conducted pursuant to paragraph 3 of this subdivision;*
- and

[2.] 6. To provide technical assistance to such city agencies in *meeting the requirements of section 23-1102 of the code* [developing appropriate plans and programs to: (i) deliver their services in languages other than English, (ii) translate written materials into such languages, and (iii) educate the public about such agency plans and programs].

[3. In conjunction with a committee of agency representatives, to develop testing materials to evaluate the ability of city employees to deliver services in languages other than English; to develop materials to be used in the training of such employees; and, either on its own or in cooperation with the appropriate agencies, to provide such training.

4.] 7. To monitor and report on the performance of city agencies in delivering services in languages other than English, *including but not limited to compliance with signage requirements, the availability of interpretation services, the familiarity of frontline workers with language access policy and reviews of translated documents for accuracy and availability.*

[5.] 8. To maintain in a central place which is accessible to the public a library of written materials published by city agencies in such languages.

*9. To establish, in furtherance of the purposes of this subdivision and of chapter 11 of the code, additional standards and criteria for city agencies that provide language access services.*

§ 4. Subdivision b of section 18 of the New York city charter, as added at a General Election held on November 6, 2001, is amended to read as follows:

b. In furtherance of the policies stated in subdivision a of this section, there shall be established in the executive office of the mayor an office of immigrant affairs. The office shall be headed by a director, who shall be appointed by the mayor. The director of the office of immigrant affairs shall have the power and the duty to:

1. advise and assist the mayor and the council in developing and implementing policies designed to assist immigrants and [foreign-language] speakers *of languages other than English* in the city, *in consultation with the office of the language services coordinator with respect to language accessibility;*

2. enhance the accessibility of city services to immigrants and [foreign language] speakers *of languages other than English* by establishing programs to inform and educate immigrants and [foreign language] speakers *of languages other than English* of such services;

[3. manage a citywide list of translators and interpreters to facilitate communication between city agencies and foreign language speakers;]

[4.] 3. perform policy analysis and make recommendations concerning immigrant affairs; and

[5.] 4. perform such other duties and functions as may be appropriate to pursue the policies set forth in subdivision a of this section.

§ 5. Section 23-301 of the administrative code of the city of New York is amended to read as follows:

§ 23-301 Tracking information provided. *a.* 311 customer service center call takers shall provide the caller with a unique identifier for such call taker at the beginning of every call and a tracking number for every call that results in a request for service or complaint being filed with a city agency.

*b.* *Every call, e-mail or electronic message to the 311 customer service center in regard to the reporting of a complaint about language accessibility or a request for additional language services shall be forwarded to both the agency or agencies that such complaint or request referenced and to the office of the language services coordinator.*

§ 6. By May 15, 2017, the office of the language services coordinator shall make a preliminary assessment, based on the best available data, of the ten limited English proficiency languages likely to be the designated citywide languages when section 2 of this local law takes effect, and report the results of that preliminary assessment to the speaker and the mayor.

§ 7. This local law takes effect on July 1, 2017, except that section 6 shall take effect immediately.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, February 14, 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. 179-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 display of street numbers.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 12, 2014 (Minutes, page 695), respectfully

#### **REPORTS:**

##### **I. Introduction**

On February 14, 2017, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams will hold a hearing for the purposes of conducting votes on Int. No. 179-A and Int. No. 289-A.

The Committee originally heard Int. No. 179-A in September 2016 and received testimony from the Fire Department, the Manhattan Borough President and other interested members of the public. The Committee originally heard Int. No. 289-A in October 2014 and received testimony from the Department of Housing Preservation and Development (“HPD”), legal services providers and other interested members of the public. More information about these bills is available with the materials for those hearings, which can be accessed online at <http://on.nyc.gov/21Mar9A> and <http://on.nyc.gov/2evDZHR>.

#### **Proposed Legislation**

Below is a brief summary of each of the pieces of legislation being voted on by the Committee at this hearing. These summaries are intended for informational purposes only and do not substitute for legal counsel. For more detailed information, you should review the full text of each bill, which is attached below.

##### **Int. No. 179-A**

Int. No. 179-A would require street numbers to be placed on every side of a building that contains an entrance primarily utilized for day-to-day pedestrian ingress or egress. This legislation is not intended to take

the place of the Borough Presidents' vanity address application processes. Int. No. 179-A would also increase the civil penalty for failing to post street numbers from twenty-five dollars to two hundred fifty dollars and the daily penalty from five dollars to fifty dollars. This legislation takes effect 365 days after enactment.

Int. No. 289-A

Int. No. 289-A would require HPD to make all applications and corresponding instruction materials available in English, Arabic, Chinese, Haitian Creole, Korean, Russian, and Spanish and allow HPD to use additional languages at its discretion. It would also require HPD to provide a notice, listing all the languages in which applications are available, with all application forms, on HPD's website and in areas of HPD offices that are open to the public. This legislation takes effect 120 days after enactment.

Update

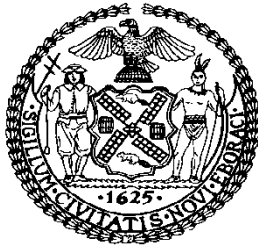
The Committee voted in favor of Proposed Int. No. 179-A and Proposed Int. No. 289-A on February 14, 2017.

**(The following is the text of the Fiscal Impact Statement for Int. No. 179-A:)**

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

**PROPOSED INTRO. NO: 179-A**

**COMMITTEE: Housing and Buildings**



**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to display of street numbers

**SPONSORS:** Council Members Williams, Chin, Koo, Torres and Mendez (by request of the Manhattan Borough President)

**SUMMARY OF LEGISLATION:** Proposed Intro. 179-A would require street numbers to be placed on every side of a building that contains an entrance primarily used by pedestrians. It would also increase the civil penalty for failing to post street numbers from \$25 to \$250 and the daily penalty from \$5 to \$50.

**EFFECTIVE DATE:** This local law would take effect 365 days after it becomes law and would apply to all new and existing buildings.

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

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**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation. Any expenditures would be related to bringing all City-owned buildings resulting from properties qualifying after the passage of this legislation into compliance and such expenditures would include materials and labor costs to install the required devices. Although, at the time of this writing, the number of dwelling units that would need to be brought into compliance, if any, are not yet known. It is estimated that any required devices would be installed and affixed by existing staff.

**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 March 12, 2014 as Intro. No. 179 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on September 26, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 179-A, will be considered by the Committee on Housing and Buildings on February 14, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** January 26, 2017

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

**(The following is the text of Int. No. 179-A:)**

Int. No. 179-A

By Council Members Williams, Chin, Koo, Torres, Mendez, Levin and Kallos (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to display of street numbers**

*Be it enacted by the Council as follows:*

Section 1. Section 3-505 of the administrative code of the city of New York, subdivision b as amended by local law number 18 for the year 1997, is amended to read as follows:

§ 3-505 Street numbers. a. Requirements. 1. The owner, agent, lessee or other person in charge of any building in the city upon a street to which street numbers of buildings have been assigned by the president of the borough in which such building is situated, shall cause the proper street number or numbers of such buildings to be displayed in such manner that the street number or numbers may at all times be plainly legible from the sidewalk in front of such building. The term "front" as used in this section shall be construed to mean that side of the building which faces the street on which the number or numbers of such building, or premises on which such building is situated, have been [allotted] *assigned*. The number or numbers shall be displayed on such side of such building or premises. Each borough president shall have the power to establish and enforce rules and regulations relating to the size, form, visibility and location of street numbers in accordance with the requirements of this section.

2. *Where a building has frontage on more than one street, every side of such building that has an entrance primarily utilized for day-to-day pedestrian ingress and egress shall display either:*

*(a) The assigned street number of the street on which such entrance faces, or*

*(b) Both the street name and assigned street number of any other street on which an entrance of such building primarily utilized for day-to-day pedestrian ingress and egress faces.*

b. Violations. If the owner, lessee, agent or other person in charge of any building in the city upon a street to which street numbers of buildings have been assigned by the president of the borough in which such building is situated shall fail to display the proper street number of such building, as provided in the foregoing subdivision, the president of the borough in which such building is situated shall forthwith serve such person or persons with a copy of this section, and if after thirty days' notice the owner, lessee, agent or other person in charge of such building shall fail or neglect to comply with the provisions thereof, he or she shall be subject to a penalty of [twenty-five] *two hundred fifty* dollars, which shall be sued for and collected in the name of the city. Any person who shall continue any such offense shall pay an additional sum of [five] *fifty* dollars for each day such offense shall continue.

§ 2. This local law takes effect 365 days after it becomes law and applies to all new and existing buildings.

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, February 14, 2017. *Other Council Members Attending: Garodnick, Barron, Borelli, Miller, Koslowitz and Gentile.*

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. 1289-A

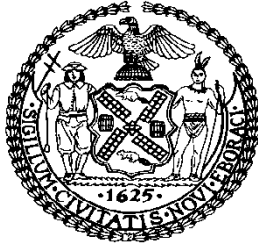
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the provision of housing applications in multiple languages by the department of housing preservation and development.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on September 28, 2016 (Minutes, page 3221), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1289-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 289-A:*



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

**PROPOSED INTRO. NO: 289-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the provision of housing applications in multiple languages by the department of housing preservation and development

**SPONSORS:** Council Members Cumbo, Williams, Deutsch, Chin, Cornegy, Eugene, Gibson, Koo, Levine, Reynoso, Rose, Treyger, Menchaca, Rosenthal, Rodriguez, Lander, Levin, Vallone

**SUMMARY OF LEGISLATION:** Proposed Intro. 289-A would require the Department of Housing Preservation and Development (“HPD”) to make application forms available in all multiple languages, including: English; Arabic; Chinese; Haitian Creole; Korean; Russian, Spanish; and any other languages chosen by HPD. The legislation also would require HPD to provide a notice to applicants that application forms are available in additional languages, and to post such notice in HPD offices and online.

**EFFECTIVE DATE:** This local law takes effect 120 days after it becomes law, except that HPD may take any actions necessary, including the promulgation of rules, before such effective date.

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

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** It is estimated that there 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 HPD would use existing resources to implement the provisions of this proposed bill.

**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

Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on April 29, 2014 as Intro. No. 289 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on October 29, 2014 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 289-A, will be considered by the Committee on Housing and Buildings on February 14, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** December 12, 2016

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

**(The following is the text of Int. No. 289-A:)**

Int. No. 289-A

By Council Members Cumbo, Williams, Deutsch, Chin, Cornegy, Eugene, Gibson, Koo, Levine, Reynoso, Rose, Treyger, Menchaca, Rosenthal, Rodriguez, Lander, Levin, Vallone, Salamanca and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of housing applications in multiple languages by the department of housing preservation and development**

*Be it enacted by the Council as follows:*

Section 1. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2096.1 to read as follows:

§ 27.2096.1 *Application forms; languages required.* a. *As used in this section, the following terms have the following meanings:*

*Application form.* The term "application form" means any application form or corresponding instruction materials that the department uses to select persons to whom it will provide services.

*Mandatory language.* The term "mandatory language" means English and any covered language, as defined by subdivision j of section 8-1002.

*Optional language.* The term "optional language" means any language other than a mandatory language.

b. *The department shall make all application forms available in all mandatory languages.*

c. *The department may make application forms available in any optional language.*

d. *The department shall provide a notice with all application forms that such application forms are available in all mandatory languages and any optional language used pursuant to subdivision c of this section. Such notice shall be written in all mandatory languages and any optional language in which application forms are provided pursuant to this section.*

e. *The department shall prominently display, on its website and in portions of its offices that are open to the public, notices that application forms are available in all mandatory languages and any optional language in which application forms are provided pursuant to this section.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing and preservation development may take any actions necessary, 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, February 14, 2017. *Other Council Members Attending: Council Members Garodnick, Barron, Borelli, Miller, Koslowitz and Gentile.*

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

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

Report for L.U. No. 559

**Report of the Committee on Land Use in favor of approving Application No. C 170048 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law, Article XI of the Private Housing Finance Law, and Section 197-c of the New York City Charter, for an urban development action area designation and project approval, disposition of city-owned property, and real property tax exemption, for property located at 225 West 140th Street (Block 2026, Lot 15), Borough of Manhattan, Community Board 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 1, 2017 (Minutes, page 355) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN - CB 10**

**C 170048 HAM**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 225 West 140th Street (Block 2026, Lot 15) as an Urban Development Action Area; and
  - b) Urban Development Action Area Project for such area;
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; and
- 3) pursuant to Article XI of the Private Housing Finance Law for a real property tax exemption;

to facilitate a 7-story mixed-use building containing approximately 20 affordable dwelling units and community facility space.

#### **INTENT**



To approve an Urban Development Action Area Project and a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law. This action, in conjunction with the related actions would facilitate development of a 7-story mixed-use building containing approximately 20 affordable dwelling units and community facility space.

**PUBLIC HEARING**

**DATE:** February 7, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 7, 2017

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

**In Favor:**

Cohen, Mealy, Rodriguez, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 14, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Williams, Richards, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

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

Res. No. 1381

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development and the decision of the City Planning Commission, ULURP No. C 170048 HAM, approving the designation of property located at 225 West 140<sup>th</sup> Street (Block 2026, Lot 15), Borough of Manhattan, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned property located at 225 West 140<sup>th</sup> Street (Block 2026, Lot 15), to a developer selected by HPD (L.U. No. 559; C 170048 HAM).**

By Council Members Greenfield and Cohen.

**WHEREAS**, the City Planning Commission filed with the Council on February 1, 2017 its decision dated February 1, 2017 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 225 West 140<sup>th</sup> Street (Block 2026, Lot 15), as an Urban Development Action Area (the "Disposition Area" and "Exemption Area");
- b) Approval an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 225 West 140<sup>th</sup> Street (Block 2026, Lot 15), to a developer to be selected by HPD,

which in conjunction with the other related action would facilitate a seven-story mixed-use building containing approximately 20 affordable dwelling units and community facility space, Community District 10, Borough of Manhattan (ULURP No. C 170048 HAM) (the "Application");

**WHEREAS**, the Application is related to application C 170049 PQM (L.U. No. 560), an acquisition of privately-owned property;

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

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

**WHEREAS**, by letter dated January 23, 2017 and submitted to the Council on February 1, 2017, HPD submitted its requests (the "HPD Requests") respecting the Application including a project summary (the "Project Summary"), and a request for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law (the "Exemption");

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on February 7, 2017;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the revised negative declaration issued September 2, 2016 (CEQR No. 16HPD078M) (the "Revised Negative Declaration");

**RESOLVED:**

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 170048 HAM) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

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

The Project shall be developed in a manner consistent with the Project Summary submitted by HPD on February 1, 2017, a copy of which is attached hereto and made a part hereof.

The Council approves the disposition of 225 West 140<sup>th</sup> Street (Block 2026, Lot 15), to a developer selected by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 197-d of the New York City Charter.

The Council approves a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
  - b) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - c) “Exemption Area” shall mean the real property located on the Tax Map of the City of New York in the Borough of Manhattan, City and State of New York, identified as Block 2026, Lot 15.
  - d) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e) “HDC” shall mean New York City Housing Development Corporation.
  - f) “HDFC” shall mean HP MJM Housing Development Fund Company, Inc.
  - g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - h) “LLCs” shall mean 407 Lenox Avenue, LLC and 407 Lenox LIHTC Owner LLC or affiliates.
  - i) “New Owner” shall mean the HDFC and the LLCs or any future owner of the Exemption Area.
  - j) “Regulatory Agreement” shall mean the regulatory agreement between HPD, HDC and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business, commercial use, or community facility use, except for such community facility use required by and on the terms set forth in the Regulatory Agreement) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“Exemption”) shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (v) the demolition or construction of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by December 31, 2022, as such date may be extended in writing by HPD.
4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 14, 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. 560

**Report of the Committee on Land Use in favor of approving Application No. C 170049 PQM submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 225 West 140th Street (Block 2026, Lot 15), Borough of Manhattan, Community Board 10, Council District 9. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

The Committee on Land Use, to which the annexed Land Use item was referred on February 1, 2017 (Minutes, page 355) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 10**

**C 170049 PQM**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 225 West 140th Street (Block 2026, Lot 15) to facilitate construction of a new seven story mixed-use building with approximately 20 units of affordable housing.

**INTENT**

To approve the site acquisition, which in conjunction with the related action would facilitate development of a 7-story mixed-use building containing approximately 20 affordable dwelling units and community facility space

**PUBLIC HEARING**

**DATE:** February 7, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 7, 2017

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

**In Favor:**

Cohen, Mealy, Rodriguez, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 14, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Williams, Richards, Kallos, Reynoso, Torres, Treyger.

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

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

Res. No. 1382

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170049 PQM (L.U. No. 560), for the acquisition of property located at 225 West 140<sup>th</sup> Street (Block 2026, Lot 15), to facilitate construction of a new seven-story mixed-use building with approximately 20 units of affordable housing in Community District 10, Borough of Manhattan.**

By Council Members Greenfield and Cohen.

**WHEREAS**, the City Planning Commission filed with the Council on February 1, 2017 its decision dated February 1, 2017 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Housing Preservation and Development, for the site acquisition of privately-owned property located at 225 West 140<sup>th</sup> Street (Block 2026, Lot 15), which in conjunction with the other related action would facilitate construction of a new seven-story mixed-use building with approximately 20 units of affordable housing (the "Site"), (ULURP No. C 170049 PQM), Community District 10, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to application C 170048 HAM (L.U. No. 559), an Urban Development Action Area Project designation and project approval, and disposition of City-owned property;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 7, 2017;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the revised negative declaration issued September 2, 2016 (CEQR No. 16HPD078M) (the "Revised Negative Declaration");

**RESOLVED:**

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170049 PQM, incorporated by reference herein, the Council approves the Decision.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 14, 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. 561

**Report of the Committee on Land Use in favor of approving Application No. C 170050 ZMM submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a; changing an existing R7-2/C2-4 district to an R8A/C2-4 district on property located West of Lenox Avenue between West 130th Street and West 131st 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 February 1, 2017 (Minutes, page 356) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 10**

**C 170050 ZMM**

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

1. eliminating from within an R7-2 District a C2-4 District bounded by a line 100 feet westerly of Lenox Avenue – Malcolm X. Boulevard, West 131st Street, a line 90 feet westerly of Lenox Avenue – Malcolm X. Boulevard, and West 130th Street, and
2. changing from an R7-2 District to an R8A District property bounded by a line 90 feet westerly of Lenox Avenue – Malcolm X. Boulevard, West 131st Street, Lenox Avenue – Malcolm X. Boulevard, and West 130th Street,

as shown on a diagram (for illustrative purposes only) dated September 6, 2016, and subject to the conditions of CEQR Declaration E-377.

**INTENT**

To approve an amendment to the Zoning Map, which in conjunction with the related actions would facilitate development of a 10-story mixed-use building containing approximately 72,000 square feet of residential floor area, approximately 7,500 square feet of ground floor retail and approximately 2,4000 square feet of community facility space.

**PUBLIC HEARING**

**DATE:** February 7, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** February 7, 2017

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

**In Favor:**

Cohen, Mealy, Rodriguez, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** February 14, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Williams, Richards, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

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

Res. No. 1383

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170050 ZMM, a Zoning Map amendment (L.U. No. 561).**

By Council Members Greenfield and Cohen.

**WHEREAS**, the City Planning Commission filed with the Council on February 1, 2017 its decision dated February 1, 2017 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, which in conjunction with the related actions would facilitate a new mixed-use affordable housing development in the Central Harlem neighborhood of Manhattan, (ULURP No. C 170050 ZMM), Community District 10, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications C 170051 HAM (L.U. No. 562), an urban development action area project designation and project approval, and disposition of City-owned property; and N 170052 ZRM (L.U. No. 563), a zoning text amendment 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 February 7, 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 revised negative declaration issued September 2, 2016 (CEQR No. 16HPD078M) (the “Revised Negative Declaration”);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised 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 170050 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6a:

1. eliminating from within an R7-2 District a C2-4 District bounded by a line 100 feet westerly of Lenox Avenue - Malcolm X. Boulevard, West 131<sup>st</sup> Street, a line 90 feet westerly of Lenox Avenue - Malcolm X. Boulevard, and West 130<sup>th</sup> Street; and
2. changing from an R7-2 District to an R8A District property bounded by a line 90 feet westerly of Lenox Avenue – Malcom X. Boulevard, West 131<sup>st</sup> Street, Lenox Avenue – Malcolm X. Boulevard, and West 130<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated September 6, 2016, and subject to the conditions of CEQR Declaration E-377, Community District 10, Borough of Manhattan.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 14, 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. 562

**Report of the Committee on Land Use in favor of approving Application No. C 170051 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law, Article XI of the Private Housing Finance Law, and Section 197-c of the New York City Charter, for an urban development action area designation and project approval, disposition of city-owned property, and real property tax exemption, for property located at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35 and 36), Borough of Manhattan, Community Board 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 1, 2017 (Minutes, page 356) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 10**

**C 170051 HAM**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35 and 36) as an Urban Development Action Area;
  - b) Urban Development Action Area Project for such area;
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; and
- 3) pursuant to Article XI of the Private Housing Finance Law for a real property tax exemption;

to facilitate a 10-story mixed-use building containing approximately 72,000 square feet of residential floor area, approximately 7,500 square feet of ground floor retail and approximately 2,400 square feet of community facility space.

**INTENT**

To approve an Urban Development Action Area Project and a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law, which in conjunction with the related actions would facilitate development of a 10-story mixed-use building containing approximately 72,000 square feet of residential floor area, approximately 7,500 square feet of ground floor retail and approximately 2,4000 square feet of community facility space.

**PUBLIC HEARING**

**DATE:** February 7, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 7, 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:**

Cohen, Mealy, Rodriguez, Treyger.

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

**COMMITTEE ACTION**

**DATE:** February 14, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Williams, Richards, Kallos, Reynoso, Torres, Treyger.

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

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

Res. No. 1384

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development and the decision of the City Planning Commission, ULURP No. C 170051 HAM, approving the designation of property located at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35, and 36), Borough of Manhattan, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned property located 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35, and 36), to a developer selected by HPD (L.U. No. 562; C 170051 HAM).**

By Council Members Greenfield and Cohen.

**WHEREAS**, the City Planning Commission filed with the Council on February 1, 2017 its decision dated February 1, 2017 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, and 36), as an Urban Development Action Area (the "Project Area");
- d) an Urban Development Action Area Project for the Area (the "Project"); and
- e) pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, and 36), to a developer to be selected by HPD,

to facilitate a ten-story mixed-use building containing approximately 72,000 square feet of residential floor area, approximately 7,5000 square feet of ground floor retail and approximately 2,400 square feet of community facility space, Community District 10, Borough of Manhattan (ULURP No. C 170051 HAM) (the "Application");

**WHEREAS**, the Application is related to applications C 170050 ZMM (L.U. No. 561), a zoning map amendment to modify the depth of an existing R7-2/C2-4 district and to change an existing R7-2 district to an R8A district; and N 170052 ZRM (L.U. No. 563), a zoning text amendment 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**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated January 23, 2017 and submitted to the Council on February 1, 2017, HPD submitted its requests (the “HPD Requests”) respecting the Application including a project summary (the “Project Summary”), and a request for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law (the “Exemption”) for the Project Area and adjacent privately-owned property (Block 1915, Lots 34 and 35) (the Project Area together with the privately-owned property, the “Exemption Area”);

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on February 7, 2017;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the revised negative declaration issued September 2, 2016 (CEQR No. 16HPD078M) (the “Revised Negative Declaration”);

**RESOLVED:**

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 170051 HAM) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

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

The Council approves the disposition of 407-415 Lenox Avenue (Block 1915, Lots 32, 33, and 36), to a developer selected by the New York City Department of Housing Preservation and Development pursuant to Section 197-d of the New York City Charter.

The Project shall be developed in a manner consistent with the Project Summary submitted by HPD on February 1, 2017, a copy of which is attached hereto and made a part hereof.

The Council approves an Article XI tax exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
  - b) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - c) “Exemption Area” shall mean the real property located on the Tax Map of the City of New York in the Borough of Manhattan, City and State of New York, identified as Block 1915, Lots 32, 33, 34, 35, 36.
  - d) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e) “HDC” shall mean New York City Housing Development Corporation.
  - f) “HDFC” shall mean HP MJM Housing Development Fund Company, Inc.
  - g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - h) “LLCs” shall mean 407 Lenox Avenue, LLC and 407 Lenox LIHTC Owner LLC or affiliates.
  - i) “New Owner” shall mean the HDFC and the LLCs or any future owner of the Exemption Area.
  - j) “Regulatory Agreement” shall mean the regulatory agreement between HPD, HDC and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business, commercial use, or community facility use, except for such community facility use required by and on the terms set forth in the Regulatory Agreement) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“Exemption”) shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (v) the demolition or construction of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any

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

- (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by December 31, 2022, as such date may be extended in writing by HPD.
4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 14, 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. 563

**Report of the Committee on Land Use in favor of approving Application No. N 170052 ZRM submitted by New York City Department of Housing Preservation and Development and Lemor Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community Board 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 1, 2017 (Minutes, page 356) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 10**

**N 170052 ZRM**

City Planning Commission decision approving an application submitted by New York City Department of Housing Preservation and Development and Lemor Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve an amendment to the Zoning Map, which in conjunction with the related actions would facilitate development of a 10-story mixed-use building containing approximately 72,000 square feet of

residential floor area, approximately 7,500 square feet of ground floor retail and approximately 2,4000 square3 feet of community facility space.

**PUBLIC HEARING**

**DATE:** February 7, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 7, 2017

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

**In Favor:**

Cohen, Mealy, Rodriguez, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 14, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Williams, Richards, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

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

Res. No. 1385

**Resolution approving the decision of the City Planning Commission on Application No. N 170052 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 10, Borough of Manhattan (L.U. No. 563).**

By Council Members Greenfield and Cohen.

**WHEREAS**, the City Planning Commission filed with the Council on February 1, 2017 its decision dated February 1, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted the New York City Department of Housing Preservation and Development and Lemor Realty, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate a new mixed-use affordable housing development in the Central Harlem neighborhood of Manhattan Community District 10, (Application No. N 170052 ZRM), Community District 10, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications C 170050 ZMM (L.U. No. 561), a zoning map amendment to modify the depth of an existing R7-2/C2-4 district and to change an existing R7-2 district to an R8A district; and C 170051 HAM (L.U. No. 562), an urban development action area project designation and project, and disposition of City-owned property;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 7, 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 revised negative declaration issued September 2, 2016 (CEQR No. 16HPD078M) (the "Revised Negative Declaration");

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170052 ZRM, incorporated by reference herein, the Council approves the Decision.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

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

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

\* \* \*

**APPENDIX F**

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

\* \* \*

**MANHATTAN**



\* \* \*

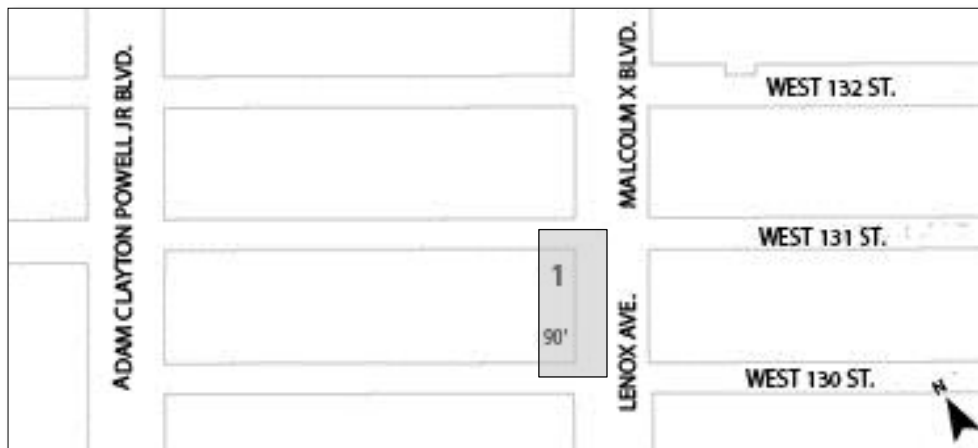
**Manhattan Community Districts 9, 10 and 11**

\* \* \*

In th R8A District within the areas shown on the following Map 3:

Map 3. (date of adoption)

[PROPOSED MAP]



Mandatory Inclusionary Housing area see Section 23-154(d)(3)  
Area 1 (date of adoption) – MIH Program Option 2

Portion of Community District 10, Manhattan

\* \* \*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 14, 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. 564

**Report of the Committee on Land Use in favor of approving Application No. C 170081 ZMM submitted by the NYC Housing Preservation & Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 6a; changing an existing R7-2/C1-4 district into an R8A/C2-4 district on property located to the West of Frederick Douglas Boulevard between West 129th Street and West 128th 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 February 1, 2017 (Minutes, page 356) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 10**

**C 170081 ZMM**

City Planning Commission decision approving an application submitted by the NYC Housing Preservation & Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 6a:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 129<sup>th</sup> Street; Frederick Douglass Boulevard, West 128<sup>th</sup> Street, and a line 100 feet westerly of Frederick Douglass Boulevard;
2. changing an R7-2 District to an R8A District property bounded by West 129<sup>th</sup> Street, Frederick Douglass Boulevard, West 128<sup>th</sup> Street, and a line 100 feet westerly of Frederick Douglass Boulevard; and
3. establishing within the proposed R8A District a C2-4 District bounded by West 129<sup>th</sup> Street, Frederick Douglass Boulevard, West 128<sup>th</sup> Street, and a line 100 feet westerly of Frederick Douglass Boulevard;

as shown on a diagram (for illustrative purposes only) dated September 19, 2016.

**INTENT**

To approve an amendment to the Zoning Map, which in conjunction with the related actions will facilitate the development of a 15-story mixed-use building containing approximately 74 affordable dwelling units, approximately 7,341 square feet of commercial space and approximately 290 square feet of community facility space in the Central Harlem neighborhood of Manhattan's Community District 10.

**PUBLIC HEARING**

**DATE:** February 7, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 7, 2017

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

**In Favor:**

Cohen, Mealy, Rodriguez, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 14, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Williams, Richards, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

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

Res. No 1386

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170081 ZMM, a Zoning Map amendment (L.U. No. 564).**

By Council Members Greenfield and Cohen.

**WHEREAS**, the City Planning Commission filed with the Council on February 1, 2017 its decision dated February 1, 2017 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD"), pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, which in conjunction with the related actions would facilitate a new mixed-use development comprising approximately 74 affordable residential units, a FRESH food supermarket, ground floor retail space and community facility space, in the Central Harlem neighborhood of Manhattan, (ULURP No. C 170081 ZMM), Community District 10, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications N 170082 ZRM (L.U. No. 565), a zoning text amendment to designate a Mandatory Inclusionary Housing area; and C 170085 HAM, an urban development action area designation and project, and disposition of City-owned property to a developer selected by HPD;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 7, 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 September 15, 2016 (CEQR No. 16HPD152M) (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 170081 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6a:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 129th Street, Frederick Douglass Boulevard, West 128th Street, and a line 100 feet westerly of Frederick Douglass Boulevard;
2. changing an R7-2 District to an R8A District property bounded by West 129th Street, Frederick Douglass Boulevard, West 128th Street, and a line 100 feet westerly of Frederick Douglass Boulevard; and
3. establishing within the proposed R8A District a C2-4 District bounded by West 129th Street, Frederick Douglass Boulevard, West 128th Street, and a line 100 feet westerly of Frederick Douglass Boulevard;

as shown on a diagram (for illustrative purposes only) dated September 19, 2016, and subject to the conditions of CEQR Declaration E-394, Community District 10, Borough of Manhattan.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 14, 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. 565

**Report of the Committee on Land Use in favor of approving Application No. N 170082 ZRM submitted by the NYC Department of Housing Preservation and Development and 2395 FDB JV, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community Board 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 1, 2017 (Minutes, page 357) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 10**

**N 170082 ZRM**

City Planning Commission decision approving an application submitted by the NYC Department of Housing Preservation and Development and 2395 FDB JV, 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 an amendment to the text of the Zoning Resolution, which in conjunction with the related actions will facilitate the development of a 15-story mixed-use building containing approximately 74 affordable dwelling units, approximately 7,341 square feet of commercial space and approximately 290 square feet of community facility space in the Central Harlem neighborhood of Manhattan’s Community District 10.

**PUBLIC HEARING**

**DATE:** February 7, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 7, 2017

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

**In Favor:**

Cohen, Mealy, Rodriguez, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 14, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Williams, Richards, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

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

Res. No. 1387

**Resolution approving the decision of the City Planning Commission on Application No. N 170082 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 10, Borough of Manhattan (L.U. No. 565).**

By Council Members Greenfield and Cohen.

**WHEREAS**, the City Planning Commission filed with the Council on February 1, 2017 its decision dated February 1, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted the New York City Department of Housing Preservation and Development and 2395 FDB JV, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate a new mixed-use affordable housing development in the Central Harlem neighborhood of Manhattan Community District 10, (Application No. N 170082 ZRM), Community District 10, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications C 170081 ZMM (L.U. No. 564), a zoning map amendment to change an existing R7-2/C1-4 district to an R8A/C2-4 district; and C 170085 HAM (L.U. No. 566), an urban development action area project designation and project, and disposition of City-owned property;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 7, 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 September 15, 2016 (CEQR No. 16HPD152M) (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 170082 ZRM, incorporated by reference herein, the Council approves the Decision.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

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

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

\* \* \*

**APPENDIX F**

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

\* \* \*

**MANHATTAN**

\* \* \*

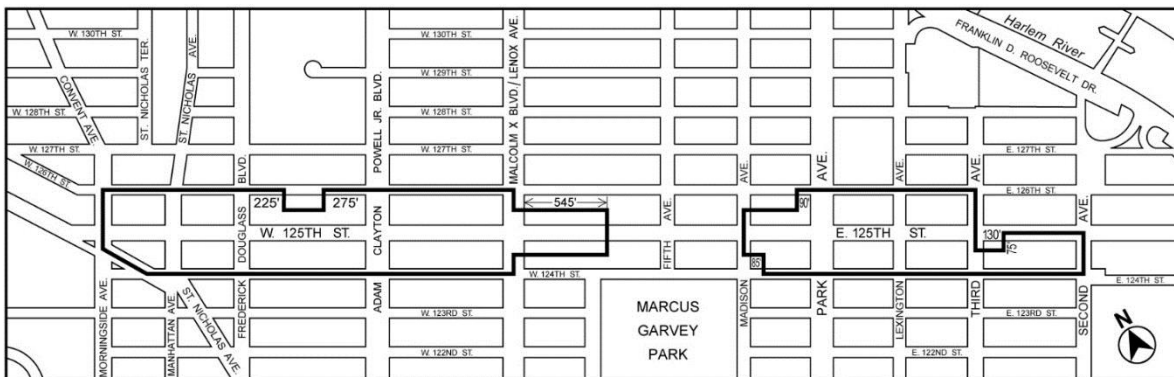
**Manhattan Community Districts 9, 10 and 11**

\* \* \*

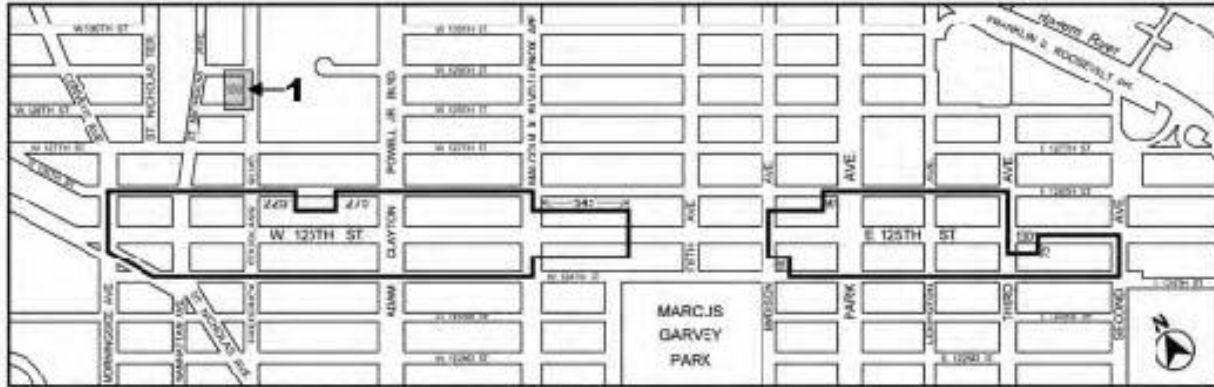
In the R8A District within the areas shown on the following Map 1, and in portions of the #Special 125<sup>th</sup> Street District#-see Section 97-421.



Map 1 - [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



-  Inclusionary Housing Designated Area
-  Mandatory Inclusionary Housing area — see Section 23-154(d)(3)
- Area 1 [date of adoption] — MIH Program Option 1

Portions of Community Districts 9, 10 and 11, Manhattan

\* \* \*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 14, 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. 566

**Report of the Committee on Land Use in favor of approving Application No. C 170085 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the New York City Charter, for an urban development action area designation and project approval, and disposition of city-owned property, for property located at 2405 Frederick Douglass Boulevard (Block 1955, Lot 16), Borough of Manhattan, Community Board 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 1, 2017 (Minutes, page 357) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 10**

**C 170085 HAM**



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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 2405 Frederick Douglass Boulevard (Block 1955, Lot 16) as an Urban Development Action Area; and
  - b) Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate a 15-story mixed-use building containing residential, retail and community facility space.

### **INTENT**

To approve an Urban Development Action Area Project, which in conjunction with the related actions will facilitate the development of a 15-story mixed-use building containing approximately 74 affordable dwelling units, approximately 7,341 square feet of commercial space and approximately 290 square feet of community facility space in the Central Harlem neighborhood of Manhattan's Community District 10.

### **PUBLIC HEARING**

**DATE:** February 7, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 7, 2017

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

**In Favor:**

Cohen, Mealy, Rodriguez, Treyger.

**Against:**

None

**Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** February 14, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Williams, Richards,

Kallos, Reynoso, Torres, Treyger.

<b>Against:</b>	<b>Abstain:</b>
None	None

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

Res. No. 1388

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development and the decision of the City Planning Commission, ULURP No. C 170085 HAM, approving the designation of property located at 2405 Frederick Douglass Boulevard (Block 1955, Lot 16), Borough of Manhattan, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned property located at 2405 Frederick Douglass Boulevard (Block 1955, Lot 16), to a developer selected by HPD (L.U. No. 566; C 170085 HAM).**

By Council Members Greenfield and Cohen.

**WHEREAS**, the City Planning Commission filed with the Council on February 1, 2017 its decision dated February 1, 2017 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 2405 Frederick Douglass Boulevard (Block 1955, Lot 16), as an Urban Development Action Area (the "Disposition Area");
- f) an Urban Development Action Area Project for the Area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 2405 Frederick Douglass Boulevard (Block 1955, Lot 16), to a developer to be selected by HPD. This action, in conjunction with the related actions, would facilitate the development of a 15-story mixed-use building containing approximately 74 affordable dwelling units, approximately 8,189 square feet of commercial space and approximately 290 square feet of community facility space in the Central Harlem neighborhood of Manhattan, Community District 10, Borough of Manhattan (ULURP No. C 170085 HAM) (the "Application");

**WHEREAS**, the Application is related to applications C 170081 ZMM (L.U. No. 564), a zoning map amendment to change an existing R7-2/C1-4 district to an R8A/C2-4 district; and N 170082 ZRM (L.U. No. 565), a zoning text amendment 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**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated January 23, 2017 and submitted to the Council on February 1, 2017, HPD submitted its requests (the "HPD Requests") respecting the Application including a project summary (the "Project Summary");

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on February 7, 2017;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued September 15, 2016 (CEQR No. 16HPD152M) (the “Negative Declaration”);

**RESOLVED:**

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 170085 HAM) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

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

The Project shall be developed in a manner consistent with the Project Summary submitted by HPD on February 1, 2017, a copy of which is attached hereto and made a part hereof.

The Council approves the disposition of City-owned property located at 2405 Frederick Douglass Boulevard (Block 1955, Lot 16), to a developer selected by the New York City Department of Housing Preservation and Development.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 14, 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 of the Committee on Land Use in favor of approving Application No. 20175206 HKM (N 170201 HKM) for the designation by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the Sullivan-Thompson Historic District, Borough of Manhattan, Community Board 2, Council Districts 1 and 3.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on February 15, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 2**

**20175206 HKM (N 170201 HKM)**

Designation by the Landmarks Preservation Commission [DL-492/LP-2590] 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 Sullivan-Thompson Historic District, as an historic landmark.

**PUBLIC HEARING**

**DATE:** February 7, 2017

**Witnesses in Favor:** Four

**Witnesses Against:** Two

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 7, 2017

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

**In Favor:**

Koo, Palma, Barron, Kallos.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 14, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mealy, Rodriguez, Koo, Lander, Williams, Richards, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

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

Res. No. 1389

**Resolution affirming the designation by the Landmarks Preservation Commission of the Sullivan-Thompson Historic District, Borough of Manhattan, Designation List No. DL-492/LP-2590 (Preconsidered L.U. No. 573; 20175206 HKM; N 170201 HKM).**

By Council Members Greenfield and Koo.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 23, 2016 a copy of its designation report dated December 13, 2016 (the "Designation Report"), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Sullivan-Thompson Historic District, Community District 2, Borough of Manhattan, with the following district boundaries ("the Designation"):

The Sullivan-Thompson Historic District consists of the property bounded by a line beginning on the southern curblin of West Houston Street at a point on a line extending northerly from a portion of the eastern property line of 152-154 Thompson Street, then extending southerly along a portion of the eastern property line of 152-154 Thompson Street, westerly along a portion of the southern property line of 152-154 Thompson Street, southerly along a portion of the eastern property line of 152-154 Thompson Street, westerly along a portion of the southern property line of 152-154 Thompson Street to the eastern curblin of Thompson Street, southerly along the eastern curblin of Thompson Street to a point formed by its intersection with a line extending westerly from the northern property line of 132-136 Thompson Street, easterly along the northern property line of 132-136 Thompson Street, southerly along the eastern property lines of 128-136 Thompson Street and 159 Prince Street to the northern curblin of Prince Street, easterly along the northern curblin of Prince Street to a point formed by its intersection with a line extending northerly from the eastern property line of 156-158 Prince Street, southerly across Prince Street and along the eastern property line of 156-158 Prince Street, westerly along the southern property line of 156-158 Prince Street and a portion of the southern property line of 114-116 Thompson Street, southerly along a portion of the eastern property line of 110-112 Thompson Street, westerly along a portion of the southern property line of 110-112 Thompson Street, southerly along a portion of the eastern property line of 110-112 Thompson Street and the eastern property line of 106-108 Thompson Street, westerly along the southern property line of 106 Thompson Street to the eastern curblin of Thompson Street, southerly along the eastern curblin of Thompson Street to a point formed by its intersection with a line extending westerly from the northern property line of 98-100 Thompson Street, easterly along the northern property line of 98-100 Thompson Street, southerly along the eastern property line of 98-100 Thompson Street, westerly along the southern property line of 98-100 Thompson Street to the eastern curblin of Thompson Street, southerly along the eastern curblin of Thompson Street to a point formed by its intersection with a line extending westerly from a part of the northern property line of 90-92 Thompson Street, easterly along the northern property line of 90-92 Thompson Street, southerly along the eastern property line of 90-92 Thompson Street and 171 Spring Street to the northern curblin of Spring Street, easterly along the northern curblin of Spring Street to a point formed by its intersection with a line extending northerly from the eastern property line of 170-176 Spring Street, southerly across Spring Street and along the eastern property line of 170-176 Spring Street, westerly along a portion of the southern property line of 170-176 Spring Street, southerly along the eastern property line of 72-80 Thompson Street and a portion of the eastern property line of 68-70 Thompson Street, easterly along a portion of the northern property line of 68-70 Thompson Street, southerly along a portion of the eastern property line of 68-70 Thompson Street, westerly along the southern portion of the property line of 68-70 Thompson Street to the western curblin of Thompson Street, southerly along the western curblin of Thompson Street to a point formed by its intersection with the northern curblin of Broome Street, westerly along the northern curblin of Broome Street to a point formed by its intersection with a line extending northerly from the eastern property line of 519 Broome Street, southerly across Broome Street and along the eastern property line of 519 Broome Street to the northern curblin of Watts Street, westerly along the northern curblin of Watts Street to a point formed by its intersection with the eastern curblin of Sullivan

Street, northerly along the eastern curblines of Sullivan Street to a point formed by its intersection with a line extending easterly from the southern property line of 202 Spring Street (aka 84-90 Sullivan Street), westerly along the southern property lines of 202 Spring Street (aka 84-90 Sullivan Street), 204-210 Spring Street, and 158-160 Avenue of the Americas to the eastern curblines of Avenue of the Americas, northerly along the eastern curblines of Avenue of the Americas to a point formed by its intersection with the southern curblines of Spring Street, easterly along the southern curblines of Spring Street to a point formed by its intersection with a line extending southerly from the western property line of 201-205 Spring Street (aka 92-94 Sullivan Street), northerly across Spring Street and along the western property line of 201-205 Spring Street (aka 92-94 Sullivan Street), westerly along a portion of the southern property line of 96-102 Sullivan Street, northerly along a portion of the western property line of 96-102 Sullivan Street, easterly along a portion of the northern property line of 96-102 Sullivan Street, northerly along a portion of the western property line of 96-102 Sullivan Street and the western property line of 104-108 Sullivan Street and a portion of the western property line of 112 Sullivan Street to a point formed by its intersection with the southern property line of 188-192 Avenue of the Americas, westerly along the southern property line of 188-192 Avenue of the Americas to a point formed by its intersection with a line running southerly from the curblines of the northeastern corner of the intersection of MacDougal Street and Prince Street, northerly along said line and across Prince Street and along the eastern curblines of MacDougal Street to a point formed by its intersection with a line extending easterly along the northern curblines of Prince Street, westerly across MacDougal Street and along the northern curblines of Prince Street to the eastern curblines of Avenue of the Americas, northerly along the eastern curblines of Avenue of the Americas to a point formed by its intersection with a line extending westerly from a portion of the northern property line of 206-210 Avenue of the Americas (aka 3135 MacDougal Street), easterly along a portion of the northern property line of 206-210 Avenue of the Americas (aka 31-35 MacDougal Street), southerly along a portion of the eastern property line of 206-210 Avenue of the Americas (aka 31-35 MacDougal Street), easterly along a portion of the northern property line of 206-210 Avenue of the Americas (aka 31-35 MacDougal Street) to the centerline of MacDougal Street, northerly along the centerline of MacDougal Street to a point formed by its intersection with a line running westerly from the southern curblines of West Houston Street, easterly along the southern curblines of West Houston Street to the point of the beginning.

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

**WHEREAS**, the City Planning Commission submitted to the Council on February 3, 2016, its report on the Designation dated February 1, 2017 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on February 7, 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 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, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 14, 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 Parks and Recreation**

Report for Int. No. 1449-A

**Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law in relation to the naming of 40 thoroughfares and public places, William “Pop” Marsh Avenue, Borough of Staten Island, Maxwell “Max the Sax” Lucas Way, Borough of the Bronx, Dr. Roscoe C. Brown, Jr. Way, Borough of the Bronx, Michael Fahy Way, Borough of the Bronx, Burton Schoenbach Way, Borough of the Bronx, Marine Corporal Ramona M. Valdez Way, Borough of the Bronx, Cinco de Mayo Way, Borough of the Bronx, Antonia Vasquez Way, Borough of the Bronx, Betty Jean DiBiasco Way, Borough of Queens, Jacqueline Berrien Way, Borough of Brooklyn, Easter Rising Way, Borough of Queens, Forest Park Memorial Drive, Borough of Queens, Reverend John Pratt Way, Borough of Brooklyn, Donald Byrd Way – Jazz Great, Borough of the Bronx, Ms. Aida Perez-Loiza Aldea Lane, Borough of Manhattan, The Honorable Frank V. Fossella Way, Borough of Staten Island, Ben Marino Way, Borough of Staten Island, John Lewis Steptoe Place, Borough of Brooklyn, Charles A. Sferrazza Way, Borough of Brooklyn, Cinco de Mayo Way, Borough of Brooklyn, Children’s Court, Borough of Manhattan, Ms. Magazine Way, Borough of Manhattan, Coach Chuck Granby Way, Borough of Queens, Cardinal S. Sandiford Way, Borough of Queens, Rev. Dr. Luis Felipe Serrano’s Way, Borough of the Bronx, Sgt. Paul J. Tuozzolo Way, Borough of the Bronx, Flight 587 Way, Borough of Manhattan, Saint Elizabeth Way, Borough of Manhattan, Maria Valentin Way, Borough of Manhattan, Principal Rhonda Whitfield Way, Borough of Staten Island, Architect Allen B. Terjesen Way, Borough of Staten Island, Elie Wiesel Way, Borough of Manhattan, Mario Borgatti Way, Borough of the Bronx, Kalief Browder Way, Borough of the Bronx, Lily Gavin Way, Borough of Queens, Nina Adams Way, Borough of Queens, Tony Mazzarella Way, Borough of Queens, Dolores Rizzotto Way, Borough of Queens, FF Michael Brennan Way, Borough of Queens, Robert “Pudgie” Walsh Way, Borough of Brooklyn and the repeal of sections 2, 9, 36, 38 and 54 of local law number 92 for the year 2016, the repeal of section 18 of local law number 23 for the year 2016 and the repeal of section 6 of local law number 81 for the year 2001.**

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on February 1, 2017 (Minutes, page 320), respectfully

### **REPORTS:**

#### Comment:

On February 13, 2017, the Committee on Parks and Recreation will hold a hearing on Proposed Int. No. 1449-A which co-names forty (40) thoroughfares and public places. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

- b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided, however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on

a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map.

### **Section 1. William “Pop” Marsh Avenue**

Introduced by Council Member Borelli

William Marsh was a FDNY lieutenant, veteran, registered nurse and volunteer coach who was dedicated to his family and his faith. He was born and raised in Tottenville and graduated from St. Mary's High School in Perth Amboy. He served in the United States Marine Corps during the Korean War as a staff sergeant stationed at the USMC base in Barstow, California. He served in the FDNY for 25 years, primarily assigned to Engine Co. 15 on Manhattan's Lower East Side, and was promoted to lieutenant in the early 1970s. He became a registered nurse through the Fire Department and worked with developmentally disabled children at the former Bayley Seton Hospital, Clifton, for 10 years. He then repaired video cameras at Custom Video Systems before finally retiring about 10 years ago. He was the MVP of South Shore Chevviess Football in 1947, was a founder of and coach for the South Shore Babe Ruth League, and coached for many years with the South Shore Little League. He was an active parishioner of Our Lady Help of Christians R.C. Church where he served as a lector, Eucharistic minister and CCD teacher.

### **Section 2. Maxwell “Max the Sax” Lucas Way**

Introduced by Council Member Cabrera

September 13, 1910 – May 15, 2010

Maxwell Lucas played music for over 80 years. At 14, he was presented with an alto saxophone and studied for six months before he was offered a seat as a player with Hugh Kirksy and his Orchestra. Around the age of 16, he visited New York and began playing Saturday night gigs at parlor socials. As he continued to evolve in his playing, he had the opportunity to play with some of the greatest jazz legends of all time, including Charlie Parker, Thelonious Monk, Count Basie and the Duke Ellington orchestra under the direction of Mercer Ellington. He toured with Marva Lewis, Nat King Cole, Billy Eckstine, Benny Goodman, Howard Johnson, Al Cobbs, Arthur Prysock, the Supremes, Eric Johnson, George Benson and Joe Lewis. He also played with Danny Mixon, Chuck Berry, Spanials, Coasters and Ray Charles and recorded with many great artists such as Etta James, The Drifters, Buddy Hackett, Sarah Vaughn, Big Maybelle, Roberta Thorpe, Ruth Brown, Little Ester, Laverne Baker and Little Jimmy Scott.

### **Section 3. Dr. Roscoe C. Brown, Jr. Way**

Introduced by Council Member Cabrera

March 9, 1922 – July 2, 2016

Roscoe C. Brown, Jr. flew 68 combat missions as a fighter squadron commander as a member of the Tuskegee Airmen in World War II. He was credited with being the first black fighter pilot to shoot down a German fighter jet and was later awarded the Congressional Gold Medal. He was founder and president of 100 Black Men, a civic group formed in New York City in 1963 to improve conditions among African-Americans. He served as director of the Institute of Afro-American Affairs at New York University where he was also a professor of education, he served as the president of Bronx Community College from 1977 to 1993 and then served as the director of the Center for Education Policy at the Graduate School and University Center of the City University of New York.

### **Section 4. Michael Fahy Way**

Introduced by Council Member Cabrera

Michael Fahy was a 17-year member of the FDNY and was killed in the line of duty in a Bronx building explosion. He was a battalion chief of the 19<sup>th</sup> division. He was very dedicated to his community and coached basketball and baseball for the Catholic Youth Organization at the Annunciation School.



**Section 5. Burton Schoenbach Way**

Introduced by Council Member Cabrera

Died January 27, 2015

Burton Schoenbach was a force in prison community building and created a program using inmate labor to build a community center, which was the first in New York State. An advocate for prison reform, he became a consultant for a Senate prison committee and spoke about how conditions in prisons were poor and were also doing nothing to rehabilitate prisoners. He exposed the public to corruption and misconduct of guards in their treatment of inmates. He was a member of the New York State Police Trooper Foundation Advisory Committee and was chairperson of the Federal Bureau of Prisons Half-Way House for the United States Southern District. He was recognized by the New York State Senate for 30 years of service to New York State.

**Section 6. Marine Corporal Ramona M. Valdez Way**

Introduced by Council Member Cabrera

June 26, 1984 – June 23, 2005

Ramona M. Valdez was a United States Marine who was killed in the line of duty when a vehicle-borne improvised explosive device detonated near her convoy vehicle in Fallujah, Iraq. Two years after her death, Camp Lejeune, the base in North Carolina where she trained, dedicated a training center in her honor.

**Section 7. Cinco de Mayo Way**

Introduced by Council Member Cabrera

This co-naming will recognize the culture and heritage of the Mexican population in the Bronx. Cinco de Mayo commemorates the Mexican Army's victory over French forces at the Battle of Puebla on May 5, 1862.

**Section 8. Antonia Vasquez Way**

Introduced by Council Member Cabrera

Antonia Vasquez was the founder of the Davidson Community Center with the help of five community volunteers and local elected officials. The Davidson Community Center provides information and referrals for health care, housing and legal assistance, provides job training and placement, offers pantry services, assists in organizing tenant associations and forming tenant patrols and also sponsors regular meetings with various local and government agencies to build a better sense of community. For youth, the center provides a summer day camp, teen awareness workshops and an after-school homework and tutoring assistance program. She worked as a crossing guard officer and operated a storefront office after work for the general welfare of the community providing an information and referral service program encouraging and guiding residents to work with city agencies and local elected officials.

**Section 9. Betty Jean DiBiaso Way**

Introduced by Council Member Constantinides

September 3, 1993 – June 27, 2015

Betty Jean DiBiaso was killed in a hit-and-run accident while she was crossing the street at Ditmars Boulevard and 19<sup>th</sup> Street. Nicholas Colleran ran through a stop sign, killing Ms. DiBiaso, and took off. He turned himself in the next day and was later sentenced up to four years in state prison. As a result of her death, conversations soon began about traffic safety around the Astoria Park area and the Department of Transportation drafted a plan using community input that was given at a public workshop in fall 2015 in the aftermath of Ms. DiBiaso's death. Shore Boulevard, which runs along the Astoria Park waterfront was given traffic safety measures including a conversion into a one-way street with no reduction in parking, the installation of a protected bike lane on the roadway that is away from the path of pedestrians and ADA accessible curb extensions. These upgrades calmed traffic, separated cyclists from pedestrians and shortened the crossing distance for pedestrians.

**Section 10. Jacqueline Berrien Way**

Introduced by Council Member Cornegy

November 28, 1961 – November 9, 2015

Jacqueline Berrien was a civil rights lawyer who served as the chairperson of the Equal Employment Opportunity Commission (EEOC) under President Barack Obama. Under her leadership, the EEOC promulgated rules against discrimination in employment and health insurance enrollment on the basis of disability or genetic test results, won a record \$240 million jury verdict against a company accused of abusing workers with intellectual disabilities at an Iowa turkey processing plant, and reduced case backlogs overall. She was a graduate of Oberlin College and Harvard Law School, where she was general editor of *The Harvard Civil Rights-Civil Liberties Law Review*. After serving as a clerk for a federal judge, she joined the Lawyers' Committee for Civil Rights and the Women's Rights Project of the American Civil Liberties Union. In 1994, she became an assistant counsel to the NAACP Legal Defense Fund, focusing on voting rights and school desegregation litigation. After working at the Ford Foundation, she returned as associate director-counsel of the fund, whose national headquarters is in New York. She taught at Harvard Law School and New York Law School and lived most recently in Washington.

### **Section 11. Easter Rising Way**

Introduced by Council Member Crowley

This co-naming will commemorate the 100<sup>th</sup> Anniversary of the Easter Rising against Britain's rule over Ireland. On April 24, 1916, the Irish Republican Brotherhood, a secret organization of Irish nationalists, launched an armed uprising against British rule referred to as the Easter Rebellion. Assisted by militant Irish socialists, the groups rioted and attacked British provincial government headquarters across Dublin and seized the Irish capital's General Post Office. They proclaimed the independence of Ireland, which had been under the repressive thumb of the United Kingdom for centuries, and by the next morning were in control of much of the city. Later that day, however, British authorities launched a counteroffensive, and by April 29 the uprising had ended. The Easter Rebellion is considered a significant marker on the road to establishing an independent Irish republic.

### **Section 12. Forest Park Memorial Drive**

Introduced by Council Member Crowley

Forest Park currently includes several memorials in recognition of veterans who have served in WWI, WWII and Vietnam. Additionally, the Park contains a 9/11 memorial near the bandstand in recognition of all those who lost their lives in the attacks. Co-naming Forest Park Drive, which connects all of these memorials, to Forest Park Memorial Drive would be a fitting tribute.

### **Section 13. Reverend John Pratt Way**

Introduced by Council Member Cumbo

John Pratt pastored church for 30 years and was very involved in community efforts. He was pastor of the Zion Shiloh Baptist Church, recording secretary for the Progressive National Baptist Convention, moderator of the New York Missionary Association, instructor for the New York Missionary Baptist Association of Ministers and president of the Brooklyn Council of Churches. He was also a member of the Cumberland Diagnostic and Treatment Center Community Advisory Board, the Advisory Board of Community Board 2, the Cumberland Community Board, the Hampton Ministers Conference Board and the Fort Greene Support and Rescue Group. He was at the forefront of efforts to ensure that the Fort Greene community remained a stronghold for affordable housing and his accomplishments were cited by the United States House of Representatives as part of the Congressional Record of the 107<sup>th</sup> Congress.

### **Section 14. Donald Byrd Way – Jazz Great**

Introduced by Council Member Gibson

December 9, 1932 – February 4, 2013

Donald Byrd was a leading jazz trumpeter of the 1950's and early 1960's and also became successful and controversial in the 1970's when he blended jazz, funk and rhythm and blues into a pop hybrid that defied categorization. He performed and recorded with some of the most prominent jazz musicians in the 1950's

including John Coltrane, Thelonious Monk, Sonny Rollins and Art Blakey. He was also one of the first musicians to hire pianist, Herbie Hancock, who later became successful as well. He also taught jazz at Howard, North Carolina Central University, Rutgers, Cornell, the University of Delaware and Delaware State University. He had a hit record called "Black Byrd" and received a Jazz Masters award by the National Endowment for the Arts in 2000.

### **Section 15. Ms. Aida Perez-Loiza Aldea Lane**

Introduced by The Speaker Council Member Mark-Viverito

January 23, 1935 – October 14, 2012

Aida Perez-Loiza Aldea was born in Puerto Rico and later moved to New York City and worked in factories. She worked for the City in the Child Support Division where she retired after 25 years of service. After she retired, she worked part-time at the Covello Senior Center until she passed away. She also was president of Los Hermanos Fraternos de Loiza and an organizer of the annual Fiesta Loisa Aldea for 35 years. She founded and was an active member of many cultural organizations in East Harlem throughout her life including La Fiesta Folkroica Puertorriqueño, the Caribbean Cultural Center African Diaspora Institute and El Museo del Barrio.

### **Section 16. The Honorable Frank V. Fossella Way**

Introduced by Council Member Matteo

November 6, 1925 – August 18, 2014

Frank V. Fossella was a former City Councilman, political mentor, teacher and first vice-chairman of the Democratic Party on Staten Island. He taught mechanical engineering at Brooklyn Technical High School and later was the assistant principal at Brooklyn Tech. He was held in very high regard by former Presidents Bill Clinton and George W. Bush.

### **Section 17. Ben Marino Way**

Introduced by Council Member Matteo

Died July 14, 1998

Ben Marino was very involved with the New Dorp Merchants and, in the early 1980s, he became the president of the New Dorp Merchants Association. He donated to many organizations including local little league teams, Pee Wee football, beauty pageants, spelling bees, girls softball and the Miss Staten Island scholarship. He was awarded the "Gold Broom Award" for his active role in cleaning up litter in his community, and the Deborah Heart and Lung Association honored him as "Man of the Year" for his charitable work. In addition, November 18, 1980 was proclaimed "Ben Marino Day" by the Borough President's Office for his dedication to his community.

### **Section 18. John Lewis Steptoe Place**

Introduced by Council Member Mealy

John Steptoe was an award-winning author of children's books. He began drawing as a young child and received his formal art training at the High School of Art and Design in Manhattan. In 1969, at the age of 18, his first book 'Stevie,' a story based on his experiences growing up at 840 Monroe Street in BedStuy, received national attention when it was published in its entirety in Life magazine. In his 20-year career, he illustrated 16 picture books, ten of which he also wrote. He received honors and accolades including the American Library Association's Caldecott Honor for children's book illustration for: *The Story of Jumping Mouse* in 1985 and *Mufaro's Beautiful Daughters* in 1988. He also received the Coretta Scott King Award for Illustration for *Mother Crocodile* in 1982, and *Mufaro's Beautiful Daughters* in 1988. He hoped that his books would lead children, especially African-American children, to feel pride in their origins. While accepting the *Boston Globe/Horn Book* Award for Illustration he said, "I am not an exception to the rule among my race of people I am the rule. By that I mean there are a great many others like me where I come from." He was an active member of his community and a strong advocate for children and would frequently hand out his children's books to kids in the neighborhood. He was the Block Association President for several years where he was an active participant in community events and would often visit P.S.309 to talk to the students about his books. Since his death there has been an exhibit of his artwork at the Transit Museum, his name has been

placed in the Brooklyn Botanical Gardens Celebrity Path, Public School 181 has been named the John Lewis Steptoe School, the Macon Library has a section named after him, his artwork hangs in the Raymond Bush playground in Bedford Stuyvesant, *'Mufaro's Beautiful Daughters'* has been adapted as a play traveling nationwide and was chosen by the children's librarians at the New York Public Library as one of the '100 Great Children's Books/100 Years.'

### **Section 19. Charles A. Sferrazza Way**

Introduced by Council Member Menchaca

December 14, 1933 – July 12, 1975

Charles A. Sferrazza was very involved in the community and served on the board of directors for the Leif Erikson softball league. He was the founder of the community advisory board for youth, chairman of the drug rehabilitation committee for Planning Board 7, and was an active member of the 72 Precinct Community Council where he served as vice president and later president from 1975 until his death.

### **Section 20. Cinco de Mayo Way**

Introduced by Council Member Menchaca

This co-naming will recognize the culture and heritage of the Mexican population in Brooklyn. Cinco de Mayo commemorates the Mexican Army's victory over French forces at the Battle of Puebla on May 5, 1862.

### **Section 21. Children's Court**

Introduced by Council Member Mendez

This co-naming will commemorate the 100<sup>th</sup> Anniversary of the opening of the court and the significance of its impact in the improvement of the lives of New Yorkers.

### **Section 22. Ms. Magazine Way**

Introduced by Council Member Mendez

Ms. Magazine is an American liberal feminist magazine that is the first periodical to be created, owned and operated entirely by women. The magazine was founded in 1971 and brought attention to Women's Rights and domestic violence.

### **Section 23. Coach Chuck Granby Way**

Introduced by Council Member Miller

Charles 'Chuck' Granby was a renowned New York City basketball coach who had 722 victories over 45 years at the same high school and coached a number of future NBA players. He coached at Campus Magnet High School, long known as Andrew Jackson in Cambria Heights and won 24 division titles and 7 borough titles in the New York Public Schools Athletic League. Between 1972 and 1985, his teams did not lose a home game. He served two years in the United States Army and later enrolled at Bradley University in Illinois in 1958 and played basketball where he won the National Invitation Tournament in 1960. He was inducted into the New York City Basketball Hall of Fame in 2012.

### **Section 24. Cardinal S. Sandiford Way**

Introduced by Council Member Miller

August 14, 1929 - September 26, 2013

Cardinal S. Sandiford graduated from Dewitt Clinton High School in the Bronx and was a member of Phi Beta Sigma Fraternity at Iona College in New Rochelle, New York where he graduated with a Bachelor of Science Degree in Biology. He then served as a Corporal in the United States Army. He became very active in his union, Local 144 of the S.E.I.U. Hospital Union, and served as the union's Director of its Civil Service Division, as well as its Vice President. He became a member of Community Board 12, Queens and was chair of the Land Use Committee. He collaborated with elected officials, clergy and civic leaders in preserving through down zoning the residential quality of South Jamaica, Hollis, Springfield Gardens and St. Albans, all communities threatened with over-development. He also assisted elected officials in land marking over 800 homes in the Addisleigh Park section of St. Albans, where internationally famous musicians and jazz composers had resided. He also represented CB12 during the difficult process of the re-zoning of downtown

Jamaica, Queens and the development of the Air Train to J.F.K. Airport. He was active in other areas, including serving on the Development Board of the Springfield Gardens Methodist Church and as Trustee of the Robert Couche Senior Center.

### **Section 25. Rev. Dr. Luis Felipe Serrano's Way**

Introduced by Council Member Palma

Luis Felipe Serrano was appointed as the first and only Pentecostal New York City Police Chaplain on December 20, 2002. He was a licensed New York State Clinical Counselor for substance abuse and held a Doctorate in Theology. He was also the Senior Pastor of the Pentecostal Assembly, a counselor at the Assemblies of God Seminary, an active member of the Assemblies of God General Council in Springfield, Missouri, and a member of For God's Honor and Glory for 20 years. He pastored three different Congregations in Brooklyn and served as president of the New York State Evangelical Children Parade.

### **Section 26. Sgt. Paul J. Tuozzolo Way**

Introduced by Council Member Palma

Paul Tuozzolo was a 19-year veteran with the New York City Police Department and was assigned to the 43<sup>rd</sup> Precinct. He was killed in the line of duty while responding to a violent custody dispute in the Bronx.

### **Section 27. Flight 587 Way**

Introduced by Council Member Rodriguez

This co-naming will commemorate the victims of Flight 587 which crashed in Belle Harbor, Queens, three minutes after taking off from Kennedy Airport on November 12, 2001. American Airlines Flight 587 was bound for the Dominican Republic and all 260 people aboard the flight were killed, along with five people on the ground. A large group of people who were killed in the crash resided in the Washington Heights area.

### **Section 28. Saint Elizabeth Way**

Introduced by Council Member Rodriguez

Saint Elizabeth Church, founded in 1869, was originally located at 4381 Broadway at the corner of 187<sup>th</sup> Street. The church burned down in 1925 and was relocated on the southwest corner of Wadsworth Avenue and 187<sup>th</sup> Street in 1927. The church has been very active in the Washington Heights Community through social ministry, supporting local initiatives, charity work. The church also offers food to residents from the surrounding area throughout the year.

### **Section 29. Maria Valentin Way**

Introduced by Council Member Rodriguez

February 22, 1928 – December 7, 2015

Maria Valentin was born in Dajabon, Dominican Republic. In 1962, she fled the country seeking safety from the dictatorship of Rafael Leónidas Trujillo Molina's regime. Ms. Valentin, was specifically targeted for speaking against Molina's cruelty towards children. Prior to fleeing the country, she was on Molina's hit list to be murdered. The United States of America offered refuge and she arrived in New York City with only \$5 in her pocket. She lived in a room on 172<sup>nd</sup> Street and performed odd jobs until 1966 when she earned enough money to move uptown to 184<sup>th</sup> Street. Her youngest daughter was born with Down Syndrome and she did not institutionalize her as was suggested at that time, instead she opened her home to other needy kids and raised them all together. She provided "Safe Haven" prior to our "Safe Haven Laws" for the children of the homeless, street workers, the mentally ill, and the drug addicted and she raised over 100 children. The children would be dropped off by their parents and no questions were asked with the exception of the child's name and birthdate. She was known as "Mami Flor" because she was everybody's mother. Maria gave them unconditional love and every child that entered her home was fed, taken to school and given a place to sleep, if needed. She took it upon herself to keep or make their respective doctor's appointments, ensure each child received religious instruction and see that each child attended mass on Sundays. Many of the children she cared for received their First Holy Communion and Confirmation because of her. She often took children sight-seeing and on summer vacations allowing many to experience places they would not otherwise, giving them memories to cherish forever. Most importantly, she made sure each child was cared for and loved

unconditionally as if they were her very own. A memory often shared is that all the children would line up in the kitchen with their personal plate (all plates and cups were marked with their names in marker) to be served their food. They would all receive .50 cents every Sunday for church offerings. She leaves behind 5 biological children, 12 grandchildren, and 12 great-children with over 100 "adopted children" and their offspring.

### **Section 30. Principal Rhonda Whitfield Way**

Introduced by Council Member Rose

Rhonda Whitefield was a long-time educator who served as a public school principal prior to holding an appointed position with the District 31 Community Education Council. She was a special education teacher at Prall Intermediate School and PS 18 before becoming a special education supervisor. She was named an assistant principal at Dreyfus Intermediate School and later became principal of PS 44. PS 44 named their library in her honor. She was appointed to the District 31 Community Education Council for two terms. She was also a member of the Staten Island Chapter of the National Association for the Advancement of Colored People (NAACP) and the YMCA. In 2008, she was honored for being a community builder by the National Council of Negro Women (NCNW) North Shore Staten Island Section and was a dedicated member and volunteer at True Vine Christian Fellowship Church.

### **Section 31. Allen B. Terjesen Way**

Introduced by Council Member Rose

Died 2013

Allen B. Terjesen was a partner in the Manhattan architectural firm of Holdern Yang Raemsch and Terjesen and received numerous architectural design awards worldwide. He served as president of the Staten Island Chapter of the American Institute of Architects and was an assistant to former Borough President, Ralph J. Lamberti, overseeing urban design and planning in the 1980's, which made him the first architect to serve in this capacity. He was president of the Brighton Kiwanis Club and played an integral role in the construction of low-income affordable senior housing. He helped design the master plan for Teleport, a cutting edge project which transformed a portion of Staten Island into a one hundred acre suburban style business park with 700,000 square feet of office and specialty space. He also oversaw the construction of the College of Staten Island campus which became the largest campus in the City in 1993. He also served as chairperson of Community Board 2. He also designed the first Mitchell-Lama project on Staten Island and was an active participant in Snug Harbor Little League assisting to secure and design their third baseball field.

### **Section 32. Elie Wiesel Way**

Introduced by Council Members Rosenthal and Levine

1928 – July 2, 2016

Elie Wiesel was born in Sighet, Transylvania, and at the age of fifteen, he and his family were deported by the Nazis to Auschwitz. His mother and younger sister perished, however his two older sisters survived. He and his father were later transported to Buchenwald, where his father died shortly before the camp was liberated in April 1945. After the war, he studied in Paris and later became a journalist. During an interview with French writer, Francois Mauriac, he was persuaded to write about his experiences in the death camps resulting in his internationally acclaimed memoir, Night (La Nuit), which has since been translated into more than thirty languages. In 1978, President Jimmy Carter appointed him as Chairman of the President's Commission on the Holocaust. In 1980, he became the Founding Chairman of the United States Holocaust Memorial Council and was President of The Elie Wiesel Foundation for Humanity, an organization he and his wife created to fight indifference, intolerance and injustice. He received more than 100 honorary degrees from institutions of higher learning and was a devoted supporter of Israel. He also defended the cause of Soviet Jews, Nicaragua's Miskito Indians, Argentina's Desaparecidos, Cambodian refugees, the Kurds, victims of famine and genocide in Africa, victims of apartheid in South Africa, and victims of war in the former Yugoslavia. For more than fifteen years, he and his wife Marion have been especially devoted to the cause of Ethiopian-born Israeli youth and founded the Beit Tzipora Centers to support such youth. Elie Wiesel was the author of more than sixty books of fiction and non-fiction, and for his literary and human rights activities, he received numerous awards, including the Presidential Medal of Freedom, the U.S. Congressional Gold Medal,

the National Humanities Medal, the Medal of Liberty, and the rank of Grand-Croix in the French Legion of Honor. In 1986, he won the Nobel Prize for Peace and established The Elie Wiesel Foundation for Humanity.

### **Section 33. Mario Borgatti Way**

Introduced by Council Member Torres

1917 – October 8, 2014

Mario Borgatti owned Borgatti's Ravioli and Egg Noodles, an iconic pasta shop on East 187<sup>th</sup> Street that opened in 1935 and was lauded as one of the city's best Italian eateries. He served in WWII in the United States Navy and was awarded the Asiatic-Pacific Medal with one star. He was named Honorary Merchant of the Year by Arthur Avenue and East 187<sup>th</sup> Street Merchant Association. His shop was also used to feed the homeless.

### **Section 34. Kalief Browder Way**

Introduced by Council Member Torres

May 25, 1993 – June 6, 2015

Kalief Browder spent three years at Rikers Island after being accused of stealing a backpack. He never stood trial or was found guilty of any crime and spent two of the three years in solitary confinement. While he was in jail, he tried to commit suicide several times and was repeatedly beaten by correction officers and inmates all while refusing several plea bargains and maintaining his innocence. Ultimately, prosecutors dropped the charges, however Mr. Browder was unable to rid himself of the damage that was done while imprisoned. His mental health deteriorated and he committed suicide at 22 years old. As a result of his death, Mayor de Blasio announced an effort to clear backlogs in state courts, reduce the inmate population at Rikers and do away with solitary confinement for 16 and 17 year-olds.

### **Section 35. Lily Gavin Way**

Introduced by Council Member Van Bramer

Died July 2016

Lily Gavin was the owner of Dazies Restaurant in Sunnyside, Queens and a leader in the community. She was very active in several community groups such as the Sunnyside Chamber of Commerce and the Sunnyside Senior Center. She was the honorary director of the LaGuardia Community College Foundation and she was responsible for raising money to repair the Sunnyside Arch sign. She supported the local YMCA, the Boys and Girls Club, and the Queens Council of Tourism and was one of the first women to join the Sunnyside Kiwanis Club. She was also a founding member of the Sunnyside Shines business improvement district and sponsored many events either financially or by providing food.

### **Section 36. Nina Adams Way**

Introduced by Council Member Van Bramer

April 18, 1944 – June 11, 2015

Nina Adams was president of the Queensbridge Tenant Association and received many awards for recognition of her community work. She represented approximately 12,000 Queensbridge residents and lobbied city, state and federal officials for programs to benefit residents. She started the Queensbridge Outreach program, which organizes after-school activities and field trips to Philadelphia, Washington, D.C. and Baltimore for kids from Queensbridge Houses. During the 1980's, she took in many children under her own care to keep them from wandering dangerous streets after school.

### **Section 37. Tony Mazarella Way**

Introduced by Council Member Van Bramer

Died January 24, 2015

Anthony Mazarella was a boxing enthusiast and an avid fundraiser for people with cancer. He owned the Crab House restaurant, known for its seafood and sports and boxing memorabilia. He donated to the precinct

council, which used such donations to feed and clothe the homeless and donated food for various events. He was a member of the New York State Boxing Commission and the NY State Wine and Grape Foundation. He served as a member of the American Cancer Society Queens Division. He founded the Patty Fund for Childhood Cancer to help families with financial burdens as a result of medical bills. He started an annual block party on the Fourth of July that raised thousands of dollars for cancer patients. He also hosted a Christmas party for kids with cancer. He was honored with the American Cancer Society's St. George Medal, the highest and most prestigious award for outstanding service and leadership in the fight against cancer.

**Section 38. Dolores Rizzotto Way**

Introduced by Council Member Van Bramer

Died September 11, 2014

Dolores Rizzotto was a district manager for Community Board 2 who created a syringe exchange program to combat loose needles in the streets and was instrumental in bringing a veteran's shelter to Borden Avenue. She also started many toy drives at Christmas and many clothing drives as well. She helped create innovative programs such as V Cops, veteran who volunteered for community patrols and community activities.

**Section 39. FF Michael Brennan Way**

Introduced by Council Member Van Bramer

Michael Brennan was a lifelong resident of the Sunnyside section of Queens. He was employed as a New York City firefighter assigned to Ladder Company No. 4 in Manhattan. On September 11<sup>th</sup> Michael Brennan answered the call at the World Trade Center and perished in the collapse of the twin towers.

**Section 40. Robert "Pudgie" Walsh Way**

Introduced by Council Member Williams

Died September 21, 2016

Robert Walsh was in the United States Navy and soon after joined the FDNY. After he retired, he became a full-time coach of the semi-pro Brooklyn Mariners football team. With 621 wins over 60 seasons, he won more games than any college or pro football coach in America. He also was one of the founders of the FDNY's football team, the Bravest, in 1972. Bravest is a semi-pro football team comprised of members of the FDNY which raises money for various charities.

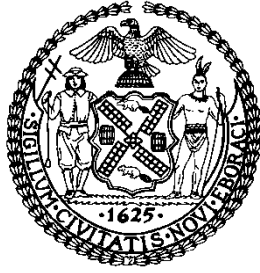
**Section 41. The REPEAL of Sections 2, 9, 36, 38 and 54 of Local Law number 92 for the year 2016.** This section repeals Sections 2, 9, 36, 38 and 54 of Local Law number 92 for the year 2016.

**Section 42. The REPEAL of Section 18 of Local Law number 23 for the year 2016.** This section repeals Section 18 of Local Law number 23 for the year 2016.

**Section 43. The REPEAL of Section 6 of Local Law number 81 for the year 2001.** This section repeals Section 6 of Local Law number 81 for the year 2001.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1449-A:)**





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

**PROPOSED INTRO. NO: 1449-A  
COMMITTEE: Parks and Recreation**

**TITLE:** A Local Law in relation to the naming of forty thoroughfares and public places.

**SPONSOR(S):** The Speaker (Council Member Mark-Viverito) and Council Members Borelli, Cabrera, Constantinides, Cornegy, Crowley, Cumbo, Gibson, Levine, Matteo, Mealy, Menchaca, Mendez, Miller, Palma, Rodriguez, Rose, Rosenthal, Torres, Van Bramer and Williams

In relation to the naming of 40 thoroughfares and public places, William “Pop” Marsh Avenue, Borough of Staten Island, Maxwell “Max the Sax” Lucas Way, Borough of the Bronx, Dr. Roscoe C. Brown, Jr. Way, Borough of the Bronx, Michael Fahy Way, Borough of the Bronx, Burton Schoenbach Way, Borough of the Bronx, Marine Corporal Ramona M. Valdez Way, Borough of the Bronx, Cinco de Mayo Way, Borough of the Bronx, Antonia Vasquez Way, Borough of the Bronx, Betty Jean DiBiaso Way, Borough of Queens, Jacqueline Berrien Way, Borough of Brooklyn, Easter Rising Way, Borough of Queens, Forest Park Memorial Drive, Borough of Queens, Reverend John Pratt Way, Borough of Brooklyn, Donald Byrd Way – Jazz Great, Borough of the Bronx, Ms. Aida Perez-Loiza Aldea Lane, Borough of Manhattan, The Honorable Frank V. Fossella Way, Borough of Staten Island, Ben Marino Way, Borough of Staten Island, John Lewis Steptoe Place, Borough of Brooklyn, Charles A. Sferrazza Way, Borough of Brooklyn, Cinco de Mayo Way, Borough of Brooklyn, Children’s Court, Borough of Manhattan, Ms. Magazine Way, Borough of Manhattan, Coach Chuck Granby Way, Borough of Queens, Cardinal S. Sandiford Way, Borough of Queens, Rev. Dr. Luis Felipe Serrano’s Way, Borough of the Bronx, Sgt. Paul J. Tuozzolo Way, Borough of the Bronx, Flight 587 Way, Borough of Manhattan, Saint Elizabeth Way, Borough of Manhattan, Maria Valentin Way, Borough of Manhattan, Principal Rhonda Whitfield Way, Borough of Staten Island, Architect Allen B. Terjesen Way, Borough of Staten Island, Elie Wiesel Way, Borough of Manhattan, Mario Borgatti Way, Borough of the Bronx, Kalief Browder Way, Borough of the Bronx, Lily Gavin Way, Borough of Queens, Nina Adams Way, Borough of Queens, Tony Mazzarella Way, Borough of Queens, Dolores Rizzotto Way, Borough of Queens, FF Michael Brennan Way, Borough of Queens, Robert “Pudgie” Walsh Way, Borough of Brooklyn and the repeal of sections 2, 9, 36, 38 and 54 of local law number 92 for the year 2016, the repeal of section 18 of local law number 23 for the year 2016 and the repeal of section 6 of local law number 81 for the year 2001.

**SUMMARY OF LEGISLATION:** The proposed law would add, through the posting of additional signs, the following new street names:

New Name	Present Name	Limits
William “Pop” Marsh Avenue	None	At the northwest corner of Richard Avenue and Bartow Avenue
Maxwell “Max the Sax” Lucas Way	Morris Avenue	Between Tremont Avenue and East 179 <sup>th</sup> Street

Dr. Roscoe C. Brown, Jr. Way	University Avenue	Between Hall of Fame Terrace and West 180 <sup>th</sup> Street
Michael Fahy Way	At 2175 Walton Avenue	
Burton Schoenbach Way	None	At the intersection of Creston Avenue and Fordham Road
Marine Corporal Ramona M. Valdez Way	151 East Fordham Road	Fordham Road and Grand Concourse
Cinco de Mayo Way	None	At the intersection of Jerome Avenue and East 193 <sup>rd</sup> Street
Antonia Vasquez Way	None	At the intersection of Davidson Avenue and Burnside Avenue
Betty Jean DiBiasco Way	None	At the intersection of Ditmars Blvd and 19 <sup>th</sup> Street
Jacqueline Berrien Way	Decatur Street	Between Lewis Avenue and Stuyvesant Avenue
Easter Rising Way	Step Street	Between 65 <sup>th</sup> Place and 64 <sup>th</sup> Street
Forest Park Memorial Drive	Forest Park Drive	Through Forest Park
Reverend John Pratt Way	Clermont Avenue	Between Myrtle Avenue and Willoughby Avenue
Donald Byrd Way – Jazz Great	None	At the intersection of Teasdale Place and the east side of Boston Road
Ms. Aida Perez-Loiza Aldea Lane	None	At the northwest corner of East 105 <sup>th</sup> Street and Lexington Avenue
The Honorable Frank V. Fossella Way	None	At the intersection of Father Capodanno Boulevard and Ocean Avenue
Ben Marino Way	None	At the intersection of 9 <sup>th</sup> Street and New Dorp Lane
John Lewis Steptoe Place	Monroe Street	Between Ralph Avenue and Howard Avenue
Charles A. Sferrazza Way	None	At the northwest corner of 8 <sup>th</sup> Avenue and 44 <sup>th</sup> Street
Cinco de Mayo Way	None	At the intersection of 41 <sup>th</sup> Street and 5 <sup>th</sup> Avenue
Children's Court	None	At the northeast corner of Third Avenue and East 22 <sup>nd</sup> Street

Ms. Magazine Way	None	At the northeast corner of East 32 <sup>nd</sup> Street and Third Avenue
Coach Chuck Granby Way	None	At the north side of 116 <sup>th</sup> Avenue and Francis Lewis Boulevard
Cardinal S. Sandiford Way	None	At the northeast corner of Anderson Road and Sidway Place
Rev. Dr. Luis Felipe Serrano's Way	None	At the intersection of Chatterton Avenue and Pugsley Avenue
Sgt. Paul J. Tuozzolo Way	Bolton Avenue	Between Story Avenue and Lafayette Avenue
Flight 587 Way	None	At the northeast corner of 181 <sup>st</sup> Street and Amsterdam Avenue
Saint Elizabeth Way	None	At the southwest corner of 187 <sup>th</sup> Street and Wadsworth Avenue
Maria Valentin Way	None	At the northeast corner of 184 <sup>th</sup> Street and Audubon Avenue
Principal Rhonda Whitfield Way	None	At the northeast corner underneath the Maple Parkway street sign of Maple Parkway and DeRuyter Place
Architect Allen B. Terjesen Way	None	At the intersection of Forest Avenue and Hart Boulevard
Elie Wiesel Way	None	At the southwest corner of 84 <sup>th</sup> Street and Central Park West
Mario Borgatti Way	None	At the southeast corner of Hughes Avenue and East 187 <sup>th</sup> Street
Kalief Browder Way	None	At the northwest corner of East 181 <sup>st</sup> Street and Prospect Avenue
Lily Gavin Way	Queens Boulevard	Between 39 <sup>th</sup> Place and 40 <sup>th</sup> Street
Nina Adams Way	None	At the intersection of 41 <sup>st</sup> Avenue and 12 <sup>th</sup> Street
Tony Mazarella Way	None	At the intersection of 2 <sup>nd</sup> Street and Borden Avenue
Dolores Rizzotto Way	None	At the intersection of 50 <sup>th</sup> Street and 43 <sup>rd</sup> Avenue

FF Michael Brennan Way	None	At the intersection of 41 <sup>st</sup> Street and 50 <sup>th</sup> Avenue
Robert “Pudgie” Walsh Way	None	At the intersection of East 36 <sup>th</sup> Street and Avenue P

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY17
<b>Revenues</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures</b>	<b>\$11,500</b>	<b>\$0</b>	<b>\$11,500</b>
<b>Net</b>	<b>\$11,500</b>	<b>\$0</b>	<b>\$11,500</b>

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

**IMPACT ON EXPENDITURES:** This legislation would require the installation of forty new street signs. Each sign costing \$37.50 and the labor to install each sign costing \$250, for a total cost of \$287.50 each. As such, the total cost of enacting this legislation would be approximately \$11,500.

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

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

**ESTIMATE PREPARED BY:** Kenneth Grace 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 February 1, 2017 as Intro. 1449-A and was referred to the Committee on Parks and Recreation. Proposed Intro. 1449-A, will be considered by the Committee on Parks and Recreation on February 13, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on February 15, 2017.

Fiscal Impact Schedule

New Name	Number of Signs	Cost	Installation (street signs only)	Total Cost
William "Pop" Marsh Avenue	1	37.5	250	287.50
Maxwell "Max the Sax" Lucas Way	1	37.5	250	287.50
Dr. Roscoe C. Brown, Jr. Way	1	37.5	250	287.50
Michael Fahy Way	1	37.5	250	287.50
Burton Schoenbach Way	1	37.5	250	287.50
Marine Corporal Ramona M. Valdez Way	1	37.5	250	287.50
Cinco de Mayo Way	1	37.5	250	287.50
Antonia Vasquez Way	1	37.5	250	287.50
Betty Jean DiBiasco Way	1	37.5	250	287.50
Jacqueline Berrien Way	1	37.5	250	287.50
Easter Rising Way	1	37.5	250	287.50
Forest Park Memorial Drive	1	37.5	250	287.50
Reverend John Pratt Way	1	37.5	250	287.50
Donald Byrd Way – Jazz Great	1	37.5	250	287.50
Ms. Aida Perez-Loiza Aldea Lane	1	37.5	250	287.50
The Honorable Frank V. Fossella Way	1	37.5	250	287.50
Ben Marino Way	1	37.5	250	287.50
John Lewis Steptoe Place	1	37.5	250	287.50
Charles A. Sferrazza Way	1	37.5	250	287.50
Cinco de Mayo Way	1	37.5	250	287.50
Children's Court	1	37.5	250	287.50
Ms. Magazine Way	1	37.5	250	287.50
Coach Chuck Granby Way	1	37.5	250	287.50
Cardinal S. Sandiford Way	1	37.5	250	287.50
Rev. Dr. Luis Felipe Serrano's Way	1	37.5	250	287.50
Sgt. Paul J. Tuozzolo Way	1	37.5	250	287.50
Flight 587 Way	1	37.5	250	287.50
Saint Elizabeth Way	1	37.5	250	287.50
Maria Valentin Way	1	37.5	250	287.50
Principal Rhonda Whitfield Way	1	37.5	250	287.50
Architect Allen B. Terjesen Way	1	37.5	250	287.50
Elie Wiesel Way	1	37.5	250	287.50
Mario Borgatti Way	1	37.5	250	287.50
Kalief Browder Way	1	37.5	250	287.50
Lily Gavin Way	1	37.5	250	287.50
Nina Adams Way	1	37.5	250	287.50
Tony Mazzarella Way	1	37.5	250	287.50
Dolores Rizzotto Way	1	37.5	250	287.50
FF Michael Brennan Way	1	37.5	250	287.50

Robert “Pudgie” Walsh Way	1	37.5	250	287.50
	<b>40</b>	<b>\$1,500</b>	<b>\$10,000</b>	<b>\$11,500</b>

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

**(The following is the text of Int. No. 1449-A:)**

Int. No. 1449-A

By The Speaker (Council Member Mark-Viverito) and Council Members Borelli, Cabrera, Constantinides, Cornegy, Crowley, Cumbo, Gibson, Levine, Matteo, Mealy, Menchaca, Mendez, Miller, Palma, Rodriguez, Rose, Rosenthal, Torres, Van Bramer, Williams and Levin.

**A Local Law in relation to the naming of 40 thoroughfares and public places, William “Pop” Marsh Avenue, Borough of Staten Island, Maxwell “Max the Sax” Lucas Way, Borough of the Bronx, Dr. Roscoe C. Brown, Jr. Way, Borough of the Bronx, Michael Fahy Way, Borough of the Bronx, Burton Schoenbach Way, Borough of the Bronx, Marine Corporal Ramona M. Valdez Way, Borough of the Bronx, Cinco de Mayo Way, Borough of the Bronx, Antonia Vasquez Way, Borough of the Bronx, Betty Jean DiBiasco Way, Borough of Queens, Jacqueline Berrien Way, Borough of Brooklyn, Easter Rising Way, Borough of Queens, Forest Park Memorial Drive, Borough of Queens, Reverend John Pratt Way, Borough of Brooklyn, Donald Byrd Way – Jazz Great, Borough of the Bronx, Ms. Aida Perez-Loiza Aldea Lane, Borough of Manhattan, The Honorable Frank V. Fossella Way, Borough of Staten Island, Ben Marino Way, Borough of Staten Island, John Lewis Steptoe Place, Borough of Brooklyn, Charles A. Sferrazza Way, Borough of Brooklyn, Cinco de Mayo Way, Borough of Brooklyn, Children’s Court, Borough of Manhattan, Ms. Magazine Way, Borough of Manhattan, Coach Chuck Granby Way, Borough of Queens, Cardinal S. Sandiford Way, Borough of Queens, Rev. Dr. Luis Felipe Serrano’s Way, Borough of the Bronx, Sgt. Paul J. Tuozzolo Way, Borough of the Bronx, Flight 587 Way, Borough of Manhattan, Saint Elizabeth Way, Borough of Manhattan, Maria Valentin Way, Borough of Manhattan, Principal Rhonda Whitfield Way, Borough of Staten Island, Architect Allen B. Terjesen Way, Borough of Staten Island, Elie Wiesel Way, Borough of Manhattan, Mario Borgatti Way, Borough of the Bronx, Kalief Browder Way, Borough of the Bronx, Lily Gavin Way, Borough of Queens, Nina Adams Way, Borough of Queens, Tony Mazarrella Way, Borough of Queens, Dolores Rizzotto Way, Borough of Queens, FF Michael Brennan Way, Borough of Queens, Robert “Pudgie” Walsh Way, Borough of Brooklyn and the repeal of sections 2, 9, 36, 38 and 54 of local law number 92 for the year 2016, the repeal of section 18 of local law number 23 for the year 2016 and the repeal of section 6 of local law number 81 for the year 2001.**

*Be it enacted by the Council as follows:*

Section 1. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
William “Pop” Marsh Avenue	None	At the northwest corner of Richard Avenue and Bartow Avenue

§2. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Maxwell "Max the Sax" Lucas Way	Morris Avenue	Between Tremont Avenue and East 179 <sup>th</sup> Street

§3. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Roscoe C. Brown, Jr. Way	University Avenue	Between Hall of Fame Terrace and West 180 <sup>th</sup> Street

§4. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Michael Fahy Way	at 2175 Walton Avenue	

§5. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Burton Schoenbach Way	None	At the intersection of Creston Avenue and Fordham Road

§6. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Marine Corporal Ramona M. Valdez Way	151 East Fordham Road	Fordham Road and Grand Concourse

§7. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Cinco de Mayo Way	None	At the intersection of Jerome Avenue and East 193 <sup>rd</sup> Street

§8. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Antonia Vasquez Way	None	At the intersection of Davidson Avenue and Burnside Avenue

§9. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Betty Jean DiBiasco Way	None	At the intersection of Ditmars Boulevard and 19 <sup>th</sup> Street

§10. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jacqueline Berrien Way	Decatur Street	Between Lewis Avenue and Stuyvesant Avenue

§11. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Easter Rising Way	Step Street	Between 65 <sup>th</sup> Place and 64 <sup>th</sup> Street

§12. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Forest Park Memorial Drive	Forest Park Drive	Through Forest Park

§13. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Reverend John Pratt Way	Clermont Avenue	Between Myrtle Avenue and Willoughby Avenue

§14. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Donald Byrd Way – Jazz Great	None	At the intersection of Teasdale Place and the east side of Boston Road

§15. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ms. Aida Perez-Loiza Aldea Lane	None	At the northwest corner of East 105 <sup>th</sup> Street and Lexington Avenue

§16. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
The Honorable Frank V. Fossella Way	None	At the intersection of Father Capodanno Boulevard and Ocean Avenue



§17. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ben Marino Way	None	At the intersection of 9 <sup>th</sup> Street and New Dorp Lane

§18. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
John Lewis Steptoe Place	Monroe Street	Between Ralph Avenue and Howard Avenue

§19. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Charles A. Sferrazza Way	None	At the northwest corner of 8 <sup>th</sup> Avenue and 44 <sup>th</sup> Street

§20. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Cinco de Mayo Way	None	At the intersection of 41 <sup>st</sup> Street and 5 <sup>th</sup> Avenue

§21. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Children's Court	None	At the northeast corner of Third Avenue and East 22 <sup>nd</sup> Street

§22. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ms. Magazine Way	None	At the northeast corner of East 32 <sup>nd</sup> Street and Third Avenue

§23. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Coach Chuck Granby Way	None	At the north side of 116 <sup>th</sup> Avenue and Francis Lewis Boulevard

§24. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Cardinal S. Sandiford Way	None	At the northeast corner of Anderson Road and Sidway Place

§25. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Dr. Luis Felipe Serrano's Way	None	At the intersection of Chatterton Avenue and Pugsley Avenue

§26. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sgt. Paul J. Tuozzolo Way	Bolton Avenue	Between Story Avenue and Lafayette Avenue

§27. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Flight 587 Way	None	At the northeast corner of 181 <sup>st</sup> Street and Amsterdam Avenue

§28. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Saint Elizabeth Way	None	At the southwest corner of 187 <sup>th</sup> Street and Wadsworth Avenue

§29. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Maria Valentin Way	None	At the northeast corner of 184 <sup>th</sup> Street and Audubon Avenue

§30. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Principal Rhonda Whitfield Way	None	At the northeast corner underneath the Maple Parkway street sign of Maple Parkway and DeRuyter Place

§31. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Architect Allen B. Terjesen Way	None	At the intersection of Forest Avenue and Hart Boulevard

§32. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Elie Wiesel Way	None	At the southwest corner of 84 <sup>th</sup> Street and Central Park West

§33. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mario Borgatti Way	None	At the southeast corner of Hughes Avenue and East 187 <sup>th</sup> Street

§34. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Kalief Browder Way	None	At the northwest corner of East 181 <sup>st</sup> Street and Prospect Avenue

§35. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lily Gavin Way	Queens Boulevard	Between 39 <sup>th</sup> Place and 40 <sup>th</sup> Street

§36. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Nina Adams Way	None	At the intersection of 41 <sup>st</sup> Avenue and 12 <sup>th</sup> Street

§37. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Tony Mazarella Way	None	At the intersection of 2 <sup>nd</sup> Street and Borden Avenue

§38. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dolores Rizzotto Way	None	At the intersection of 50 <sup>th</sup> Street and 43 <sup>rd</sup> Avenue

§39. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
FF Michael Brennan Way	None	At the intersection of 41 <sup>st</sup> Street and 50 <sup>th</sup> Avenue

§40. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Robert “Pudgie” Walsh Way	None	At the intersection of East 36 <sup>th</sup> Street and Avenue P

§41. Sections 2, 9, 36, 38 and 54 of local law number 92 for the year 2016 are hereby REPEALED.

§42. Section 18 of local law number 23 for the year 2016 is hereby REPEALED.

§43. Section 6 of local law number 81 for the year 2001 is hereby REPEALED.

§44. This local law shall take effect immediately.

MARK LEVINE, *Chairperson*; DARLENE MEALY, FERNANDO CABRERA, JAMES G. VAN BRAMER, ANDREW COHEN, ALAN N. MAISEL, MARK TREYGER; Committee on Parks and Recreation, February 13, 2017. *Other Council Members Attending: Council Member Borelli.*

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

### **Report of the Committee on Public Safety**

Report for Int. No. 834-B

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the use of all-terrain vehicles, including dirt bikes.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on June 26, 2015 (Minutes, page 2676), respectfully

**REPORTS:**

## **I. INTRODUCTION**

On February 14, 2017, the Committee on Public Safety, chaired by Vanessa L. Gibson, will vote on Proposed Introduction 834B (“Prop. Int. 834B”), in relation to the use of all-terrain vehicles, including dirt bikes. The Committee previously held a hearing on this bill on September 15, 2016. At that time, the Committee heard testimony on the bill from the New York Police Department (“NYPD”), and other interested groups and members of the public.

## **II. ALL TERRAIN VEHICLES IN NEW YORK CITY**

All-terrain vehicles (“ATVs”) are motorized vehicles designed primarily for use on trails or in off-road competitions.<sup>1</sup> The New York State Vehicle and Traffic Law sets forth a general structure for regulation of ATVs, including generally prohibiting the use of ATV’s on city streets.<sup>2</sup> Specifically, the law restricts the use of ATVs on streets, providing that they may only be operated on highways if they are: 1) making a direct crossing where there are no obstructions and the operator yields to oncoming traffic, or 2) using a highway designated as open for ATV travel in accordance with State law.<sup>3</sup> ATV use is also restricted on public lands that have not been designated for such use, private property, and on certain farms.<sup>4</sup>

However, the State law prohibiting ATV use on city streets is frequently disregarded in New York City. ATVs continue to be used illegally and have been involved in a number of collisions, most notably in the Bronx. In May 2014, a man was killed after maneuvering his ATV around an SUV.<sup>5</sup> Later that year, another man was killed in the borough in an ATV crash.<sup>6</sup> In the summer of 2013, the Bronx District Attorney handled more than 200 cases involving ATVs and dirt bikes, with charges including reckless driving.<sup>7</sup> Harlem has also seen problems with illegal ATV use. Between January and September 2013, a Central Harlem police precinct seized more than 1,400 ATVs, dirt bikes, and motorcycles.<sup>8</sup>

Though the Council recently prohibited “stunt behavior” by motorists, such as wheelies, donuts, burnouts, and revving, this prohibition does not cover ATVs.<sup>9</sup> Some feel that increasing penalties for ATV usage, and allowing for forfeiture of the vehicles, will work to curb ATV usage in New York City.

## **III. ANALYSIS OF PROP INT. NO. 834B**

Section 1 of the bill adds a new administrative code section 19-196 that would prohibit the use of all ATVs, including dirt bikes, in New York City. Those found to be illegally operating an ATV or dirt bike would be liable for a fine and/or a civil penalty of not more than 500 dollars for the first offense and not more than 1,000 dollars for subsequent offenses. Section 2 of the bill state that the local law takes effect 30 days from its enactment.

## **IV. AMENDMENTS TO INT. NO. 834**

Int. 834 has been amended since this Committee first heard it. The bill originally did not specify the prohibition on the use of dirt bikes on city streets. In addition, the original bill included a forfeiture provision

<sup>1</sup> N.Y. State Vehicle and Traffic Law § 2281(1).

<sup>2</sup> N.Y. State Vehicle and Traffic Law, Arts. 48-B and 48-C.

<sup>3</sup> *Id.* § 2403.

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

<sup>5</sup> *Victim Identified in Bronx ATV Crash*, WABC 7, May 25, 2014, available at <http://7online.com/news/victim-identified-in-bronx-atv-crash/76913/>.

<sup>6</sup> Joseph Stepansky, *One man dead, another injured in ATV crash in Bronx*, N.Y. DAILY NEWS, Oct. 13, 2014, available at <http://www.nydailynews.com/new-york/bronx/man-35-killed-atv-crash-bronx-article-1.1972186>.

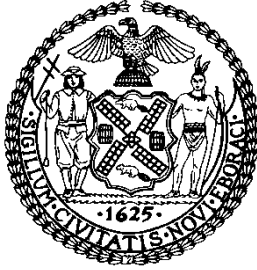
<sup>7</sup> Sarah Maslin Nir and J. David Goodman, *For New York City’s Dirt Bikers, There Is No Place to Ride*, Nov. 18, 2013, N.Y. TIMES, available at <http://www.nytimes.com/2013/11/19/nyregion/for-new-york-citys-dirt-bikers-there-is-nowhere-to-ride.html#>.

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

<sup>9</sup> N.Y.C. Admin. Code § 10-163.

allowing the NYPD to forfeit an ATV. Finally, the effective date was amended from 120 days after the bill's enactment to 30 days, and the title number was amended from title 10 to title 19.

**(The following is the text of the Fiscal Impact Statement for Int. No. 834-B:)**



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

**PROPOSED INTRO. NO: 834-B  
COMMITTEE: Public Safety**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the use of all-terrain vehicles, including dirt bikes

**SPONSORS:** Council Members Cohen, Constantinides, Levine, Vacca, Espinal, Maisel, Garodnick, Mealy, Greenfield, Reynoso, King, Torres, Levin, Kallos, Koo, Lancman, Rosenthal, Treyger, Vallone, Palma, Johnson, Cabrera, Dromm, Mendez, Rose, Koslowitz, Menchaca, Van Bramer, Crowley, Ferreras-Copeland, Rodriguez, Richards, Chin, Gentile, Ulrich and Borelli.

**SUMMARY OF LEGISLATION:** Proposed Intro. 834- B would prohibit the operation of all-terrain vehicles (ATV), including dirt bikes in New York City, unless given consent by the property owner. The first offense would be punishable by a fine and/or a civil penalty of up to \$500. Any subsequent offense is punishable by a fine and/or a civil penalty of up to \$1,000.

**EFFECTIVE DATE:** This local law would take 30 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

**ESTIMATE PREPARED BY:** Steve Riestler, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on June 26, 2015 as Intro. No. 834 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on September 15, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 834-B, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 834-B will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 834-B:)**

Int. No. 834-B

By Council Members Cohen, Constantinides, Levine, Vacca, Espinal, Maisel, Garodnick, Mealy, Greenfield, Reynoso, King, Torres, Levin, Kallos, Koo, Lancman, Rosenthal, Treyger, Vallone, Palma, Johnson, Cabrera, Dromm, Mendez, Rose, Koslowitz, Menchaca, Van Bramer, Crowley, Ferreras-Copeland, Rodriguez, Richards, Chin, Gentile, Salamanca, Ulrich and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of all-terrain vehicles, including dirt bikes**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-196 to read as follows:

*§ 19-196 All-terrain vehicles, including dirt bikes.*

*a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*All-terrain vehicle. The term "all-terrain vehicle" has the same meaning as set forth in subdivision 1 of section 2281 of the vehicle and traffic law, which includes dirt bikes, or any successor provision.*

*Operate. The term "operate" means to ride in or on, other than as a passenger, or use or control the operation of an all-terrain vehicle in any manner.*

*Person. The term "person" means an individual and does not include officers or employees of any governmental agency acting in an official capacity, or private individuals or entities acting pursuant to agreements with governmental agencies.*

*b. No person shall operate an all-terrain vehicle in the city of New York, except that, in the case of property other than a street or a park, an all-terrain vehicle may be operated only with the consent, written or conspicuously posted consistent with applicable law, of the owner or lessee, or operated by an individual owner or lessee.*

*c. The violation of subdivision b of this section constitutes a violation punishable by a fine not to exceed 500 dollars for the first offense and not to exceed 1,000 dollars for any subsequent offense.*

*d. A person who violates subdivision b of this section shall be liable for a civil penalty of 500 dollars. A person committing a second or subsequent violation of subdivision b of this section shall be liable for a civil penalty of 1,000 dollars. Civil penalties pursuant to this subdivision are recoverable in a proceeding before the office of administrative trials and hearings pursuant to chapter 45-A of the charter, or in a civil action or proceeding brought in the name of the city.*

*e. Any act prohibited by this section additionally constitutes a traffic infraction punishable by a fine not to exceed 500 dollars for the first conviction, and not to exceed 1,000 dollars for any subsequent conviction.*

§ 2. This local law takes effect 30 days after it becomes law.

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, February 14, 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. 1308-A

**Report of the Committee on Public Safety 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 limiting the application of temporary orders obtained pursuant to the nuisance abatement law.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3553), respectfully

**REPORTS:**

**I. INTRODUCTION**

On Tuesday, February 14, 2017, the Committee on Public Safety, chaired by Council Member Vanessa Gibson, will vote on 13 bills, as referenced above, regarding the Nuisance Abatement Law (“NAL”).<sup>1</sup> The NAL provides a legal framework that permits the City to, among other remedies, shut down residential and commercial establishments that are “nuisances” as defined in the law. The Committee previously heard these bills on November 2, 2016. At that time, the Committee heard testimony on these bills from the New York City Police Department (“NYPD”), Queens Legal Services, The Legal Aid Society, Bronx Defenders, Brooklyn Defender Services, Neighborhood Defender Service of Harlem, the New York Civil Liberties Union, and members of the public.

**II. BACKGROUND**

A. History of the Nuisance Abatement Law

The Council passed the NAL in 1977, which established a streamlined legal process for evictions and related civil actions for apartments and houses used for the following illicit purposes: prostitution, promotion of “obscenity,” violations of the building code, unlicensed businesses, environmental violations, zoning violations, violations of the alcoholic beverage control law, and similar activities.<sup>2</sup> The original law was targeted mainly at “houses of prostitution” in Times Square and other purveyors of “obscene” materials.<sup>3</sup> This law also included the use of drugs as a “nuisance,” but restricted NAL actions to those cases in which there were at least five “violations” of various drug laws, including misdemeanors and non-criminal offenses, within one year.<sup>4</sup>

The NAL has been amended and expanded since 1977. In 1983, the legislature amended the law and added marijuana to the subdivision that addresses drug usages<sup>5</sup> and added a subdivision related to stolen property and automobiles aimed at “shops where stolen vehicles are stripped.”<sup>6</sup> In 2006, a subdivision related to commercial establishments, such as nightclubs, in which alcohol is sold and security guards are employed

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<sup>1</sup> New York City Administrative Code, Title 7, Chapter 7; see also New York City Administrative Code § 7-702 (“This chapter shall be known as the ‘nuisance abatement law’”)

<sup>2</sup> Local Law 55 of 1977.

<sup>3</sup> E.g., The New York Times, Now, Cities Hit Drug Suspects Where They Live, January 25, 1991, available at <http://www.nytimes.com/1991/01/25/news/now-cities-hit-drug-suspects-where-they-live.html>; Sarah Ryley, The NYPD Is Kicking People Out of Their Homes, Even If They Haven’t Committed a Crime, ProPublica and The New York Daily News, February 4, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-evictions>. Note also that the non-codified legislative intent section of Local Law 55 of 1977 listed targeting obscenity and prostitution as the primary drivers of the law, and listed drugs only secondarily.

<sup>4</sup> Local Law 55 of 1977

<sup>5</sup> Local Law 18 of 1983

<sup>6</sup> Id. quoting from the Mayor’s Public Hearing on May 5, 1983

was added to the law<sup>7</sup> A year later in 2007, the law added locations in which fake identifications are created.<sup>8</sup> Most recently, in 2015, the Council amended NAL to add locations in which synthetic cannabinoids or synthetic phenethylamine, also known as “K2” are sold.<sup>9</sup> The NAL was also amended to “clarify that one and two-family homes are included within the scope of the definition of public nuisance”<sup>10</sup> in 1983, and to reduce the number of drug-related violations that constitute a nuisance from five to three violations in 1993.<sup>11</sup>

#### B. Legal Structure of the Nuisance Abatement Law

All NAL actions must include an application for permanent relief, but the law also allows for an application for interlocutory relief, meaning that a court may order the eviction or the closing of premises while a NAL case is pending.<sup>12</sup> An application for such relief may also include an application for a temporary order.<sup>13</sup> A temporary order is a form of interlocutory relief that requires the plaintiff to prove the existence of a nuisance by “clear and convincing evidence,” and may be granted *ex parte*, meaning on application of the plaintiff only without notice to the defendant.<sup>14</sup> When *ex parte* orders are granted, defendants are typically notified of their eviction or of the closure of premises when the order to evict or close is served upon them.<sup>15</sup> In this overlapping structure, any requirement for an application for permanent injunction applies to an application for a preliminary injunction, and any requirement for an application for a preliminary injunction applies to an application for a temporary order.

Under the NAL, only the New York City Law Department (“Law Department”) may bring a NAL action. However, according to information provided to the Council by the Law Department and NYPD, the NYPD and Law Department have entered into an agreement whereby the Law Department has, in essence, delegated their authority to the NYPD to file NAL cases. The Law Department, however, continues to review all such cases.

#### C. Usage of the NAL

Though the NAL was enacted largely to address issues pertinent to businesses in Times Square at that time, the NYPD has used the law increasingly in the residential context. Information provided to the Council by the NYPD for the years 2013 to 2015 indicate the Department brought 2,609 NAL actions, with a high of 920 actions in one year and 801 in another year.<sup>16</sup> Of those cases, 44.5% of such cases were filed *ex parte* in a residential context. Furthermore, while the law was originally targeted at obscenity and other similar quality of life concerns, the NYPD has used the law in the residential context almost exclusively for drug-related offenses: 86.5% of the residential NAL cases between 2013 and 2015 were for drug-related offenses.<sup>17</sup> That number has greatly reduced in the past months. The NYPD testified that between January 1 through October 1, 2016, the Department brought 307 NAL actions. Almost two-thirds of those actions (about 200) were against commercial establishments, and 107 were against residential establishments.<sup>18</sup> Recently, the Department reformed its use of *ex parte* proceedings,<sup>19</sup> and is seeking closing orders less frequently and

<sup>7</sup> Local Law 35 of 2006, *see* Report of the Governmental Affairs Division of the New York City Council for Intro No. 366-A for a description of numerous incidents involving nightclubs, and noting other legislation included in this local law that regulated nightclubs.

<sup>8</sup> Local Law 8 of 2007

<sup>9</sup> Local Law 96 of 2015

<sup>10</sup> Local Law 59 of 1982, quoting from the Mayor’s Public Hearing on September 29, 1982, available at <http://www.laguardiawagnerarchive.lagcc.cuny.edu/>

<sup>11</sup> Local Law 113 of 1993.

<sup>12</sup> New York City Administrative Code §§ 7-707, 7-717

<sup>13</sup> New York City Administrative Code §§ 7-709, 7-710

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

<sup>15</sup> *See Id.*, *see also* Sarah Ryley, *The NYPD Is Kicking People Out of Their Homes, Even If They Haven’t Committed a Crime*, ProPublica and The New York Daily News, February 4, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-evictions>

<sup>16</sup> New York City Police Department Testimony at a November 2, 2016 New York City Council Hearing

<sup>17</sup> Information provided to the Council by the NYPD

<sup>18</sup> New York City Police Department Testimony at a November 2, 2016 New York City Council Hearing

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

tailoring their requests in residential order to only exclude the individual or individuals arrested in the premises.<sup>20</sup>

According to information provided to the Council by the Law Department, the NYPD, legal advocates, and obtained through news reports,<sup>21</sup> virtually all NAL cases are settled. Many of the respondents in the residential context do not have attorneys, so they negotiate with the NYPD or Law Department attorneys directly.<sup>22</sup>

### **III. ANALYSIS OF PROP. INT. NO. 1308-A**

This bill would limit the application of temporary orders, as described in Section II(B), *supra*, which are typically granted *ex parte*. Temporary closing orders, which permit the shuttering of locations, would be permitted only for nuisances involving prostitution, certain violations of the building code, and problematic commercial locations in which there is a “significant risk of imminent physical harm” to the public. Temporary restraining orders would be permitted in these circumstances as well, and would also be permitted for public nuisances for commercial locations that sell alcohol without a license or which have a license to sell liquor and violate the State’s Alcoholic Beverage Control Law.

The NAL would retain interlocutory relief in the form of “preliminary injunctions” but these injunctions could be granted only after notice was provided to the defendant. The bill would also require that preliminary injunctions be granted only where the “public health, safety, and welfare immediately requires the granting” of the injunction. The bill would take effect 60 days after it became law.

### **IV. AMENDMENTS TO INT. NO. 1308**

Intro 1308 has been amended since it was first heard by this Committee. The original version of this bill eliminated temporary orders entirely, whereas the current version of the bill allows such orders in limited conditions described *supra*.

### **V. ANALYSIS OF PROP. INT. NO. 1315-A**

According to news reports, NAL actions are often filed while actions addressing the same conduct proceed in other venues such as the State Liquor Authority (“SLA”),<sup>23</sup> Housing Court,<sup>24</sup> and other administrative proceedings.<sup>25</sup> These concurrent adjudications can mean that defendants in some NAL cases are punished multiple times for the same conduct. According to advocates, this often occurs when there are concurrent NAL actions brought under the “Bawdy House” law, which are cases brought in the Housing Court courtrooms of the New York City Civil Court.<sup>26</sup> According to information provided to the Council by District Attorney’s offices, “Bawdy House” cases are typically instigated by District Attorney’s offices to address nuisances similar to, if not identical with, those that form the basis of NAL actions. The State “Bawdy House” laws define nuisances similarly to the NAL.<sup>27</sup> According to information provided to the Council by both District Attorney’s offices and advocates, settlements reached in “Bawdy House” cases are typically similar if not identical to those obtained in NAL actions.

This bill would require dismissal of an NAL action if there were any similar legal proceeding in either tribunals of the New York City Housing Authority (“NYCHA”) or any New York City Civil Court, including “Bawdy House” actions. However, because the City may have a unique interest from the plaintiffs in NYCHA

<sup>20</sup> See Sarah Ryley, *NYPD Shows Openness to Compromise on Nuisance Abatement Reform at City Council Hearing*, The New York Daily News, November 3, 2016, available at <http://www.nydailynews.com/news/politics/nypd-shows-openness-compromise-nuisance-abatement-bills-article-1.2856153>

<sup>21</sup> See Sarah Ryley, *The NYPD Is Kicking People Out of Their Homes, Even If They Haven’t Committed a Crime*, ProPublica and The New York Daily News, February 4, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-evictions>.

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

<sup>23</sup> Sarah Ryley, *The NYPD is Running Stings Against Immigrant-Owned Shops, Then Pushing For Warrantless Searches*, ProPublica and The New York Daily News, April 22, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-shop-stings-warrantless-searches>

<sup>24</sup> Sarah Ryley, *The NYPD Is Kicking People Out of Their Homes, Even If They Haven’t Committed a Crime*, ProPublica and The New York Daily News, February 4, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-evictions>

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

<sup>26</sup> Real Property Actions and Proceedings Law § 715

<sup>27</sup> Compare Real Property Actions and Proceedings Law § 715 with New York City Administrative Code § 7-703

or “Bawdy House” cases, the bill would permit a similar NAL action to proceed if the City could establish a “unique and compelling interest” in the NAL action.

The bill would address duplicate fines being imposed on businesses who violate State rules on alcoholic beverages by requiring courts to consider whether fines imposed pursuant to the NAL would pose an “excess burden” on the defendant. The bill would take effect 60 days after it became law.

#### **VI. AMENDMENTS TO INT. NO. 1315**

Intro 1315 has been amended since it was first heard by this Committee. The exception to the section requiring dismissal of duplicative NAL actions where the City can establish a “unique and compelling interest” in the NAL action was added. Also, the original version of this bill required dismissal of NAL actions in which there were similar proceedings before the State Liquor Authority, whereas the current version of the bill requires fines imposed by that Authority to be taken into consideration when determining what remedies are necessary to abate an alcohol-related nuisance.

#### **VII. ANALYSIS OF PROP INT. NO. 1317-A**

As noted in Section II(A), *supra*, the NAL originally defined a drug-related nuisance as five drug-related incidents within one year, but was amended in 1993 to reduce this requirement to three such instances within one year.<sup>28</sup> Also, the NAL originally did not include marijuana-related offenses in its definition of drug-related incidents, but such offenses were added to this definition in 1983.<sup>29</sup>

This bill would remove from this definition any misdemeanor related to marijuana as well as the misdemeanor possession of a controlled substance. Drug-related felonies would remain part of this definition, as would offenses involving synthetic cannabinoids or synthetic phenethylamine, also known as “K2.” This bill would take effect 60 days after it became law.

#### **VIII. AMENDMENTS TO INT. NO. 1317**

Intro 1317 has been amended since it was first heard by this Committee. The bill originally increased the number of incidents of drug-related activity required to establish a nuisance from three to four such incidents, while the current version of the bill does not affect the number of incidents so required.

#### **IX. ANALYSIS OF PROP INT. NO. 1318-A**

News reports indicate that due to the lag time between when nuisances occur and when NAL papers are filed, in many instances, the NYPD pursues NAL actions against locations that had already been shut down or where the offending tenants have moved out.<sup>30</sup> These reports cite NYPD sources indicating that there are “no rules in place mandating that they check for ongoing illegal activity.”<sup>31</sup> There has been at least one lawsuit filed by a family temporarily evicted from their apartment by a NAL order who had moved into the apartment months after the previous tenants, who had been arrested for drug dealing, had moved out.<sup>32</sup>

This bill would require the Law Department to “verify the ongoing occupancy of those persons alleged to have caused or permitted” nuisances within 15 days filing a nuisance abatement action. It would take effect 60 days after it became law.

#### **X. AMENDMENTS TO INT. NO. 1318**

Intro 1318 has been amended since it was first heard by this Committee. The original version of the bill required verification of the “ongoing nature” of a nuisance rather than the “ongoing occupancy” of those causing a nuisance. The original version of the bill also required such verification prior to the enforcement of an order, rather than prior to the filing of an action.

<sup>28</sup> Local Law 113 of 1993.

<sup>29</sup> Local Law 18 of 1983

<sup>30</sup> Sarah Ryley, *Insiders Say NYPD’s Nuisance Unit Skirts the Law and Relies on Unconfirmed Allegations*, ProPublica and The New York Daily News, March 25, 2016, available at <https://www.propublica.org/article/insiders-say-nypd-nuisance-unit-skirts-law-unconfirmed-allegations>

<sup>31</sup> *Id.*

<sup>32</sup> Sarah Ryley and Stephen Rex Brown, *NYPD kicks wrong family out of their home in nuisance case, seeking drug dealers who left 7 months earlier*, ProPublica and The New York Daily News, April 12, 2016, available at <http://www.nydailynews.com/new-york/nypd-kicks-wrong-family-home-nuisance-case-article-1.2597105>

#### **XI. ANALYSIS OF PROP. INT. NO. 1320-A**

News reports have documented instances in which drug-related NAL actions were filed despite the fact that laboratory reports made on the alleged drugs underlying such actions came back negative for any controlled substances, and such laboratory reports had been filed in criminal court months prior to the NAL action.<sup>33</sup> This bill would require that laboratory reports be filed in any drug-related NAL action. It would take effect 60 days after it became law.

#### **XII. AMENDMENTS TO INT. NO. 1320**

Intro 1320 has been not been substantively amended since it was first heard by this Committee.

#### **XIII. ANALYSIS OF PROPOSED INT. NO. 1321-A**

According to information provided by the NYPD to the Council, in many drug-related NAL actions, the NYPD relies on confidential informants to provide information regarding the location of drug sales, then executes a search warrant on that location prior to filing any NAL action. This bill requires that for any drug-related NAL action, one drug-related incident must be based on information supported by the observations of a police or peace officers – whether through the enforcement of a search warrant or otherwise. It would take effect 60 days after it became law.

#### **XIV. AMENDMENTS TO INT. NO. 1321**

Intro 1321 has been not been substantively amended since it was first heard by this Committee.

#### **XV. ANALYSIS OF PROPOSED INT. NO. 1323-A**

The NAL currently places no limit on the time period within which any order issued may expire. This bill would prohibit permanent injunctions barring persons from any property, instead limiting such relief to one year, or up to three years if there is “clear and convincing evidence that unique circumstances exist” justifying a lengthier period of exclusion. It would take effect 60 days after it became law.

#### **XVI. AMENDMENTS TO INT. NO. 1323**

Intro 1323 has been not been substantively amended since it was first heard by this Committee.

#### **XVII. ANALYSIS OF INT. NO. 1326**

Sections 10-155 and 10-156 of the Administrative Code of the City of New York are commonly referred to as the “Padlock Law.”<sup>34</sup> The NYPD has indicated both to the Council and publicly that they have not utilized the Padlock Law in at least 15 years.<sup>35</sup> The history of the law indicates that it was intended to address similar issues as the NAL; in fact, the “legislative intent” section of Local Law 5 of 1989 indicates that the bill was “enacted to authorize the police commissioner to sanction and penalize public nuisances.” Unlike the NAL, the Padlock Law permits the NYPD to shutter a home or business without any judicial review.<sup>36</sup> The Council is concerned that decisions of this import should involve judicial scrutiny, and that the NAL should be the sole vehicle for addressing nuisance concerns. Therefore, this bill repeals the Padlock law in its entirety. The bill would take effect immediately.

<sup>33</sup> Sarah Ryley, [The NYPD Is Kicking People Out of Their Homes, Even If They Haven't Committed a Crime](https://www.propublica.org/article/nypd-nuisance-abatement-evictions), ProPublica and The New York Daily News, February 4, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-evictions>.

<sup>34</sup> E.g., Sarah Ryley, [Insiders Say NYPD's Nuisance Unit Skirts the Law and Relies on Unconfirmed Allegations](https://www.propublica.org/article/insiders-say-nypd-nuisance-unit-skirts-law-unconfirmed-allegations), ProPublica and The New York Daily News, March 25, 2016, available at <https://www.propublica.org/article/insiders-say-nypd-nuisance-unit-skirts-law-unconfirmed-allegations>; Sarah Ryley, [The NYPD is Running Stings Against Immigrant-Owned Shops, Then Pushing For Warrantless Searches](https://www.propublica.org/article/nypd-is-running-stings-against-immigrant-owned-shops-then-pushing-for-warrantless-searches), ProPublica and The New York Daily News, April 22, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-shop-stings-warrantless-searches>

<sup>35</sup> See *Id.*

<sup>36</sup> See New York City Administrative Code § 10-156, see also *Abreu v. N.Y. City Police Dep't*, 182 A.D.2d 414 (App. Div. 1st Dept. 1992)

**XVIII. ANALYSIS OF PROP. INT. NO. 1327-A**

This bill requires the comprehensive reporting on the NYPD's use of the NAL, including the rate of the use of interlocutory relief, the relationship between NAL actions and 311 or 911 calls, and the rate of NAL actions by precinct. Also, because other agencies and governmental entities can request that the Law Department bring NAL actions, the bill requires the Law Department to issue a similar report on the wider use of the NAL. The bill would take effect immediately, reports on NAL would be due every 6 months, and the first report would be due January 31, 2018.

**IXX. AMENDMENTS TO INT. NO. 1327**

Intro 1327 has been amended since it was first heard by this Committee. The original version of the bill included certain reporting requirements that have been eliminated, including reporting on the number of instances in which the NYPD withdraws a NAL case after being denied a temporary order, reporting on the time gap between which a temporary order is issued and it is executed, the number of NAL actions filed while concurrent proceedings in New York City Civil Court are ongoing, and a map of New York City indicating the location of NAL actions. The Law Department's reporting requirements have also been modified, and now only include basic reporting on the use of nuisances by agency and type of nuisance, and the use of temporary orders. Finally, the first report is now due on January 31, 2018, instead of January 1, 2017.

**XX. ANALYSIS OF PROP. INT. NO. 1333-A**

The NAL currently has no blanket statute of limitations, and while certain types of nuisances such as drug-related offenses and prostitution effectively have a one year time limit, other nuisances have no such limit. This bill would require that any NAL action must pertain to a nuisance that allegedly occurred within four months of the filing of an NAL action. According to information provided to the Council by the Administration, of the 15 forms of nuisance currently defined in the NAL, those related to obscenity, air pollution, and noise control are rarely if ever used. This bill would repeal these types of nuisances, and eliminate references to these nuisances throughout the nuisance abatement law. The bill would also update the definition of a nuisance in subdivision (d) of section 7-703, which currently refers to laws that no longer exist. The bill would take effect 60 days after it became law.

**XXI. AMENDMENTS TO INT. NO. 1333**

Intro 1333 has been amended since it was first heard by this Committee. A separate statute of limitations for drug cases has been eliminated, subdivision (d) referring to building code violations has been updated to refer to newer versions of the building code, and cross-references to certain types of nuisances that will be repealed have been deleted. Finally, the bill has been clarified to state that types of nuisances that require multiple instances to establish a nuisance require all such instances to have occurred within the previous year, but that the most recent of such instances must have occurred within the past four months.

**XXII. ANALYSIS OF PROPOSED INT. NO. 1338-A**

News reports have indicated that despite a State law prohibiting such usage, the NYPD has filed NAL actions including sealed criminal records as evidence.<sup>37</sup> This bill would require the Law Department to verify that sealed records are not used in NAL actions.

The NAL currently requires only that service of legal papers on defendants be performed "as provided in the civil practice law and rules."<sup>38</sup> The State's Civil Practice Law and Rules contains multiple methods of service, including personal service by mail.<sup>39</sup> This bill would require that any residents of property subject to a NAL action be provided with personal service of NAL papers, or by service of a type ordered by a judge. The bill would take effect 60 days after it became law.

<sup>37</sup> Sarah Ryley, *Insiders Say NYPD's Nuisance Unit Skirts the Law and Relies on Unconfirmed Allegations*, ProPublica and The New York Daily News, March 25, 2016, available at <https://www.propublica.org/article/insiders-say-nypd-nuisance-unit-skirts-law-unconfirmed-allegations>

<sup>38</sup> New York City Administrative Code § 7-706(d)

<sup>39</sup> N.Y. C.P.L.R. 312-a

### **XXIII. AMENDMENTS TO INT. NO. 1338**

Intro 1338 has been amended since it was first heard by this Committee. The bill originally mandated that personal service was the only form of service permissible, the bill now requires personal service or service in a form ordered by a judge, allowing flexibility in service processes where appropriate.

### **XXIV. ANALYSIS OF PROP. INT. NO. 1339-A**

News reports have indicated that some individuals and businesses have been the subject of NAL actions despite having had no knowledge of the nuisance activity occurring within their residence or business.<sup>40</sup> This bill would prohibit any NAL order from closing a business or depriving an individual of property rights if such person or business owner was unaware of the nuisance activity and had no reason to be so aware.

Also, to ensure that NAL orders do not needlessly punish persons or businesses beyond what is required to abate a nuisance, this bill would require judges to review and sign all NAL dispositions, and directs that the purpose of any disposition is to abate a specific nuisance and not to inflict punitive damages or more generally deter bad behavior. The bill would take effect 60 days after it became law.

### **XXV. AMENDMENTS TO PROP. INT. NO. 1339**

Intro 1339 has been amended since it was first heard by this Committee. The bill now requires NAL dispositions to be reviewed by a judge. The original version of the bill required that orders or dispositions impose relief that is the “least restrictive remedy,” whereas the current version of the bill states that orders or dispositions must be designed to deter a specific nuisance and not more generally deter bad behavior. The current version of the bill also clarifies that a lack of physical proximity to a nuisance is not sufficient to establish that a person did not know or have reason to know about a nuisance

### **XXVI. ANALYSIS OF PROP INT. NO. 1344-A**

While the NAL currently requires three instances of a sale of drugs to constitute a nuisance, it does not require any more than one instance of the violation of the State’s Alcoholic Beverage Control Law to so constitute. This bill would require four such instances to constitute a nuisance, unless the violation was against a location that did not have a license to sell alcohol.

This bill also addresses an issue raised in news reports that some NAL enforcement regarding the sale of alcohol to minors is based on incidents of minimal violations of this law, instead of targeting establishments with a pattern of frequent and flagrant behavior.<sup>41</sup> This bill would require that NAL actions for the violation of the State Alcoholic Beverage Control Law be based on incidents so clear that any reasonable person would have been aware of this violation. The bill would also require that any closure of a business that has a license to sell beer and wine, but not a license to sell liquor, be based on “willful and flagrant” violations of the Alcoholic Beverage Control law. The bill would take effect 60 days after it became law.

### **XXVII. AMENDMENTS TO INT. NO. 1344**

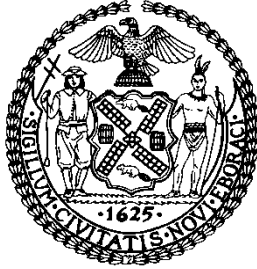
Intro 1344 has been amended since it was first heard by this Committee. A reference to subdivision (n) of the definition of public nuisance, regarding establishments that sell alcohol and employ licensed security guards, has been eliminated. The bill now requires four instances of violating the Alcoholic Beverage Control law only for those establishments that have a license to sell alcohol, while the original version of the bill required four such instances for any location. The original version of the bill required “willful and flagrant” violations of the Alcoholic Beverage Control law to close any establishment, while the current version of the bill only applies this standard to those establishments with a license to sell beer and wine but not those with a license to sell liquor.

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<sup>40</sup> See, e.g., Sarah Ryley, *The NYPD is Running Stings Against Immigrant-Owned Shops, Then Pushing For Warrantless Searches*, ProPublica and The New York Daily News, April 22, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-shop-stings-warrantless-searches>; Sarah Ryley, *The NYPD Is Kicking People Out of Their Homes, Even If They Haven’t Committed a Crime*, ProPublica and The New York Daily News, February 4, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-evictions>.

<sup>41</sup> See Sarah Ryley, *The NYPD is Running Stings Against Immigrant-Owned Shops, Then Pushing For Warrantless Searches*, ProPublica and The New York Daily News, April 22, 2016, available at <https://www.propublica.org/article/nypd-nuisance-abatement-shop-stings-warrantless-searches>

(The following is the text of the Fiscal Impact Statement for Int. No. 1308-A:)



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

**PROPOSED INTRO. NO:** 1308-A  
**COMMITTEE:** Public Safety

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to limiting the application of temporary orders obtained pursuant to the nuisance abatement law

**SPONSORS:** The Speaker (Council Member Mark-Viverito), Council Member Johnson, the Public Advocate (Ms. James), Salamanca, Gibson, and Chin

**SUMMARY OF LEGISLATION:** Proposed Intro. 1308-A would limit the application of temporary orders pursuant to the Nuisance Abatement Law, which permits the shuttering of locations without notice to the defendant. These types of orders would be permitted only for nuisances involving prostitution, certain violations of the building code, and problematic commercial locations in which there is a “significant risk of imminent physical harm” to the public. Temporary restraining orders, which do not permit the shuttering of a location but which do permit court orders without notice to the defendant, would be permitted in these circumstances as well. These orders would also be permitted for public nuisances for commercial locations that sell alcohol without a license or which have a license to sell liquor and violate the State’s Alcoholic Beverage Control Law.

The Nuisance Abatement Law would retain interlocutory relief in the form of “preliminary injunctions” but these injunctions could be granted only after notice was provided to the defendant. The bill would also require that preliminary injunctions be granted only where the “public health, safety, and welfare immediately requires the granting” of the injunction.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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



**SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A****SOURCE OF INFORMATION:** New York City Council**ESTIMATE PREPARED BY:** Steve Riester, Senior Financial Analyst**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1308 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1308-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1308-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

**(For text of 1308-A, please see below; for the remaining bills along with their Fiscal Impact Statements, please see, respectively, the Reports of the Committee on Public Safety for Int. Nos. 1315-A, 1317-A, 1318-A, 1320-A, 1321-A, 1323-A, 1326, 1327-A, 1333-A, 1338-A, 1339-A, and 1344-A printed in these Minutes)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 1308-A, 1315-A, 1317-A, 1318-A, 1320-A, 1321-A, 1323-A, 1326, 1327-A, 1333-A, 1338-A, 1339-A, and 1344-A.*

**(The following is the text of Int. No. 1308-A:)**

Int. No. 1308-A

By The Speaker (Council Member Mark-Viverito) and Council Members Johnson, the Public Advocate (Ms. James), Salamanca, Gibson, Chin, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to limiting the application of temporary orders obtained pursuant to the nuisance abatement law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (a) of section 7-707 of the administrative code of the city of New York is amended to read as follows:

(a) Generally. Pending an action for a permanent injunction as provided for in section 7-706 of this subchapter, the court may grant a preliminary injunction enjoining a public nuisance within the scope of this subchapter and the person or persons conducting, maintaining or permitting the public nuisance from further conducting, maintaining or permitting the public nuisance, *where the public health, safety or welfare immediately requires the granting of such injunction*. An order granting a preliminary injunction shall direct a trial of the issues within three business days after joinder of issue or, if issue has already been joined, within three business days after the entry of the order. Where a preliminary injunction has been granted, the court shall render a decision with respect to a permanent injunction within three business days after the conclusion of

the trial. A temporary closing order may be granted pending a hearing for a preliminary injunction where it appears by clear and convincing evidence that a public nuisance within the scope of this subchapter is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires the granting of a temporary closing order. A temporary restraining order may be granted pending a hearing for a preliminary injunction where it appears by clear and convincing evidence that a public nuisance within the scope of this subchapter is being conducted, maintained or permitted.

§ 2. Subdivision (a) of section 7-709 of the administrative code of the city of New York is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction pursuant to section 7-707 [of this subchapter] *alleging a public nuisance as defined in subdivision (a) or (d) of section 7-703, or a public nuisance as defined in subdivision (e) of section 7-703 in a building, erection or place used for commercial purposes in which there is a significant risk of imminent physical harm to a natural person or persons*, the corporation counsel shall show by clear and convincing evidence that [a] *such* public nuisance [within the scope of this subchapter] is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires a temporary closing order, a temporary order closing such part of the building, erection or place wherein [the] such public nuisance is being conducted, maintained or permitted may be granted without notice, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary closing order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but in no event later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within three business days after the conclusion of the hearing.

§ 3. Subdivision (a) of section 7-710 of the administrative code of the city of New York is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction pursuant to section 7-707 [of this subchapter] *alleging a public nuisance as defined in subdivision (a), (d), or (k) of section 7-703, or a public nuisance as defined in subdivision (e) of section 7-703 in a building, erection or place used for commercial purposes in which there is a significant risk of imminent physical harm to a natural person or persons, or a public nuisance as defined in subdivision (h) of section 7-703 in a building, erection or place operating without a license or with a license permitting the sale of liquor under the alcoholic beverage control law*, the corporation counsel shall show by clear and convincing evidence that [a] *such* public nuisance [within the scope of this subchapter] is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires a temporary restraining order, such temporary restraining order may be granted without notice restraining the defendants and all persons from removing or in any manner interfering with the furniture, fixtures and movable property used in conducting, maintaining or permitting [the] *such* public nuisance and from further conducting, maintaining or permitting [the] *such* public nuisance, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary restraining order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but in no event later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within three business days after the conclusion of the hearing.

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

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, February 14, 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. 1315-A

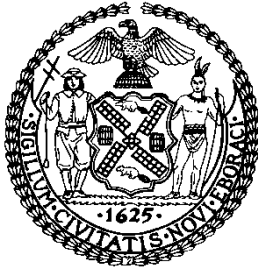
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to resolving conflicts between the nuisance abatement law and related proceedings and fines for public nuisances involving alcohol.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3568), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1315-A:*



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

**PROPOSED INTRO. NO:** 1315-A  
**COMMITTEE:** Public Safety

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to resolving conflicts between the nuisance abatement law and related proceedings and fines for public nuisances involving alcohol.

**SPONSORS:** Council Members Garodnick, The Speaker (Council Member Mark-Viverito), Salamanca and Gibson

**SUMMARY OF LEGISLATION:** Proposed Intro. 1315-A would permit the dismissal of a nuisance abatement action if there were any similar legal proceeding in New York city civil court or by the New York City Housing Authority, with some limited exceptions. This legislation would also address duplicate fines imposed on businesses that violate State rules on alcoholic beverages by requiring courts to consider whether fines imposed pursuant to the nuisance abatement law would pose an excess burden on the defendant.

**EFFECTIVE DATE:** This local law would take effect 60 days after Proposed Int. No. 1323-A becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

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**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1315 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1315-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1315-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 1315-A:)**

Int. No. 1315-A

By Council Members Garodnick, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to resolving conflicts between the nuisance abatement law and related proceedings and fines for public nuisances involving alcohol**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 4 of chapter 7 of title 7 of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, is amended to add two new sections 7-728 and 7-729 to read as follows:

§ 7-728 *Conflicting proceedings.* Any action for a permanent injunction brought under this chapter against a natural person shall be dismissed if legal proceedings based on the same or substantially similar factual allegations have been conducted or are being conducted in New York city civil court or by the New York city housing authority, unless the city has a unique and compelling interest that is substantially different from that of the plaintiff in the other legal proceeding. Such interest shall not include the speed with which such case could be resolved. For the purposes of this section, the term “substantially similar factual allegations” shall not be construed to include conduct or actions that occurred subsequent to the allegations included in the relevant legal proceedings conducted in New York city civil court or by the New York city housing authority.

§ 7-729 *Duplicate fines for public nuisances involving alcohol.* To the extent practicable, fines imposed or expected to be imposed by the state liquor authority shall be taken into consideration in evaluating whether a disposition reached in an action brought under this chapter poses an excess burden on the defendant, pursuant to section 7-724.

§ 2. This local law takes effect on the same date that a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, takes effect.

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, February 14, 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. 1317-A

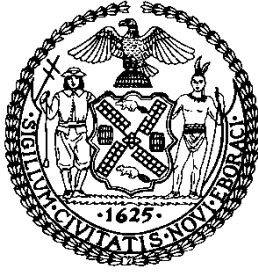
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to excluding certain violations involving possession of a controlled substance or marihuana from the nuisance abatement law.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3570), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1317-A:*



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

**PROPOSED INTRO. NO:** 1317-A  
**COMMITTEE:** Public Safety

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to excluding certain violations involving possession of a controlled substance or marihuana from the nuisance abatement law

**SPONSORS:** Council Members Gibson, The Speaker (Council Member Mark-Viverito), Salamanca and Palma

**SUMMARY OF LEGISLATION:** Proposed Intro. 1317-A would exclude drug possession and marijuana misdemeanors from Nuisance Abatement actions, and provides that only felony drug and marijuana related offenses would be included in the Nuisance Abatement Law.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

**ESTIMATE PREPARED BY:** Steve Riestler, Senior Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1317 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1317-A, will be voted on by the Committee on Public Safety at a hearing on

February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1317-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 1317-A:)**

Int. No. 1317-A

By Council Members Gibson, The Speaker (Council Member Mark-Viverito), Salamanca, Palma, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to excluding certain violations involving possession of a controlled substance or marihuana from the nuisance abatement law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (g) of section 7-703 of the administrative code of the city of New York, as amended by local law number 96 for the year 2015, is amended to read as follows:

(g) Any building, erection or place, including one- or two-family dwellings, wherein, within the period of one year prior to the commencement of an action under this chapter, there have occurred three or more violations of one or any combination of the provisions of *penal law* article [two hundred twenty,] 220, *except for section 220.03*; [two hundred twenty-one] *article 221, except for sections 221.05, 221.10, 221.15, 221.35, and 221.40*; or [two hundred twenty-five of the penal law,] *article 225*; or section 10-203 of this code;

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

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, February 14, 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. 1318-A

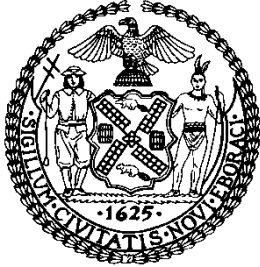
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring verification of occupancy prior to enforcing injunctive relief pursuant to the nuisance abatement law.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3570), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1318-A:*



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

**PROPOSED INTRO. NO: 1318-A**

**COMMITTEE: Public Safety**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring verification of occupancy prior to enforcing injunctive relief pursuant to the nuisance abatement law

**SPONSORS:** Council Members Grodenchik, Johnson, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson and Chin

**SUMMARY OF LEGISLATION:** Proposed Intro. 1318-A would require the Law Department to verify the ongoing occupancy of those persons alleged to have caused or permitted nuisances within 15 days of filing a nuisance abatement action.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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



**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1318 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1318-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1318-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 1318-A:)**

Int. No. 1318-A

By Council Members Grodenchik, Johnson, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, Chin, Menchaca and Levin

**A Local Law to amend the administrative code of the city of New York, in relation to requiring verification of occupancy prior to enforcing injunctive relief pursuant to the nuisance abatement law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (d) of section 7-706 of the administrative code of the city of New York is amended to read as follows:

(d) Service of summons on other defendants. Defendants, other than the building, erection or place wherein the public nuisance is being conducted, maintained or permitted, shall be served with the summons as provided in the civil practice law and rules. *No more than 15 days prior to such service, the corporation counsel shall verify the ongoing occupancy of any natural person who is a tenant of record and alleged to have caused or permitted the public nuisance in the building, erection or place wherein the public nuisance is alleged to have been conducted, maintained or permitted.*

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

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, February 14, 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. 1320-A

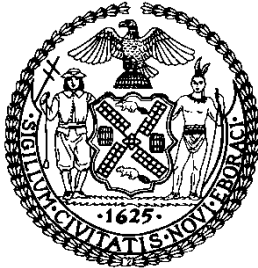
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring laboratory reports in drug-related nuisance abatement cases.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3572), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1320-A:*



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

**PROPOSED INTRO. NO: 1320-A  
COMMITTEE: Public Safety**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring laboratory reports in drug-related nuisance abatement cases

**SPONSORS:** Council Members Johnson, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, Palma and Chin

**SUMMARY OF LEGISLATION:** Proposed Intro. 1320-A would require the Corporation Counsel to file Laboratory Reports verifying the presence of drugs as evidence in any drug-related Nuisance Abatement Law action.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

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**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1320 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1320-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1320-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 1320-A:)**

Int. No. 1320-A

By Council Members Johnson, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, Palma, Chin, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring laboratory reports in drug-related nuisance abatement cases**

*Be it enacted by the Council as follows:*

Section 1. Section 7-708 of the administrative code of the city of New York is amended to read as follows:  
§ 7-708. Motion papers for preliminary injunction.

The corporation counsel shall show, by affidavit and such other evidence as may be submitted, that there is a cause of action for a permanent injunction abating a public nuisance within the scope of this subchapter; *provided that, for an allegation of any public nuisance defined in subdivision (g) of section 7-703 for a violation of article 220 or 221 of the penal law, such other evidence shall include laboratory reports or similar objective indicia of the presence of a controlled substance or marihuana.*

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

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, February 14, 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. 1321-A

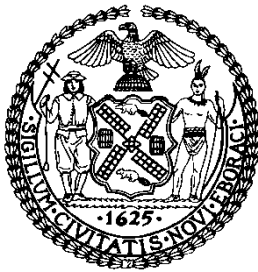
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring a police or peace officer to personally witness a drug violation to file an action under the nuisance abatement law.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3573), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1321-A:*



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

**PROPOSED INTRO. NO: 1321-A  
COMMITTEE: Public Safety**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring a police or peace officer to personally witness a drug violation to file an action under the nuisance abatement law

**SPONSORS:** Council Members Johnson, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, and Palma

**SUMMARY OF LEGISLATION:** Proposed Intro. 1321-A would require that for any drug-related Nuisance Abatement Law case to proceed, at least one drug-related incident have been personally witnessed by a police officer or peace officer.

**EFFECTIVE DATE:** This local law would take effect 60 days after Proposed Int. No. 1317-A becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1321 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1321-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1321-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 1321-A:)**

Int. No. 1321-A

By Council Members Johnson, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, Palma, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a police or peace officer to personally witness a drug violation to file an action under the nuisance abatement law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (g) of section 7-703 of the administrative code of the city of New York, as amended by a local law for the year 2017 amending the administrative code of the city of New York relating to excluding certain violations involving possession of a controlled substance or marihuana from the nuisance abatement law, as proposed in introduction number 1317-A, is amended to read as follows:

(g) Any building, erection or place, including one- or two-family dwellings, wherein, within the period of one year prior to the commencement of an action under this chapter, there have occurred three or more violations of one or any combination of the provisions of penal law article 220, except for section 220.03; article 221, except for sections 221.05, 221.10, 221.15, 221.35, and 221.40; or article 225; or section 10-203 of this code; *provided that at least one such violation was personally witnessed by a police or peace officer;*

§ 2. This local law takes effect on the same date that a local law for the year 2017 amending the administrative code of the city of New York relating to excluding certain violations involving possession of a controlled substance or marihuana from the nuisance abatement law, as proposed in introduction number 1317-A, takes effect.

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, February 14, 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. 1323-A

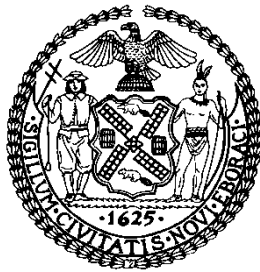
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to limiting exclusions of natural persons pursuant to the nuisance abatement law.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3574), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1323-A:*



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

**PROPOSED INTRO. NO:** 1323-A  
**COMMITTEE:** Public Safety

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to limiting exclusions of natural persons pursuant to the nuisance abatement law **SPONSORS:** Council Members Koslowitz and The Speaker (Council Member Mark-Viverito)

**SUMMARY OF LEGISLATION:** Proposed Intro. 1323-A would limit the amount of time that an individual may be excluded from a property by a nuisance abatement action to one year, except in cases where the Corporation Counsel presents “clear and convincing evidence” that unique circumstances justify a greater period of exclusion (no more than three years).

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1323 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1323-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1323-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 1323-A:)**

Int. No. 1323-A

By Council Members Koslowitz, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, Palma, Chin, Menchaca and Levin

**A Local Law to amend the administrative code of the city of New York, in relation to limiting exclusions of natural persons pursuant to the nuisance abatement law**

*Be it enacted by the Council as follows:*

Section 1. Chapter 7 of title 7 of the administrative code of the city of New York is amended by adding a new subchapter 4 to read as follows:

**SUBCHAPTER 4  
AUTHORIZED DISPOSITIONS AND ORDERS**

*§ 7-723 Limitations on exclusions of natural persons. No disposition reached or order issued pursuant to an action brought under this chapter in relation to a public nuisance may exclude any natural person from any property for more than one year, unless the corporation counsel can demonstrate through clear and convincing evidence that unique circumstances exist such that a greater period of exclusion is required to abate the applicable public nuisance. In no case shall such period of exclusion exceed three years.*

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

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, February 14, 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. 1326-A

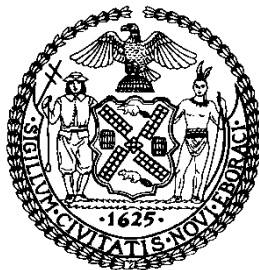
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to repealing the padlock law.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3575), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1326-A:*



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

PROPOSED INTRO. NO: 1326-A  
COMMITTEE: Public Safety

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to repealing the padlock law.

**SPONSORS:** Council Members Levin, Torres, Williams, and The Speaker (Council Member Mark-Viverito)

**SUMMARY OF LEGISLATION:** Proposed Intro. 1326-A would repeal the Padlock Law, which allows the Police Department to shutter a home or business without judicial review. These laws are contained in Sections 10-155 and 10-156 of the Administrative Code of the City of New York, which would be repealed.



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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

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**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1326 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1326-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1326-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017.

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

**(The following is the text of Int. No. 1326:)**

Int. No. 1326

By Council Members Levin, Torres, Williams, The Speaker (Council Member Mark-Viverito), Gibson, Palma, Chin and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to repealing the padlock law**

*Be it enacted by the Council as follows:*

Section 1. Sections 10-155 and 10-156 of the administrative code of the city of New York are REPEALED.

§ 2. This local law takes effect immediately.

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, February 14, 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. 1327-A

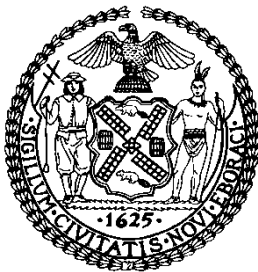
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on nuisance abatement actions.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3576), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1327-A:*



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

**PROPOSED INTRO. NO: 1327-A  
COMMITTEE: Public Safety**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on nuisance abatement actions  
**SPONSORS:** Council Members Levine, Gibson, Johnson, and The Speaker (Council Member Mark-Viverito)

**SUMMARY OF LEGISLATION:** Proposed Intro. 1327-A would require comprehensive reporting on the New York Police Department's (NYPD) use of the nuisance abatement law, including the rate of the use of interlocutory relief, the relationship between nuisance abatement actions and 311 or 911 calls, and the rate of

these actions by precinct. Also, because other agencies and governmental entities can request that the Law Department bring nuisance abatement actions, the bill would require the Law Department to issue a similar report on the wider use of the nuisance abatement law. Reports would be due every six months, with the first report being due on January 31, 2018.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1327 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1327-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1327-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 1327-A)**

Int. No. 1327-A

By Council Members Levine, Gibson, Johnson, The Speaker (Council Member Mark-Viverito), Salamanca, Chin, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on nuisance abatement actions**

*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 14-166 to read as follows:

*§ 14-166 Reporting on nuisance abatement actions.*

*a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Action. The term “action” means a nuisance abatement action.*

*Nuisance abatement action. The term “nuisance abatement action” means any civil proceeding in which the department acts as a “department or agency” pursuant to subdivision (a) of section 7-706.*

*Type of nuisance. The term “type of nuisance” means the public nuisance, as defined in a subdivision of section 7-703, intended to be abated by a nuisance abatement action.*

*b. Reporting. No later than January 31, 2018 and no later than each January 31 and July 31 thereafter, the department shall post on its website, and provide notification of such posting to the council and the mayor, a report regarding nuisance abatement actions for the six month period ending the month prior to the month during which such report is due. This report shall include, but not be limited to, the following information:*

*1. For all actions, in total and disaggregated by the type of nuisance: the number of actions filed and the number of actions settled.*

*2. For all actions, in total and disaggregated by the type of nuisance:*

*(a) the number of temporary closing orders and temporary restraining orders sought and the number granted, in total and disaggregated by the type of order;*

*(b) the percentage of actions including an application for a temporary closing order or a temporary restraining order, in total and disaggregated by the type of order;*

*(c) the percentage of applications for temporary closing orders and temporary restraining orders that are denied, in total and disaggregated by the type of order;*

*(d) the number of applications for preliminary injunctions sought and the number granted;*

*(e) the percentage of actions including an application for a preliminary injunction; and*

*(f) the percentage of applications for preliminary injunctions that are denied.*

*3. For all actions in which an application for a preliminary injunction is denied, the percentage in which the department withdraws the action.*

*4. In total and disaggregated by the type of nuisance, the number and percentage of actions in which a search warrant had been executed for conduct substantially similar to the type of nuisance.*

*5. The mean and median amount of time between which a nuisance occurs and an application for an action is filed, in total and disaggregated by type of nuisance, provided that for any type of nuisance requiring multiple instances of a nuisance occurring, the report shall include the mean and median amount of time between both the first and last such instance.*

*6. The number, in total and disaggregated by type of nuisance, of: (a) actions filed, disaggregated by precinct; and (b) 311, 911, and other complaints of nuisances of the type alleged in such actions, disaggregated by precinct.*

*c. The information required pursuant to subdivision b for each reporting period shall be stored permanently and shall be accessible from the department’s website, and shall be provided in a format that permits automated processing. Each report shall include a comparison of the current reporting period to the prior four reporting periods, where such information is available.*

§ 2. Chapter 1 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-112 to read as follows:

*§ 7-112 Reporting on nuisance abatement actions.*

*a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Requesting entity. The term “requesting entity” means the governmental entity that requests a nuisance abatement action, except for the New York city police department.*

*Nuisance abatement action. The term “nuisance abatement action” means a civil proceeding brought by the corporation counsel pursuant to subchapter 2 of chapter 7 of this title, except for a proceeding brought at the request of the New York city police department.*

*Type of nuisance. The term “type of nuisance” means the public nuisance, as defined in a subdivision of section 7-703, intended to be abated by a nuisance abatement action.*

*b. Reporting. No later than January 31, 2018 and no later than each January 31 and July 31 thereafter, the law department shall post on its website, and provide notification of such posting to the council and the mayor, a report regarding nuisance abatement actions for the six-month period ending the month prior to the month during which such report is due. This report shall include, but not be limited to, the following information:*

*1. Nuisance abatement actions filed, in total and disaggregated by requesting entity and type of nuisance.*

*2. For all nuisance abatement actions, in total and disaggregated by requesting entity and type of nuisance:*

*(a) the number of temporary closing orders and temporary restraining orders sought and the number granted, in total and disaggregated by the type of order; and*

*(b) the number of applications for preliminary injunctions sought and the number granted.*

§ 3. This local law takes effect immediately.

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, February 14, 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. 1333-B

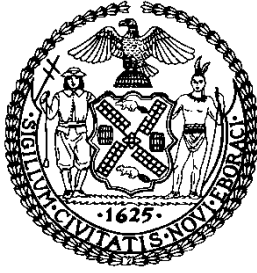
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law, and to repeal certain provisions of the nuisance abatement law defining public nuisances and provisions relating thereto.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3584), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1333-B:*



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

**PROPOSED INTRO. NO:** 1333-B  
**COMMITTEE:** Public Safety

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law, and to repeal certain provisions of the nuisance abatement law defining public nuisances and provisions relating thereto

**SPONSORS:** Council Members Richards, The Speaker (Council Member Mark-Viverito) and Council Members Levine, Johnson, Salamanca, Gibson and Chin

**SUMMARY OF LEGISLATION:** Proposed Intro. 1333-B would establish a four-month statute of limitations for all actions brought under the Nuisance Abatement Law. Additionally, this legislation would repeal nuisances related to obscenity, air pollution, and noise control, and eliminate references to those certain nuisances throughout the Nuisance Abatement Law. The bill would also update the definition of a “nuisance” in the Administrative Code of the City of New York, which currently refers to laws that no longer exist.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1333 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1333-B, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1333-B will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017.

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

**(The following is the text of Int. No. 1333-B:)**

Int. No. 1333-B

By Council Member Richards, The Speaker (Council Member Mark-Viverito), and Council Members Levine, Johnson, Salamanca, Gibson, Chin, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law, and to repeal certain provisions of the nuisance abatement law defining public nuisances and provisions relating thereto**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 7-703 of the administrative code of the city of New York is amended to read as follows:

(d) Any building, erection or place, other than a one- or two-family dwelling classified in occupancy group J-3 pursuant to section 27-237 of [this] *the code or in occupancy group R-3 pursuant to section 310.1.3 of the New York city building code*, which is in violation of [article five of subchapter two of chapter one of title twenty-six or of] *any of the following provisions of the code: article [three,] four[, six, ten, twenty-two or twenty-four] of subchapter one of chapter one of title [twenty-seven of this code] 27; article 102, 105, 108, or 118 of chapter 1 of title 28; article 210 of chapter 2 of title 28; article 301 or 302 of chapter 3 of title 28; or section 28-207.2.* A conviction, as defined in subdivision thirteen of section 1.20 of the criminal procedure law, of persons for offenses, as defined in subdivision one of section 10.00 of the penal law, in violation of the aforesaid provisions of this code in the building, erection or place[, including one- or two-family dwellings,] within the period of one-year preceding the commencement of an action under this chapter, shall be presumptive evidence that the building, erection or place[, including one- or two-family dwellings,] is a public nuisance;

§ 2. Section 7-706 of the administrative code of the city of New York is amended by adding a new subdivision (i) to read as follows:

(i) *Timeliness. An action for permanent injunction must be commenced within four months of the most recent act that forms a basis for such action. Nothing in this subdivision shall be construed to preclude acts that occurred outside of the time ranges established for the timely commencement of the action from being included as a separate cause of action, submitted into evidence, or used in consideration of damages or civil penalties.*

§ 3. Subdivisions (b), (c), (i), and (j) of section 7-703, subdivision b of section 7-704 and subchapter 3 of chapter 7 of title 7 of the administrative code of the city of New York are REPEALED.

§ 4. Section 7-701 of the administrative code of the city of New York is amended to read as follows:

§ 7-701 Legislative declaration. The council of the city of New York finds that public nuisances exist in the city [of New York in the operation of certain commercial establishments and the use or alteration of property] in flagrant violation of the building code, zoning resolution, health laws, multiple dwelling law,

penal laws regulating [obscenity,] prostitution and related conduct, licensing laws, [environmental laws,] laws relating to the sale and consumption of alcoholic beverages, laws relating to gambling, controlled substances and dangerous drugs and penal laws relating to the possession of stolen property, all of which interfere with [the interest of the public in] the quality of life [and total community environment, the tone of commerce in the city], property values and the public health, safety, and welfare; the council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety, and welfare of the people of the city [of New York] and of the businesses thereof and visitors thereto. It is the purpose of the council to create one standardized procedure for securing legal and equitable remedies relating to the subject matter encompassed by this law, without prejudice to the use of procedures available under existing and subsequently enacted laws, and to strengthen existing laws on the subject.

§ 5. Subdivision (a) of section 7-704 of the administrative code of the city of New York, as amended by local law number 8 for the year 2007, is amended to read as follows:

(a) The corporation counsel shall bring and maintain a civil proceeding in the name of the city in the supreme court of the county in which the building, erection or place is located to permanently enjoin the public nuisances, defined in subdivisions (a), [(b),] (d), (e), (f), (g), (h), [(i), (j),] (k), (l), (m), (n), and (r) of section 7-703 [of this chapter], in the manner provided in subchapter two of this chapter.

§ 6. Section 7-705 of the administrative code of the city of New York, as amended by local law number 8 for the year 2007, is amended to read as follows:

§ 7-705 Applicability. This subchapter shall be applicable to the public nuisances defined in subdivisions (a), (d), (e), (f), (g), (h), [(i), (j),] (k), (l), (m), (n) and (r) of section 7-703 [of this chapter].

§ 7. Subdivision (a) of section 7-706 of the administrative code of the city of New York, as amended by local law number 5 for the year 1989, is amended to read as follows:

(a) Generally. Upon the direction of the mayor, or at the request of the head of a department or agency of the city, or at the request of a district attorney of any county within the city, or at the request of a member of the city council with respect to the public nuisances defined in subdivisions (a), [(b), (c),] (g), and (h) and section 7-703 of this chapter, or upon his or her own initiative, the corporation counsel may bring and maintain a civil proceeding in the name of the city in the supreme court to permanently enjoin a public nuisance within the scope of this subchapter, and the person or persons conducting, maintaining or permitting the public nuisance from further conducting, maintaining or permitting the public nuisance. The owner, lessor and lessee of a building, erection or place wherein the public nuisance as being conducted, maintained or permitted shall be made defendants in the action. The venue of such action shall be in the county where the public nuisance is being conducted, maintained or permitted. The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this subchapter.

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

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, February 14, 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. 1338-A

**Report of the Committee on Public Safety 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 procedures for the corporation counsel when filing actions under the nuisance abatement law.**

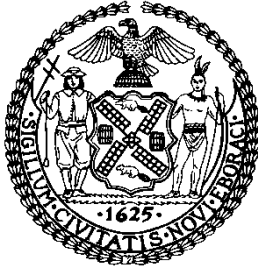
The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3590), respectfully



**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1338-A:*



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO:** 1338-A

**COMMITTEE:** Public Safety

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring procedures for the corporation counsel when filing actions under the nuisance abatement law

**SPONSORS:** Council Members Salamanca, Johnson, The Speaker (Council Member Mark-Viverito), Gibson and Chin

**SUMMARY OF LEGISLATION:** Proposed Intro. 1338-A would require that any residents of property subject to a Nuisance Abatement Law action be provided with personal service of nuisance abatement law papers, unless otherwise ordered by a court. Furthermore, this legislation would require the Law Department to verify that sealed criminal records are not used in Nuisance Abatement Law actions.

**EFFECTIVE DATE:** Section 1 of this local law would take effect 60 days after Proposed Int. No. 1333-B becomes law, and Section 2 of this local law would take effect 60 days after Proposed Int. No. 1318-A becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1338 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1338-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1338-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 1338-A:)**

Int. No. 1338-A

By Council Members Salamanca, Johnson, The Speaker (Council Member Mark-Viverito), Gibson, Chin, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring procedures for the corporation counsel when filing actions under the nuisance abatement law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (a) of section 7-706 of the administrative code of the city of New York, as amended by a local law for the year 2017 amending the administrative code of the city of New York in relation to amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law, and to repeal certain provisions of the nuisance abatement law defining public nuisances and provisions relating thereto, as proposed in introduction number 1333-B, is amended to read as follows:

(a) Generally. Upon the direction of the mayor, or at the request of the head of a department or agency of the city, or at the request of a district attorney of any county within the city, or at the request of a member of the city council with respect to the public nuisances defined in subdivisions (a), (g), and (h) [and] of section 7-703 [of this chapter], or upon his or her own initiative, the corporation counsel may bring and maintain a civil proceeding in the name of the city in the supreme court to permanently enjoin a public nuisance within the scope of this subchapter, and the person or persons conducting, maintaining or permitting the public nuisance from further conducting, maintaining or permitting the public nuisance. *The corporation counsel shall ensure that records sealed pursuant to the criminal procedure law are not used in any action filed pursuant to this section.* The owner, lessor and lessee of a building, erection or place wherein the public nuisance as being conducted, maintained or permitted shall be made defendants in the action. The venue of such action shall be in the county where the public nuisance is being conducted, maintained or permitted. The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this subchapter.

§ 2. Subdivision (d) of section 7-706 of the administrative code of the city of New York, as amended by a local law for the year 2017 amending the administrative code of the city of New York in relation to requiring verification of occupancy prior to enforcing injunctive relief pursuant to the nuisance abatement law, as proposed in introduction number 1318-A, is amended to read as follows:

(d) Service of summons on other defendants.

1. Defendants, other than the building, erection or place wherein the public nuisance is being conducted, maintained or permitted, shall be served with the summons as provided in the civil practice law and rules.

2. *Defendants who are natural persons and reside in the building, erection or place wherein the public nuisance is being conducted, maintained or permitted shall be served either by personal service upon a natural person as provided in the civil practice law and rules or pursuant to court order.* No more than 15 days prior to such service, the corporation counsel shall verify the ongoing occupancy of any natural person who is a tenant of record and alleged to have caused or permitted the public nuisance in the building, erection or place wherein the public nuisance is alleged to have been conducted, maintained or permitted.

§ 3. Section one of this local law takes effect on the same date that a local law for the year 2017 amending the administrative code of the city of New York in relation to amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law, and to repeal certain provisions of the nuisance abatement law defining public nuisances and provisions relating thereto, as proposed in introduction number 1333-B, takes effect, and section two of this local law takes effect on the same date that a local law for the year 2017 amending the administrative code of the city of New York in relation to requiring verification of occupancy prior to enforcing injunctive relief pursuant to the nuisance abatement law, as proposed in introduction number 1318-A, takes effect.

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, February 14, 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. 1339-A

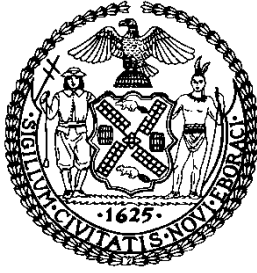
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to restricting certain orders and dispositions pursuant to the nuisance abatement law.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3591), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1339-A:*



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

**PROPOSED INTRO. NO:** 1339-A  
**COMMITTEE:** Public Safety

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to restricting certain orders and dispositions pursuant to the nuisance abatement law

**SPONSORS:** Council Members Torres, The Speaker (Council Member Mark-Viverito), Salamanca and Gibson

**SUMMARY OF LEGISLATION:** Proposed Intro. 1339-A would require judicial review and court order for all orders and dispositions reached in Nuisance Abatement cases, and states that the purpose of any disposition reached pursuant to the Nuisance Abatement Law is to abate a specific nuisance and not to impose punitive damages or more generally deter bad behavior. This legislation would also prohibit any Nuisance Abatement order from closing a business or depriving an individual of property rights if such person or business owner was unaware of the nuisance activity and should not have been so aware.

**EFFECTIVE DATE:** This local law would take effect 60 days after Proposed Int. No. 1323-A becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1339 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1339-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1339-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 1339-A:)**

Int. No. 1339-A

By Council Members Torres, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to restricting certain orders and dispositions pursuant to the nuisance abatement law**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 4 of chapter 7 of title 7 of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, is amended to add four new sections 7-724, 7-725, 7-726 and 7-727 to read as follows:

§ 7-724 *Judicial review.* *The purpose of a disposition reached pursuant to an action brought under this chapter shall be to deter the public nuisance alleged in the action from recurring either at the building, erection or place cited in the action or at any other location under the legal control of a defendant named in the action, and not to deter generally such nuisance from occurring elsewhere. A disposition reached pursuant to an action brought under this chapter shall not be final unless it is so ordered by the court. Nothing in this section shall be construed to prohibit a disposition from including terms or conditions routinely included in stipulations or orders resolving civil litigation.*

§ 7-725 *Business owner awareness.* *No disposition reached or order issued pursuant to an action brought under this chapter shall permit the closure of any business where the owner or proprietor of such business was not aware of, should not have been aware of, and had no reason or duty to be aware of the public nuisance addressed by such disposition or order. An owner or proprietor's physical absence from a business shall not alone establish that such owner or proprietor was not aware of, should not have been aware of, and had no reason or duty to be aware of such public nuisance.*

§ 7-726 *Property rights and awareness.* *No disposition reached or order issued pursuant to an action brought under this chapter shall deprive any natural person of any property right to which such person is otherwise entitled where such person was not aware of, should not have been aware of, and had no reason or duty to be aware of the public nuisance addressed by such disposition or order. A person's physical absence from a building, erection or place in which such nuisance has occurred shall not alone establish that such person was not aware of, should not have been aware of, and had no reason or duty to be aware of such public nuisance.*

§ 7-727 *Limitations on applicability.* *Nothing in this subchapter shall be construed to relieve an owner of a building from responsibilities pursuant to section 28-301.1 of chapter 3 of title 28 of the code.*

§ 2. This local law takes effect on the same date that a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, takes effect.

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, February 14, 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. 1344-A

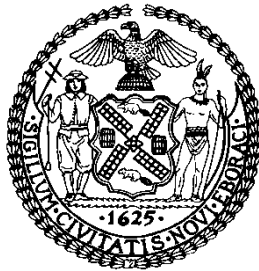
**Report of the Committee on Public Safety in favor of approving and adopting as amended, a Local Law to amend the administrative code of the city of New York, in relation to amending the nuisance abatement law regarding alcoholic beverages.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3517), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 1308-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1344-A:*



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

PROPOSED INTRO. NO: 1344-A  
COMMITTEE: Public Safety

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to amending the nuisance abatement law regarding alcoholic beverages

**SPONSORS:** Council Members Williams and The Speaker (Council Member Mark-Viverito)

**SUMMARY OF LEGISLATION:** Proposed Intro. 1344-A would require four instances of violations of the State's Alcoholic Beverage Control law to constitute a nuisance, unless the violation was against a location that did not have a license to sell alcohol. This legislation would also require that any closure of a business that has a license to sell beer and wine, but not a license to sell liquor, be based on willful and flagrant violations of the Alcoholic Beverage Control law.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law, except that Section 2 of this local law takes effect 60 days after Proposed Int. No. 1323-A becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 27, 2016 as Intro. No. 1344 and referred to the Committee on Public Safety. A hearing was held by the Committee on Public Safety on November 2, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1344-A, will be voted on by the Committee on Public Safety at a hearing on February 14, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1344-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017

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

**(The following is the text of Int. No. 1344-A:)**

Int. No. 1344-A

By Council Members Williams, The Speaker (Council Member Mark-Viverito), Gibson, Palma, Chin, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to amending the nuisance abatement law regarding alcoholic beverages**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (h) of section 7-703 of the administrative code of the city of New York is amended to read as follows:

(h) Any building, erection or place, including one- or two-family dwellings, [used for any] *wherein, within the period of one year prior to the commencement of an action brought under this chapter, there have occurred at least four instances of the unlawful activities described in section [one hundred twenty-three] 123 of the alcoholic beverage control law, where a reasonable person would or should have been aware that such unlawful activity was occurring. The physical absence of a person from such building, erection or place shall not alone establish that such person would or should not have been aware that such unlawful activity was occurring. Notwithstanding the foregoing, only one instance of such unlawful activity shall be required if the building, erection or place was not licensed as required by the alcohol beverage control law;*

§ 2. Subchapter 4 of chapter 7 of title 7 of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, is amended by adding a new section 7-730 to read as follows:

§ 7-730 *Willful and flagrant alcohol-related violations. No disposition reached or order issued pursuant to an action brought under this chapter solely in relation to a public nuisance as defined in subdivision (h) of section 7-703 may require the closure of any business that has a license to sell beer and wine but does not have a license to sell liquor unless the corporation counsel can demonstrate through clear and convincing evidence a willful and flagrant violation of the alcohol beverage control law.*

§ 3. This local law takes effect 60 days after it becomes law, except that section two takes effect on the same date that a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, takes effect.

VANESSA L. GIBSON, *Chair*; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, February 14, 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 Technology**

Report for Int. No. 1240-A

#### **Report of the Committee on Technology in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the dissemination of electronic emergency notifications**

The Committee on Technology, to which the annexed proposed amended local law was referred on August 16, 2016 (Minutes, page 2758), respectfully

#### **REPORTS:**

##### **INTRODUCTION**

On February 13, 2017, the Committee on Technology, chaired by Council Member James Vacca, will hold a hearing to consider Proposed Int. No. 1240-A, in relation to the dissemination of electronic emergency notifications. The Committee previously held a hearing on this bill on October 6, 2016 and received testimony from the Department of Information Technology & Telecommunications (DoITT) and Emergency Management (OEM).



## I. BACKGROUND

### Notify NYC

Notify NYC is the City's official source for information about emergency events and important City services.<sup>1</sup> It began as a pilot program in December 2007 and expanded citywide in May 2009. It now operates out of OEM, with staff located in the OEM Watch Command and support from DoITT.<sup>2</sup>

Registration is not required to view notifications, as they can be seen directly on the Notify NYC website, the Notify NYC twitter account (@NotifyNYC), or through an RSS feed reader. Those who wish to receive notifications directly, or to receive targeted notifications, can register to receive such notifications by SMS/text, telephone call, or e-mail. According to the website, users can opt-in and register (via the website or by calling 311) for one or more of several notification types:

- Emergency Alerts: Messages about life-threatening events that may require immediate action. This may include tornado alerts, mandatory evacuations and missing person alerts (if the missing person is deemed to be in imminent danger). All registrants are automatically added to this list.
- Significant Event Notifications: The most commonly issued message type. Important information about major incidents like large fires, structural collapses or severe weather, utility outages, major transit disruptions, and other types of high-impact events.
- Public Health Notifications: information about important public health issues in the registrant's community. This may include NYS Department of Environmental Conservation Air Quality Health Advisories or Department of Health and Mental Hygiene mosquito spraying.
- Public School Closing/Delay Advisories: Updates about unscheduled public school closings, delays and early dismissals. This can be school-specific if users know the address or cross street(s) for the relevant schools.
- Unscheduled Parking Rules Suspensions: Updates about unscheduled suspensions of citywide parking rules.<sup>4</sup>
- Major Mass Transit Disruptions: Planned or unplanned disruptions to regular NYC or regional mass transit. Incident severity is determined by OEM and only those causing significant transit delays would trigger notifications.
- Major Traffic Disruptions: Planned or unplanned arterial roadway closures, causing significant traffic delays on significant delays would trigger notifications.<sup>5</sup>
- Waterbody Advisories: Combined Sewer Overflow events that caused untreated wastewater to be released into waterways within the prior 24 hours.<sup>6</sup>

There are also two alerts listed on the website that are not yet present on the registration page:

- Missing Senior Notifications: Issued for missing seniors (over 65 years of age) that may not have known cognitive impairments and do not meet the requirements for a silver alert.
- Missing Child/College Student: When a missing child under the age of 21 or a college student of any age is deemed to be endangered, but the case does not meet AMBER Alert activation criteria.

In FY 2016, OEM issued 1,505 Notify NYC messages to subscribers, an eight percent increase from the previous fiscal year.<sup>7</sup> The average time elapsed between incident occurrence and Notify NYC message was six

<sup>1</sup> 'What is Notify NYC?', found at: <https://a858-nycnotify.nyc.gov/notifynyc/FAQ.aspx#q1>

<sup>2</sup> 'About Notify NYC,' found at: <https://a858-nycnotify.nyc.gov/notifynyc/About.aspx>

<sup>3</sup> 'Frequently Asked Questions,' found at: <https://a858-nycnotify.nyc.gov/notifynyc/FAQ.aspx>

<sup>4</sup> 'About Notify NYC,' found at: <https://a858-nycnotify.nyc.gov/notifynyc/About.aspx>

<sup>5</sup> 'What types of messages can I expect to receive?', found at: <https://a858-nycnotify.nyc.gov/notifynyc/FAQ.aspx#q10>

<sup>6</sup> 'What types of messages can I expect to receive?', found at: <https://a858-nycnotify.nyc.gov/notifynyc/FAQ.aspx#q10>

minutes, compared to eight minutes in the previous year, which is lower than their stated target of seven minutes.<sup>8</sup> There were over 400,000 Notify NYC subscribers<sup>9</sup> and 263,000 followers of the Notify NYC Twitter account as of October 3, 2016.<sup>10</sup>

Regarding accessibility, sign language videos are available for some notifications, but the only language option currently available is English. In a survey on the website, OEM has a question meant to gauge interest in expanding to other languages.<sup>11</sup>

#### Wireless Emergency Alerts (WEA)

This is a federal alert communication system, but NYC OEM was the first alert originator to adopt the WEA service.<sup>12</sup> WEAs are text-like messages, accompanied by loud sounds, issued by local, state and/or federal officials for significant emergencies in a given area. By federal rule, they are limited to 90 characters.<sup>13</sup> They are broadcast from cellphone towers near an emergency and are received on all cell phones equipped to receive them. These alerts are not necessarily sent by Notify NYC and so even non-subscribers will receive them. Examples include severe weather alerts issued by the National Weather Service, AMBER Alerts issued by state law enforcement officials or Presidential alerts during a national emergency.<sup>14</sup> Although all capable cellphones are automatically included in the program, individuals can opt-out of receiving WEA messages for imminent threats and AMBER alerts, but not for Presidential messages, by adjusting settings on their mobile devices.<sup>15</sup>

A recent example of a WEA release was on September 19, 2016 when the Chelsea bombing suspect was at large and residents received an alert with his name. This is believed to be the first time a WEA has been used as an “electronic wanted poster.”<sup>16</sup> The suspect was found 3 hours later.<sup>17</sup>

While these alerts may often be important, or even vital, some controversy has arisen when they are issued in the middle of the night, for geographically distant events or for missing persons, waking up thousands of people and thus making them far more likely to turn off the emergency alert feature on their mobile devices. This has been particularly discussed in relation to missing person alerts.<sup>18</sup> Another such middle of the night alert occurred in New Jersey on February 24, 2015, and it caused the words “Amber Alert” to trend on Twitter in the New York area, often as part of a complaint.<sup>19</sup> In at least one instance, however, a WEA AMBER alert was credited with locating an abducted child—an 8-month-old boy in Minnesota.<sup>20</sup>

<sup>7</sup> Mayor’s Management Report, ‘Emergency Management,’ p. 76, found at: [http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2016/2016\\_mmr.pdf](http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2016/2016_mmr.pdf).

<sup>8</sup> Id.

<sup>9</sup> NYC Emergency Management Facebook Page, found at: <https://www.facebook.com/NYCEmergencymanagement/photos/a.168247889072.145015.114100899072/10154376887564073/?type=3&theater>

<sup>10</sup> Notify NYC Twitter, found at: <https://twitter.com/notifynyc>

<sup>11</sup> ‘Survey’, found at: <https://a858-nycnotify.nyc.gov/notifynyc/Survey.aspx>

<sup>12</sup> ‘Wireless Emergency Alerts: New York City Demonstration, Lessons Learned Report, Dept. of Homeland Security, Feb. 2013, found at: <http://www.firstresponder.gov/TechnologyDocuments/Wireless%20Emergency%20Alerts%20New%20York%20City%20Case%20Study.pdf>

<sup>13</sup> 47 C.F.R. § 10.430

<sup>14</sup> ‘What are these unsolicited “Emergency Alerts” I occasionally receive on my cell phone? Why are they accompanied by loud sounds?’, found at: <https://a858-nycnotify.nyc.gov/notifynyc/FAQ.aspx#qNew1> and ‘Wireless Emergency Alerts’, found at: <https://www.fema.gov/wireless-emergency-alerts>

<sup>15</sup> ‘Wireless Emergency Alerts’, found at: <https://www.fema.gov/wireless-emergency-alerts>

<sup>16</sup> Goodman, J. David & Gelles, David, ‘Cellphone Alerts Used in New York to Search for Bombing Suspect,’ NY Times, Sept. 19, 2016, <http://www.nytimes.com/2016/09/20/nyregion/cellphone-alerts-used-in-search-of-manhattan-bombing-suspect.html>

<sup>17</sup> Fiegerman, Seth, ‘The story behind the smartphone terror alert in NYC’ CNN, Sept. 19, 2016, <http://money.cnn.com/2016/09/19/technology/chelsea-explosion-emergency-alert/>

<sup>18</sup> Knowles, David, ‘Amber alert wakes thousands of New Yorkers at 3:51a.m. Wednesday morning, sparking debate about emergency system,’ NY Daily News, July 17, 2013, <http://www.nydailynews.com/news/national/amber-alert-wakes-thousand-new-york-sparking-debate-article-1.1401466>

<sup>19</sup> Goldman, Jeff, ‘Why a startling Amber Alert awakened people across N.J. early this morning,’ NJ.com, Feb. 24, 2015,

<sup>20</sup> Ojeda-Zapata, Julio, ‘Minnesota cellphone Amber Alert located child and was a nationwide first,’ TwinCities Pioneer Press, Feb. 22, 2013, [http://www.twincities.com/ci\\_22642126/minnesota-cellphone-amber-alert-located-child-and-was](http://www.twincities.com/ci_22642126/minnesota-cellphone-amber-alert-located-child-and-was)

## II. BACKGROUND ON PROPOSED INT. NO. 1240-A

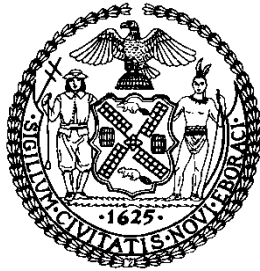
According to 2013 Census data, almost a quarter of New York City residents speak English “less than very well.” However, Notify NYC and WEA notifications are provided in English, and they are not automatically translated into any other language. Although some Notify NYC messages include an option for users to click a separate hyperlink to find translations, the entire message is written in English, so non-English speakers may not be aware of the translation option.

The City’s Digital Playbook, an outline of how the City intends for residents to experience City services, includes strategies to provide these diverse communities with notifications for important, potentially life-threatening events.<sup>21</sup> Such strategies suggest that agencies “[u]se human translation to pre-write emergency messaging in the languages most commonly used by the population [such]agency serves.”<sup>22</sup> They also recommend that “[i]n an emergency, [agencies] immediately deploy automated machine translation tools, then update with more accurate human translation as necessary.”<sup>23</sup> Another strategy, which is specific to Notify NYC, is to “[e]xpand the Notify NYC SMS (text messaging) service to provide human translated messages in six priority languages.”<sup>24</sup>

## III. PROPOSED INT. NO. 1240-A

Proposed Int. No. 1240-A would require any city office or agency that sends WEAs to issue them in the two most commonly spoken languages within the area covered by the WEA.. It would also require OEM to issue Notify NYC notifications in at least seven of the most commonly spoken languages in the City. This Local Law would take effect two years after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1240-A:)**



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

**PROPOSED INTRO. NO: 1240-A  
COMMITTEE: Technology**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the dissemination of electronic emergency notifications

**SPONSORS:** Council Members Dromm, Cohen, Palma, Koo, Vacca, Chin, Lander, Levin, and Vallone

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1240-A would require any city agency that sends Wireless Emergency Alerts to issue them in the two most commonly spoken languages spoken in New York City as determined by the Commissioner of the New York City Office of Emergency Management (“NYCEM”) in consultation with the Department of City Planning (“DCP”), unless exigency or federal rule prohibits such issuance.

<sup>21</sup> ‘NYC Digital Playbook,’ found at: <https://playbook.cityofnewyork.us/make-services-accessible/>

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

<sup>23</sup> *Id.*

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

This law would also require NYCEM to issue Notify NYC notifications in at least seven of the most commonly spoken languages, as determined by the NYCEM Commissioner in consultation with DCP, provided that this requirement shall not delay or prohibit the immediate issuance of notifications in any individual language.

**EFFECTIVE DATE:** This local law would take effect two years after it becomes law

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$689,187	\$652,687	\$652,687
<b>Net</b>	\$689,187	\$652,687	\$652,687

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

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would impact expenditures at NYCEM in the amount of \$689,187 in Fiscal 2019 and \$652,687 in the outyears. The Council estimates that requiring NYCEM to translate Notify NYC messages in at least the seven of the most commonly spoke languages would require at least six personnel and additional other than personal services (“OTPS”) costs to fulfill the requirements of the legislation. The additional six personnel are estimated to annually cost \$589,662 in personal services (“PS”) costs and \$99,525 in OTPS costs. However, it is expected that OTPS costs would decrease in the outyear to \$63,025. This estimated PS cost includes annual salaries and fringe benefits. This PS cost estimate includes the Fiscal 2017 civilian fringe rate of 41 percent. Proposed Intro. No. 1240-A would require any city agency that sends Wireless Messaging Alerts to issue them in the two most common languages, it is conceivable that other city agencies, such as the Department of Information Technology and Telecommunications (“DoITT”) may need additional resources in the future to comply with this legislation.

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

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

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

**ESTIMATE REVIEWED BY:** Eric Bernstein, Counsel  
Regina Poreda Ryan, Deputy Director  
John Russell, Unit Head

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on August 16, 2016 as Intro. No. 1240 and referred to the Committee on Technology. The legislation was considered at a hearing on October 6, 2016 and was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1240-A, will be voted on by the Committee on Technology at a hearing on February 13, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1240-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 10, 2017.

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

**(The following is the text of Int. No. 1240-A:)**

Int. No. 1240-A

By Council Members Dromm, Cohen, Palma, Koo, Vacca, Chin, Lander, Levin, Vallone, Treyger, Kallos and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to the dissemination of electronic emergency notifications**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-115 to read as follows:

*§ 30-115 Emergency notifications. a. Any emergency alert originated by a city office or city agency that is issued through a commercial mobile service alert system established pursuant to section 1201 of title 47 of the United States code shall, to the extent practicable and to the extent permissible under regulations enacted pursuant to such section, be issued in no fewer than the two most commonly spoken languages within the area covered by the emergency alert as determined by the commissioner in consultation with the department of city planning, provided that this subdivision does not require the issuance of an emergency alert in a language if exigent circumstances prohibit the issuance of an alert in such language.*

*b. Any emergency notification system operated and controlled by the office of emergency management for the purposes of aggregating information obtained from other offices or agencies to inform the public about emergencies or disruptive events through e-mail, text, phone, social media platform, or internet-based feed shall offer each notification in no fewer than the seven most commonly spoken languages within the city as determined by the commissioner in consultation with the department of city planning, provided that this requirement shall not delay or prohibit the immediate issuance of notifications in any individual language. Notifications shall be separated into distinct messages in separate feeds for each language. A general version of each notification may be used when a real-time translation is unavailable, provided that priority shall be placed upon making notifications available with the greatest specificity possible. Any dissemination limitation applicable to an English language notification may be applied to its equivalent notification in another language. If no potential recipient is registered for a specific language, then a notification need not be disseminated in that language.*

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

JAMES VACCA, *Chairperson*; ANNABEL PALMA, DAVID G. GREENFIELD, BARRY S. GRODENCHIK, JOSEPH C. BORELLI; Committee on Technology, February 13, 2017. *Other Council Members Attending: Council Member Dromm*

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. 975-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 fines and civil penalties for failure to remove abandoned poles.

The Committee on Transportation, to which the annexed proposed amended local law was referred on October 29, 2015 (Minutes, page 3888), respectfully

#### REPORTS:

#### **INTRODUCTION**

On February 13, 2017, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing on Proposed Int. No. 975-A, a Local Law in relation to fines and civil penalties for failure to remove abandoned poles. This was the second hearing on this item. The first hearing was held on January 26, 2017 at which the Committee heard testimony from the New York City Department of Transportation (“DOT”) and other interested stakeholders.

#### **BACKGROUND**

When a utility company needs to replace a utility pole or moves upgraded services to another pole, they may leave the original pole in place, leading to the presence of “double” or “twin” poles.<sup>1</sup> City law requires old pole to be removed “forthwith” unless the owner demonstrates to DOT that there is “sufficient cause” for an extension; however, some poles are left in place due to the cost of removal and a lack of coordination between the multiple entities that may use the poles.<sup>2</sup> In addition to being an unsightly presence in local communities, abandoned poles can pose safety concerns if they are not removed in a reasonable period of time and become structurally unsound.<sup>3</sup>

If the person or company owning or managing the double pole does not remove it, the City will do so at their expense.<sup>4</sup> Currently, the penalty for violation is a fine of \$250 to \$500 and/or imprisonment of up to 10 days.<sup>5</sup> Int. No. 975-A would raise the fine for failure to remove a utility pole when required to \$350 to \$750 and provide that a person in violation may also be subject to civil penalties of \$100 per day that they are in violation of the Code.

#### **ANALYSIS OF INT. NO. 975-A**

Section one of Int. No. 975-A would amend subdivision b of section 24-411 of the Administrative Code to remove references to the Commissioner of Design and Construction, clarifying that DOT is responsible for

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<sup>1</sup> Judy L. Randall, *Here’s the lowdown on Staten Island’s twinned utility poles*, Staten Island Advance, Feb. 18, 2014, available at [http://www.silive.com/news/index.ssf/2014/02/heres\\_the\\_lowdown\\_on\\_staten\\_is.html](http://www.silive.com/news/index.ssf/2014/02/heres_the_lowdown_on_staten_is.html).

<sup>2</sup> *Id.*; N.Y.C. Admin. Code § 24-411.

<sup>3</sup> Press Release, Senator Charles E. Schumer, *Schumer: Zombie Utility Poles, Weighing More Than 1000lbs, Are A Threat To Orange County Pedestrians & Are An Eyesore; Senator Says Companies Have Failed To Remove Old & Potentially Unstable Poles; Schumer Urges Companies Responsible To Remove Poles ASAP*, Feb. 16, 2016, available at <https://www.schumer.senate.gov/newsroom/press-releases/schumer-zombie-utility-poles-weighing-more-than-1000lbs-are-a-threat-to-orange-county-pedestrians-and-are-an-eyesore-senator-says-companies-have-failed-to-remove-old-potentially-unstable-poles-schumer-urges-companies-responsible-to-remove-poles-asap->; Press Release, N.Y. State Public Service Commission, *PSC Deals with Utility Pole Issues*, May 19, 2011, available at [https://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/Web/7E55C5207EAC4CB9852578950051E71B/\\$File/pr11038.pdf?OpenElement](https://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/Web/7E55C5207EAC4CB9852578950051E71B/$File/pr11038.pdf?OpenElement).

<sup>4</sup> *Id.* at § 24-411(b).

<sup>5</sup> *Id.* at § 24-411(c).

removing poles, wires, or appurtenances that have become disused, abandoned, dangerous, or unsafe when the owner fails to do so.

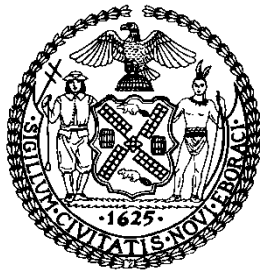
Section two of Int. No. 975-A would amend subdivision c of section 24-411 of the Administrative Code to increase the penalties for any person convicted of violations for the failure to remove abandoned poles such as telegraph, telephone and electric light poles, wires or conductors. Subdivision c would be amended to raise the fine for failure to remove a utility pole when required from a range of \$250-\$500 to \$350-\$750 and provide that a person in violation may also be subject to civil penalties of \$100 per day that they are in violation of the Code.

Section three provides that Int. No. 975-A would take effect in 120 days.

**UPDATE**

On February 13, 2017, the Committee on Transportation passed Int. No. 975-A by a vote of eleven in the affirmative and zero in the negative, with no abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 975-A:)**



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

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 975-A**

**COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to fines and civil penalties for failure to remove abandoned poles.

**SPONSORS:** Council Members Maisel, Rose and Cornegy

**SUMMARY OF LEGISLATION:** Currently, the Administrative Code requires the removal of disused, abandoned, or damaged utility poles. The penalty for violation is a fine of \$250 to \$500 and/or imprisonment of up to 10 days. Proposed Intro. 975-A would raise the fine for failure to remove a utility pole when required to between \$350 to \$750 and provide that a person in violation may also be subject to civil penalties of \$100 per day that they are in violation of the Code.

**EFFECTIVE DATE:** The local law would take effect 120 days after its enactment into law.

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

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** It is anticipated that through full compliance, any impact on net revenue would be de minimis.

**IMPACT ON EXPENDITURES:** It is estimated that this legislation would have no impact on expenditures since existing resources would be used 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:** Nathaniel Toth, Deputy Director

Chima Obichere, Unit Head  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 975 on October 29, 2015 and referred to the Committee on Transportation. The Committee on Transportation and the Committee on Public Safety considered the legislation at a hearing on January 26, 2017 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 975-A, will be considered by the Committee on Transportation on February 13, 2017. Upon a successful vote by the Committee on Transportation, Proposed Intro. No. 975-A will be submitted to the full Council for a vote on February 15, 2017.

**DATE PREPARED:** February 8, 2017.

**(The following is the text of Int. No. 975-A:)**

Int. No. 975-A

By Council Members Maisel, Rose, Cornegy, Salamanca, Koo and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to fines and civil penalties for failure to remove abandoned poles**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 24-411 of the administrative code of the city of New York is amended to read as follows:

b. The persons owning, operating, managing or controlling poles, wires or appurtenances which may have been so disused or abandoned, or which may be dangerous or unsafe, shall take down and remove them, and upon their failure to do so, the commissioner of [design and construction, in accordance with chapter fifty-five of the charter, unless otherwise directed by the mayor pursuant to such chapter,] *transportation* shall remove the same forthwith, at the expense of such persons. Before such removal, the commissioner of transportation [or the commissioner of design and construction], except where a condition of danger exists, shall mail a notice thereof to the last known address of such persons, a copy of which shall be posted for a period of ten days on each of such poles prior to its removal.

§ 2. Subdivision c of section 24-411 of the administrative code of the city of New York is amended to read as follows:

c. Any person convicted of a violation of any of the provisions of this section shall be punished by a fine of not less than [two hundred fifty] \$350 nor more than [five hundred] \$750 dollars, imprisonment for not more than ten days, or both. *In addition to or as an alternative to such penalty, such person shall also be*



*subject to a civil penalty of no less than nor more than \$100 per day such person is in violation of any provision of this section. Such civil penalties shall be imposed in the manner set forth in section 19-150.*

§ 3. This local law takes effect 120 days after its enactment.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO; DONOVAN J. RICHARDS; Committee on Transportation, February 13, 2017. *Also Attending: The Public Advocate (Ms. James).*

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****Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Jorge Lopez	133 West 104th Street #5D New York, N.Y. 10025	7
Jenice Hernandez	1411 Grand Concourse #5C Bronx, N.Y. 10452	14
Antoinette Robinson	631 Beach 9th Street Queens, N.Y. 11691	31
Tiana Lawson	1700 Park Place #3 Brooklyn, N.Y. 11233	41
Tiffany Smith	1566 Eastern Parkway #3D Brooklyn, N.Y. 11233	41
Jonathan West	839 Troy Avenue Brooklyn, N.Y. 11203	41
Clyde Allsopp	1385 Albany Avenue Brooklyn, N.Y. 11203	45
Anthony V. Griffith	233 East 88th Street Brooklyn, N.Y. 11236	45
Enmanuel Castillo	8635 21st Avenue #6H Brooklyn, N.Y. 11214	46
Jennifer Sheridan	2157 85th Street Brooklyn, N.Y. 11214	47
Ashley Ryan Vogel	58 Marble Street Staten Island, N.Y. 10314	50

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Rachel G. Milgrim	504D Grand Street #33D New York, N.Y. 10002	1
Chue Keung Mock	45 Allen Street #13C New York, N.Y. 10002	1
Cathy Cirilo	27 East 3rd Street #6B New York, N.Y. 10003	2
Benjamin Soto	490 2nd Avenue #14E New York, N.Y. 10016	2
Richard W. Joselit	441 West End Avenue New York, N.Y. 10024	6
Jennifer Cortes	8 East 110th Street #1G New York, N.Y. 10029	9
Elton J. Maynard	5550 Fieldston Road #2F Bronx, N.Y. 10471	11
Veronica Moreno	934 East 215th Street Bronx, N.Y. 10469	12
Leslie Peterson	100 Casals Place #4H Bronx, N.Y. 10475	12
Kenneth Price	4319 Bronxwood Avenue Bronx, N.Y. 10466	12
Carlton Snaith	4200 Hutch River Parkway East #24D Bronx, N.Y. 10475	12
Lucrezia A. Fisco	2571 Fish Avenue Bronx, N.Y. 10469	13
Carol Piccola	900 Lydig Avenue #6J Bronx, N.Y. 10462	13
Beverly D. Smith	1735 Popham Avenue #5 Bronx, N.Y. 10453	14
Karen Cash-Felder	3030 Cruger Avenue Bronx, N.Y. 10467	15
Catalina Farrington	364 East 159th Street #2A Bronx, N.Y. 10451	17

Claudette Hernandez	2025 Seward Avenue #2E Bronx, N.Y. 10473	18
Laura Hughes	21-35 76th Street Jackson Heights, N.Y. 11370	22
Avis D. Maddox-Clarke	20-01 21st Avenue #1B Astoria, N.Y. 11105	22
Deborah Dorce	67-14 Parsons Blvd #7C Queens, N.Y. 11365	24
Michael G. Den Dekker	77-18 31st Avenue Queens, N.Y. 11370	25
Anthony Mangone	62-09 82nd Street Queens, N.Y. 11379	30
Erika Michel	66-71 74th Street Queens, N.Y. 11379	30
Ventrice Bowen	156-19 North Conduit Avenue Queens, N.Y. 11434	31
Kerline Jacob	253-56 148th Drive #2 Queens, N.Y. 11422	31
Eileen Miele	162-30 99th Street Queens, N.Y. 11414	32
Janet A. Powers	161-36 85th Street Queens, N.Y. 11414	32
Sharon Goodine	593 Vanderbilt Avenue #24I Brooklyn, N.Y. 11238	35
Jonathan Sapp	135 Ashland Place #10A Brooklyn, N.Y. 11201	35
Sheila Clark	355 Macon Street Brooklyn, N.Y. 11233	36
Marisol Concepcion-Sewpaul	914 Gates Avenue #2A Brooklyn, N.Y. 11221	36
Amina Halls	355 Grant Avenue Brooklyn, N.Y. 11208	37
Yvette Watts	11A Eldert Street Brooklyn, N.Y. 11207	37

Ana F. Gonzalez	450 3rd Avenue #3L Brooklyn, N.Y. 11215	39
Kathleen P.H. Ferguson-Moxam	215 Sterling Street #24 Brooklyn, N.Y. 11225	40
Alfredo Gonzalez	500 Ocean Avenue #3J Brooklyn, N.Y. 11226	40
Cheryl A. Guilford	824 Macon Street Brooklyn, N.Y. 11233	41
Dorothy Hosten	832 Midwood Street #6D Brooklyn, N.Y. 11203	41
Tracy Lilley	325 Remsen Avenue Brooklyn, N.Y. 11212	41
Jo-Ann Sperano	1363 85th Street Brooklyn, N.Y. 11228	43
Patrick Yu	2034 Crospey Avenue #6B Brooklyn, N.Y. 11214	43
Giuseppina Tornabene-Colon	1764 59th Street Brooklyn, N.Y. 11204	44
Clifton Clarke	4624 Avenue K Brooklyn, N.Y. 11234	45
Catherine Medina	1290 Ocean Avenue #3C Brooklyn, N.Y. 11230	45
Jo-Ann Appice	400. Getz Avenue Staten Island, N.Y. 10312	45
Lonnie M. Baron	29 Deppe Place #3L Staten Island, N.Y. 10314	49
Karen Becker	37 Norway Avenue Staten Island, N.Y. 10305	50
Yesenia Yasmin Colon	55 Roma Avenue Staten Island, N.Y. 10306	50
Sandra Galante	14 Hawthorne Avenue Staten Island, N.Y. 10314	50
Carol E. LaBruzzo	132 Rockville Avenue Staten Island, N.Y. 10314	50
Gladys Pietri-McCormack	269 Kell Avenue Staten Island, N.Y. 10314	50

Pamela DeRose	30 Downes Avenue Staten Island, N.Y. 10312	51
Sophia Froncillo	142 Kelvin Avenue Staten Island, N.Y. 10306	51
Michael J. Sarubbi	27 Seguire Place Staten Island, N.Y. 10312	51
Janice Sypiewski	230 Wood Avenue Staten Island, N.Y. 10307	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) **Int. 179-A -** Display of street numbers.
- (2) **Int. 289-A -** Provision of housing applications in multiple languages.
- (3) **Int. 834-B -** Use of all-terrain vehicles, including dirt bikes.
- (4) **Int. 975-A -** Fines and civil penalties for failure to remove abandoned poles.
- (5) **Int. 1240-A -** Dissemination of electronic emergency notifications.
- (6) **Int. 1308-A -** Limiting the application of temporary orders obtained pursuant to the nuisance abatement law.
- (7) **Int. 1315-A -** Resolving conflicts between the nuisance abatement law and related proceedings and fines for public nuisances involving alcohol.
- (8) **Int. 1317-A -** Excluding certain violations involving possession of a controlled substance.
- (9) **Int. 1318-A -** Requiring verification of occupancy prior to enforcing injunctive relief.
- (10) **Int. 1320-A -** Requiring laboratory reports in drug-related nuisance abatement cases.
- (11) **Int. 1321-A -** Requiring a police or peace officer to personally witness a drug violation to file an action.
- (12) **Int. 1323-A -** Limiting exclusions of natural persons pursuant to the nuisance abatement law.
- (13) **Int. 1326 -** Repealing the padlock law.
- (14) **Int. 1327-A -** Reporting on nuisance abatement actions.

- (15) **Int. 1333-B** - Amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law.
- (16) **Int. 1338-A** - Requiring procedures for the corporation counsel when filing actions under the nuisance abatement law.
- (17) **Int. 1339-A** - Restricting certain orders and dispositions.
- (18) **Int. 1344-A** - Amending the nuisance abatement law regarding alcoholic beverages.
- (19) **Int. 1449-A** - Naming of 40 thoroughfares and public places.
- (20) **Int. 1181-A** - Improving access to city services for limited English proficiency individuals.
- (21) **L.U. 559 & Res 1381** - App. C **170048 HAM** Manhattan, Community Board 10, Council District 9.
- (22) **L.U. 560 & Res 1382** - App. C **170049 PQM** Manhattan, Community Board 10, Council District 9.
- (23) **L.U. 561 & Res 1383** - App. C **170050 ZMM** Manhattan, Community Board 10, Council District 9.
- (24) **L.U. 562 & Res 1384** - App. C **170051 HAM** Manhattan, Community Board 10, Council District 9.
- (25) **L.U. 563 & Res 1385** - App. N **170052 ZRM** Manhattan, Community Board 10, Council District 9.
- (26) **L.U. 564 & Res 1386** - App. C **170081 ZMM** Manhattan, Community Board 10, Council District 9.



- (27) L.U. 565 & Res 1387 - App. N 170082 ZRM Manhattan, Community Board 10, Council District 9.
- (28) L.U. 566 & Res 1388 - App. C 170085 HAM Manhattan, Community Board 10, Council District 9.
- (29) L.U. 567 & Res 1375 - 795 St. Nicholas Avenue.
- (30) L.U. 568 & Res 1376 - 1240 Walton Avenue.
- (31) L.U. 569 & Res 1377 - 288 East 168th Street.
- (32) L.U. 570 & Res 1378 - 424 & 430 Grand Concourse.
- (33) L.U. 571 & Res 1379 - 830-850 Stebbins Avenue.
- (34) L.U. 572 & Res 1380 - 1130 Anderson Avenue.
- (35) L.U. 573 & Res 1389 - App. 20175206 HKM (N 170201 HKM) Manhattan, Community Board 2, Council Districts 1 and 3.
- (36) 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, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

**The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 179-A**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **42**.

**Negative** – Borelli, Ulrich, Vacca, and Matteo – **4**.

The following was the vote recorded for **Int. No. 1308-A**:

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

**Negative** – Deutsch – **1**.

The following was the vote recorded for **Int. No. 1315-A**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Cumbo, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **38**.

**Negative** – Borelli, Crowley, Deutsch, Greenfield, Ulrich, Vacca, Vallone, and Matteo - **8**.

The following was the vote recorded for **Int. No. 1317-A**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Vacca, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **40**.

**Negative** – Borelli, Deutsch, Greenfield, Ulrich, Vallone, and Matteo – **6**.

The following was the vote recorded for **Int. No. 1321-A**:

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

**Negative** – Greenfield – **1**.

The following was the vote recorded for **Int. No. 1323-A**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Cumbo, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **39**.

**Negative** – Borelli, Crowley, Deutsch, Ulrich, Vacca, Vallone, and Matteo – **7**.

The following was the vote recorded for **Int. No. 1326** and **1333-B**:

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

**Negative** – Borelli, Crowley, Greenfield, Ulrich, Vacca, Vallone, and Matteo – **7**.

The following was the vote recorded for **Int. No. 1339-A**:

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

**Negative** – Ulrich – **1**.

The following was the vote recorded for **Int. No. 1344-A**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Torres, Treyger, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **39**.

**Negative** – Borelli, Crowley, Salamanca, Ulrich, Vacca, Vallone, and Matteo – **7**.

The following was the vote recorded for **Res. No. 1373**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Vacca, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **41**.

**Negative** – Borelli and Matteo - **2**.

**Abstention** – Deutsch, Ulrich, and Vallone – **3**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int. Nos.179-A, 289-A, 834-B, 975-A, 1240-A, 1308-A, 1315-A, 1317-A, 1318-A, 1320-A, 1321-A, 1323-A, 1326, 1327-A, 1333-B, 1338-A, 1339-A, 1344-A, 1499-A, and 1181-A.*

**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:**

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 voice-vote item Res. No. 1373

**Report of the Committee on Finance in favor of approving a Resolution authorizing the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging any of President Donald Trump's executive orders and actions relating to immigration.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on February 15, 2017, respectfully

**REPORTS:****I. INTRODUCTION**

On February 15<sup>th</sup>, 2017, the Committee on Finance, Chaired by Council Member Julissa Ferreras-Copeland, held a hearing and vote on Resolution No. 1373-2017 authorizing the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging President Donald Trump's executive orders relating to border security, immigration enforcement, and foreign-born individuals seeking entry into the United States.

On February 15, 2017, the Committee on Finance approved the resolution by a vote of seven in the affirmative and one in the negative. The Council is set to vote on the resolution at February 15, 2017 Stated Meeting.

**II. BACKGROUND**

On January 25<sup>th</sup> and 27<sup>th</sup>, 2017 President Donald J. Trump signed three executive orders relating to immigration. In the days immediately following the orders, there were multiple legal challenges filed nationally.

a. Border Security and Immigration Enforcement Improvements<sup>1</sup>

Signed by President Donald Trump on January 25<sup>th</sup>, 2017, this executive order calls for, among other things, the construction of a wall along the United States-Mexico border, as well as additional detention facilities. Further, the executive order calls for the detention of individuals while they are in removal proceedings, as well as the elimination of policies intended to allow individuals to pursue asylum and other forms of immigration relief outside of immigration detention. The executive order also calls for an additional 5,000 Customs and Border Patrol (CBP) officers.

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<sup>1</sup> <https://www.whitehouse.gov/the-press-office/2017/01/25/executive-order-border-security-and-immigration-enforcement-improvements>

b. Enhancing Public Safety in the Interior of the United States<sup>2</sup>

Signed by President Donald Trump on January 25<sup>th</sup>, 2017, this executive order calls for, among other things, the reinstatement of the Secure Communities enforcement program; which results in a significant expansion of immigrants deemed priorities or removal. The executive order also calls for increased immigration enforcement efforts and an additional 10,000 Immigration and Customs Enforcement (ICE) agents. Further, the executive order directs the Department of Homeland Security (DHS) to explore and implement federal funding cuts for “sanctuary jurisdictions.”<sup>3</sup>

c. Protecting the Nation from Foreign Terrorist Entry into the United States<sup>4</sup>

Signed by President Donald Trump on January 27<sup>th</sup>, 2017, this executive order calls for, among other things, a 90-day period during which entry into the United States will be denied to any national of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. The order also leaves open the possibility of adding additional countries to the list as recommended by DHS. Initially, DHS stated that green card holders and non-U.S. dual citizens from these countries who were outside the United States when the executive order was signed were also barred from re-entering the country.<sup>5</sup> DHS later rescinded that interpretation, allowing lawful permanent residents and non-U.S. dual citizens from these countries to enter the United States.<sup>6</sup>

Additionally, the executive order asserts that new “extreme vetting” processes will be used in all future immigration programs; suspends the refugee resettlement program for a period of 120 days for extensive review; suspends the entry of Syrian refugees indefinitely; reduces the number of refugees that will be admitted in fiscal year 2017 from President Obama’s commitment of 110,000 to a mere 50,000; and suspends the Visa Interview Waiver Program.

### III. LEGAL CHALLENGES TO THE EXECUTIVE ORDERS

Of the three executive orders, the majority of lawsuits filed challenge the executive order “Protecting the Nation from Foreign Terrorist Entry into the United States.” There is, however, also a challenge to the executive order “Enhancing Public Safety in the Interior of the United States” filed by the City and County of San Francisco.

a. Protecting the Nation from Foreign Terrorist Entry into the United States

In immediate response and opposition to this executive order, the American Civil Liberties Union (ACLU) filed an emergency motion for stay of removal on January 27, 2017 in a federal district court in Brooklyn, New York.<sup>7</sup> The same night, a federal judge in Boston, Massachusetts issued a week-long restraining order against the executive order<sup>8</sup> and a federal judge in Alexandria, Virginia did the same.<sup>9</sup>

On January 30, 2017, the state of Washington brought a lawsuit against the executive order, challenging the constitutionality of key provisions and seeking a temporary suspension against its enforcement.<sup>10</sup> Minnesota joined the lawsuit shortly thereafter.<sup>11</sup> On February 3, 2017, a Seattle federal judge issued a nationwide restraining order that blocked the implementation of travel ban provisions of the executive order.<sup>12</sup>

<sup>2</sup> <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>

<sup>3</sup> There is no legal definition of a sanctuary city or jurisdiction. Generally, the term “sanctuary” is used in reference to cities that in any way limit their cooperation with immigration enforcement efforts.

<sup>4</sup> <https://www.whitehouse.gov/the-press-office/2017/01/27/executive-order-protecting-nation-foreign-terrorist-entry-united-states>

<sup>5</sup> <http://thehill.com/policy/national-security/316670-trump-refugee-ban-bars-green-card-holders-report>;

<https://www.theatlantic.com/news/archive/2017/01/trump-immigration-order-muslims/514844/>

<sup>6</sup> <https://www.dhs.gov/news/2017/01/29/statement-secretary-john-kelly-entry-lawful-permanent-residents-united-states>

<sup>7</sup> <https://www.aclu.org/blog/speak-freely/president-trumps-first-week-aclu-hands-him-first-stinging-rebuke>

<sup>8</sup> [http://www.bostonherald.com/news/local\\_coverage/2017/01/boston\\_judges\\_issue\\_order\\_halting\\_trumps\\_muslim\\_ban](http://www.bostonherald.com/news/local_coverage/2017/01/boston_judges_issue_order_halting_trumps_muslim_ban)

<sup>9</sup> [https://www.washingtonpost.com/local/social-issues/refugees-detained-at-us-airports-challenge-trumps-executive-order/2017/01/28/e69501a2-e562-11e6-a547-5fb9411d332c\\_story.html?utm\\_term=.2a99408c64eb](https://www.washingtonpost.com/local/social-issues/refugees-detained-at-us-airports-challenge-trumps-executive-order/2017/01/28/e69501a2-e562-11e6-a547-5fb9411d332c_story.html?utm_term=.2a99408c64eb)

<sup>10</sup> <http://www.usnews.com/news/national-news/articles/2017-01-30/washington-state-challenges-trumps-travel-ban-order-in-court>

<sup>11</sup> <http://www.washingtontimes.com/news/2017/feb/2/minnesota-attorney-general-joins-immigration-lawsu/>

<sup>12</sup> <http://www.usatoday.com/story/news/2017/02/03/report-federal-judge-refuses-block-trump-immigration-ban/97466178/>

Accordingly, DHS suspended its enforcement of the ban.<sup>13</sup> On February 6, 2017 the Department of Justice (DOJ) filed a brief with the 9<sup>th</sup> Circuit Court of Appeals challenging the temporary restraining order.<sup>14</sup> On February 9<sup>th</sup>, 2017, the three judge federal appeals panel unanimously rejected the government's arguments and upheld the temporary restraining order.<sup>15</sup> At current count, the Ban faces approximately 20 additional lawsuits filed in federal courts across the country, some are class action suits while others seek relief for specific individuals.<sup>16</sup>

b. Enhancing Public Safety in the Interior of the United States

On January 31<sup>st</sup>, 2017, the City and County of San Francisco filed a lawsuit in federal district court, challenging the provisions of this executive order that relate to federal funding cuts for sanctuary cities and the underlying federal statute.<sup>17</sup> The executive order describes sanctuary jurisdictions as those that willfully limit the exchange of information regarding citizenship or immigration status between government entities and federal immigration authorities, pursuant to federal law.<sup>18</sup> San Francisco argues that the federal law barring cities from prohibiting or restricting their employees from exchanging information regarding immigration status with ICE and the Executive Order violate the 10<sup>th</sup> Amendment by unconstitutionally commandeering the governments of states and cities. San Francisco's position is that its policies relating to immigration enforcement do not violate any existing federal law.<sup>19</sup>

**IV. CONCLUSION**

This resolution would authorize the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging President Donald Trump's executive orders, specifically, those issued on January 25<sup>th</sup> and 27<sup>th</sup>, 2017, which relate to border security, immigration enforcement, and foreign-born individuals seeking entry into the United States.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section of these Minutes)**

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL; Committee on Finance, February 15, 2017.

<sup>13</sup> <http://www.cnn.com/2017/02/03/seattle-federal-judge-grants-temporary-restraining-order-on-immigration-ban-on-nationwide-basis.html>

<sup>14</sup> <http://www.npr.org/2017/02/06/513794175/doj-files-brief-in-challenge-to-reinstate-trumps-immigration-executive-order>

<sup>15</sup> [https://www.nytimes.com/2017/02/09/us/politics/appeals-court-trump-travel-ban.html?\\_r=0](https://www.nytimes.com/2017/02/09/us/politics/appeals-court-trump-travel-ban.html?_r=0)

<sup>16</sup> <http://www.politico.com/story/2017/02/donald-trump-travel-ban-lawsuits-234828>

<sup>17</sup> <https://docs.justia.com/cases/federal/district-courts/california/candce/4:2017cv00485/307351/1>

<sup>18</sup> 8 U.S.C. 1373

<sup>19</sup> <https://verdict.justia.com/2017/02/10/strong-san-franciscos-sanctuary-city-lawsuit-trump-administration>

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice- vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 2 Council Members formally noted their objection to this item:  
Council Members Borelli and Matteo.

The following 3 Council Members formally noted their abstention on this item:  
Council Members Deutsch, Ulrich, and Vallone.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Preconsidered Res. No. 1373

### **Resolution authorizing the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging any of President Donald Trump’s executive orders and actions relating to immigration.**

By the Speaker (Council Member Mark-Viverito) and Council Member Kallos.

**Whereas**, New York City is home to more than three million immigrants; and

**Whereas**, Approximately 60 percent of New Yorkers are immigrants or the children of immigrants; and

**Whereas**, New York City has, and will continue to be, a city that embraces diversity and promotes equality and respect for all of its inhabitants; and

**Whereas**, President Trump has issued three executive orders relating to border security, immigration enforcement, and foreign-born individuals seeking entry into the United States; and

**Whereas**, The executive order titled “Border Security and Immigration Enforcement Improvements,” calls for the construction of a wall along the United States-Mexico border, an increase in the number of Customs and Border Patrol officers, the creation of additional detention facilities, and eliminates the use of policies allowing individuals to pursue asylum and other forms of immigration relief outside of immigration detention; and

**Whereas**, The executive order titled “Enhancing Public Safety in the Interior of the United States” calls for a return to the Secure Communities immigration enforcement program, an increase in the number of Immigration and Customs Enforcement agents, a significant expansion of enforcement priorities, and for federal funding cuts for “sanctuary cities” that limit cooperation with immigration enforcement authorities; and

**Whereas**, The executive order titled, “Protecting the Nation from Foreign Terrorist Entry Into the United States,” calls for an immediate halt to refugee admissions for 120 days, a significant reduction in the number of refugees to be admitted in Fiscal Year 2017, a complete and indefinite end to Syrian refugee resettlement, and a 90-day ban of the entry into the United States by nationals of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen; and

**Whereas**, In response to the executive order restricting the entry of refugees and certain nationals, dozens of lawsuits were filed challenging its validity, many claiming that the order violates the due process and equal protection clauses of the United States Constitution, and one of which resulted in a nationwide stay of the order; and

**Whereas**, The City of San Francisco filed a lawsuit challenging the executive order instituting new immigration enforcement policies in the interior of the United States and threatening to defund sanctuary cities; and



**Whereas**, Other lawsuits are sure to arise as federal authorities begin to implement the directives contained within these executive orders; and

**Whereas**, The New York City Council will continue protect the rights of immigrants through local laws that ensure federal authorities comply with the rule of law and by filing or joining amicus brief that support the Council's positions; now, therefore, be it

**Resolved**, That the Council of the City of New York authorizes the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging President Donald Trump's recent executive orders relating to border security, immigration enforcement, and foreign-born individuals seeking entry into the United States.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Finance)

Res. No. 1374

**Resolution establishing March 1 annually as Teen Mental Health Awareness Day in the City of New York.**

By Council Member Cohen.

**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 March 1 annually as Teen Mental Health Awareness Day in the City of New York

Referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services.

## Int. No. 1468

By Council Member Constantinides and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing sewer system backups**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-503.1 to read as follows:

*§ 24-503.1 Repeat sewer backups. a. As used in this section:*

*Sewer system. The term “sewer system” means all sewers, drains, pipes and appurtenances owned, operated or maintained by the city and used to convey sewage.*

*Sewer backup. The term “sewer backup” means a non-permitted release of sewage from the sewer system.*

*b. The commissioner of environmental protection shall ensure that where a sewer backup occurs more than once, at the same location within a twelve-month period, the portion of the sewer system causing the second or subsequent backup is identified and cleaned within 10 days of such subsequent backup.*

*§2. This local law takes effect immediately.*

Referred to the Committee on Environmental Protection.

## Int. No. 1469

By Council Member Cumbo and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that city-owned buildings and spaces with specific occupancy classifications contain lactation rooms**

*Be it enacted by the Council as follows:*

Section 1. Section 17-199.1 of the administrative code of the city of New York, as added by local law number 94 for the year 2016, is amended to read as follows:

*§ 17-199.1 Lactation rooms. a. Definitions. For the purposes of this section, “lactation room” means a sanitary place that is not a restroom that can be used to breastfeed or express milk in private, and which includes an electrical outlet, a chair, and nearby access to running water.*

*b. Every job center, SNAP center, or medical assistance program center of the department of social services/human resources administration; city-owned borough office of the administration for children’s services and the Nicholas Scoppetta children’s center; and health center operated or maintained by the department shall, where practicable, make at least one lactation room available upon request to an individual utilizing on-site services. The presence of such a lactation room shall not abrogate such an individual’s right to breastfeed in public pursuant to article 7 of the civil rights law.*

*c. The owner of a space that is classified as occupancy group A pursuant to section 303.1 of the New York city building code, or the equivalent occupancy classification under chapter 1 of title 27 of the administrative code, shall:*

*1. Make available at least one lactation room in such space or within walking distance of the main entrance of such space for use by individuals who are authorized to be in such space; and*

*2. Not be subject to this subdivision if substantial physical alterations to such a space as determined by the commissioner are required to achieve compliance.*

*d. Each newly constructed city-owned building shall make available at least one lactation room in such building or within walking distance of the main entrance of such building for use by individuals who are authorized to be in such building.*

*e. Any renovations to city-owned buildings within any 12-month period such that the cost of renovations is between 30 percent and 60 percent of the value of the building on or after July 1, 2017, shall make available at least one lactation room in such building or within walking distance of the main entrance of such building for use by individuals who are authorized to be in such building.*

[c] *f. The department shall create a poster containing information on breast-feeding, an individual's right to nurse in public, and the availability of lactation rooms pursuant to this section. Such poster shall be made available on the department's website, shall be displayed in any lactation room required to be made available pursuant to this section, and shall be displayed in a clear and conspicuous manner in the waiting room of any public space where a lactation room is required to be made available pursuant to this section. No later than one year after the effective date of the local law adding this subdivision, the department shall create a list of all locations with lactation rooms available pursuant to this section. Such list shall be made available on the department's website.*

[d] *g. The department of education shall submit to the speaker of the city council on or before August 1, 2017, and on or before every August 1 thereafter, a report summarizing the policies at New York city public schools to allow a student or the parent or guardian of a student access to a lactation room upon request. Such report shall indicate how information regarding such policies was communicated to students, parents and guardians during the previous school year.*

[e] *h. The department may promulgate rules to implement the provisions of this section including, but not limited to, establishing training programs for staff working at locations required to make a lactation room available pursuant to [subdivision b]this section, and providing guidelines concerning the location of a lactation room.*

§ 2. This local law takes effect July 1, 2017.

Referred to the Committee on Women's Issues.

Int. No. 1470

By Council Members Cumbo, Williams, Gibson, Cabrera, Salamanca, Gentile and Vacca.

**A Local Law to amend the New York city charter, in relation to establishing an office to prevent gun violence**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new section 13-e to read as follows:

§ 13-e. *Office to prevent gun violence. a. The mayor shall establish an office to prevent gun violence. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office, within any other office of the mayor or within any department, the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor or the head of such department. For the purposes of this section, the term "director" means the director of the office to prevent gun violence.*

*b. The director shall have the power and the duty to:*

- 1. advise and assist the mayor in planning, developing and coordinating efforts to reduce gun violence;*
- 2. engage with members of the community, elected officials, and other interested groups and individuals to develop further strategies to reduce gun violence;*
- 3. review the budget requests of all agencies for programs related to gun violence, recommend budget priorities among such programs, and assist the mayor in prioritizing such requests; and*
- 4. perform other duties as the mayor may assign.*

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 1471

By Council Members Johnson, Salamanca, Gentile and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the retail cigarette dealer license fee**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision c of section 20-202 of the administrative code of the city of New York is amended to read as follows:

1. There shall be a biennial fee of [one] *three* hundred [ten] *forty* dollars for a license to engage in the business of a retail dealer at each place of business where cigarettes are sold in the city.

§ 2. This local law takes on January 1, 2018, except that the department of consumer affairs may take such actions, including the promulgation of rules, as are necessary for its timely implementation prior to such effective date.

Referred to the Committee on Health.

Preconsidered Int. No. 1472

By Council Members Johnson, Chin and Levin (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to exempting certain grocery stores from the commercial rent tax**

*Be it enacted by the Council as follows:*

Section 1. Section 11-704 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

*j. Grocery stores. 1. A tenant that is a grocery store and has obtained the certification required by paragraph 2 of this subdivision is exempt from the tax imposed by this chapter.*

*2. The commissioner of finance or a designee shall approve for certification any grocery store that receives less than 50 percent of its store sales from pharmacy sales, and that:*

*(a) Exceeds 3,500 square feet of retail floor space, excluding any storage space, loading dock, food preparation and serving space, and eating area designated for the consumption of prepared food, and that apportions such retail floor space in the following manner: (i) 50 percent or more is utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; (ii) 30 percent or more is utilized for the sale of perishable goods including dairy, fresh produce, frozen foods and fresh meats; and (iii) 500 square feet or more is utilized exclusively for the sale of fresh produce;*

*(b) Satisfies affordability requirements, as determined by the commissioner of finance in consultation with the commissioner of health and mental hygiene, for such general line of food products as set out in subparagraph (a) of this paragraph; and*

*(c) Accepts payment from customers using the supplemental nutrition assistance program, special supplemental nutrition program for women, infants and children, or any successor programs.*

*3. The commissioner of finance shall inspect grocery stores that are exempt from the tax imposed by this chapter pursuant to paragraph 1 of this subdivision annually to ensure continued compliance with paragraph 2 of this subdivision.*

*4. The commissioner of finance shall promulgate rules, as necessary, in relation to the requirements set out in paragraph 2 of this subdivision.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of finance may take measures necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Finance (preconsidered but laid over by the Committee on Finance).

Int. No. 1473

By Council Members Miller, Salamanca, Vallone, Richards, Dromm, Vacca, Rose and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing the maximum time commercial vehicles may park**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-170 of the administrative code of the city of New York, as added by local law 25 of 1988 and amended by chapter 458 of the laws of 2010, is amended to read as follows:

a. When parking is not otherwise restricted, no person shall park a commercial vehicle in excess of [three hours] *90 minutes*. For purposes of this section, the term commercial vehicle shall mean a motor vehicle designed, maintained, or used primarily for the transportation of property.

§ 2. This local law takes effect in 120 days.

Referred to the Committee on Transportation.

Int. No. 1474

By Council Member Rodriguez.

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

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 11-1402 of the administrative code of the city of New York is amended to read as follows:

a. [On and after July first, nineteen hundred eighty] On or after the effective date of this local law, there is hereby imposed and there shall be paid a tax on each transfer of a taxicab license or interest therein, at the rate of *0.5 percent* [five percent] of the consideration given for such transfer.

§ 2. This local law takes effect immediately and is deemed repealed two years after it becomes law.

Referred to the Committee on Transportation.

Int. No. 1475

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to the definition of ownership and use of a licensed taxicab**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 19-504 of the administrative code of the city of New York is amended to read as follows:

g. The commission [shall] *may* revoke any license for nonuse in the event it shall determine that the vehicle has not been operated for sixty consecutive days, provided that such failure to operate shall not have been caused by strike, riot, war, *foreclosure, involuntary transfer, surrender of a medallion in lieu of foreclosure* or other public catastrophe or other act beyond the control of the owner; or in the event the owner has sold his or her vehicle and has failed to replace the vehicle within one hundred and twenty days from the date of sale. However, in the event that it is shown to the commission by competent proof that an owner-driver has been disabled through illness, his or her license shall not be revoked because of such nonuse as provided in this subdivision.

§2. Subdivision i of section 19-504 of the administrative code of the city of New York is hereby REPEALED

§3. The title of section 19-512 of the administrative code of the city of New York is amended to read as follows:

Transferability of taxicab licenses issued [prior] *pursuant* to [the effective date of] this chapter.

§4. Subdivision a of section 19-512 of the administrative code of the city of New York is amended to read as follows:

a. Any taxicab license *issued pursuant to this* chapter [first issued prior to July sixteenth, nineteen hundred seventy-one, and in force on such date,] and any renewals thereof, shall be transferable to a transferee who has demonstrated to the satisfaction of the commission that he is qualified to assume the duties and obligations of a taxicab owner, provided that either the applicant or his or her vendor or transferor shall have filed a bond to cover all the outstanding tort liabilities of the vendor or transferor in excess of the amount covered by a bond or insurance policy which is in effect pursuant to the vehicle and traffic law of the state of New York.

§5. Subdivision c of section 19-512 of the administrative code of the city of New York is amended to read as follows:

c. An owner's interest in such taxicab license may be transferred [involuntarily and] *or* disposed of by public or private sale in the same manner as personal property provided, however, that upon such [involuntary] transfer *or disposal* the owner's license shall immediately be cancelled and a new license issued to the purchaser [or his or her vendee], provided that such purchaser or vendee [satisfied the requirements of subdivision (a) hereof, except that if the judgment against the] *satisfy the requirements of such subdivision a. A purchaser is exempt from the requirements of subdivision a if it is operating the taxicab license pursuant to subdivision b of section 19-513 and if it is operated by an agent licensed pursuant to section 19-530. Where an involuntary transfer [is by reason] occurs as a result* of a tort judgment against the involuntary transferor, no bond need be provided with respect to the same judgment.

§6. Section 19-513 of the administrative code of the city of New York is amended to read as follows:

Section 19-513. Repossessions. a. Any taxicab which is transferred, *either involuntarily or as a result of a surrender*, because of a default [in the payment] *of an obligation secured by a security interest in such taxicab license*, or installments due under the contract of sale, or any other contract or in any other manner whereby the license holder's interest in the license is not also transferred, and which is disposed according to law at public or private sale, may be operated by the purchaser thereof [or his or her vendee], provided such purchaser or vendee is acceptable to the commission as a person suitable to receive a license. [Upon such involuntary transfer, the license of said taxicab shall be cancelled immediately and a temporary, nontransferable, nonrenewable license issued to such purchaser or vendee for a period not exceeding one year upon the payment of a fee of not exceeding one hundred dollars therefor. At the end of such time, the original holder of the license, or his or her transferee if the license was first issued before the effective date of this chapter, shall be entitled to renewal of the license, provided that the provisions of subdivision a of section 19-512 of this chapter are complied with by such applicant, whether he or she is the original holder or a transferee.]

*b. Notwithstanding the provisions of subdivision a, a taxicab license that is transferred to a purchaser, either involuntarily or as a result of a surrender, because of a default of an obligation secured by a security interest in such taxicab license, may be operated by the purchaser or through an agent licensed pursuant to section 19-530 for a period not to exceed three years from the date of the transfer.*

§ 7. This local law takes effect immediately and is deemed repealed two years after it becomes law.

Referred to the Committee on Transportation.

Int. No. 1476

By Council Member Salamanca and Gentile.

**A Local Law to amend the New York city charter, in relation to payments to the New York City Board of Elections**

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended to add a new section 1057-f, to read as follows:

§ 1057-f *Payments to the board of elections.* a. *The board of elections in the city of New York shall accept credit cards, pursuant to the requirements of section 5 of the general municipal law, for the payment of charges and fees incurred for services rendered by the board.*

b. *The headquarters of the board of elections in the city of New York, as well as each branch office, shall provide change to persons who pay a charge or fee in cash to the board.*

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Governmental Operations.

Int. No. 1477

By Council Member Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to contribution limits in a special election**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (f) of subdivision 1 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(f) not accept and his or her principal committee, or authorized committees 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 or a non-participating candidate which in the aggregate: (i) for the office of mayor, public advocate or comptroller shall exceed four thousand five hundred dollars, or (ii) for borough president, shall exceed three thousand five hundred dollars, or (iii) for member of the city council, shall exceed two thousand five hundred dollars; provided that a participating candidate and his or her principal committee or a non-participating candidate and his or her authorized committees may accept additional contributions which do not exceed one half the amount of the applicable limitation for any run-off primary election, additional day for voting held pursuant to section 3-108 of the New York state election law, [special election to fill a vacancy,] run-off special election to fill a vacancy, delayed or otherwise postponed election, or election held pursuant to court order which is a covered election and in which the candidate seeks nomination for election or election; and provided further 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. The maximum contributions set forth in this paragraph shall be adjusted in accordance with subdivision seven of this section;

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1478

By Council Member Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Three Kings Day**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York is amended to read as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, *Three Kings Day*, and all state and national holidays.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 1479

By Council Members Williams and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting retaliation against individuals who request a reasonable accommodation under the city's human rights law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 7 of section 8-107 of the administrative code of the city of New York, as amended by local law number 85 for the year 2005, is amended to read as follows:

7. Retaliation. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii) commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter, (iv) assisted the commission or the corporation counsel in an investigation commenced pursuant to this title, (v) *requested a reasonable accommodation under this chapter*, or (v) provided any information to the commission pursuant to the terms of a conciliation agreement made pursuant to section 8-115 of this chapter. The retaliation or discrimination complained of under this subdivision need not result in an ultimate action with respect to employment, housing or a public accommodation or in a materially adverse change in the terms and conditions of employment, housing, or a



public accommodation, provided, however, that the retaliatory or discriminatory act or acts complained of must be reasonably likely to deter a person from engaging in protected activity.

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

Referred to the Committee on Civil Rights.

Preconsidered L.U. No. 567

By Council Members Ferreras-Copeland:

**795 St. Nicholas Avenue, Block 2064, Lot 36; Manhattan, Community Board No. 9, Council District No. 9.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 568

By Council Members Ferreras-Copeland:

**1240 Walton Avenue, Block 2465, Lot 25; Bronx, Community District No. 4, Council District No. 16.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 569

By Council Members Ferreras-Copeland:

**288 East 168<sup>th</sup> Street, Block 2435, Lot 15; Bronx, Community Board No. 4, Council District No. 16.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 570

By Council Members Ferreras-Copeland:

**424 & 430 Grand Concourse, Block 2343, Lots 10 and 12; Bronx, Community Board No. 1, Council District No. 17.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 571

By Council Members Ferreras-Copeland:

**830-850 Stebbins Avenue, Block 2696, Lot 75; Bronx, Community District No. 2, Council District No. 17.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 572

By Council Members Ferreras-Copeland:

**1130 Anderson Avenue, Block 2505, Lot 46; Bronx, Community District No. 4, Council District No. 16.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 573

By Council Member Greenfield:

**Application No. 20175206 HKM (N 170201 HKM) for the designation by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the Sullivan-Thompson Historic District, Borough of Manhattan, Community Board 2, Council Districts 1 and 3.**

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. 574

By Council Member Greenfield:

**Application No 20175207 HKK (N 170207 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of 183-195 Broadway (Block 2446, Lot 51), as an historic landmark, Borough of Brooklyn, Community Board 1, Council District 34.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

## L.U. No. 575

By Council Member Greenfield:

**Application No 20175208 HKK (N 170208 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of St. Barbara's Roman Catholic Church, located at 138 Bleecker Street (Block 3306, Lot 6), as an historic landmark, Borough of Brooklyn, Community Board 4, Council District 37.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

## L.U. No. 576

By Council Member Greenfield:

**Application No 20175212 HKM (N 170202 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Excelsior Steam Power Company Building, located at 33-43 Gold Street (Block 77, Lot 24 in part), as an historic landmark, Borough of Manhattan, Community Board 1, Council District 1.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

## L.U. No. 577

By Council Member Greenfield:

**Application No 20175213 HKM (N 170203 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Bergdorf Goodman Building, located at 754 Fifth Avenue (Block 1273, Lot 33\_ (Block 1302, Lot 51), as an historic landmark, Borough of Manhattan, Community Board 5, Council District 4.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

## L.U. No. 578

By Council Member Greenfield:

**Application No 20175214 HKM (N 170204 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of 412 East 85<sup>th</sup> Street House, located at 412 East 85<sup>th</sup> Street (Block 1564, Lot 7503), as an historic landmark, Borough of Manhattan, Community Board 8, Council District 5.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 579

By Council Member Greenfield:

**Application No 20175215 HKM (N 170205 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Young Men's Christian Association Building, located at 181 West 135<sup>th</sup> Street (Block 1920, Lot 7), as an historic landmark, Borough of Manhattan, Community Board 10, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 580

By Council Member Greenfield:

**Application No 20175216 HKM (N 170206 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Lowe's 175<sup>th</sup> Street Theater, located at 4140 Broadway (Block 2145, Lot 1), as an historic landmark, Borough of Manhattan, Community Board 12, Council District 10.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 581

By Council Member Greenfield:

**Application No 20175209 HKQ (N 170209 HKQ) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Protestant Reformed Dutch Church of Flushing, located at 143-11 Roosevelt Avenue (Block 5022, Lot 1), as an historic landmark, Borough of Queens, Community Board 7, Council District 20.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 582

By Council Member Greenfield:

**Application No 20175210 HKM (N 170210 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Lakeman-Cortelyou-Taylor House, located at 2286 Richmond Road (Block 3618, Lot 7 in part), as an historic landmark, Borough of Staten Island, Community Board 2, Council District 50.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 583

By Council Member Greenfield:

**Application No 20175211 HKM (N 170211 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Brougham Cottage, located at 4746 Amboy Road (Block 5391, Lot 2), as an historic landmark, Borough of Staten Island, Community Board 3, Council District 51.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 584

By Council Member Greenfield:

**Application No. C 170097 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the New York City Charter, for an urban development action area designation and project approval and disposition of city-owned property, for property located at 5108 4<sup>th</sup> Avenue (Block 798, Lot 34), Borough of Brooklyn, Community Board 7, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 585

By Council Member Greenfield:

**Application No. C 170098 PPK submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property located at 5108 4<sup>th</sup> Avenue (Block 798, Lot 34), Borough of Brooklyn, Community Board 7, Council District 38. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 586

By Council Member Greenfield:

**Application No. C 170099 PPK submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 5108 4<sup>th</sup> Avenue (Block 798, Lot 34), Borough of Brooklyn, Community Board 7, Council District 38. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 587

By Council Member Greenfield:

**Application No. 20175195 TCK pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Bushido Restaurant Company LLC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 321 Starr Street, Borough of Brooklyn, Community Board 4, Council District 34. 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.

<http://legistar.council.nyc.gov/Calendar.aspx>

## ANNOUNCEMENTS

**Monday, February 27, 2017**

[Subcommittee on Zoning & Franchises](#)..... 9:30 a.m.

[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Donovan Richards, Chairperson

[Committee on Health](#)..... 10:00 a.m.

Agenda to be announced

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

Corey Johnson, Chairperson

**★ *Note Topics Deferred***

**★★ *Note Topic Additions***

[Committee on Transportation](#).....10:00 a.m.

~~**Oversight** – Examining the State of MTA Subway Stations and Exploring Areas for Improvement.~~

~~**Res 922** – By Council Members Dromm, Cabrera, Chin, Cohen, Constantinides, Cornegy, Koo, Koslowitz, Mendez, Rose, Vacca, Rodriguez, Barron, Torres, Deutsch, King, Vallone, Garodnick, Levine, Johnson, Eugene, Menchaca, Palma and Borelli – **Resolution** calling on the Metropolitan Transportation Authority, the Governor, and the State Legislature to prohibit advertisements for alcoholic beverages on subways, buses, and other New York City Transit property.~~

~~**Int 1474** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to taxicab licenses.~~

~~**Int 1475** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to the definition of ownership and use of a licensed taxicab.~~

Committee Room – City Hall

Ydanis Rodriguez, Chairperson

[Committee on Youth Services](#) jointly with the  
[Committee on Mental Health, Developmental Disability,  
 Alcoholism, Substance Abuse and Disability Services](#) ..... 10:00 a.m.

**Oversight** - Youth Suicide.

Council Chambers – City Hall

Mathieu Eugene, Chairperson  
 Andrew Cohen, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... 11:00 a.m.

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Peter Koo, Chairperson

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#) ..... 1:00 p.m.

**Oversight** - Cultural Plan – Next Steps

Council Chambers - City Hall

James Van Bramer, Chairperson

**★ Note Location Change**

[Subcommittee on Planning, Dispositions & Concessions](#)..... 1:00 p.m.

**See Land Use Calendar**

★Committee Room – 250 Broadway, 16<sup>th</sup> Floor

[Committee on Rules, Privileges & Elections](#) ..... 1:00 p.m.

**M 476** - Communication from the Mayor - Submitting the name of Jeffrey Friedlander to the Council for its advice and consent concerning his appointment to the New York City Conflicts of Interest Board, pursuant to Section 2602 of the New York City Charter.

**M 479** - Malini Cadambi Daniel - Candidate for re-appointment by the Council to the New York City Equal Employment Practices Commission pursuant to § 830 of the New York City Charter.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

Brad Lander, Chairperson

**Tuesday, February 28, 2017**

[Committee on Finance](#) jointly with the  
[Committee on Education](#) ..... 10:00 a.m.

**Oversight** - School Planning and Siting for New Capacity

Council Chambers – City Hall

Julissa Ferreras-Copeland, Chairperson  
 Daniel Dromm, Chairperson

[Committee on Sanitation and Solid Waste Management](#) jointly with the  
[Committee on Contracts](#) ..... 10:00 a.m.

**Oversight** - Oversight and Contracting with Waste Transfer Facilities in New York City.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

Antonio Reynoso, Chairperson  
 Helen Rosenthal, Chairperson

[Committee on Land Use](#) ..... 11:00 a.m.

**All items reported out of the Subcommittees**

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall

David G. Greenfield, Chairperson

★ **Addition**

[Committee on Environmental Protection](#) ..... 1:00 p.m.  
**Int 1159** - By Council Members Constantinides, Richards and Chin - **A Local Law** to amend the administrative code of the city of New York in relation to the installation of solar water heating and thermal energy systems on city-owned buildings.  
Committee Room – City Hall Costa Constantinides, Chairperson

★ **Note Topic Deferred**

★★ **Note Committee and Topic Addition**

[Committee on Recovery and Resiliency](#) jointly with the  
★★ [Committee on Public Housing](#) ..... 1:00 p.m.  
~~Oversight – Resiliency of NYC’s Electric Power~~  
★★ **Oversight** - Sandy Recovery and Resiliency Projects in NYCHA Developments.  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor Mark Treyger, Chairperson  
Ritchie Torres, Chairperson

**Wednesday, March 1, 2017**

[Committee on Finance](#) ..... 10:00 a.m.

**Preconsidered Res \_\_\_\_\_** - By Council Member Ferreras-Copeland - **Resolution** approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.  
**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**  
Committee Room – City Hall Julissa Ferreras-Copeland, Chairperson

[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) noted that in the past week there were troubling reports of sweeping immigration enforcement actions around the nation including New York City. She reaffirmed the Council’s commitment to protect immigrant New Yorkers from Federal immigration action. The Speaker (Council Member Mark-Viverito) encouraged the Council Members in the chambers to communicate with their districts on the available outreach and educational services to inform immigrant constituents on their rights and resources.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) invited those assembled to her last State of the City address would be taking place the next day, February 16<sup>th</sup>, at the renovated Kings Theater in Brooklyn. In addition, she congratulated State Senator and former Council Member Bill Perkins on his victory in the February 14, 2017 Special Election for the vacant 9<sup>th</sup> Council seat in Manhattan. The Speaker (Council Member Mark-Viverito) also congratulated Council Member Levin and his wife Ann on the birth of her daughter Frances Oakley Cowell-Levin. She also wished her own mother, Elizabeth Viverito, a Happy 70<sup>th</sup> Birthday.

Shortly before adjournment, the Public Advocate (Ms. James) thanked members of African Communities Together for coming to City Hall.



Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, March 1, 2017.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note:* Int. Nos. 436-A, 570-A, 860-A, 861-A, 865-B, 1024-A, 1052-A, 1164-A, 1166-A, 1167-A, 1168-A, 1171-A, 1276-B, 1281-A, 1290-A 1294-A 1295-A, 1296-A, 1297-A, 1309, and 1371, were signed into law by the Mayor on February 15, 2017 as, respectively, Local Law Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of 2017. Int. Nos. 570-A, 860-A, 861-A, 865-B, 1052-A, 1276-B, 1281-A, 1290-A, 1295-A, 1296-A, 1297-A, and 1371 were adopted by the Council at the January 18, 2017 Stated Meeting. Int. Nos. 436-A, 1024-A, 1164-A, 1166-A, 1167-A, 1168-A, 1171-A, 1294-A, and 1309 were adopted by the Council at the February 1, 2017 Stated Meeting.

