

THE COUNCIL

Minutes of the Proceedings for the

RECESSED MEETING

of

Wednesday, May 25, 2016

held on

Tuesday, June 8, 2016, 11:15 a.m.

The Public Advocate (Ms. James)

Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, *Speaker*

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

Medical Leave: Council Member Wills.

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 at this Recessed Meeting was announced by the Public Advocate (Ms. James).

There were 50 Council Members marked present on June 8, 2016 at this Recessed Meeting held in the Council Chambers of City Hall, New York, N.Y. (but see Editor's Note re Attendance below below).*

**Editor's Note re: Attendance for the Stated Meeting held on May 25, 2016 and the Recessed Meetings held on June 8, 2016 and June 14, 2016: This Recessed Meeting held on June 8, 2016, is considered the continuation of the Stated Meeting which opened on May 25, 2016 and which concluded subsequently on June 14, 2016. For attendance purposes, therefore, any Council Member who was marked present at any one of these three Meetings will be considered present for all of these related proceedings known collectively as the Stated Meeting of May 25, 2016.*

**SUPPLEMENTAL
MESSAGES & PAPERS FROM THE MAYOR**

M-411

Communication from the Mayor - Submitting the name of Larry Dais to the Council for its advice and consent regarding his appointment to the New York City Civil Service Commission, Pursuant to Sections 31 and 813 of the City Charter.

June 3, 2016

The Honorable Melissa Mark-Viverito
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 813 of the New York City Charter, I am pleased to present the name of Larry Dais to the City Council for advice and consent concerning his appointment to the New York City Civil Service Commission.

When appointed to the Commission, Mr. Dais will serve for the remainder of a six-year term expiring on March 21, 2019.

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

Sincerely,

Bill de Blasio
Mayor

BDB:tf

cc: Larry Dais

Anthony Shorris, First Deputy Mayor

Nancy G. Chaffetz, Commissioner and Chair, Civil Service Commission

Referred to the Committee on Rules, Privileges and Elections.

M-412

Communication from the Mayor - Submitting the name of Allen Cappelli to the Council for its advice and consent regarding his appointment to the New York City Civil Service Commission, Pursuant to Sections 31 and 813 of the City Charter.

June 3, 2016

The Honorable Melissa Mark-Viverito
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 813 of the New York City Charter, I am pleased to present the name of Allen Cappelli to the City Council for advice and consent concerning his appointment to the New York City Civil Service Commission.

When appointed to the Commission, Mr. Cappelli will serve for the remainder of a six-year term expiring on March 21, 2021.

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

Sincerely,

Bill de Blasio
Mayor

BDB:tf

cc: Allen Cappelli

Anthony Shorris; First Deputy Mayor
Nancy G. Chaffetz, Commissioner and Chair, Civil Service Commission

Referred to the Committee on Rules, Privileges and Elections.

**SUPPLEMENTAL
LAND USE CALL-UPS**

M-413

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 160124 ZSK shall be subject to Council review. This item is related to application no. N 160126 ZRK 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-414

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 160125 ZSK shall be subject to Council review. This item is related to application no. N 160126 ZRK which is subject to Council review pursuant to Section 197-d(b)(1) of the New York City Charter.

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, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **50**.

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.

SUPPLEMENTAL REPORTS OF THE STANDING COMMITTEES**Report of the Committee on Land Use**

Report for Int No. 775-A

Report of the Committee on Land Use in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a time period for the landmarks preservation commission to take action on an item upon a motion to calendar such item for consideration of landmark status.

The Committee on Land Use, to which the annexed amended proposed local law was referred on April 28, 2015 (Minutes, page 1534), respectfully

REPORTS:**I. INTRODUCTION**

On Wednesday September 9, 2015, the Committee on Land Use, chaired by Council Member David Greenfield, held a hearing on legislation relating to the designation of landmarks and operations of the Landmarks Preservation Commission (LPC). In the City of New York, LPC is the agency responsible for designating and regulating “landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts.”¹

Introduction Number 775-A (“Int. No. 775-A”) is a local law that would amend the Administrative Code of the City of New York in relation to establishing a maximum period of time for the Landmarks Preservation Commission to take action on any item calendared for consideration of landmark status.

II. PROPOSED INT. NO. 775-A**A. BACKGROUND**

This proposed legislation, Int. No. 775-A, would amend the Landmarks Law to implement mandatory timelines for the process for designating landmarks, interior landmarks, scenic landmarks, and historic districts. The bill is intended to help inform landowners and the public about the prospects and timelines for designations of individual landmarks and historic districts. The timelines would cover the period from when an item is calendared for consideration through designation. Currently, LPC can vote to calendar an item as a way of establishing the property or neighborhood as under consideration for designation. The date for the public hearing on the item can be set at the time of calendaring, or at some later date. The practice of calendaring an item prior to a public hearing was established through agency rulemaking, and is not currently required by the Landmarks Law. This bill would codify the practice of calendaring as part of the Landmarks Law, and require properties to be calendared prior to the public hearing. Lastly, Int. No. 775-A would also require LPC to act within 18 months on all items that are on the calendar at the time the bill takes effect.

Over the last 15 years, LPC was able to designate individual landmarks within 360 days of the date of calendaring 80 percent of the time. For historic districts, LPC was able to move from calendaring to designation in less than 720 days for 94% of districts. These data were taken from the New York City Open Data Portal.

¹ Section 3020 of the New York City Charter.

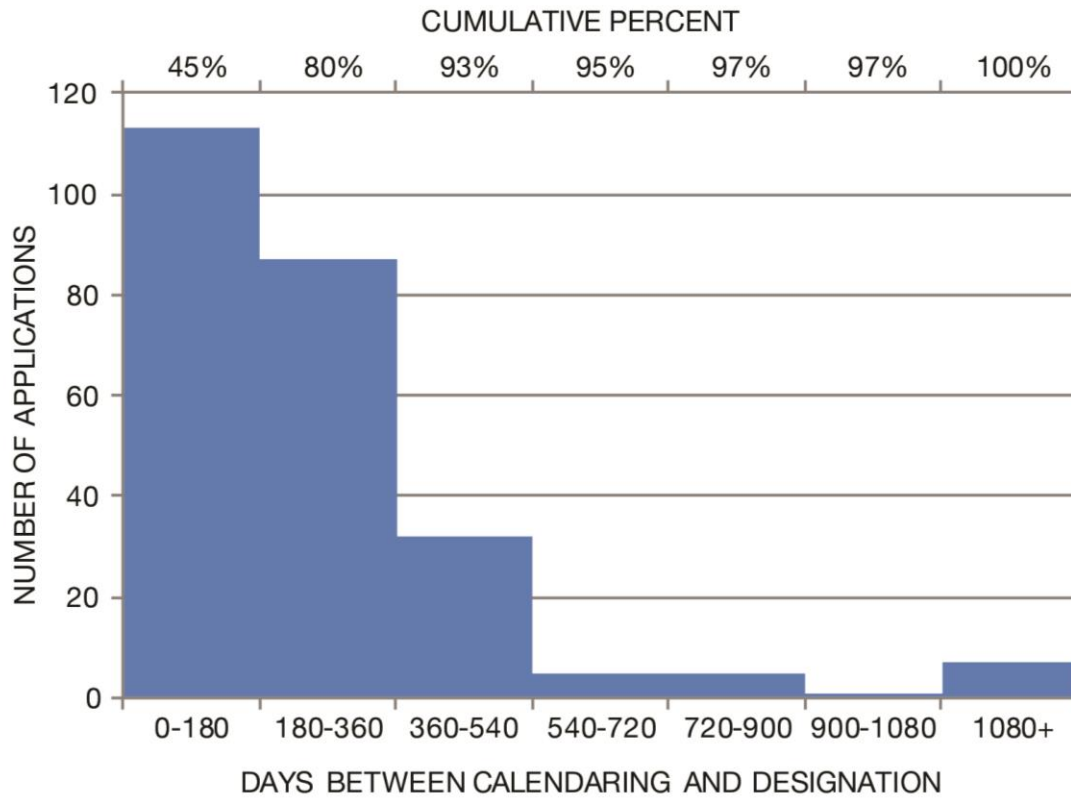


Figure 1: Analysis of Individual Landmarks

When calendaring dates are available for individual landmarks (most designated landmarks after 1998):

- Average time from calendaring to designation: 290 days
- Median time from calendaring to designation: 189 days
- 80% of items were designated within 360 days of calendaring
- 93% of items were designated within 540 days of calendaring
- Very few items took greater than 540 days to be designated.

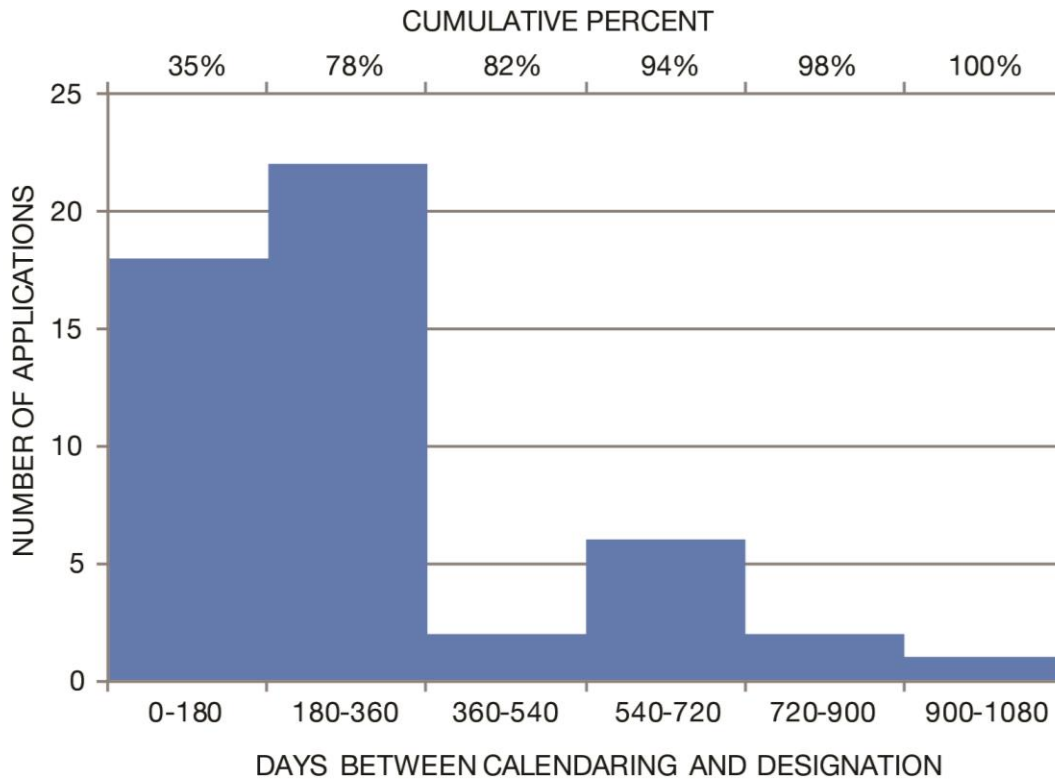


Figure 2: Analysis of Historic Districts

When calendaring dates are available for districts (almost all districts after 1999):

- Average time from calendaring to designation: 286 days
- Median time from calendaring to designation is 224 days
- Most items (78%) were designated within 360 days of calendaring
- 94% of items were designated within 720 days

B. SUMMARY OF PROPOSED LAW

Section One of Int. No. 775-A would add a new subdivision 1 to Section 25-303 of chapter 3 of title 25 of the New York City Administrative Code. Chapter 3 governs the Landmarks Preservation Commission and Section 25-303 governs the procedures for the establishment of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts.

Paragraph (1) of the proposed subdivision 1 would require LPC to vote to calendar any potential landmark, interior landmark, scenic landmark, or historic district prior to holding a public hearing on that item.

Paragraph (2) of the proposed subdivision 1 would establish a timeframe for designating a property as an historic landmark after calendaring the property for consideration. The legislation would require that LPC designate the property within 12 months of calendaring, with another 12 month extension permitted with written consent of the property owner. If LPC failed to designate an item within the allotted timeframe, the item would be removed from the calendar.

Paragraph (3) of the proposed subdivision 1 would establish a timeframe for designating a property as an historic district after calendaring the property for consideration. The legislation would require that LPC designate the property within 24 months of calendaring. If LPC failed to designate an item within the allotted timeframe, the item would be removed from the calendar.

Section 2 of Int. No. 775-A would establish a timeframe for designating landmarks, scenic landmarks, interior landmarks, and historic districts that are calendared prior to the effective date of the proposed local law. LPC would have 18 months to designate any such item. If LPC did not designate the item within 18 months, the item would be removed from the calendar. The section would also allow for a one-year extension with the written consent of the owner. This section contains the enactment clause and provides that the local law would take effect on the date of enactment.

C. PROPOSED AMENDMENT TO INT. NO. 775

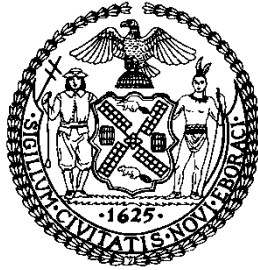
A series of amendments have been proposed to the original bill that had a public hearing on September 9th, 2015. The amendments were developed in response to the public testimony received at the public hearing and feedback from the Landmarks Preservation Commission (LPC). In the public hearing, testimony in opposition of the proposed legislation was concentrated on the inflexibility of the timelines imposed and the inappropriateness of the five year prohibition on reconsideration. The five year prohibition, in particular, was a point of contention. Numerous members of the public testified that although timelines for designation may be acceptable, they could not support timelines when coupled with a prohibition on reconsideration. There were concerns expressed about the opportunity for landowners to destroy buildings worthy of landmarking if the building fell off the calendar due to oversight rather than lack of merit. In response to these concerns, and similar concerns voiced by LPC, the proposed amendments have removed the prohibition on reconsideration from the legislation.

In addition to this criticism, many members of the public and LPC expressed a need for more flexibility in the timeline for the situation where a landowner needs more time to complete work on her property prior to designation. In response to this feedback, the proposed amendments have allowed for a one year extension for individual landmarks where the property owner consents to the extension in writing. This compromise allows for more time to consider in special circumstances while protecting the property owners’ interests.

Lastly, LPC asked for the bill to be amended so that they would have more flexibility on when to hold the public hearing during the timeline. Based on this feedback, the amended bill allows for increased flexibility with the timing of the public hearing. For individual landmarks, the amended bill would allow for one year total. For historic districts, the amended bill would allow for two years total. In both cases, the LPC public hearing on the item could take place at any time during the time period.

	Timeline for individual Landmarks	Timeline for Historic Districts	Extension of Timeline?	Consequences of failing to designate within timeline
Int. 775	6 months from date of calendaring to have public hearing, 6 months from public hearing to designate	One year from date of calendaring to hold public hearing, One year from public hearing to designate historic district	None	Item is removed from the calendar, and LPC is prohibited from calendaring the item for 5 years
Proposed Int. 775-A	One year from date of calendaring to designate, public hearing can take place at any time within that year	Two years from date of calendaring to designate historic district, public hearing can take place at any time within two year period	Timeline for Individual landmarks can be extended for up to one additional year is property owner consents	Item is removed from the calendar, no moratorium

(The following is the text of the Fiscal Impact Statement for Int No. 775-A:)



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

PROPOSED INTRO. NO. 775-A

COMMITTEE: LAND USE

TITLE: To amend the administrative code of the city of New York, in relation to establishing a time periods for the landmarks preservation commission to take action on any item upon a motion to calendar such item for consideration of landmark status

SPONSORS: Council Members Koo, Greenfield, Williams, Lancman, Richards, Vallone, Crowley, King, Ferreras-Copeland, Torres, Espinal, Gentile, Treyger, Maisel and Borelli

SUMMARY OF LEGISLATION: Proposed Int. No. 775-A would require the Landmarks Preservation Commission (“LPC”) to designate an item under consideration as a landmark, an interior landmark, or a scenic within 12 months after the date the LPC adopts the motion to calendar the item, with the option to extend for an additional 12 months with the owner’s consent. In addition, this legislation would also require the designation of a historic district under consideration within a 24 month period after the date that LPC adopts the motion to calendar the item. Lastly, if the LPC does not so designate within the requisite timeframes, is the items would automatically be removed from the calendar.

EFFECTIVE DATE: This local law would take effect immediately, for any item under consideration for a designation as a landmark, interior landmark, scenic landmark or historic district for which the LPC has adopted a motion to calendar such item prior to the effective date of the local law but has not been so designated, the LPC may make such designation within 18 months from such effective date, and provided further that if the LPC fails to designate any such item within such 18 months, such item shall be removed from the LPC’s calendar, except that the LPC or the chair acting upon a delegation by the commission may, upon a determination that there is a need and with the written concurrence of the owner, extend the time to designate an item under consideration as a landmark, interior landmark or scenic landmark for no more than 12 additional months.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
Mayor's Office of City Legislative Affairs
Landmarks Preservation Commission

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

ESTIMATE REVIEWED BY: Rebecca Chasan, Counsel, Finance Division
Cirilhen Francisco, Unit Head, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 775 on April 28, 2015 and referred to the Committee on Land Use. The Committee considered the legislation at a hearing on September 9, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 775-A, will be considered by the Committee on June 7, 2016. Upon a successful vote by the Committee, Proposed Intro. No. 775-A will be submitted to the full Council for a vote.

DATE PREPARED: June 2, 2016.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 775-A:)

Int. No. 775-A

By Council Members Koo, Greenfield, Williams, Lancman, Richards, Vallone, Crowley, King, Ferreras-Copeland, Torres, Espinal, Gentile, Treyger, Maisel, Cornegy, Koslowitz, Rose, Palma, Eugene, Cabrera, Salamanca, Cumbo, Rodriguez, Gibson, Dickens, Miller, Cohen, Deutsch, Constantinides, Wills, Borelli, Ulrich and Matteo.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a time period for the landmarks preservation commission to take action on an item upon a motion to calendar such item for consideration of landmark status.

Be it enacted by the Council as follows:

Section 1. Section 25-303 of the administrative code of the city of New York is amended by adding a new subdivision l to read as follows:

l. (1) Subject to subdivisions a through k of this section, the commission shall, upon the adoption of a motion, calendar an item to be considered for designation as a landmark, interior landmark, scenic landmark or historic district prior to holding a public hearing on such item.

(2) The commission shall, after a public hearing, act to designate an item under consideration for designation as a landmark, interior landmark, or scenic landmark within 12 months after the date that the motion to calendar such item has been adopted by the commission. In the event the commission fails to designate the item within such 12 month period, the item shall be removed from the commission's calendar, except that the commission or the chair acting upon delegation by the commission may, upon a determination

that there is a need and with the written concurrence of the owner, extend the time to designate such item for no more than 12 additional months.

(3) The commission shall, after a public hearing, act to designate an item under consideration for designation as an historic district within 24 months after the date that the motion to calendar such item has been adopted by the commission. In the event the commission fails to designate the item within such 24 month period, the item shall be removed from the commission's calendar.

§ 2. This local law shall take effect immediately, provided, however, that for any item under consideration for designation as a landmark, interior landmark, scenic landmark or historic district for which the commission has adopted a motion to calendar such item prior to the effective date of this local law but that has not been so designated, the commission may make such designation within 18 months after such effective date, and provided further that if the commission fails to designate any such item within such 18 months, such item shall be removed from the commission's calendar, except that the commission or the chair acting upon delegation by the commission may, upon a determination that there is a need and with the written concurrence of the owner, extend the time to designate an item under consideration as a landmark, interior landmark or scenic landmark for no more than 12 additional months.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 7, 2016. *Other Council Members Attending: Espinal and Public Advocate 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).

Report for L.U. No. 362

Report of the Committee on Land Use in favor of approving Application No. 20165363 TCK pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of GFLC Market LLC, d/b/a Greenpoint Fish and Lobster Company, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 114 Nassau Avenue, Borough of Brooklyn, Community Board 1, Council District 33. 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.

The Committee on Land Use, to which the annexed Land Use item was referred on May 5, 2016 (Minutes, page 1322) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN - CB 1

20165363 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of GFLC Market, LLC, d/b/a Greenpoint Fish & Lobster Company, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 114 Nassau Avenue.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: May 17, 2016

Witnesses in Favor: Three

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION

DATE: June 7, 2016

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor:

Richards, Gentile, Garodnick, Williams, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 7, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

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

Res No.1108

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 114 Nassau Avenue, Borough of Brooklyn (20165363 TCK; L.U. No. 362).

By Council Members Greenfield and Richards.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 21, 2016 its approval dated April 21, 2016 of the petition of GFLC Market, LLC, d/b/a Greenpoint Fish & Lobster Company, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at

114 Nassau Avenue, Community District 1, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on May 17, 2016; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 7, 2016. *Other Council Members Attending: Espinal and Public Advocate 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).

Report for L.U. No. 384

Report for the Committee on Land Use in favor of approving Application No. 20165580 HAK submitted by the New York City Department of Housing Preservation and Development for an amendment to a previously approved urban development action area project under Article 16 of the General Municipal Law and approval for real property tax exemptions pursuant to Section 577 of the Private Housing Finance Law for property located at Block 1791, Lots 17, 18, 19; Block 1789, Lot 80; Block 1814, Lot 15; Block 1795, Lot 15; Block 1852, Lots 9, 8; Block 1641, Lot 68; and Block 1801, Lot 8, Borough of Brooklyn, Community Board 3, Council District 36.

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1497) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN - CB 3

20165580 HAK

Application submitted by the New York City Department of Housing Preservation and Development for an amendment to a previously approved Urban Development Action Area Project under Article 16 of the General Municipal Law (GML) and approval for real property tax exemptions pursuant to Section 577 of the Private Housing Finance Law (PHFL) for property located at Block 1791, Lots 17, 18, 19; Block 1789, Lot 80; Block 1814, Lot 15; Block 1795, Lot 15; Block 1852, Lots 9, 8; Block 1641, Lot 68; and Block 1801, Lot 8, Borough of Brooklyn, Community Board 3, Council District 36.

INTENT

To approve the amendment of a previously approved City Council Resolution dated June 29, 2008 (Resolution No. 1521 of 2008, L.U. No. 758), approve the amended Project Summary; and approve a tax exemption from real property taxation pursuant to Sections 577 of the PHFL and 696 of the GML.

PUBLIC HEARING

DATE: June 2, 2016

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 2, 2016

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

In Favor:

Dickens, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 7, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

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

Res No. 1109

Resolution approving an amended project summary for a previously approved Urban Development Action Area Project Block 1791/Lot 17; Block 1791/Lot 18; Block 1791/Lot 19; 1789/Lot 80; Block 1814/Lot 15; Block 1795/Lot 15; Block 1852/Lot 9; Block 1852/Lot 8; Block 1641/Lot 68; and Block 1801/Lot 8; Borough of Brooklyn, and waiving the urban development action area designation

requirement and approving the amended project as an Urban Development Action Area Project, pursuant to Article 16 of the General Municipal Law and Section 577 of the Private Housing Finance Law (L.U. No. 384; 20165580 HAK).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 5, 2016 its request dated April 29, 2016 that the Council approve an Urban Development Action Area Project (the "Amended Project") for property located at Block 1791, Lots 17, 18, and 19; Block 1814, Lot 15; Block 1852, Lots 9 and 8; and Block 1641, Lot 68 (the "Disposition Area"), and approve a real property tax exemption for property located at Block 1791, Lots 17, 18, and 19; Block 1789, Lot 80; Block 1814, Lot 15; Block 1795, Lot 15; Block 1852, Lots 9 and 8; Block 1641, Lot 68; and Block 1801, Lot 8 (the "Exemption Area"), Community District 3, Borough of Brooklyn;

WHEREAS, the Amended Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, the request made by the New York City Department of Housing Preservation and Development is related to a previously approved City Council Resolution on June 29, 2008 (Resolution No. 1521 of 2008, L.U. No. 758);

WHEREAS, upon due notice, the Council held a public hearing on the Amended Project on June 2, 2016;

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

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes in Section 691 of the General Municipal Law.

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

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

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

The Amended Project shall be developed upon the terms and conditions in the Amended Project Summary that HPD has submitted to the Council on May 5, 2016, a copy of which is attached hereto.

The Council approves the exemption of the project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. All of the value of the property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local

improvements, for a period commencing upon the date of conveyance of the Exemption Area to the housing development fund company ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fifth anniversary of the Article XI Commencement Date, or (ii) the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("Article XI Expiration Date").

- b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect.
- c. The Article XI 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, or (ii) the Exemption Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.
- d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Exemption Area.

The Council approves the exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.
- b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect.
- c. The UDAAP Exemption shall terminate with respect to all or any portion of the Exemption Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed twenty five (25) years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Exemption Area.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 7, 2016. *Other Council Members Attending: Espinal and Public Advocate 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).

Report for L.U. No. 385

Report for the Committee on Land Use in favor of approving Application No. 20165584 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the termination of a previously approved real property tax exemption and approval for new real property tax exemption for property located at Block 2283, Lot 33 and Block 2377, Lot 20, Borough of the Bronx, Community Board 1, Council Districts 8 and 17.

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1497) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 1

20165584 HAX

Application submitted by the New York City Department of Housing Preservation and Development for an amendment to a previously approved tax exemption and approval for new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Exemption Area located Block 2283, Lot 33 and Block 2377, Lot 20, Borough of the Bronx, Community Board 1, Council Districts 8 and 17.

INTENT

To approve a real property tax exemption pursuant Article XI of the Private Housing Finance Law, Section 577, and termination of the prior Section 125 tax exemption for the project, known as New Port Gardens, which provides rental housing for low income families.

PUBLIC HEARING

DATE: June 2, 2016

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 2, 2016

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

In Favor:

Dickens, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 7, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

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

Res No. 1110

Resolution to approve a real property tax exemption for property located at Block 2283, Lot 33 and Block 2377, Lot 20, Community District 1, Borough of the Bronx (L.U. No. 385; 20165584 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 3, 2016 its request dated April 25, 2016 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "New Exemption"), and termination of a prior tax exemption for properties located at Block 2283, Lot 33 and Block 2377, Lot 20, Community District 1, Borough of the Bronx (the "Exemption Area"):

WHEREAS, the original project was approved by the Board of Estimate on March 18, 1982 (Cal. No. 49) and amended by City Council on October 25, 1990 (Resolution No. 595, L.U. No. 78), (the "Prior Exemption");

WHEREAS, HPD submitted to the Council on May 3, 2016 its request dated April 25, 2016 relating to the tax exemption for the Exemption Area;

WHEREAS, upon due notice, the Council held a public hearing on the New Exemption on June 2, 2016;

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

RESOLVED:

The Council approves the New Exemption pursuant to Section 577 of the Private Housing Finance Law, for the tax exemption as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Effective Date" shall mean the date of repayment or refinancing of the HUD Mortgage.
 - (b) "Exemption Area" shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2283, Lot 33 and Block 2377, Lot 20 on the Tax Map of the City of New York.
 - (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (d) "HDFC" shall mean New Vision Community Redevelopment Housing Development Fund Corporation.

- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
 - (g) "HUD Mortgage" shall mean the original loans made by HUD in connection with the Section 202 Supportive Housing Program for the Elderly, which loans were secured by mortgages on the Exemption Area.
 - (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (i) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
 - (j) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Board of Estimate on March 18, 1982 (Cal. No. 49) and October 25, 1990 (Res. No. 595), as such exemptions have thereafter been amended.
 - (k) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
 - (l) "Use Agreement" shall mean a use agreement by and between the Owner and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of (i) \$303,458, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
 5. Notwithstanding any provision hereof to the contrary:

- (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) 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 New Exemption shall prospectively terminate.
 - (b) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings in the Exemption Area that exist on the Effective Date.
 - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the Owner, for itself, its successors and assigns, shall (i) execute and record a Use Agreement, (ii) execute and record a Regulatory Agreement, and (iii) waive, for so long as the New Exemption shall remain in effect, 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, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 7, 2016. *Other Council Members Attending: Espinal and Public Advocate 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).

Report for L.U. No. 386

Report for the Committee on Land Use in favor of approving Application No. 20165585 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment to a previously approved urban development action area project for property located at 1172 East Tremont Avenue and 1160 Lebanon Street (Block 3909, Lot 8 and Block 4007, Lot 15), Borough of the Bronx, Community Board 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on May 25 2016 (Minutes, page 1497) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 6

20165585 HAX

Application submitted by the New York City Department of Housing Preservation and Development for an amendment to a previously approved urban development action area project pursuant to Article 16 of the General Municipal Law for property located at 1172 East Tremont Avenue and 1160 Lebanon Street (Block 3909, Lot 8 and Block 4007, Lot 15), Borough of the Bronx, Community Board 6, Council District 15.

INTENT

To approve the amendment of the project as an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law, Section 694, to allow commercial or community facility use instead of exclusively commercial use.

PUBLIC HEARING

DATE: June 2, 2016

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 2, 2016

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

In Favor:

Dickens, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 7, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Rose, Williams. Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against: Abstain:

None None

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

Res No. 1111

Resolution approving an amended urban development action area project for property located at 1172 East Tremont Avenue (Block 3909, Lot 8) and 1160 Lebanon Street (Block 4007, Lot 15), Borough of the Bronx (L.U. No. 386; 20165585 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 3, 2016 its request dated April 25, 2016 that the Council approve an amended urban development action area project pursuant to Section 694 of Article 16 of the General Municipal Law for property located at 1172 East Tremont Avenue (Block 3909, Lot 8) and 1160 Lebanon Street (Block 4007, Lot 15), Community District 6, Council District 15, Borough of the Bronx (the "Amended Project");

WHEREAS, the HPD request is related to a previous urban development action area project and disposition of city property approved by the City Council on April 6, 2011, City Council Resolution No. 774, L.U. No. 299 (the "Original Project");

WHEREAS, upon due notice, the Council held a public hearing on the Amended Project on June 2, 2016;

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

RESOLVED:

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 7, 2016. *Other Council Members Attending: Espinal and Public Advocate 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).

Report for L.U. No. 387

Report for the Committee on Land Use in favor of approving Application No. 20165586 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at Block 3615, Lot 1 and Block 3616, Lot 1, Borough of Brooklyn, Community Board 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on May 25, 2016 (Minutes, page 1498) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN - CB 16

20165586 HAK

Application submitted by the New York City Department of Housing Preservation and Development for the approval of a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at Block 3615, Lot 1 and Block 3616, Lot 1, Borough of Brooklyn, Community Board 16, Council District 42.

INTENT

To approve a real property tax exemption pursuant Article XI of the Private Housing Finance Law, Section 577, terminate the prior Section 125 tax exemption, consent to a voluntary dissolution of the prior owner and approve the conveyance from the prior owner to the new owner for the project, known as New Port Gardens, which provides rental housing for low income families.

PUBLIC HEARING

DATE: June 2, 2016

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 2, 2016

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

In Favor:

Dickens, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 7, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards. Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against: Abstain:

None None

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

Res No. 1112

Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), termination of a prior exemption under the PHFL Section 125, consent of the voluntary dissolution of the prior owner under the PHFL Section 123(4), and approve the conveyance to a new owner the Exemption Area located at Block 3615, Lot 1 and Block 3616, Lot 1, Community District 16, Borough of Brooklyn (L.U. No. 387; 20165586 HAK).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 13, 2016 its request dated May 12, 2016 that the Council take the following actions regarding a tax exemption for real property located at Block 3615, Lot 1 and Block 3616, Lot 1, Community District 16, Borough of Brooklyn (the "Exemption Area"):

Approve an exemption of the Exemption Area from real property taxes pursuant Private Housing Finance Law (PHFL) Section 577 (the "New Exemption");

Terminate, pursuant to PHFL Section 125, a prior exemption for the Exemption Area;

Approve the conveyance of the Exemption Area from the current owner to the new owner; and

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

WHEREAS, the original project was approved by the Board of Estimate on May 24, 1984 (Cal. No. 62), (the "Original Exemption");

WHEREAS, HPD submitted to the Council on May 13, 2016 its request dated May 12, 2016 relating to the tax exemption for the Exemption Area ("The HPD Request");

WHEREAS, upon due notice, the Council held a public hearing on the New Exemption on June 2, 2016;

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

RESOLVED:

The Council approves the New Exemption pursuant to Section 577) of the Private Housing Finance as follows:

1. a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) "Current Owner" shall mean Newport Associates, L.P.
 - (2) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
 - (3) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 3615, Lot 1 and Block 3616, Lot 1 on the Tax Map of the City of New York.
 - (4) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (5) "HDFC" shall mean Newport Gardens Apartments Housing Development Fund Corporation.
 - (6) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (7) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (8) "New Owner" shall mean, collectively, the HDFC and the Partnership.
 - (9) "Partnership" shall mean Newport Gardens Apartments, L.P.
 - (10) "Prior Exemption" shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on May 24, 1984 (Cal. No. 62).
 - (11) "PHFL" shall mean the Private Housing Finance Law.
 - (12) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption area during the term of the New Exemption.

- (13) “Shelter Rent Tax” shall mean an amount equal to (i) \$25,000, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of the Effective Date.
- b. All of the value of the property, including both the land and the improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the New Owner shall make annual real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
- d. Notwithstanding any provision hereof to the contrary:
- (1) The New Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the 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 the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - (3) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- e. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.
2. The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
 3. The Council approves the conveyance of the Exemption Area from the Current Owner to the New Owner.

4. The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
5. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 7, 2016. *Other Council Members Attending: Espinal and Public Advocate 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).

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.

Preconsidered L.U. No. 396

Report for the Committee on Land Use in favor of approving Application No. 20165635 HAX submitted by the New York City Department of Housing Preservation and Development for a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 2504, Lot 21; Block 2507, Lot 34; Block 2511, Lot 74; Block 2647, Lot 5; and Block 2684, Lot 68; Borough of the Bronx, Community Boards 1, 2 and 4, Council Districts 8 and 17.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 8, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CBs 1, 2 and 4

20165635 HAX

Application submitted by the New York City Department of Housing Preservation and Development for a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 2504, Lot 21; Block 2507, Lot 34; Block 2511, Lot 74; Block 2647, Lot 5; and Block 2684, Lot 68; Borough of the Bronx, Community Boards 1, 2 and 4, Council Districts 8 and 17.

INTENT

To approve a tax exemption pursuant to Article XI of the Private Housing Finance Law, Section 577 and terminate the prior tax exemption.

PUBLIC HEARING

DATE: June 2, 2016

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 2, 2016

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

In Favor:

Dickens, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 7, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against:

None

Abstain:

None

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

Res No. 1113

Resolution approving a real property tax exemption for property located at Block 2504, Lot 21; Block 2507, Lot 34; Block 2511, Lot 74; Block 2647, Lot 5; and Block 2684, Lot 68; Community Districts 1, 2 and 4, Borough of the Bronx (Preconsidered L.U. No. 396; 20165635 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 26, 2016 its request dated May 25, 2016 that the Council approve a real

property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “New Exemption”) and terminate the prior tax exemption for property located at Block 2504, Lot 21; Block 2507, Lot 34; Block 2511, Lot 74; Block 2647, Lot 5; and Block 2684, Lot 68; Community Districts 1, 2 and 4, Borough of the Bronx (the “Exemption Area”):

WHEREAS, the original project was approved by the Board of Estimate on April 29, 1982 (Cal. No. 94), pursuant to Article V of the Private Housing Finance Law, Section 125, (the “Prior Exemption ”);

WHEREAS, HPD submitted to the Council on May 26, 2016 its request dated May 25, 2016 relating to the tax exemption for the Exemption Area;

WHEREAS, upon due notice, the Council held a public hearing on the New Exemption on June 2, 2016;

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

RESOLVED:

The Council approves the New Exemption pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) “Article V Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2504, Lot 21, Block 2507, Lot 34 and Block 2511, Lot 74 on the Tax Map of the City of New York.
 - (2) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the HPD Regulatory Agreement.
 - (3) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2504, Lot 21; Block 2507, Lot 34; Block 2511, Lot 74; Block 2647, Lot 5; and Block 2684, Lot 68 on the Tax Map of the City of New York.
 - (4) “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 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.
 - (5) “HDFC” shall mean Bronx Brooklyn Housing Development Fund Corporation.
 - (6) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

- (7) "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
 - (8) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (9) "New Owner" shall mean, collectively, the HDFC and the Partnership.
 - (10) "Partnership" shall mean Bronx Brooklyn Preservation, L.P.
 - (11) "PHFL" shall mean the Private Housing Finance Law.
 - (12) "Prior Exemption" shall mean the exemption of the Article V Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by Board of Estimate on April 29, 1982 (Cal. No. 94)
 - (13) "Shelter Rent" shall mean the total rents received from the residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
 - (14) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
- b. The Prior Exemption shall terminate on the Effective Date.
 - c. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 - d. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
 - e. Notwithstanding any provision hereof to the contrary:
 - (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the 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 New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - (3) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- f. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 7, 2016. *Other Council Members Attending: Espinal and Public Advocate 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).

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

Report for L.U. No. 397

Report for the Committee on Land Use in favor of approving Application No. 20165637 PNM submitted by the Department of Citywide Administrative Services, on behalf of the Department of Parks and Recreation, for the proposed transfer of a City-owned parkland known as Christopher Park to the United States of America to facilitate the establishment of a national park on property located at Block 592, Lot 87, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to Council review pursuant to NYS General Municipal Law Section 72-h.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 8, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2

20165637 PNM

Application submitted the New York City Department of Citywide Administrative Services on behalf of the New York City Department of Parks and Recreation for the proposed transfer of 5,170.96 City-owned parkland property known as Christopher Park located at Block 592, Lot 87 in the Borough of Manhattan to the Federal Government of the United States of America, acting by and through its Secretary of the Interior, National Park Service, for the establishment of a national park.

INTENT

To transfer approximately 5,170.96 sq. ft. of City-owned parkland property known as Christopher Park to the Federal Government of the United States of America for the establishment of a national park.

PUBLIC HEARING

DATE: June 2, 2016

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 2, 2016

The Subcommittee recommends that the Land Use Committee approve the transfer of city-owned parkland known as Christopher Park to the Federal Government.

In Favor:

Dickens, Rodriguez, Cohen, Treyger.

Against: Abstain:

None None

COMMITTEE ACTION

DATE: June 7, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against: Abstain:

None None

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

Res No. 1114

Resolution approving the proposed transfer of City-owned parkland property bounded by Christopher Street, Grove Street and West Fourth Street (Block 592, Lot 87) to the Federal Government of the United States of America for the purpose of the anticipated establishment of a national park, Community Board 2, Borough of Manhattan (20165637 PNM; Preconsidered L.U. No. 397).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Citywide Administrative Services on behalf of the New York City Department of Parks and Recreation filed with the Council on May 31, 2016, pursuant to the New York State General Municipal Law, Section 72-h, notice of the Mayor's authorization dated May 25, 2016, of the disposition of property bounded by Christopher Street, Grove Street and West Fourth Street (Block 592, Lot 87), known as Christopher Park, to the Federal Government of the United States of America for the purpose of the anticipated establishment of a national park (the "Disposition"), upon the terms and conditions of the Mayor's authorizing resolution, a copy of which is attached hereto;

WHEREAS, the Disposition is subject to review and action by the Council pursuant to Section 72-h of the New York State General Municipal Law;

WHEREAS, upon due notice, the Council held a public hearing on the Disposition on June 2, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues relating to the Disposition.

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Section 72-h of the New York State General Municipal Law, the Council approves the Disposition pursuant to the terms and conditions set forth in the Mayor's resolution authorizing the Disposition.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, June 7, 2016. *Other Council Members Attending: Espinal and Public Advocate 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).

Report of the Committee on State and Federal Legislation

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

Report for State and Legislation Resolution No. 4

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Serrano, S.5859-B, and Assembly Member Joyner, A.8120-B, "AN ACT to authorize the commissioner of

parks and recreation of the city of New York to enter into an agreement for the operation of a children's program known as the Bronx Children's Museum in a portion of a building located in Mill Pond Park in the borough of the Bronx”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution was referred on June 8, 2016, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution [SLR] by the Council. By adopting this SLR, the Council would be formally requesting the New York State Legislature to act favorably in this matter)

BACKGROUND

This legislation will provide the Commissioner of the New York City Department of Parks and Recreation the authority to enter into an agreement with the Kids Powerhouse Discovery, LLC to operate and maintain a children's program that will be known as the Bronx Children's Museum in a building situated in Mill Pond Park in the Bronx.

PROPOSED LEGISLATION

Section one of state bills S.5859-B/A.8120-B authorizes the Commissioner of the New York City Department of Parks and Recreation to enter into an agreement with the Kids Powerhouse Discovery Center, LLC for the maintenance and operation of a children's program that will be known as the Bronx Children's Museum on the second floor of Building J located in Mill Pond Park in the Bronx. This agreement will permit the placement of signs identifying the museum.

Section two of state bills S.5859-B/A.8120-B requires New York City to dedicate an amount equal to or greater than the fair market value of any portion of parkland which may be used by this law for a non-park purpose for the acquisition of additional parkland and/or capital improvements to existing park and recreational facilities.

Section three of the state bills describes the portion of the parkland that will be used for the Bronx Children's Museum.

Section four holds that upon termination or discontinuance of the agreement between New York City and Kids Powerhouse Discovery Center, LLC to maintain and operate the Bronx Children's Museum, the parkland will revert back to being used for park and recreation purposes.

Section five of state bills S.5859-B/A.8120-B requires New York City to comply with federal requirements that pertain to the conversion of parklands.

Section six requires New York City to comply with the conditions of an agreement between New York City and the New York State Historic Preservation Office prior to entering into an agreement pursuant to section one of this act.

Section seven of state bills S.5859-B/A.8120-B holds that this law shall take effect immediately.

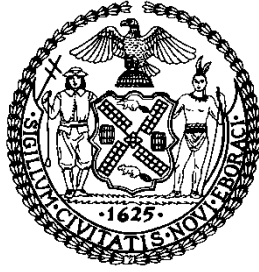
FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is the text of Fiscal Impact Statement for SLR No. 4:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

Preconsidered SLR 4:

A.8120B (Joyner)

S. 5859B (Serrano)

COMMITTEE: State and Federal Legislation

TITLE: An act to authorize the commissioner of parks and recreation of the city of New York to enter into an agreement for the operation of a children's program known as the Bronx Children's Museum in a portion of a building located in Mill Pond Park in the borough of the Bronx

SPONSOR(S): Council Member Koslowitz

SUMMARY OF LEGISLATION: This legislation would authorize the City to enter into an agreement with the Kids Powerhouse Discovery Center, LLC, for the operation and maintenance of a children's program known as the Bronx Children's Museum in a building situated in Mill Pond Park in the Bronx. The terms of the agreement may allow the placement of signs identifying the museum.

EFFECTIVE DATE: This act 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
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Steve Riester, Financial Analyst, New York City Council Finance Division

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, New York City Council Finance Division
 Chima Obichere, Unit Head, New York City Council Finance Division
 Rebecca Chasan, Counsel, New York City Council Finance Division

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 8, 2016. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and voted on by the full Council on June 8, 2016.

DATE PREPARED: June 6, 2016

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house, please refer, respectively, to the New York State Senate and New York State Assembly).

Accordingly, this Committee recommends its adoption.

KAREN KOSLOWITZ, *Chairperson*; INEZ E. DICKENS, BRADFORD S. LANDER, RAFAEL L. ESPINAL, Jr., BEN KALLOS, ALAN N. MAISEL, ANTONIO REYNOSO; Committee on State and Federal Legislation, June 8, 2016.

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

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

Report for State Legislation Resolution No. 5

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.6035, and Assembly Members Markey, DenDekker, A.6083, "AN ACT to amend the general municipal law, in relation to providing a special accidental death benefit to employees of the department of sanitation of the city of New York".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution was referred on June 8, 2016, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution [SLR] by the Council. By adopting this SLR, the Council would be formally requesting the New York State Legislature to act favorably in this matter)

BACKGROUND

Several members of the Department of Sanitation of New York (DSNY) have died as a result of accidents sustained in the line of duty. Most recently, in 2014 sanitation worker Steven Frosh, a 15-year DSNY veteran died in the line of duty when a street sweeper struck him at a Sanitation Department garage in Queens. Frosh was the 17th sanitation worker to die in the line of duty since 2000¹. Family members of DSNY sanitation workers that die in the line of duty are not eligible to receive special accidental death benefits that are afforded to the other uniform services of New York City which include the New York Police Department, Fire Department of New York and the City of New York's Department of Correction.

PROPOSED LEGISLATION

Section one of state bills S.6035/A.6083 would add section (viii) to subdivision (a) of section 208-f of the General Municipal Law. This provision holds that a deceased member of the DSNY's widow or widower or children under the age of eighteen or if a student under the age of twenty-three will receive a special accidental death benefit if the DSNY member died before the effective date of his or her retirement as a result of an accident sustained in the performance of duty in the service of the DSNY provided that the widow or widower is ineligible to receive benefits pursuant to section three hundred sixty-one-a of the Retirement and Social Security law. Section one of the state bills also adds section (viii) to subdivision (a)(3) to hold that at the time of such accident the deceased sanitation worker must be a member of a pension or retirement system covering employees of the DSNY.

Section two of state bills S.6035/A.6083 holds that this law shall take effect immediately.

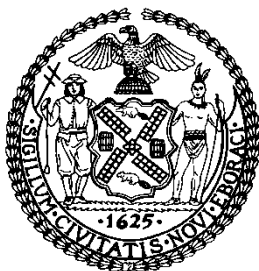
FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is the text of Fiscal Impact Statement for SLR No. 5:)



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

**PRECONSIDERED SLR 5:
A6083 (Markey)
S6035 (Golden)**

**COMMITTEE: State and Federal
Legislation**

¹ See Matthew Hennessey, *Sanitation Workers, in Harm's Way*, N.Y. Daily News, June 27, 2014 available at <http://www.nydailynews.com/opinion/sanitation-workers-harm-article-1.1845753>

TITLE: An act to amend the general municipal law, in relation to providing a special accidental death benefit to employees of the department of sanitation of the city of New York.

SPONSOR: Council Member Koslowitz

SUMMARY OF LEGISLATION: This legislation would include the widow or widower of certain deceased employees of the Department of Sanitation of New York (DSNY) in the group of beneficiaries who are eligible to receive special accidental death benefits. Specifically, such widows and widowers would be entitled to special accidental death benefits in cases where a DSNY employee dies as a result of an accident sustained in the line of duty, not caused by his or her own willful negligence, before the effective date of his or her retirement and was a member of the pension fund. If the widow or widower is deceased, the DSNY employee’s children under the age of 18 (or 23 if the child is a student) would be entitled to the benefit.

The special accidental death benefit is currently provided to widows and widowers, or children, of certain deceased members of municipal police and fire departments across the State, as well as a number of other groups, such as uniformed New York City correction staff. According to 208-f of the General Municipal Law, the special accidental death benefit shall be paid by the City and shall consist of a pension which is 100% of the salary of the deceased member minus any other death benefit paid by the City, minus the deceased members social security benefit, minus the workers’ compensation benefit.

EFFECTIVE DATE: This act 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
Revenues	\$0	\$0	\$0
Expenditures	\$25,622	\$51,244	\$25,622
Net	\$25,622	\$51,224	\$25,622

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would add an expenditure of \$25,622 each year. Based on actuarial assumptions, the average annual special accidental death benefit of \$36,808 would be paid out to the beneficiaries of an estimated 0.6961 deceased DSNY employees each year. The cost to the City is cumulative since benefits are paid for over the life of survivors. Special accidental death benefits are funded on a pay as you go basis rather than the actuarial basis used to fund pension benefits.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Kendall Stephenson, Economist, Finance Division

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist, Finance Division
Rebecca Chasan, Counsel, Finance Division

LEGISLATIVE HISTORY: This bill will be voted out of the State and Federal Legislation Committee as a Preconsidered SLR on June 8, 2016. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 8, 2016.

DATE PREPARED: June 7, 2016

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house, please refer, respectively, to the New York State Senate and New York State Assembly).

KAREN KOSLOWITZ, *Chairperson*; INEZ E. DICKENS, BRADFORD S. LANDER, RAFAEL L. ESPINAL, Jr., BEN KALLOS, ALAN N. MAISEL, ANTONIO REYNOSO; Committee on State and Federal Legislation, June 8, 2016.

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

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

Report for State Legislation Resolution No. 6

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.8015, and Committee on Rules (at request of Assembly Member Abbate), A.10567, "AN ACT to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city fire department pension fund; and to amend the administrative code of the city of New York, in relation to the powers, duties and responsibilities of the board of trustees of the New York city fire department pension fund, and in relation to authorizing such board of trustees to draw upon the assets of such fund to pay expenses".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution was referred on June 8, 2016, respectfully

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution [SLR] by the Council. By adopting this SLR, the Council would be formally requesting the New York State Legislature to act favorably in this matter)

REPORTS:

A pair of 2009 and 2012 changes from, respectively, Tier II to Tier III and from Tier III to Tier IV¹ for the Fire pension systems reduced benefits for newly-hired Fire members. Among the most prominent changes, are the disability-specific benefits offered to recently-and-newly hired Fire members. In 2009, Governor David Paterson vetoed a Tier II extension bill for all New York State Fire pension members for officers hired after

¹ Tier VI for Police and Fire is often referred to as "modified Tier III"

December 10, 2009. The pension reforms were part of an effort to save New York City an estimated \$31 billion over three decades, but the events surrounding the reforms, including the veto by Governor Paterson of an extender bill, left Fire members in much of the state outside New York City with stronger disability pension benefits. As a result of the veto, New York City Fire defaulted into the Tier III pension plan. Tier III provides for very limited disability benefits, which amount to 50% of the member's final average salary, which is reduced by 50% of the primary social security benefits received. In contrast, Tier II members receive an accidental disability benefit that equals 75% of the member's final average salary with no reduction for primary social security benefits received by the member.

HISTORY OF TIER CHANGES

When Governor Paterson vetoed the police and fire Tier II extender in June 2009, he broke a string of extensions that had spanned three decades. State lawmakers had held police and fire workers harmless from 1976 legislation that shifted other employees, through the creation of a new retirement tier, to a less generous benefit package. Subsequent changes impacting other employees had also not reached officers and firefighters, and Paterson's veto effectively pushed police officers and firefighters into the Tier III framework that had applied to other public employees decades prior.

At the time of the veto, Paterson was among those already suggesting that broader pension reform was needed to address the growth of long-run costs burdening local governments. Two years later Mayor Michael Bloomberg proposed an overhaul of the City's pension systems that would require workers to contribute more of their own pay, increase the age before workers could receive their first pension payments, and hike the number of years needed to become vested. In 2012 the Legislature passed a reform package along similar lines estimated to save state and local governments \$80 billion over 30 years. Mayors from across the state, including Bloomberg, supported the change, which created the Tier VI benefits plan.

The City's pension costs continued to grow following the change but the net shift over time of municipal workers onto Tier VI is placing downward pressure on the system's combined costs.

IMPACT ON DISABILITY RETIREMENT BENEFITS

The 2009 veto and 2012 pension reform amounted to a significant rewrite of the contribution obligations required of active employees, the calculations used to determine retiree benefits, and the other details surrounding the City's benefit packages. The change at focus today concerns disability-specific retirement benefits available to many of those hired under the latest tiers – Tiers III and VI² under the police and fire pension plans and Tier VI for sanitation and correctional workers, who are part of NYCERS.

A City worker may be entitled to disability retirement benefits if seriously hurt on or off the job during his or her active career. In general, the benefits available through accidental disability retirement (“ADR”) are more generous than ordinary disability retirement (“ODR”). A worker may qualify for accidental disability retirement if an investigation and medical exam indicates severe incapacity to perform work as a result of an accident on the job.³ He or she may qualify for ordinary disability retirement if work conditions have made him or her incapable of doing his or her job to the point of needing to retire.⁴

The pension reforms generally reduced benefits and required increased employee contributions. For example, Tier II allowed a retiree qualifying for accidental disability an annual payment totaling 75 percent of his or her final year salary, plus an additional one-sixtieth of that salary after the member's twentieth anniversary. By contrast, the current Tier III/VI offers the equivalent retiree 50 percent of the average salary across a given worker's last five years of service, without the additional anniversary-specific benefit. Ordinary disability benefits are subject to more complex arithmetic: Tier II allowed retirees qualifying for ordinary disability annual payments totaling, for retirees with 20 or more years of service, one-fortieth of a given workers' final year salary multiplied by the number of years of total service; the current Tier III/VI offers the

² Tier III for police and fire workers is, particularly following the modification it underwent in 2012, often commonly referred to as Tier VI.

³ New York City Administrative Code 13-353.

⁴ New York City Administrative Code 13-352.

equivalent retiree the greater of two options: one-third of the average salary across a given worker's last five years of service, or 2 percent of the same average salary multiplied by years of service.

On June 6, 2016 New York City announced agreements with the unions representing firefighters, sanitation workers and correction officers regarding enhancements to the disability pension for Tier 6 employees. These agreements, which will provide three-quarters of a worker's salary in the event of accidental disability, will be funded through employee payroll contributions. In order to provide the enhanced benefits to the firefighters, the New York City Council has to approve a home rule in support of S.8015/A.10567. No state action is necessary for the enhance benefits agreements for the sanitation workers and correction officers.

PROPOSED LEGISLATION

Section one of state bills S.8015/A.10567 would amend subdivision 24 of section 501 of the Retirement and Social Security Law to amend the definition for wages to exclude: (a) lump sum payments for deferred compensation, sick leave, accumulated vacation or other credits for time not worked, (b) any form of termination pay, (c) any additional compensation paid in anticipation of retirement, and (d) in the case of employees who receive wages from three or more employers in a twelve month period, the wages paid by third and each successive employer for New York city enhanced plan members who receive the ordinary disability benefit provided for in subdivision (c-1) of section 506 of the Retirement and Social Security Law or the accidental disability benefit provided for in paragraph three of subdivision c of section 507.

Section two of the bills adds subdivision 28 to section 501 of the Retirement and Social Security Law. This section defines a New York city enhanced plan member as (a) a New York City fire plan member who becomes subject to the provisions of the article on or after June 15, 2016 and who is a member of the New York City Fire Department pension fund, (b) a Fire officer who is a member of the New York City Fire Department pension fund and who makes an election, which shall be irrevocable and shall be duly executed and filed with the administrative head of such pension fund no later than 120 days after the effective date of the chapter laws for 2016, or (c) a New York City fire revised plan member who became subject to the provisions of this article before June 15, 2016, who is a member of the New York City Fire Department pension fund, and who makes an election, which shall be irrevocable and shall be duly executed and filed with the administrative head of such pension fund no later than 120 days after the effective date of the chapter laws for 2016.

Section three of the state bills amends Section 506 of the Retirement and Social Security Law by adding a new subdivision (c-1) to hold that the ordinary disability benefit for a New York City enhanced plan member in active service who is not eligible for a normal retirement benefit, has completed five years or more of service, and has been determined to be eligible for primary social security disability benefits shall receive a pension equal to the greater of (i) thirty-three and one-third percent of Final Average Salary ("FAS"), or (ii) two percent of final average salary times years of credited service not in excess of the maximum years of service for computing service retirement, such benefit in each to be reduced by one hundred percent of any workers' compensation benefits payable.

Section four amends subdivision (c) and (e) of section 507 of the Retirement and Social Security Law, subdivision c as amended by chapter 18 of the laws of 2012, and subdivision e as added by chapter 890 of the laws of 1976. Subdivision (c-1) of Section 507 will not apply to New York City enhanced plan members. Section four adds subdivision (c-3) to hold that in the case of a New York City enhanced plan member, the accidental disability benefit shall be a pension equal to seventy-five percent of FAS, less one hundred percent of any workers' compensation benefits payable. Subdivision (e) is amended to exclude New York City enhanced plan members from a provision of the law that requires pension plan members to sign at the time of application for disability benefits a waiver agreeing to waive the benefits of any statutory presumption relating to the cause of disability or eligibility for disability benefits.

Section five of these bills adds subdivision (j) to Section 507 of the Retirement and Social Security Law to hold that any condition of impairment of health caused by diseases of the lung which results in disability or death to a member of the New York City Fire Department pension fund who is a New York City enhanced plan member that successfully passed a physical examination on entry into service as a firefighter, which examination failed to disclose evidence on entry into service as a firefighter in which the examination failed to disclose evidence of any disease or other impairment of the lung, shall be presumptive evidence that the

disease incurred in the performance and discharge of duty, unless the contrary is provided by competent evidence.

Section six adds subdivision (i) to Section 510 of the Retirement and Social Security Law. This provision holds that annual escalation shall not apply to the ordinary or accidental disability retirement benefits for those who retire pursuant to Sections 506 and 507 of the Retirement and Social Security Law. Rather, their benefits will be adjusted for cost-of-living pursuant to Section 13-696 of the New York City Administrative Code.

Section seven amends Section 511 of the Retirement and Social Security Law by adding subdivision (g) to hold that it shall not apply to New York City enhanced plan members of the Retirement and Social Security Law.

Section eight amends subdivisions (a) Section 512 of the Retirement and Social Security Law. This section defines FAS. The section is amended to include New York City enhanced plan members who receive the ordinary disability benefit provided for in subdivision (c-1) of section 506 or the accidental disability benefit provided for in paragraph three of subdivision (c) of section 507.

Section nine adds subdivision (h) to the Retirement and Social Security Law to hold that New York City enhanced plan members, as of the effective date which adds this subdivision, contribute three percent of annual wages to the pension fund in which they have membership, plus an additional percentage of annual wages as set forth in such chapter.

Section ten of the bills amends the opening paragraph of subdivision (a) of section 13-316 of the New York City Administrative Code to hold that the provisions of sections 1042, 1043, 1044, 1045 of the New York City Charter shall not be construed to apply to the adoption of such rules and regulations established by the board of trustees of the New York Fire Department pension fund.

Section eleven amends subdivision (a) of section 13-316 of the New York City Administrative Code, as added by Chapter 583 of the Laws of 1989 which establishes a procedure to follow if at any time during a six-month period during a fiscal year, the equity portion of the assets of the pension fund is less than forty-five percent.

Section twelve amends subdivision (b) of section 13-316 of New York City Administrative Code, as added by Chapter 583 of the Laws of 1989 that holds that subject to the provisions of subdivisions (b-1) and (f) of this section, every act of the board of trustees shall be by resolution which shall be adopted only by a vote of at least seven-twelfths of the whole number of votes authorized to be cast by the members of the board.

Section thirteen amends subdivision (c) of section 13-316 of the New York City Administrative Code to provide the fire commissioner the authority to appoint an executive director of the pension fund, provided, however that if such designee is not a member of the uniformed force of the Fire Department, the board of trustees shall approve such appointment.

Section fourteen of the state bills amends section 13-316 of the New York City Administrative Code by adding new subdivisions (e), (f), (g), (h) and (i). Subdivision (e) requires the board of trustees to establish a budget, sufficient to fulfill the powers, duties and responsibilities set forth in Section 13-316 on or before April 1 of each year. Section fourteen also provides a procedure for the procurement of goods and services entered into by the pension fund and the overall administration of the budget. Subdivision (f) holds that resolution of the board of trustees which establishes a budget or modifies a budget pursuant to the provisions of paragraph one or three of subdivision (e) will require the concurrence of the Comptroller and the representative of the Mayor. Subdivision (g) states that employment by the pension fund will constitute city-service for the purposes of this subchapter for those employees that are members of the fund pursuant to section 13-314 of this subchapter; for all other employees, employment by the pension fund will constitute city service for the purposes of chapter one of title thirteen of the New York City Administrative Code. Subdivision (h) holds that whenever a the assets of the pension fund are drawn pursuant to the provisions of subdivision (e) all monies so withdrawn will be made a charge to be paid by the employer otherwise required to make contributions to the pension fund no later than the end of the second fiscal year succeeding the time period during which assets are drawn upon. The actuary will calculate such charge to be paid by the employer. Subdivision (i) holds that the funds withdrawn from the pension fund will not be utilized for any purpose other than the budget established by the board of trustees.

Section fifteen holds that any condition of impairment of health caused by diseases of the lung, diseases of the heart, or by stroke, resulting in disability or death to a medical officer of the Fire Department of New York who is a member of the New York City fire department pension fund, who is presently employed, and who

sustained such disability while so employed, shall be presumptive evidence that it was incurred in the performance and discharge of the duty, unless the contrary is proven by competent evidence, provided that (i) such officer successfully passed a physical examination for entry into public service, or authorized release of all relevant medical records, if such officer did not undergo a physical examination for entry into public service, and (ii) there is no evidence of the qualifying condition or impairment of health that formed the basis for the disability in such physical examination for entry into public service or in the relevant medical records, prior to such officer's entry into public service.

Section sixteen of the state bills holds that any medical officer of the Fire Department of New York who is a member of the New York City fire department pension fund, who is presently employed, and who contracts HIV (where the officer may have been exposed to a bodily fluid of a person under his or her care or treatment, or while the officer examined, transported, rescued or otherwise had contact with such person, in the performance of his or her duties), tuberculosis, or hepatitis, who contracted such disease while so employed, shall be presumed to have contracted such disease as a natural or proximate result of an accidental injury received in the performance and discharge of the duty, unless the contrary is proven by competent evidence, provided that (i) such officer successfully passed a physical examination for entry into public service, or authorized release of all relevant medical records, if such officer did not undergo a physical examination for entry into public service, and (ii) there is no evidence of the qualifying disease that formed the basis for the disability in such physical examination for entry into public service or in the relevant medical records, prior to such officer's entry into public service.

Section seventeen of the state bills holds that any condition of impairment of health caused by (a) any condition of cancer affecting the lymphatic, digestive, hematological, urinary, neurological, breast, reproductive, or prostate system or (b) melanoma resulting in total or partial disability or death, resulting in disability or death to a medical officer of the Fire Department of New York who is a member of fire department pension fund, who is presently employed, and who shall have sustained such disability while so employed, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence, provided that (i) such officer successfully passed a physical examination for entry into public service, or authorized release of all relevant medical records, if such officer did not undergo a physical examination for entry into public service, and (ii) there is no evidence of the qualifying condition or impairment of health that formed the basis for the disability in such physical examination for entry into public service or in the relevant medical records, prior to such officer's entry into public service.

Section eighteen holds that New York City enhanced plan members will contribute an additional two percent of annual wages to the pension fund in which they have membership. Every three years from the effective date, the actuary of such pension fund will prepare an analysis, using current actuarial methods and assumptions in effect as of the date of such analysis, assessing the total cost of providing the benefits established by this act expressed as an employee contribution of a percentage of annual wages of New York City enhanced plan members which would require no additional employer contribution. On the basis of the analysis, the additional percentage of annual wages provided for herein will be adjusted to equal two percent of annual wages plus any amount which the employee contribution calculated in such analysis exceeds 4.3 percent of annual wages, provided, however, that in no event will the additional percentage of annual wages exceed three percent.

Section nineteen of the bills holds that nothing contained in this act will effect or impair the rights or privileges of officers or employees of the Fire Department of New York pension fund in relation to the personnel, appointment, ranks, grades, length of service, promotion, removal, pension and retirement rights, civil rights, or any other rights or privileges of officers or employees of New York City generally or officers or employees of such fund.

Section twenty holds that Section 81 of Chapter 18 of the laws of 2015 will not apply to this act.

Section twenty-one of the bills provides that this act shall take effect immediately; provided, however, that the provisions of this act authorizing the adoption of a budget and the use of the assets of the fire department pension fund to pay expenses may be utilized during the fiscal year commencing on July 1, 2016 and provided further, that in such event, such budget will be deemed to have been established on April 1, 2016.

COMPAIRSON OF BENEFITS

FIRE	Current Tier 3/6 Plan	S08015/A10567
Final Average Salary (FAS)	<ul style="list-style-type: none"> • FAS3 (Tier 3) and FAS5 (Tier 6) 	<ul style="list-style-type: none"> • <u>No change – Almost all Firefighters will be FAS5 their final salary is an average of their salary over their last 5 years .</u>
Service Retirement	<ul style="list-style-type: none"> • 50% of FAS3/5 at 22 or more years of service, • 50% Social Security Offset at age 62 • Full Escalation at 25 years 	<ul style="list-style-type: none"> • <u>No change</u>
Accidental Disability	<ul style="list-style-type: none"> • 50% x FAS • 50% Social Security Offset • Full Escalation upon retirement 	<ul style="list-style-type: none"> • <u>75% of FAS</u> • <u>No Social Security Offset</u> • <u>Tier 2 COLA / No Tier 6 Escalation</u> • <u>Members eligible to utilize applicable statutory presumptions of Tier II. This means certain lung and other conditions are presumed to be a product of service with the City.</u>
Ordinary Disability	<ul style="list-style-type: none"> • 1/3 of FAS, or • 2% of FAS multiplied by years of service • 50% Social Security Offset • Full Escalation upon retirement 	<ul style="list-style-type: none"> • <u>Requires 5 years of service and Social Security Disability Eligibility</u> • <u>Greater of:</u> <ul style="list-style-type: none"> ○ <u>2% x FAS5 x service; or</u> ○ <u>1/3 x FAS5</u> • <u>No Social Security Offset</u> • <u>Tier 2 COLA / No Tier 6 Escalation</u>

Employee Contribution	<ul style="list-style-type: none"> • For Tier 3/Tier 6: Members themselves contribute 3% of pensionable salary for the first 25 years of credited service. 	<ul style="list-style-type: none"> • <u>This adds 2% contribution above Tier 3 contribution.</u> • <u>Actuarial look back every 3 years with possibility of raising contribution to 3%</u>
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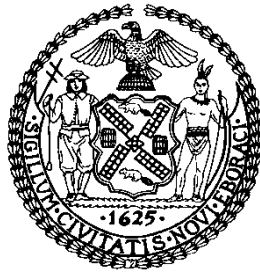
FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately; provided, however, that the provisions of this act authorizing the adoption of a budget and the use of the assets of the fire department pension fund to pay expenses may be utilized during the fiscal year commencing on July 1, 2016 and provided further, that I such event, such budget will be deemed to have been established on April 1, 2016.

(The following is the text of Fiscal Impact Statement for SLR No. 6:)



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

**PRECONSIDERED SLR 6:
A10567 (Abbate)
S8015 (Golden)**

**COMMITTEE: State and Federal
Legislation**

TITLE: An act to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city fire department pension fund; and to amend the administrative code of the city of New York in relation to the powers, duties and responsibilities of the board of trustees of the New York city fire department pension fund and in relation to authorizing such board of trustees to draw upon the assets of such fund to pay expenses.

SPONSOR(S): Council Member Koslowitz

SUMMARY OF LEGISLATION: This legislation would provide changes to the Accidental Disability Retirement (ADR) and Ordinary Disability Retirement (ODR) benefits provided to Tier 3 and Revised Tier 3 members of the New York City Fire Department Pension Fund (FIRE). The legislation would change the formula under which ODR benefits are calculated, leading to a slight increase in these benefits. In addition, the legislation would make changes to the formula under which ADR benefits are calculated, which would lead to a significant increase in these benefits. Most notably, ADR benefits would increase from 50 percent of the firefighter’s final average salary to 75 percent of a firefighter’s final average salary. In addition, the legislation

would require the firefighters in Tier 3 and above to contribute an additional two percent of their salaries to the pension fund.

EFFECTIVE DATE: This act 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
Revenues	\$0	\$0	\$0
Expenditures	\$6,100,000	\$8,000,000	\$6,100,000
Net	\$6,100,000	\$8,000,000	\$6,100,000

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

IMPACT ON EXPENDITURES: The City’s Office of the Actuary estimates that the increased benefits provided by this legislation would impact expenditures in the amount of \$6.1 million in Fiscal 2017, \$8 million in Fiscal 2018, \$9.7 million in Fiscal 2019, \$11.2 million in Fiscal 2020, and \$12.6 million in Fiscal 2021.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division
New York City Office of the Actuary

ESTIMATE PREPARED BY: Kendall Stephenson, Economist, Finance Division

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist, Finance Division
Rebecca Chasan, Counsel, Finance Division

LEGISLATIVE HISTORY: This bill will be voted out of the State and Federal Legislation Committee as a Preconsidered SLR on June 8, 2016. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 8, 2016.

DATE PREPARED: June 7, 2016

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house, please refer, respectively, to the New York State Senate and New York State Assembly).

KAREN KOSLOWITZ, *Chairperson*; INEZ E. DICKENS, BRADFORD S, LANDER, RAFAEL L. ESPINAL. Jr., BEN KALLOS, ALAN N. MAISEL, ANTONIO REYNOSO; Committee on State and Federal Legislation, June 8, 2016.

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

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

Report for State Legislation Resolution No. 7

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.6388-A, and Assembly Member Cusick, A.9161, “AN ACT to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York”

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution was referred on June 8, 2016, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution [SLR] by the Council. By adopting this SLR, the Council would be formally requesting the New York State Legislature to act favorably in this matter)

BACKGROUND

This legislation clarifies Chapter 532 of the Laws of 2015 (“Chapter 532”). Chapter 532 permits the construction of new one or two family residential dwellings on unmapped streets without the review of the Board of Standards and Appeals if certain criteria are met. This bill clarifies the language of Chapter 532 of the conditions that must be met before the Board of Standards and Appeals process will be waived to expedite the certificate of occupancy procedure and encourage residential building on unmapped street areas.

PROPOSED LEGISLATION

According to the memorandum of support, section one of state bills S.6388-A/A.9161 amends section 36 of the general city law, as added by a chapter of the laws of 2015, amending the general city law relating to certificates of occupancy for unmapped streets in the city of New York by clarifying that certain conditions must be met before the Board of Standards and Appeals process will be waived which includes that the dwelling be in compliance with all applicable laws. Section two of state bills S.6388-A/A.9161 states that this law shall take effect on the same date and in the same manner as a chapter of the laws of 2015, amending city law relating to certificates of occupancy for unmapped streets in the city of New York, as proposed in legislative numbers A.7487 and S.3472-A, takes effect.

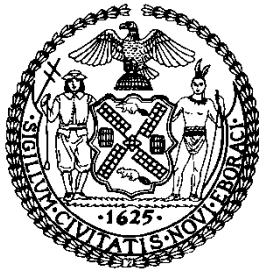
FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect on the same date and in the same manner as a chapter of the laws of 2015, amending city law relating to certificates of occupancy for unmapped streets in the city of New York, as proposed in legislative numbers A.7487 and S.3472-A, takes effect.

(The following is the text of Fiscal Impact Statement for SLR No. 7:)



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

PRECONSIDERED SLR 7:
 S6388-A (Lanza)
 A9161 (Cusick)
COMMITTEE: State and Federal
 Legislation

TITLE: AN ACT to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York.

SPONSOR(S): Council Member Koslowitz

SUMMARY OF LEGISLATION: This bill would make clear certain language relating to issuing certificates of occupancy for one or two family residential dwellings abutting an unmapped street under certain circumstances without review of the Board of Standards and Appeals of the City of New York.

EFFECTIVE DATE: This act would take effect on the same date and in the same manner as a chapter of the laws of 2015, amending general city law relating to certificates of occupancy for unmapped streets in the city of New York, as proposed in legislative bills numbers A.7487 and S.3472-A, takes effect. Those bills were signed into law and took effect on December 11, 2015.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that this legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: As this legislation merely provides clarifying language of previously enacted legislation, it is anticipated that this legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Maria Enache, Economist, Finance Division

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist, Finance Division
Rebecca Chasan, Counsel, Finance Division

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 8, 2016. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and voted on by the full Council on June 8, 2016.

DATE PREPARED: June 7, 2016

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house, please refer, respectively, to the New York State Senate and New York State Assembly).

KAREN KOSLOWITZ, *Chairperson*; INEZ E. DICKENS, BRADFORD S, LANDER, RAFAEL L. ESPINAL. Jr., BEN KALLOS, ALAN N. MAISEL, ANTONIO REYNOSO; Committee on State and Federal Legislation, June 8, 2016.

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

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

- (35) Int 775-A - Establishing a time period for landmark status.
- (36) L.U. 362 & Res 1108 - App. **20165363 TCK**, GFLC Market LLC, d/b/a Greenpoint Fish and Lobster Company, sidewalk café, Brooklyn, Community Board 1, Council District 33.
- (37) L.U. 384 & Res 1109 - App. **20165580 HAK**, Urban Development Action Area Project, Brooklyn, Community Board 3, Council District 36.
- (38) L.U. 385 & Res 1110 - App. **20165584 HAX**, Real Property Tax Exemption, Bronx, Community Board 1, Council Districts 8 and 17.
- (39) L.U. 386 & Res 1111 - App. **20165585 HAX**, Urban Development Action Area Project, Bronx, Community Board 6, Council District 15.
- (40) L.U. 387 & Res 1112 - App. **20165586 HAK**, Real Property Tax Exemption, Brooklyn, Community Board 16, Council District 42.
- (41) L.U. 396 & Res 1113 - App. **20165635 HAX**, Real Property Tax Exemption, Bronx, Community Boards 1, 2 and 4, Council Districts 8 and 17.
- (42) L.U. 397 & Res 1114 - App. **20165637 PNM**, Christopher Park, Manhattan, Community Board 2, Council District 3.
- (43) SLR 4 - Bronx Children's Museum, S.5859-B/A.8120-B
(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).
- (44) SLR 5 - Accidental death benefit, S.6035/A.6083
(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).
- (45) SLR 6 - FDNY disability benefits, S.8015/A.10567
(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).
- (46) SLR 7 - Unmapped streets, S.6388A/A.9161
(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).

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

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **50**.

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

The following was the vote recorded for **Int No. 775-A**:

Affirmative – Borelli, Cabrera, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Espinal, Eugene, Ferreras-Copeland, Gentile, Gibson, Greenfield, Grodenchik, King, Koo, Koslowitz, Lancman, Lander, Maisel, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **40**.

Negative – Barron, Chin, Dromm, Garodnick, Johnson, Kallos, Levin, Levine, Mendez and Rosenthal – **10**.

The following Introduction was sent to the Mayor for his consideration and approval: Int Nos. 775-A. In addition, official blue-backs verifying the Council's passage of preconsidered SLR Nos. 4, 5, 6, and 7 were signed and certified by the City Clerk and Clerk of the Council (Mr. McSweeney) and were subsequently sent to Albany for filing with the State Senate and State Assembly.

SUPPLEMENTAL INTRODUCTION AND READING OF BILLS

Res. No. 1097

Resolution calling upon the United States Congress to pass and the President to sign legislation that would raise the number of U-visas available annually and establish a uniform protocol for law enforcement review of victim certification requests.

By The Speaker (Council Member Mark-Viverito) and Council Member Chin.

Whereas, In 2000, the United States Congress passed the Battered Immigrant Women Protection Act (BIWPA) as a part of the Victims of Trafficking and Violence Protection Act (VTVPA); and

Whereas, The BIWPA established U Nonimmigrant Status, commonly referred to as “U-visas,” as a form of temporary immigration relief for victims of serious crimes; and

Whereas, In order to qualify for a U-visa, an individual must be the victim of a particularly serious crime, possess information about the crime, cooperate with law enforcement in the investigation or prosecution of the crime, and suffer a lasting harm caused by that crime; and

Whereas, In order to apply for a U-visa, an individual must obtain a certification from law enforcement affirming that they were the victim of a qualifying crime who has cooperated, is cooperating, or is likely to cooperate with the investigation or prosecution of that crime; and

Whereas, A valid U-visa grants the victim and certain immediate family members temporary permission to remain in the United States in order to assist law enforcement and allows for work authorization; and

Whereas, An individual with a U-visa and certain immediate family members may apply for Lawful Permanent Resident status three years after the approval of the U-visa; and

Whereas, Congress has allocated only 10,000 U-visas per year; and

Whereas, The United States Citizenship and Immigration Services (USCIS) should increase resources given that, as of March 2016, it was adjudicating applications filed two years prior and there were 69,733 U-visa applications pending; and

Whereas, Despite the high number of pending applications, countless immigrants are wrongfully denied the ability to apply for a U-visa when law enforcement does not issue the required certification based on a mistaken understanding of the law. Whereas, Congress created expansive inadmissibility waivers to allow for broad U-visa eligibility for victims; and

Whereas, Prior criminal arrests, working without authorization, and unlawful presence in the United States are waivable offenses for the purpose of U-visa eligibility; and

Whereas, In light of the available waivers, law enforcement should not refuse to certify victims based on factors not listed as disqualifiers in the U-visa statute and regulations; and

Whereas, Congress intended for victims to be certified as early on in the process as possible, as evidenced by allowing certification for victims deemed “likely to be helpful;” and

Whereas, Congress does not require that victims comply with all law enforcement requests for assistance and permits victims to refuse assistance if the request is “unreasonable” in light of the victim’s particular situation; and

Whereas, In keeping with Congressional intent, law enforcement should not refuse to certify a victim for failing to comply with all requests for assistance nor withhold certification until the investigation or prosecution of the crime has concluded; and

Whereas, The lack of a uniform protocol and standards for law enforcement review of U-visa certification requests has led to disparate access to this form of immigration relief for victims across the country, including New York City; and

Whereas, The inconsistency in law enforcement policies and standards regarding U-visa certifications results in the failure of the uniform application of federal law; and

Whereas, Such failure of the application of federal law may be deemed constructive violation of federal law by state and local authorities; and

Whereas, The VTVPA states that the U-visa “strengthens the ability of law enforcement to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes;” and

Whereas, The U-visa contributes to the safety of all New Yorkers by encouraging the reporting of serious crimes and ensuring that key witnesses are available throughout the investigation and prosecution of a crime; and

Whereas, In New York City, the U-visa has been an invaluable tool for fostering trust between immigrant communities and law enforcement, as well as for helping victims obtain justice and rebuild their lives; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign legislation that would raise the number of U-visas available annually and establish a uniform protocol for law enforcement review of victim certification requests.

Referred to the Committee on Immigration.

Int. No. 1202

By Council Members Cabrera and Johnson.

A Local Law to amend the New York city charter, in relation to demographic data of library card holders.

Be it enacted by the Council as follows:

Section 1. Section 15 of the New York city charter is amended by adding a new subdivision i to read as follows:

i. 1. For purposes of this section:

(a) Libraries. The term “libraries” means the New York Public Library, the Brooklyn Public Library, and the Queens Public Library.

(b) Demographic information. The term “demographic information” means information regarding race, ethnicity, gender, and age.

2. Not later than January 30, 2017 and annually thereafter, the office of operations shall submit to the mayor and the speaker a report with data in the aggregate regarding the demographic information of library card holders to the extent such data is made available to the office. Such report may be prepared and presented in conjunction with the preliminary mayor’s management report pursuant to section 12 of this chapter.

§ 2. This local law takes effect immediately.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1203

By Council Member Cabrera.

A Local Law in relation to traffic signal preemption systems.

Be it enacted by the Council as follows:

Section 1. The department of transportation shall conduct a study of the feasibility of allowing fire department and police department vehicles to utilize traffic signal preemption systems to transfer the normal

operation of a traffic control signal to a special control mode of operation during an emergency, providing the right of way at and through a traffic control signal to such vehicles. Such study shall examine the feasibility of utilizing such systems citywide and in areas in which emergency response times are above the city's average emergency response time, as well as whether such systems would reduce emergency response times. If the department finds that such systems are feasible; would not negatively impact the safety of pedestrians, bicyclists, and other vehicular traffic; and would reduce emergency response times, the department shall take all appropriate measures to implement such systems. No later than July 1, 2017, the department shall post online and submit to the speaker of the council the results of such study, measures taken to institute such systems, and if no measures are taken, the reasons why.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1204

By Council Members Cabrera, Dickens and Johnson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring automated external defibrillators in private schools and police cars.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-173 to read as follows:

§ 10-173 *Automated external defibrillators in patrol cars.* a. All patrol vehicles used by the department shall be equipped with an automated external defibrillator.

b. For the purposes of this section, the term "automated external defibrillator" means a medical device, approved by the United States food and drug administration, that: (i) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable of determining, without intervention by an individual, whether defibrillation should be performed on a patient; (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient's heart; and (iv) upon action by an individual, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.

c. Nothing contained in this section imposes any duty or obligation on any person to provide assistance with an automated external defibrillator to a victim of a medical emergency.

§ 2. Paragraph 3 of subdivision a of section 17-188 is amended to read as follows:

3. "Public place" means the publicly accessible areas of the following places to which the public is invited or permitted: (i) public buildings maintained by the division of facilities management and construction of the department of citywide administrative services or any successor; (ii) parks under the jurisdiction of the department of parks and recreation identified pursuant to subdivision e of this section; (iii) ferry terminals owned and operated by the city of New York served by ferry boats with a passenger capacity of one thousand or more persons; (iv) nursing homes, as defined in section 2801 of the New York state public health law; (v) senior centers, which include facilities operated by the city of New York or operated by an entity that has contracted with the city to provide services to senior citizens on a regular basis, such as meals and other on-site activities; (vi) golf courses, stadia and arenas; [and] (vii) health clubs that are commercial establishments offering instruction, training or assistance and/or facilities for the preservation, maintenance, encouragement or development of physical fitness or well-being that have a membership of at least two hundred and fifty people, and which shall include, but not be limited to, health spas, health studios, gymnasiums, weight control studios, martial arts and self-defense schools or any other commercial establishment offering a similar course of physical training; and (viii) non-public schools serving students in any combination of grades pre-kindergarten through twelve.

§ 3. This local law takes effect 180 days after its enactment into law.

Referred to the Committee on Health.

Res. No. 1098

Resolution calling upon the Metropolitan Transportation Authority (MTA) to create a donation system, which allows purchasers of MetroCards to make a voluntary monetary contribution to a fund for low-income New Yorkers and a means to collect unused MetroCards to donate to low-income commuters.

By Council Members Cabrera and Chin.

Whereas, The Metropolitan Transportation Authority (MTA) is the largest transportation network in North America, which encompasses 5,000 square miles and connects 15.2 million people; and

Whereas, According to the MTA, in 2015 5.6 million people used the subway on an average weekday; and

Whereas, The MTA has increased the fare for public transportation incrementally, but in the last several years fare hikes have become more frequent; and

Whereas, According to an article published by Newsweek in 2015, the pay-per-ride fare in 1995 was \$1.50 and did not change until 2003; and

Whereas, In 2003 the pay-per-ride fare increased to \$2 and the MTA raised the fare again in 2009, 2013, and 2015 where it remains today at \$2.75; and

Whereas, The MTA has introduced reduced fare programs for senior commuters and disabled commuters, but has not created any fare reduction program for low-income commuters; and

Whereas, According to a joint report released by the Community Service Society and the Riders Alliance, 300,000 working poor New Yorkers spend 10% of their family budget on transit expenses; and

Whereas, According to the New York State Department of Labor, in March of 2016 New York City had a 5.7% unemployment rate; and

Whereas, According to the Community Service Society and Riders Alliance report, one out of three low-income working age New Yorkers said transit fares prevented them from taking a job further from where they live; and

Whereas, The report also found that 58% of poor New Yorkers rely on subways and buses to get around the city; and

Whereas, According to a New York Times article, from 2013 to 2015 10,000 people were arrested in subway stations because they asked another person to swipe them into the subway; and

Whereas, According to a New York Times article, the MTA has estimated that \$52 million a year in unused balances is left on cards; and

Whereas, According to the Community Service Society report, cities such as San Francisco, London and Seattle have created programs to assist low-income commuters; and

Whereas, The MTA would create a means by which MetroCard purchasers could make a monetary contribution to provide low-income commuters MetroCards and the MTA would create a system to collect unused MetroCards to give to low-income commuters; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority (MTA) to create a donation system, which allows purchasers of MetroCards to make a voluntary monetary contribution to a fund for low-income New Yorkers and a means to collect unused MetroCards to donate to low-income commuters.

Referred to the Committee on Transportation.

Res. No. 1099

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.3137, legislation providing retroactivity to the original date of eligibility for the senior citizen rent increase exemption (SCRIE) program.

By Council Members Cabrera, Dickens, Johnson and Chin.

Whereas, The senior citizen rent increase exemption (SCRIE), was instituted by New York City in 1970 to freeze the rent of low-income seniors; and

Whereas, SCRIE currently applies to eligible seniors who are at least 62 years old, are the primary tenant named on the lease, live in a rent controlled, rent regulated hotel, rent stabilized, or Mitchell-Lama building, have a combined household income of \$50,000 or less, and spend more than one-third of their monthly income on rent; and

Whereas, According to the Department for the Aging, there are nearly 1.4 million senior citizens living in New York City; and

Whereas, As a result of the increasingly high cost of living in New York City, SCRIE was established to eliminate the burden of rent increases from low-income seniors, and

Whereas, A 2014 report by the New York City Department of Finance (DOF) determined that, 52,171 households are currently enrolled in SCRIE and 69,558 households qualify but are not participating; and

Whereas, According to the 2014 DOF report, 57% of the eligible population are not participating in SCRIE; and

Whereas, New York State Law currently establishes that the rent an individual would pay into the SCRIE program is based on the combined income of all the members of their household for the income tax year immediately prior to an application for enrollment in SCRIE; and

Whereas, According to the 2014 DOF report, the average SCRIE participant has been in the program for 9.1 years, has an annual income of \$16,504, a legal rent of \$1,005 per month and has had their rent frozen at \$755 per month, thus saving them as much as \$250 each month; and

Whereas, Since SCRIE freezes a recipient's rent, a senior can save more on rent the longer they are enrolled in the program; and

Whereas, In 2015, New York State Assemblyman Mathew Titone, introduced A.3137, which would amend the New York City Administrative Code to provide that applicants who enrolled in the SCRIE program after their eligibility date would receive a rent reduction that is retroactive based on their original date of eligibility; and

Whereas, This legislation would help ensure that New York City's seniors are not priced out of their homes and communities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.3137, legislation providing retroactivity to the original date of eligibility for the senior citizen rent increase exemption (SCRIE) program.

Referred to the Committee on Aging.

Res. No. 1100

Resolution calling upon the New York State Legislature to pass and the Governor to sign the Pharmaceutical Cost Transparency Act (S.5338A), which would require prescription drug manufacturers to file an annual report disclosing certain financial information pertaining to high-cost prescription drugs.

By Council Member Cabrera.

Whereas, The cost of prescription drugs has been increasing at an alarming rate in recent years; and

Whereas, According to a report by Express Scripts (the nation's largest pharmacy benefit manager), the average price of brand-name drugs rose 164 percent from the beginning of 2008 to the end of 2015, far outpacing the consumer price index increase of 12 percent in that same time period; and

Whereas, In 2015, allegations arose that Valeant Pharmaceuticals International Inc. may have bought the rights to a pair of life-saving heart drugs and then increased the list prices by 525 percent and 212 percent; and

Whereas, For individuals with the liver disease Hepatitis C, the cost for Sovaldi, a drug made by Gilead Sciences Inc., is \$84,000 in the United States for a 12-week course of treatment, or about \$1,000 per pill, leading many State Medicaid programs to restrict its use to the sickest patients; and

Whereas, While drug makers state that the high prices are required to recoup their investment into research and development, policy makers and consumers have no way of knowing what is the true cost of medications and what is price gouging; and

Whereas, The Pharmaceutical Cost Transparency Act (S.5338A), sponsored by Senator Ruben Diaz, aims to make information available to the public about the cost of ultra-high-priced pharmaceuticals, in order to make pharmaceutical pricing as transparent as the pricing in other sectors of the health care industry; and

Whereas, The bill would require each manufacturer of a prescription drug available in New York that has a wholesale acquisition cost of \$10,000 or more annually or per course of treatment, to file a report on the costs for each qualifying drug; and

Whereas, S.5338A would require the report to contain the total costs for the production of the drug, including research and development costs; the costs of clinical trials; the total costs for materials, manufacturing, and administration attributable to the drug; any governmental subsidies or grants; costs for the purchase of patents, licensing or acquisition of any corporate entity owning any rights to the drug while in development; and the total marketing and advertising costs for the promotion of the drug; and

Whereas, The report would also contain the total profit attributable to the drug as represented in total dollars and represented as a percentage of the total company profits that were derived from the sale of the drug, as well as the total amount of financial assistance the manufacturer has provided through patient prescription assistance programs; and

Whereas, The bill would require the report to be submitted annually and to be audited by a fully independent third-party auditor prior to filing with the New York State Department of Health (DOH); and

Whereas, S.5338A would require DOH to issue an annual report to the State legislature outlining the information submitted by prescription drug manufacturers; and

Whereas, The Pharmaceutical Cost Transparency Act will provide policy makers and consumers with critical information on the true costs the prescription drugs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon New York State Legislature to pass and the Governor to sign the Pharmaceutical Cost Transparency Act (S.5338A), which would require prescription drug manufacturers to file an annual report disclosing certain financial information pertaining to high-cost prescription drugs.

Referred to the Committee on Health.

Int. No. 1205

By Council Members Cumbo, Richards, Levin, Eugene, Grodenchik, Chin, Miller, Johnson and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to high school graduation rates of youth in foster care.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 21-907 of the administrative code of the city of New York is amended to read as follows:

§ 21-907 Graduation rates of foster care youth. a. Beginning no later than January 31, 2015, and no later than every January 31 thereafter, the commissioner shall submit to the speaker of the council and post on ACS' website an annual report regarding the number of youth in foster care who were enrolled in and/or graduated from high school in the previous academic year as described by the department of education. Each such report shall disaggregate the data by gender and ethnicity, and include but not be limited to: (i) the total number of youth in foster care disaggregated by age, utilizing the following ranges: [under 16] 13-15 years old; 16-18 years old; [and] 19-21 years old; *and over 21 years old*; (ii) the number of youth in foster care enrolled in high school disaggregated by age, utilizing the following ranges: [under 16] 13-15 years old; 16-[19]18 years old; [and 20] 19-21 years old; *and over 21 years old*; (iii) the number of youth in foster care who, based on cohort and the number of high school credits they have obtained by August 31 of the year of such report, are on pace to graduate high school *and the number of such youth that are on pace to graduate high school in four years*, utilizing the following age ranges: [17-19] 14-15 years old; 16-18 years old; 19-21 years old; [and 20-21 years old] *and over 21 years old*; and (iv) the number of youth in foster care who graduated from high school disaggregated by: (1) the age at which such students graduated; (2) the type of diploma or certification received; and (3) based on cohort, the number of years it took to complete high school.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1206

By Council Members Cumbo, Williams, Torres, Richards, Chin and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on job creation and employment programs of public housing agencies.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 4 to read as follows:

**SUBCHAPTER 4
REPORTS RELATED TO PUBLIC HOUSING**

§ 3-140 *General.*

§ 3-141 *Report on job creation.*

§ 3-142 *Report on public housing employment programs.*

§ 3-140 *General. a. As used in this subchapter:*

Public housing. The term “public housing” has the meaning ascribed to such term in section 1437a of title 42 of the United States code.

Public housing agency. The term “public housing agency” has the meaning ascribed to such term in section 1437a of title 42 of the United States code.

Section 3 business concerns. The term “section 3 business concerns” has the meaning ascribed to such term in section 135.5 of title 24 of the code of federal regulations.

Section 3 eligible job. The term “section 3 eligible job” means a job that may be used to satisfy section 3 requirements.

Section 3 requirements. The term “section 3 requirements” means requirements imposed by section 3 of the housing and urban development act of 1968, as amended.

b. Reports required under this subchapter shall only contain information in the aggregate and shall not contain any personally identifiable information.

§ 3-141 Report on job creation. a. No later than 60 days after the end of each calendar year, beginning with the first calendar year that commences after the effective date of the local law that added this section, each public housing agency operating in the city shall make publicly available online and submit to the council a report on such agency's compliance with section 3 requirements. Such report shall include, at a minimum, the following information, disaggregated by public housing development, borough and council district:

- 1. A description of job training opportunities facilitated by such agency in compliance with section 3 requirements, including but not limited to the number of public housing residents who have accessed such job training opportunities and the types of job training opportunities offered to public housing residents;*
- 2. The number of section 3 eligible jobs created by such agency in the reporting year;*
- 3. A list of section 3 eligible job categories and the number of section 3 eligible jobs created in each such category by such agency in the reporting year;*
- 4. The number of persons hired for section 3 eligible jobs created by such agency in the reporting year, disaggregated by job category and full-time or part-time status;*
- 5. The number of public housing residents hired for section 3 eligible jobs created by such agency in the reporting year, disaggregated by job category and full-time or part-time status;*
- 6. The number of public housing residents who applied for section 3 eligible jobs created by such agency in the reporting year, disaggregated by job category;*
- 7. The average wage of section 3 eligible jobs created by such agency during the reporting year;*
- 8. The average wage of section 3 eligible jobs created by such agency during the reporting year for which a public housing resident was hired;*
- 9. The number of construction and non-construction contracts awarded to section 3 business concerns during the reporting year; and*
- 10. The dollar amount of construction and non-construction contracts awarded to section 3 business concerns during the reporting year.*

b. If such agency is voluntarily implementing requirements similar to section 3 requirements in connection with financial assistance received directly or indirectly from the federal emergency management agency or another federal instrumentality, such agency shall include the information described by paragraphs 1 through 10 of subdivision a of this section for such voluntarily implemented requirements in each report required by subdivision a of this section. Such information shall be set forth separately from the information required by subdivision a of this section.

c. Each such agency shall make such information publicly available in a non-proprietary format that permits automated processing.

§ 3-142 Report on public housing employment programs. a. No later than 60 days after the end of each calendar year, beginning with the first calendar year that commences after the effective date of the local law that added this section, the New York city housing authority shall make publicly available online and submit to the council a report on employment programs administered by such authority. Such report shall include, at a minimum, the following information, disaggregated by public housing development, borough and council district:

- 1. A description of each employment program administered by such authority;*
- 2. The number of public housing residents who applied for jobs through such employment programs, disaggregated by the type of program and type of job;*
- 3. The number of public housing residents hired for jobs through such employment programs, disaggregated by the type of program and type of job;*
- 4. A description of the job training programs facilitated by such authority;*
- 5. The number of public housing residents who have completed such job training programs; and*
- 6. The number of public housing residents who have been placed in jobs through such job training programs, disaggregated by the type of job.*

b. Such authority shall make such information publicly available online in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Housing.

Res. No. 1101

Resolution calling on ticket vendors to address the use of ticket bots by finding a technological solution that would prevent the use of illegal software, limiting the number of tickets that can be purchased per-person and charging reasonable fees.

By Council Members Dickens and Richards.

Whereas, New Yorkers regularly face difficulty purchasing face-value tickets to concerts and sporting events because of price gouging, immediate sell-outs, and outrageous fees; and

Whereas, According to a report by the state attorney general, ticketing is a “fixed game”; and

Whereas, State law requires that brokers must be licensed in order to safeguard against fraud, extortion, and similar abuses; and

Whereas, Ticket-buying software (ticket bots) is banned under state law; and

Whereas, State law requires that any fees charged by vendors must be reasonable; and

Whereas, The current legal framework is not effective at ensuring that consumers can buy face-value tickets; and

Whereas, Many brokers rely on ticket bots to purchase tickets at high speed, depleting the ticket stock; and

Whereas, Ticket resale platforms, such as StubHub and TicketsNow, are in the best position to ensure that their broker customers follow New York law by requiring that brokers provide their license number and disclosing the face value of tickets they are offering for sale; now, therefore, be it

Resolved, That the Council of the City of New York calls on ticket vendors to address the use of ticket bots by finding a technological solution that would prevent the use of illegal software, limiting the number of tickets that can be purchased per-person and charging reasonable fees.

Referred to the Committee on Consumer Affairs.

Res. No. 1102

Resolution calling on the State to require all New York State Correctional facilities to inform previously-incarcerated people of their right to vote at the time they exit the prison system

By Council Members Dickens, Crowley, Koslowitz, Mealy, Richards and Chin.

Whereas, Felony disenfranchisement is a policy that prohibits citizens from voting upon conviction of a felony; and

Whereas, Felony disenfranchisement is an obstacle to participation in democratic life; and

Whereas, According to an editorial in the New York Times, the origins of felony disenfranchisement stem from Jim Crow laws that were designed to “neutralize the black electorate”; and

Whereas, According to the Sentencing Project, the impact of felony disenfranchisement is racially disparate, resulting in 1 of every 13 African Americans unable to vote nationwide; and

Whereas, According to State law, individuals who have been convicted of a felony cannot vote while incarcerated or on parole; and

Whereas, According to a report by the New York Civil Liberties Union, an estimated 122,018 people with felony convictions are barred from voting in New York State; and

Whereas, According to a study by the Sentencing Project, over 40 percent of prisoners believe that incarceration causes someone to permanently lose his or her right to vote, even though State law allows individuals convicted of a felony to register to vote once they are on probation or once they have completed parole; and

Whereas, While voting rights are automatically restored, a previously-incarcerated individual must know to register; and

Whereas, No information about their voting rights is currently provided to previously-incarcerated individuals once they are on probation or have completed parole; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State to require all New York State Correctional facilities to inform previously-incarcerated people of their right to vote at the time they exit the prison system.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 1103

Resolution calling upon the Secretary of the Department of Homeland Security to designate Ecuador for Temporary Protected Status to provide temporary immigration relief to eligible Ecuadorian nationals in the wake of a devastating earthquake.

By Council Members Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), Menchaca, Dromm, Espinal, Eugene, Koo, Reynoso, Richards, Chin, Levin, Gibson and Salamanca.

Whereas, Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of TPS designated countries; and

Whereas, During the temporary designation period, eligible nationals may remain in the United States and may not be detained by the Department of Homeland Security (DHS) based solely on immigration status, and may obtain employment and travel authorization; and

Whereas, The Secretary of DHS has the authority to provide TPS to immigrants present in the United States who are unable to safely return to their home country due to an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent safe return; and

Whereas, An individual is only eligible for TPS benefits if he or she: (i) establishes continuous physical presence in the United States since the date specified by DHS; (ii) is not subject to one of the criminal, security-related or other bars to TPS; and (iii) applies for TPS benefits in a timely manner; and

Whereas, The United States Citizenship and Immigration Services, an agency within DHS, is responsible for administering the TPS program; and

Whereas, A country's TPS designation takes effect on the date the designation is published and may last between six and 18 months, with the possibility of an extension; and

Whereas, Once the Secretary of DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to TPS or to any other status they may have acquired while registered for TPS; and

Whereas, On April 16, 2016, Ecuador experienced a devastating 7.8 magnitude earthquake which led to 660 deaths, injured over 16,000 individuals and displaced over 28,000 individuals; and

Whereas, the United Nations' Office for the Coordination of Humanitarian Affairs (OCHA) announced that nearly 7,000 buildings have been destroyed and 560 schools have been affected, 166 of which suffered medium to severe damage; and

Whereas, It is estimated that, in total, over 24,000 buildings and homes were damaged and, according to Ecuadorian President Rafael Correa, reconstruction efforts could cost close to \$3 billion; and

Whereas, The country suffered at least 23 subsequent earthquakes and aftershocks of different magnitudes causing major complications in the recovery efforts; and

Whereas, Given this widespread devastation Ecuador fully meets the criteria of a country eligible for TPS; and

Whereas, According to the Pew Research Center, as of 2013, there were roughly 417,000 Ecuadorian-born individuals living in the United States as U.S. Citizens, Lawful Permanent Residents, and visa holders; and

Whereas, The Migration Policy Institute reports that there were roughly 146,000 undocumented Ecuadorians in the United States as of 2013, a number that government officials believe has grown to more than 200,000 individuals; and

Whereas, New York City is home to one of the largest Ecuadorian populations in the nation with over 140,000 Ecuadorian residents; and

Whereas, According to the Migration Policy Institute, approximately 65,000 undocumented Ecuadorians, roughly 44% of the total undocumented Ecuadorian population in the United States, resided in the state of New York as of 2013; and

Whereas, If Ecuadorians are granted TPS, in addition to obtaining temporary authorization to live and work lawfully in the United States, those living in New York City would also be eligible for in-state tuition rates at schools in the CUNY system; and

Whereas, In May 2016, Ecuadorian President Rafael Correa formally requested TPS designation for Ecuador on account of significant pressure to do so by Ecuadorian nationals residing in the United States; and

Whereas, The United States has donated nearly \$3 million of humanitarian aid toward relief efforts; and

Whereas, Granting TPS to Ecuadorians living in the United States would further demonstrate the United States' support for Ecuador; and

Whereas, Many elected officials such as U.S. Representative Luis V. Gutierrez, New York Senators Charles Schumer and Kirsten Gillibrand, and New York City Mayor Bill de Blasio have called upon President Obama to designate Ecuador as a country whose nationals are eligible for TPS because of the extraordinary and temporary conditions that prevented Ecuadorians from returning safely to their homes; now, therefore be it,

Resolved, That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to designate Ecuador for Temporary Protected Status to provide temporary immigration relief to eligible Ecuadorian nationals in the wake of a devastating earthquake.

Referred to the Committee on Immigration.

Int. No. 1207

By Council Members Gibson, Torres and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on persons who have been permanently excluded from public housing.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 4 to read as follows:

*SUBCHAPTER 4
REPORTS RELATED TO PUBLIC HOUSING*

§ 3-140 Definitions.

§ 3-141 Reports on permanent exclusions.

§ 3-140 Definitions. As used in this subchapter:

Permanent exclusion. The term “permanent exclusion” means, with respect to a person, that such person has been permanently barred from entering or residing in public housing by the New York city housing authority.

Public housing. The term “public housing” has the meaning ascribed to such term in section 1437a of title 42 of the United States code.

§ 3-141 Reports on permanent exclusions. a. The New York city housing authority shall submit to the mayor and the council, and make publicly available online, quarterly reports related to permanent exclusions. Such reports shall include, at a minimum, the following information, for each person who has, at any time on or after the effective date of the local law that added this section, been permanently excluded:

1. The age, gender and ethnicity of such person;

2. The date such permanent exclusion commenced;

3. The basis for such permanent exclusion;

4. A statement as to whether the basis for such permanent exclusion involved:

(a) A drug-related offense and, if so, the type of drug involved;

(b) A violent crime and, if so, the type of crime;

(c) Domestic violence;

(d) An arrest of such person and, if so, whether such permanent exclusion was sought before conviction of such person for the offense underlying such arrest;

5. A statement as to whether such permanent exclusion was the result of (i) a final decision of a hearing officer in a termination of tenancy proceeding or (ii) a stipulation of settlement in a termination of tenancy proceeding; and

6. A statement as to whether such permanent exclusion was removed and, if so, the date of such removal.

b. Such information shall be made publicly available in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Housing.

Int. No. 1208

By Council Member Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a centralized procurement database.

Be it enacted by the Council as follows

Section 1. Chapter 1 of title six of the administrative code of the city of New York is amended by adding a new section 6-142 to read as follows:

§6-142 Public procurement database. a. For the purposes of this section, “agency” means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

b. The mayor shall establish and maintain a public online database that shall contain the following information for every agency procurement exceeding the small purchase limits set forth in section three hundred fourteen in the charter:

(1) the request for bids, request for proposals or other public notice of opportunity to contract with the city;

(2) the bids, proposals, or other responses submitted; and

(3) details regarding the contract awarded, including (i) the name of the selected contractor; (ii) the term of the contract; and (iii) the dollar amount of the contract.

§2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Contracts.

Res. No. 1104

Resolution to Amend the Rules of the Council in relation to allowing the public to comment on legislation on the council’s website.

By Council Members Kallos and Vacca.

5.110. Legislative Tracking *and Open Data* - The Office of the Speaker shall make available on the internet for use by the public a legislative tracking database containing the number, text, sponsorship and status of all proposed local laws and resolutions, committee reports, agendas, calendar, hearing testimony, transcripts, videos, committee assignments, voting records of members and *any and all* other associated materials in the public record [that can practicably be made available], *and shall allow the public to post comments on such database regarding such proposed local laws and resolutions.* All proposed local laws and resolutions in the public record as well as any information associated with each proposed local law or resolution available through the database will be provided to the general public *on the database and on New York City’s open data portal* in a machine-readable format [at no cost and without restriction as soon as practicable], *and through an open application programming interface (API) that will provide the general public with bulk downloads as well as specifications for routines, data structures, object classes, variables, remote calls and such other information as would be necessary to access all information externally through an open standard such as a technical standard developed and maintained by a voluntary consensus body.* All information and data posted online pursuant to this rule shall be available to the public without registration requirement, license requirement, royalty, fee or any other restrictions on their use in real time or as close to real time as possible, not to exceed 24 hours, in order to facilitate public engagement with the Council through the use of third-party software.

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered State Legislation Resolution No. 4

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Serrano, S.5859-B, and Assembly Member Joyner, A.8120-B, “AN ACT to authorize the commissioner of parks and recreation of the city of New York to enter into an agreement for the operation of a children's program known as the Bronx Children's Museum in a portion of a building located in Mill Pond Park in the borough of the Bronx”.

By Council Member Koslowitz.

Whereas, Bills have been introduced in the New York State Legislature by Senator Serrano, S.5859-B, and Assembly Member Joyner, A.8120-B, “AN ACT to authorize the commissioner of parks and recreation of the city of New York to enter into an agreement for the operation of a children's program known as the Bronx Children's Museum in a portion of a building located in Mill Pond Park in the borough of the Bronx”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 5

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.6035, and Assembly Members Markey, DenDekker, A.6083, “AN ACT to amend the general municipal law, in relation to providing a special accidental death benefit to employees of the department of sanitation of the city of New York”.

By Council Member Koslowitz.

Whereas, Bills have been introduced in the New York State Legislature by Senator Golden, S.6035, and Assembly Members Markey, DenDekker, A.6083, “AN ACT to amend the general municipal law, in relation to providing a special accidental death benefit to employees of the department of sanitation of the city of New York”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 6

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.8015, and Committee on Rules (at request of Assembly Member Abbate), A.10567, “AN ACT to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city fire department pension fund; and to amend the administrative code of the city of New York, in relation to the powers, duties and responsibilities of the board of trustees of the New York city fire department pension fund, and in relation to authorizing such board of trustees to draw upon the assets of such fund to pay expenses”

By Council Member Koslowitz.

Whereas, Bills have been introduced in the New York State Legislature by Senator Golden, S.8015, and Committee on Rules (at request of Assembly Member Abbate), A.10567, “AN ACT to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city fire department pension fund; and to amend the administrative code of the city of New York, in relation to the powers, duties and responsibilities of the board of trustees of the New York city fire department pension fund, and in relation to authorizing such board of trustees to draw upon the assets of such fund to pay expenses”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 7

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.6388-A, and Assembly Member Cusick, A.9161, “AN ACT to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York”

By Council Member Koslowitz.

Whereas, Bills have been introduced in the New York State Legislature by Senator Lanza, S.6388-A, and Assembly Member Cusick, A.9161, “AN ACT to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Res. No. 1105

Resolution calling upon the President and the State Department to resettle at least 10,000 Syrian refugees in the United States of America by the end of 2016 and to increase such number to 65,000 by the end of 2017.

By Council Members Levin and Menchaca.

Whereas, March of 2016 marks the fifth anniversary of Syria's civil war, which caused almost five million Syrians to flee their homeland as refugees and displaced almost seven million; and

Whereas, The number of Syrian refugees has exponentially increased as the conflict in Syria has worsened, and the number is only expected to grow; and

Whereas, The United Nations ("U.N.") has called on the United States (U.S.) and other stable countries to accept the most vulnerable victims of the conflict; and

Whereas, According to Human Rights First, as of January 2016, the U.S. has received over 26,500 referrals for Syrians from the U.N. High Commissioner for Refugees ("U.N.H.C.R.") since 2011 but has resettled only approximately 15 percent of that number; and

Whereas, The U.N.H.C.R. has recommended that 10 percent of the overall Syrian refugee population, equivalent to 4.8 million people, are in need of resettlement; and

Whereas, The U.S. has admitted approximately 4,100 Syrian refugees since the beginning of the 2011 Syrian civil war; and

Whereas, Of this number, over 120 refugees have resettled in the New York State; and

Whereas, Historically, the U.S. has admitted half of all cases referred by the U.N.H.C.R., but during this crisis has accepted far fewer cases; and

Whereas, In March of 2016, the State Department reaffirmed its commitment to resettle at least 10,000 Syrians in fiscal year 2016 and increase the total number of resettled refugees from around the world to 100,000 by the end of fiscal year 2017; and

Whereas, The State Department did not announce how many Syrian refugees will be accepted in fiscal year 2017; and

Whereas, In 2015, at least 14 U.S. senators called for the government to take in 65,000 Syrian refugees by the end of 2016; and

Whereas, During the current robust U.S. screening process refugees are assessed by the National Counterterrorism Center, the Federal Bureau of Investigation and the departments of Homeland Security, State and Defense; and

Whereas, Coalitions such as the Refugee Council USA call on the U.S. to accept much larger numbers of Syrian refugees than are currently accepted; and

Whereas, Thousands of refugees, including entire families and children, have died attempting to flee Syria; and

Whereas, In response to terrorist attacks in Paris and Brussels, some state officials have recently called for the U.S. to discontinue accepting Syrian refugees and have announced that Syrian refugees are not welcome to be resettled in their states; and

Whereas, The U.S. House of Representatives recently passed H.R. 4038 or the American Security Against Foreign Enemies Act of 2015, which would restrict the admission of Iraqi and Syrian refugees to America by requiring that they undergo extra security procedures; and

Whereas, Innocent Syrian civilians need a safe place to go and as a world leader the United States has a moral obligation to expediently assist these individuals, instead of turning them away or creating additional restrictions on their settlement; and

Whereas, The U.S. has a proud history of welcoming refugees, and has the highest aspirations to compassion, generosity and leadership, and should welcome additional Syrian refugees in 2017; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the President and the State Department to resettle at least 10,000 Syrian refugees in the United States of America by the end of 2016 and to increase such number to 65,000 by the end of 2017.

Referred to the Committee on Immigration.

Res. No. 1106

Resolution calling upon Congress to pass, and the President to sign, H. Res. 541, designating June 2016 as National Gun Violence Awareness Month.

By The Public Advocate (Ms. James) and Council Member Chin.

Whereas, According to the Centers for Disease Control and Prevention, 33,599 Americans died from gun violence in 2014; and

Whereas, The 33,599 deaths included 10,945 murders, 21,334 suicides, and 586 accidents; and

Whereas, Data from the U.S. Department of Justice’s Bureau of Justice Statistics show that in 2014, there were 414,700 incidents of nonfatal firearm violence, affecting 466,110 victims; and

Whereas, Gun violence occurs every day in many American cities; and

Whereas, In New York City, preliminary CompStat data from the New York City Police Department (“NYPD”) show 1,139 shooting incidents in the five boroughs in 2015, a slight decrease from 1,171 in 2014; and

Whereas, According to the Wall Street Journal, 68% of the 350 murders in 2015 were related to firearms, an increase of more than 20% from 2014; and

Whereas, Gun violence disproportionately impacts communities of color; and

Whereas, The NYPD’s 2015 Crime and Enforcement Activity report shows that in 2015, 73.3% of shooting victims were Black and 23.2% Hispanic, making up 96.5% of all shooting victims in New York City; and

Whereas, Gun violence incidents typically increase during summer months; and

Whereas, NYPD CompStat data show that shooting incidents in the summer months of 2015 accounted for 29.7% of the year’s total, and the same period of 2014 accounted for 32.8% of that year’s total; and

Whereas, June would be an appropriate time of the year to increase public awareness about gun violence and to prompt further action among lawmakers and advocates to create solutions to prevent gun violence; and

Whereas, In November 2015, U.S. Representative Charles Rangel introduced H. Res. 541 to express support for designation of June 2016 as National Gun Violence Awareness Month; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass, and the President to sign, H. Res. 541, designating June 2016 as National Gun Violence Awareness Month.

Referred to the Committee on Public Safety.

Res. No. 1107

Resolution calling upon the State Legislature to pass and the Governor to sign S.7050-A/A.9647-A, which would require regulations to notify vendors of WIC reimbursement discrepancies and the reason for such discrepancy.

By Council Members Reynoso and Chin.

Whereas, In April 2015, New York State implemented a new policy to remove the “not to exceed” (NTE) amounts from the face of WIC checks; and

Whereas, The NTE amounts helped to inform retailers of the maximum amount they can charge for an item purchased with WIC; and

Whereas, Prohibiting vendors from seeing the maximum amount the State is willing to pay for WIC-approved foods on these checks has posed a serious challenge to businesses; and

Whereas, According to *Crain's New York Business*, due to the removal of the NTE from WIC checks, retailers no longer know how to price WIC items, and as a result, their checks were returned because their prices exceeded the regional average; and

Whereas, Check rejections cost retailers approximately \$10 to \$25 per check in bank fees; and

Whereas, Crain's also reported that vendors participating in the WIC program regularly submit retail cost sheets to New York State for their WIC products, yet the State does not flag overpriced items; and

Whereas, S.7050-A, sponsored by State Senator Espaillat, and A.9647-A, sponsored by Assembly Member Crespo, would amend the public health law by requiring regulations to establish a method of notification of discrepancies and the reason for such discrepancy, and prohibits fees for rejected or bounced WIC checks; and

Whereas, The bill would require establishing a method whereby the vendor is responsible for paying the difference between the total submitted for reimbursement and the authorized value of the WIC check, however, the vendor would not be responsible for paying a fee for rejected or bounced WIC checks; and

Whereas, Furthermore, this bill is intended to ensure transparency with regard to WIC reimbursement rejections because arbitrary rejections cost businesses time and resources; and

Whereas, In addition, the bill would require the State Department of Health to give a reason for a WIC reimbursement rejection and help to streamline the process; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass and the Governor to sign S.7050-A/A.9647-A, which would require regulations to notify vendors of WIC reimbursement discrepancies and the reason for such discrepancy.

Referred to the Committee on General Welfare.

Int. No. 1209

By Council Members Rodriguez, Kallos and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to newsrack registration

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision c of section 19-128.1 of the administrative code of the city of New York is amended to read as follows:

c. [Notification to city of location of newsrack] *Newsrack registration.* 1. (a) Where a newsrack has been placed or installed on a sidewalk before the effective date of this section, the owner [or person in control of such newsrack] shall, within sixty days after such effective date, [submit to the commissioner a form identifying] *register such newsrack with the department by submitting the following on a form or in a manner prescribed by the commissioner:* (i) the address of such newsrack; (ii) the name, address, telephone number, and email address of the [newspaper(s) or written matter] *publication(s)* to be offered for distribution in such newsrack; [and] (iii) the name, address, telephone number, and email address of the owner [or person in control of such newsracks]; (iv) *the delivery schedule for the publication(s) to be offered for distribution in such newsrack;* (v) *an insurance certificate demonstrating compliance with the requirements of subdivision d of this section;* and [representing] *a certification that such [newsracks comply] newsrack complies* with the provisions of this section.

(b) Any other owner [or person in control of a newsrack] shall, prior to placing or installing such newsrack on a sidewalk, submit to the commissioner a form providing the information in [clauses (ii) and (iii) of] subparagraph (a) of this paragraph.

(c) *Within five business days of receipt of the information required pursuant to subparagraphs (a) and (b) of this paragraph, the department shall provide the owner of a newsrack with a decal listing a unique identification number for each newsrack. Such owner shall affix such decal in a readily visible location on the front or sides of the newsrack within five days of receipt of such decal from the department.*

(d) *The owner of a newrack shall resubmit the information required pursuant to subparagraphs (a) and (b) of this paragraph annually to the commissioner, in accordance with a notification schedule to be established by the commissioner.*

§ 2. Paragraph 2 of subdivision d of section 19-128.1 of the administrative code of the city of New York is amended to read as follows:

2. Each [person who owns or controls] *owner of a newsrack placed or installed* on any sidewalk shall maintain a general liability insurance policy naming the city of New York, and its departments, boards, officers, employees and agents as additional insureds for the specific purpose of indemnifying and holding harmless those additional insureds from and against any and all losses, costs, damages, expenses, claims, judgments or liabilities that result from or arise out of the placement, installation and/or the maintenance of any newsrack. The minimum limits of such insurance coverage shall be no less than three hundred thousand dollars combined single limit for bodily injury, including death, and property damage, except that any [person] *owner* who maintains an average of one hundred or more newsracks at any one time shall maintain such minimum insurance coverage of one million dollars. [An insurance certificate demonstrating compliance with the requirements of this subdivision shall be submitted annually by December 31st to the commissioner by the person who owns or controls such insured newsracks.] Should said policy be called upon to satisfy any liability for damages covered by said policy, the policy must be of such a nature that the original amount of coverage is restored after any payment of damages under the policy. [Failure to maintain a satisfactory insurance policy pursuant to this subdivision or failure to submit an annual insurance certificate to the commissioner pursuant to this subdivision, shall be deemed a violation of this section subject to subparagraph b-1 of paragraph one of subdivision f of this section.]

§ 3. Paragraph 1 of subdivision f of section 19-128.1 of the administrative code of the city of New York is amended to read as follows:

1. (a) Whenever any newsrack is found to be in violation of any provision of subdivision b of this section or paragraphs two, three, four or five of subdivision e of this section, the commissioner shall issue a notice of correction specifying the date and nature of the violation and shall send written notification, by regular mail, to the owner or person in control of the newsrack. In addition, the commissioner may send a copy of such notice of correction to a person designated by such owner or person to receive such notice, and/or the commissioner may send such notice by electronic mail to such owner or such person specifying the date and nature of the violation. However, failure to send a copy by regular or electronic mail will not extend the time period within which such owner or other person is required by any provision of this section to take action, nor will such failure result in the dismissal of a notice of violation issued pursuant to any provision of this section. The commissioner shall cause photographic evidence of such violation to be taken. Such evidence shall be sent by regular mail together with the notice of correction. Except as otherwise provided for the removal of refuse in paragraph two of subdivision e of this section, such person shall within seven business days from the date of receipt of notification via regular mail cause the violation to be corrected. For the purposes of this section, a notice of correction shall be deemed to have been received five days from the date on which it was mailed by the commissioner.

(b) If an owner or other person in control of a newsrack fails to comply with a notice of correction issued pursuant to subparagraph a of this paragraph or an order by the commissioner to remove served pursuant to paragraph three of this subdivision, a notice of violation returnable to the board shall be served on such owner or person in control of such newsrack. No notice of violation shall be issued for the failure to comply with a notice of correction issued pursuant to subparagraph a of paragraph one of this subdivision unless the commissioner has caused a second inspection of the violation to take place within a period of time that commences on the day after the applicable period for correcting such violation expires and ends fourteen days after such day. In addition, the commissioner may send to such owner or other person in control of such

newsrack, by electronic mail, photographic evidence of such violation taken at such second inspection. Failure to send such photographic evidence by electronic mail will not result in the dismissal of a notice of violation issued pursuant to any provision of this section.

(b-1) Failure by an owner [or a person in control of a newsrack] to comply with [subdivision c or d of this section, failure by such owner or person to certify or failure to accurately demonstrate that such owner or person has repainted or used best efforts to remove graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions, as required by paragraph one of subdivision e of this section,] *paragraphs two or three of subdivision c, paragraph one of subdivision e, paragraph three of subdivision e, or failure to remove any newsrack as ordered pursuant to paragraph three of this subdivision* shall be a violation and shall be subject to the applicable penalties provided in paragraph six of this subdivision. A proceeding to recover any civil penalty authorized by this subparagraph shall be commenced with service on such owner [or person] of a notice of violation returnable to the board. The commissioner shall not be required to issue a notice of correction before issuing or serving a notice of violation pursuant to this subparagraph.

(c) If the return date of a notice of violation issued pursuant to subparagraph b or b-1 of this paragraph is more than five business days after the service of such notice, the board shall, upon the request of the respondent, in person at the office of the board, provide a hearing on such violation prior to such return date and no later than five business days after the date of such request. At the time set for such hearing, or at the date to which such hearing is continued, the board shall receive all evidence relevant to the occurrence or non-occurrence of the specified violation(s), the compliance or noncompliance with any of the provisions of this section, and any other relevant information. Such hearing need not be conducted according to technical rules relating to evidence and witnesses. Oral evidence shall be taken only on oath or affirmation. Within five business days after the conclusion of the hearing, the board shall render a decision, based upon the facts adduced at said hearing, whether any violations of this section have occurred. The decision shall be in writing and shall contain findings of fact and a determination of the issues presented. The board shall send to the owner or person in control of the newsrack by regular mail, a copy of its decision and order.

(d) *Failure by an owner to comply with of subdivision c of this section shall result in such newsrack being deemed abandoned and the provisions of paragraph four of this subdivision shall apply.*

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

Referred to the Committee on Transportation.

Int. No. 1210

By Council Members Torres, Garodnick Williams and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a predatory equity owner watch list.

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 3 to read as follows:

*Article 3
Housing Watch Lists*

§ 27-2109.51 *Definitions.*

§ 27-2109.52 *Creation of watch lists required.*

§ 27-2109.53 *Posting on department website; updates.*

§ 27-2109.54 *Removal from a watch list.*

§ 27-2109.55 *Determination of debt service coverage ratio.*

§ 27-2109.56 *Reserved.*

§ 27-2109.57 *Predatory equity owner watch list.*

§ 27-2109.58 *Reserved.*

§ 27-2109.51 *Definitions.* For purposes of this article, the term “debt service coverage ratio” means the quotient obtained when a multiple dwelling’s annual net operating income is divided by such multiple dwelling’s annual debt service, with the result expressed as a decimal carried to the hundredths place without rounding.

§ 27-2109.52 *Creation of watch lists required.* The commissioner shall create and maintain watch lists in accordance with the requirements of this article.

§ 27-2109.53 *Posting on department website; updates.* a. The commissioner shall make the watch lists created pursuant to this article publicly available on the department’s website and shall update each watch list not less than quarterly. The commissioner may use color designations for “High Risk” and “Moderate Risk” categories as specified in this article.

b. The commissioner shall make the watch lists created pursuant to this article searchable by the multiple dwelling’s address; the name of the multiple dwelling’s owner, including the names of principals, officers, directors or managers of such owner, as applicable; lender name, as applicable; and any other criteria that the commissioner chooses.

c. The commissioner shall provide, through the department’s website, a means for members of the public to submit potential entries for any of the watch lists created pursuant to this article, including a means for providing supporting information. The commissioner shall establish a procedure for tracking each such submission and shall notify the submitter within 30 days whether or not the submitted entry meets the criteria for inclusion on a watch list created pursuant to this article.

d. *Reserved.*

e. The commissioner shall provide the mayor, the public advocate, each borough president, the speaker of the council and each council member, and each community board with a copy of the watch lists created pursuant to this article each time such watch lists are updated pursuant to subdivision a of this section.

§ 27-2109.54 *Removal from a watch list.* a. If the commissioner determines that an entry included on a watch list created pursuant to this article no longer satisfies the criteria for inclusion on such watch list, the commissioner shall remove such entry within 10 business days of making that determination. Whenever the commissioner removes an entry from such a watch list, the commissioner shall post on the department’s website the reasons such entry was removed and shall keep such posting available on such website for at least one year.

b. The commissioner shall establish procedures by which a person may request a determination by the department that an entry should be removed from a watch list created pursuant to this article.

§ 27-2109.55 *Determination of debt service coverage ratio.* No later than March 1 of each year, the commissioner, in consultation with the commissioner of finance, shall determine the debt service coverage ratio of each multiple dwelling in the city that has six or more dwelling units. Such determination may be based on any information in the possession of the department or the department of finance.

§ 27-2109.56 *Reserved.*

§ 27-2109.57 *Predatory equity owner watch list.* a. The commissioner shall create and maintain a watch list of multiple dwelling owners who engage in practices associated with predatory equity according to the criteria set forth in this subdivision and whose multiple dwellings have six or more dwelling units. Such watch list shall divide such owners into two categories as follows:

1. A category entitled “Moderate Risk” that may be designated with the color orange and that includes any owner who owns a multiple dwelling that has six or more dwelling units and has a debt service coverage ratio of less than 1.05 and to which only one of the following additional criteria applies:

(a) Such multiple dwelling has an aggregate number of open hazardous and immediately hazardous violations that equals or exceeds an average of one violation per dwelling unit.

(b) Such multiple dwelling has one or more open orders to correct underlying conditions pursuant to subdivision c of section 27-2091.

(c) The number of dwelling units in the multiple dwelling that are the subject of pending proceedings in the housing part of the New York city civil court exceeds five percent of the total number of dwelling units in such multiple dwelling.

(d) Within the preceding five years, (i) an action has been commenced in any state or local court or administrative tribunal against the owner of the multiple dwelling or a principal, agent or employee of such owner, (ii) such action alleged one or more instances of harassment or any other cause of action based on acts described in paragraph 48 of subdivision a of section 27-2004 that were committed against a current or former tenant of any dwelling that the owner or its principal owns or owned and that occurred during the time that such owner or principal actually owned the dwelling and such tenant was a tenant thereof, and (iii) such action was not dismissed as frivolous, regardless of whether a judgment ultimately was entered against such owner, principal, agent or employee.

(e) The multiple dwelling has been sold more than three times in the preceding five years.

2. A category entitled "High Risk" that may be designated with the color red and that includes any owner of a multiple dwelling that has six or more dwelling units and to which one or more of the following criteria apply:

(a) Such multiple dwelling has a debt service coverage ratio of less than 0.85.

(b) Such multiple dwelling has a debt service coverage ratio of less than 1.05 and satisfies two or more of the criteria set forth in subparagraphs (a) through (e) of paragraph 1 of this subdivision.

(c) Such multiple dwelling has a debt service coverage ratio of less than 1.05 and has an aggregate number of open hazardous and immediately hazardous violations that equals or exceeds an average of three violations per dwelling unit.

(d) Such multiple dwelling has a debt service coverage ratio of less than 1.05 and has two or more open orders to correct underlying conditions pursuant to subdivision c of section 27-2091.

(e) The number of dwelling units in the multiple dwelling that are the subject of pending proceedings in the housing part of the New York city civil court exceeds 10 percent of the total number of dwelling units in such multiple dwelling.

(f) Within the preceding five years, (i) two or more actions have been commenced in any state or local court or administrative tribunal against the owner of the multiple dwelling or a principal, agent or employee of such owner, (ii) such actions alleged one or more instances of harassment or any other cause of action based on acts described in paragraph 48 of subdivision a of section 27-2004 that were committed against a current or former tenant of any dwelling that the owner or its principal owns or owned and that occurred during the time that such owner or principal actually owned the dwelling and such tenant was a tenant thereof, and (iii) such actions were not dismissed as frivolous, regardless of whether a judgment ultimately was entered against such owner, principal, agent or employee.

b. The watch list created pursuant to this section shall include the name of each owner and any additional information that the commissioner may establish by rule. Such additional information may include, where available and relevant, the names of any lenders who have lent money secured by properties on the watch list or any principals, officers, directors or managers of companies that own properties on the watch list.

§ 27-2109.58 Reserved.

§ 2. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-138 to read as follows:

§ 11-138 Housing watch lists. No later than March 1 of each year, the commissioner of finance shall assist the commissioner of housing preservation and development in determining the debt service coverage ratio of each multiple dwelling in the city that has six or more dwelling units pursuant to section 27-2109.55. Such determination may be based on any information in the possession of the department of finance or the department of housing preservation and development.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may take any measures necessary for the implementation of this local law, including the promulgation of rules, before its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1211

By Council Members Torres, Garodnick and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to creating a rebuttable presumption regarding harassment.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 49 to read as follows:

49. Debt service coverage ratio shall mean the quotient obtained when a multiple dwelling's annual net operating income is divided by such multiple dwelling's annual debt service, with the result expressed as a decimal carried to the hundredths place without rounding.

§ 2. Subdivision h of section 27-2115 of the administrative code of the city of New York is amended by adding a new paragraph (3) to read as follows:

(3) Where a multiple dwelling of six or more dwelling units has a debt service coverage ratio of less than 1.05, it shall give rise to a rebuttable presumption that acts or omissions described in subparagraphs a through g of paragraph 48 of subdivision a of section 27-2004 of the housing maintenance code were intended to cause or did cause a person lawfully entitled to occupancy of a dwelling unit in such property to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy.

§ 3. This local law takes effect 120 days after it becomes law except that that commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1212

By Council Members Torres, Garodnick, Williams and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a predatory equity lender watch list.

Be it enacted by the Council as follows:

Section 1. There is hereby created a predatory equity lender task force to examine lending practices that are associated with predatory equity activity as it relates to multiple dwellings of 6 or more units in the city. This task force shall develop recommendations for standards and criteria to be promulgated by the commissioner of housing preservation and development and pursuant to which lenders may be categorized as engaging in activities that enable or contribute to predatory equity and may be included on the predatory equity lender watch list pursuant to section 27-2109.58 of the administrative code of the city of New York, as added by section six of this local law. These recommendations also shall include procedures by which the commissioner of housing preservation and development may obtain information necessary for determining whether a particular lender should be included on a predatory equity lender watch list.

§ 2. The predatory equity lender task force shall consist of 9 members appointed by the mayor, comprising 2 tenant advocates, 2 lenders, and 5 public members each of whom has at least 5 years' experience in finance, economics or housing, none of whom may hold any other public office, employment or trust. The mayor shall

designate 1 public member to serve as chair. Any vacancy on the predatory equity lender task force shall be filled in the same manner as an original appointment.

§ 3. The predatory equity lender task force shall hold at least 1 public hearing in each borough. The commissioner of housing preservation and development or such commissioner's designee shall serve as chairperson and shall convene the first meeting of the task force within 90 days after the effective date of this local law.

§ 4. No later than 1 year after the effective date of this local law, the predatory equity lender task force shall submit its findings and recommendations to the mayor and the speaker of the council. The predatory equity lender task force shall be dissolved upon submission of such report.

§ 5. No later than 120 days after the predatory equity lender task force has submitted its findings and recommendations, the commissioner of housing preservation and development, in consultation with the commissioner of finance, shall promulgate standards and criteria for including lenders on a predatory equity lender watch list, as required by section 27-2109.58 of the administrative code of the city of New York, as added by section six of this local law.

§ 6. Subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 3 to read as follows:

*Article 3
Housing Watch Lists*

§ 27-2109.51 Reserved

§ 27-2109.52 Creation of watch lists required.

§ 27-2109.53 Posting on department website; updates.

§ 27-2109.54 Removal from a watch list.

§ 27-2109.55 Reserved.

§ 27-2109.56 Reserved.

§ 27-2109.57 Reserved.

§ 27-2109.58 Predatory equity lender watch list.

§ 27-2109.51 Reserved.

§ 27-2109.52 Creation of watch lists required. The commissioner shall create and maintain watch lists in accordance with the requirements of this article.

§ 27-2109.53 Posting on department website; updates. a. The commissioner shall make the watch lists created pursuant to this article publicly available on the department's website and shall update each watch list not less than quarterly. The commissioner may use color designations for "High Risk" and "Moderate Risk" categories as specified in this article.

b. The commissioner shall make the watch lists created pursuant to this article searchable by the multiple dwelling's address; the name of the multiple dwelling's owner, including the names of principals, officers, directors or managers of such owner, as applicable; lender name, as applicable; and any other criteria that the commissioner chooses.

c. The commissioner shall provide, through the department's website, a means for members of the public to submit potential entries for any of the watch lists created pursuant to this article, including a means for providing supporting information. The commissioner shall establish a procedure for tracking each such submission and shall notify the submitter within 30 days whether or not the submitted entry meets the criteria for inclusion on a watch list created pursuant to this article.

d. Reserved.

e. The commissioner shall provide the mayor, the public advocate, each borough president, the speaker of the council and each council member, and each community board with a copy of the watch lists created pursuant to this article each time such watch lists are updated pursuant to subdivision a of this section.

§ 27-2109.54 Removal from a watch list. a. If the commissioner determines that an entry included on a watch list created pursuant to this article no longer satisfies the criteria for inclusion on such watch list, the commissioner shall remove such entry within 10 business days of making that determination. Whenever the commissioner removes an entry from such a watch list, the commissioner shall post on the department's website the reasons such entry was removed and shall keep such posting available on such website for at least one year.

b. The commissioner shall establish procedures by which a person may request a determination by the department that an entry should be removed from a watch list created pursuant to this article.

§ 27-2109.55 Reserved.

§ 27-2109.56 Reserved.

§ 27-2109.57 Reserved.

§ 27-2109.58 Predatory equity lender watch list. a. The commissioner shall create and maintain a watch list of lenders who lend money on terms that enable or contribute to predatory equity in accordance with standards and criteria that the commissioner shall establish by rule.

b. The watch list created pursuant to this section shall include the name of the lender, the address of the multiple dwelling, the name of each owner of such multiple dwelling and any additional information that the commissioner requires by rule. Such additional information may include, where available and relevant, the names of any principals, officers, directors or managers of companies that own properties on the watch list.

c. Annually, on a date determined by the commissioner by rule, the commissioner shall transmit the predatory equity lender watch list created pursuant to this section to the United States comptroller of the currency, the board of governors of the federal reserve system and director of the consumer financial protection bureau, and may transmit such watch list to any other state or federal agency with the authority to enforce banking rules and regulations.

§ 7. This local law takes effect immediately, except that article 3 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York, as added by section six of this local law, takes effect 1 year and 120 days after this local law becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 1213

By Council Members Torres, Salamanca, Richards, Treyger, Cumbo Rose, Maisel, Reynoso, Cabrera, Chin and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on outcomes of services provided to public housing residents.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 4 to read as follows:

*SUBCHAPTER 4
REPORTS RELATED TO PUBLIC HOUSING*

§ 3-140 General.

§ 3-141 Report on outcomes of services provided to public housing residents.

§ 3-142 Report on health of public housing residents.

§ 3-140 General. a. As used in this subchapter:

Public housing. The term “public housing” has the meaning ascribed to such term in section 1437a of title 42 of the United States code.

b. Reports required under this subchapter shall only contain information in the aggregate and shall not contain any personally identifiable information.

§ 3-141 Report on outcomes of services provided to public housing residents. a. In 2017 and each calendar year thereafter, the mayor, or an agency designated by the mayor, shall make publicly available online and submit to the council a report relating to outcomes of services provided to public housing residents. Such report shall include, at a minimum, the following information, disaggregated by public housing development, borough and council district:

1. Outcomes of employment-related services, including but not limited to:

(a) For each employment program administered by or on behalf of the city, or funded in whole or in part by the city, the following information; provided that the term "employment program" includes, but is not limited to, the jobs-plus program described in number 244 of volume 61 of the federal register:

- (1) Name of such program and date on which such program was initiated;*
- (2) Number of public housing residents who applied for such program, disaggregated by whether such resident applied for such program (i) in-person at a workforce1 career center, (ii) online through a workforce1 career center or (iii) through other means;*
- (3) Number of public housing residents who were accepted and enrolled in such program;*
- (4) Number of public housing residents who were placed into full-time or part-time jobs through such program and the average wage of such residents;*
- (5) Number of public housing residents who received a referral for social services through such program;*
- (6) Number of public housing residents who enrolled in financial counseling services through such program;*
- (7) Number of public housing residents who enrolled in vocational training programs through such program;*
- (8) Number of public housing residents who enrolled in preparation courses for English for speakers of other languages (ESOL) or the test assessing secondary completion (TASC) through such program;*
- (9) Number of public housing residents who enrolled in college-readiness courses through such program;*
- (b) Number of public housing residents who took the city civil service examination, authorized under the state civil service law;*

2. For each program that provides financial counseling or banking services and is administered by or on behalf of the city, or funded in whole or in part by the city, the following information:

- (a) Name of such program and date on which such program was initiated;*
- (b) Number of public housing residents who received financial counseling or banking services through such program;*
- (c) Number of public housing residents who improved their credit scores through such program;*
- (d) Number of public housing residents who reduced their debt through such program;*
- (e) Number of public housing residents who report having increased their savings through such program;*

3. For each program that provides financial assistance to individuals for food, medical care or housing or otherwise for income support, and is administered by or behalf of the city, or funded in whole or in part by the city, the following information; provided that the term "program" as used in this paragraph includes, but is not limited to, the supplemental nutrition assistance program (SNAP), authorized under chapter 51 of title 7 of the United States code, medicaid, authorized under subchapter xix of chapter 7 of title 42 of the United States code, and medicare, authorized under subchapter xviii of chapter 7 of title 42 of the United States code:

- (a) Name of such program and date on which such program was initiated;*
- (b) Number of public housing residents who submitted applications for benefits under such program;*
- (c) Number of public housing residents who received benefits under such program;*
- (d) Number of public housing residents who were income-eligible for benefits under such program;*

4. Adult education outcomes, including but not limited to:

(a) For each program that provides educational services for adults and is administered by or behalf of the city, or funded in whole or in part by the city, the following information; provided that the term "program" as used in this paragraph includes, but is not limited to, the English for speakers of other languages (ESOL) and the adult basic education (ABE) program:

- (1) Name of such program and date on which such program was initiated;*
- (2) Number of public housing residents who participated in such program;*
- (b) Number of public housing residents who passed the test assessing secondary completion (TASC);*
- (c) Number of public housing residents who enrolled at the city university of New York;*
- (d) Number of public housing residents who graduated from the city university of New York; and*

5. Outcomes of business-related services, including but not limited to:

(a) For each program that provides guidance, financing or other assistance for developing businesses and is administered by or behalf of the city, or funded in whole or in part by the city, the following information:

- (1) Name of such program and date on which such program was initiated;*

(2) *Number of public housing residents who enrolled in courses offered by such program or otherwise received guidance under such program;*

(b) *Number of businesses that have been certified by the city during the reporting year as minority and women-owned business enterprises (MWBE) in which one or more public housing residents have an ownership interest.*

b. Such information shall be made publicly available in a non-proprietary format that permits automated processing.

§ 3-142 *Report on health of public housing residents. a. In 2017 and each calendar year thereafter, the mayor, or an agency designated by the mayor, shall conduct a representative survey of public housing residents to determine the following information, at a minimum, and shall submit, and make publicly available online, a report of the results of such survey to the council, disaggregated by public housing development, borough and council district:*

1. The approximate number of public housing residents who have health insurance coverage, disaggregated by age;

2. The approximate number of public housing residents who have asthma, disaggregated by age;

3. The approximate number of public housing residents who have childhood obesity, disaggregated by age;

4. The approximate number of public housing residents who have adult obesity, disaggregated by age;

5. The approximate number of public housing residents who have diabetes, disaggregated by age; and

6. The approximate number of public housing residents who have HIV/AIDS, disaggregated by age.

b. Such information shall be made publicly available in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Housing.

Int. No. 1214

By Council Members Torres, Salamanca, Richards, Treyger, Cumbo, Dickens, Rose, Maisel, Reynoso, Chin and Rosenthal.

A Local Law in relation to requiring the center for economic opportunity to develop a plan to expand access to jobs-plus facilities in public housing.

Be it enacted by the Council as follows:

Section 1. a. As used in this local law:

1. "Agency" means an agency as defined in section 1-112 of the administrative code of the city of New York.

2. "Center for economic opportunity" means the entity established pursuant to executive order number 117 for the year 2008, its successor agency or another entity designated by the mayor to perform the functions required by this local law.

3. "Jobs-plus program" means the jobs-plus initiative described in number 244 of volume 61 of the federal register or a similar program for providing the following services to assist residents of public housing operated by the New York city housing authority with obtaining and retaining employment: (i) job search assistance; (ii) education programs; (iii) vocational training; (iv) child care, transportation and other support services; and (v) subject to the cooperation of the United States department of housing and urban development and the New York city housing authority, a reasonable rent policy designed to encourage employment and self-sufficiency for participating residents, such as by excluding all or a portion of such resident's earned or newly earned income for purposes of determining rent.

4. “Jobs-plus facility” means a physical space in which services or benefits related to a jobs-plus program are provided.

b. By no later than one year after the date of enactment of this local law, the center for economic opportunity shall submit a plan to the speaker of the council, the comptroller and the mayor for making participation in the jobs-plus program available to each resident of public housing operated by the New York city housing authority. Such plan shall include the provision of at least one jobs-plus facility in each geographic area identified by the New York city housing authority for the purpose of targeting job placements, job training opportunities, apprenticeships or other similar benefits; provided that if such authority has not identified such areas or ceases to identify such areas before submission of the plan, the plan shall ensure that jobs-plus facilities are located in such a manner that each public housing resident has reasonable access to at least one such facility.

c. In developing the plan required by subdivision b, the center for economic opportunity shall seek cooperation and assistance from the United States department of housing and urban development and the New York city housing authority, in addition to any other individuals and entities the center for economic opportunity deems appropriate.

d. The plan required by subdivision b shall include an assessment of the estimated costs and timeline of implementing such plan and a description of any recommended changes to federal, state or local laws, rules or policies to facilitate such implementation, including but not limited to changes needed to implement reasonable rent policies designed to encourage employment and self-sufficiency for participating residents.

§2. This local law takes effect immediately.

Referred to the Committee on Public Housing.

Int. No. 1215

By Council Member Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to limits on the size of motor vehicles that may be parked in residential districts.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-171.3 to read as follows:

§ 19-171.3 Parking restrictions for oversize motor vehicles in residential districts. Notwithstanding any provision of the New York city charter or the code, parking rules shall not be suspended with respect to the parking, standing or stopping of any motor vehicle that exceeds forty eight feet in length, eight feet in width and thirteen feet and six inches in height on any part of a street that is within seventy-five feet of any residential premises or building that contains residential units.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 1216

By Council Members Wills and Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to allowing service stations with certain technologies to simultaneously fill their storage tanks while dispensing gas to customers.

Be it enacted by the Council as follows:

Section 1. Subchapter 5 of Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-673.4 to read as follows:

§ 20-673.4. Water in gasoline. It shall be unlawful for any person who sells or offers for sale, at retail, gasoline or other petroleum product for use in motor vehicles or motor boats to use or allow the use of any pump or dispensing device that draws gasoline or other petroleum product from a storage tank into which a truck is delivering petroleum product unless that storage tank is equipped with technology that continuously monitors the water level in the storage tank and such water level measures less than one inch.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of the department of consumer affairs may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Consumer Affairs.

L.U. No. 389

By Council Member Ferreras-Copeland:

257 West 29th Street, Block 779, Lot 7; Manhattan, Community District No. 5, Council District No. 3.

Referred to the Committee on Finance.

L.U. No. 390

By Council Member Ferreras-Copeland:

424 West 55th Street, Block 1064, Lot 44; Manhattan, Community District No. 4, Council District No. 3.

Referred to the Committee on Finance.

L.U. No. 391

By Council Member Ferreras-Copeland:

Marine Terrace Apartments, Block 893, Lots 20, 30, and 50; Block 894, Lots 2, 20, 75, and 101; Queens, Community District No. 4, Council District No. 22.

Referred to the Committee on Finance.

L.U. No. 392

By Council Member Ferreras-Copeland:

110 Madison Avenue, Block 859, Lot 1401; Manhattan, Community District No. 5, Council District No. 4.

Referred to the Committee on Finance.

L.U. No. 393

By Council Member Ferreras-Copeland:

305 East 171th Street Project, Block 2784, Lot 39; Bronx, Community District No. 4, Council District No. 16.

Referred to the Committee on Finance.

L.U. No. 394

By Council Member Ferreras-Copeland:

Minford Gardens, Block 2977, Lot 80; Bronx, Community District No. 3, Council District No. 17.

Referred to the Committee on Finance.

L.U. No. 395

By Council Member Ferreras-Copeland:

81 Madison Street, Block 277, Lot 4; Manhattan, Community District No. 3, Council District No. 1.

Referred to the Committee on Finance.

Preconsidered L.U. No. 396

By Council Member Greenfield:

Application No. 20165635 HAX submitted by the New York City Department of Housing Preservation and Development for a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 2504, Lot 21; Block 2507, Lot 34; Block 2511, Lot 74; Block 2647, Lot 5; and Block 2684, Lot 68; Borough of the Bronx, Community Boards 1, 2 and 4, Council Districts 8 and 17.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions).

Preconsidered L.U. No. 397

By Council Member Greenfield:

Application No. 20165637 PNM submitted by the Department of Citywide Administrative Services, on behalf of the Department of Parks and Recreation, for the proposed transfer of a City-owned parkland known as Christopher Park to the United States of America to facilitate the establishment

of a national park on property located at Block 592, Lot 87, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to Council review pursuant to NYS General Municipal Law Section 72-h.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions).

L.U. No. 398

By Council Member Greenfield

Application No. C 160124 ZSK submitted by 19 Kent Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-962 of the Zoning Resolution to allow an increase in the maximum permitted floor area for a development occupied by Business-Enhancing uses and Incentive uses, and to allow modifications of the public plazas regulations of 37-70, in connection with a proposed 8-story commercial building, on property located at 19-33 Kent Avenue (Block 2282, Lot 1), in an M1-2 District, Borough of Brooklyn, Community Board 1, Council District 33. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 399

By Council Member Greenfield:

Application No. C 160125 ZSK submitted by 19 Kent Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-963 of the Zoning Resolution to allow a reduction in the parking requirements of Section 44-20 and a reduction in the loading berth requirements of Section 44-50, in connection with a proposed 8-story commercial building on property located at 19-33 Kent Avenue (Block 2282, Lot 1), in an M1-2 District, Borough of Brooklyn, Community Board 1, Council District 33. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 400

By Council Member Greenfield:

Application No. N 160126 ZRK submitted by the New York City Department of City Planning and 19 Kent Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-96 (Modification of Use, Bulk, Parking and Loading Regulations in Enhanced Business Areas) specifying a Kent Avenue Enhanced Business Area, Borough of Brooklyn, Community Board 1, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

<http://legistar.council.nyc.gov/Calendar.aspx>

ANNOUNCEMENTS

Thursday, June 9, 2016

★ Deferred

~~[Stated Council Meeting](#) Ceremonial Tributes 1:00 p.m.
Agenda 1:30 p.m.~~

Friday, June 10, 2016

★ Deferred

~~[Committee on Technology](#) 1:00 p.m.~~

~~**Int. 951**—By Council Members Crowley, Eugene, Johnson, Mealy, Mendez, Palma, Dickens and Gibson—**A Local Law** to amend the administrative code of the city of New York, in relation to requiring direct telephone access to 911 service.~~

~~**Int. 1158**—By Council Members Borelli, Vacca, Matteo, Richards, Cabrera, Palma and Koslowitz—**A Local Law** in relation to a report on the routing of cellular 9-1-1 calls near the geographic boundaries of the city of New York.~~

~~Committee Room City Hall James Vacca, Chairperson~~

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) recessed this Meeting subject to call.

Editor's Local Law Note: Int Nos. 62-A, 209-A, 463-A, 659-A, 1006-A and 1137-A, all adopted at the May 5, 2016 Stated Meeting, were returned unsigned by the Mayor on June 6, 2016. These bills had become law on June 5, 2016 pursuant to the City Charter due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as, respectively, Local Laws Nos. 62, 63, 64, 65, 66, and 67 of 2016.