**THE COUNCIL**

*Minutes of the Proceedings for the*
**STATED MEETING**
*of*
Wednesday, January 31, 2018, 2:02 p.m.

The Public Advocate (Ms. James)
*Acting President Pro Tempore and Presiding Officer*

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Member Torres.

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

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

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

**INVOCATION**

The Invocation was delivered by Rev. Brian C. Ellis-Gibbs, Pastor of Queens Baptist Church, located at 93-23 217th Street, Queens Village, NY 11428.

Let us pray.
God, you who are called by many names
and from whom we have received second chances,
you who loves us more than we know,
on this day at this particular time in
and the continuing of time
in this moment in the life story of our city,
we come before in this historical space
first saying thank you.
Thank you for life and breath.
Thank you for grace and mercy.
Thank you for love and light.
God, we request your presence to enter into this space,
and fill this place with your holiness.
For in this room are those whom you have called into position,
and have gathered as a collective force to bless your people.
We pray that as you have invited them
to participate in your work that you pour into them
wisdom and understanding.
We pray oh, Holy One that as they
discern, dialogue, discuss and decide up legislation
and policies that you would reveal your will to them,
for you have called them to be light and darkness.
You have called them to be conduits for compassion,
and ambassadors of justice for all who are residents of our city.
Show, up, oh, God, that as they deliberate,
they acknowledge your presence in the faces
of children, seniors, homeless persons, immigrants,
all those who cry out to you.
Use these women and men to work in a spirit of partnership
to bless and to empower, to protect and to strengthen
so that all have access to abundant life and protect them
with your covering of love.
Bless them in their homes, but we pray, oh, God
that all things are done for your holy purpose,
and we declare that evil and injustice have no place in this space.
May your love be the rule of law that they follow
so that building your kingdom becomes priority above all,
and it is with gratitude and humility in your holy and precious name,
the name that is above every name,
exalted in all the universe that we pray, that all say Amen.

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

During the Communication from the Speaker, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the following individuals:

On the morning of January 31, 2018, an Amtrak train crashed into a truck that had crossed a railroad crossing in Virginia. A passenger on the truck was killed and six others were injured. The train was carrying Republican lawmakers to an annual party conference in West Virginia. The Speaker (Council Member Johnson) expressed his hope and prayer for the safety of the survivors of this accident.

Retired firefighter Ray Philips died on January 27, 2018 at the age of 64 of a 9/11 related illness. Affectionately known as "Gonzo", he played the official Santa Claus at the FDNY Widows and Children's Holiday Party.

Reverend Dr. Wyatt T. Walker, died on January 23, 2018 at the age of 89. Rev. Walker served as Chief of Staff to Dr. Martin Luther King, Jr. and served as the first board chairman of the National Action Network. The Speaker (Council Member Johnson) noted that as we approach Black History Month, we recognize the impact African-Americans such as Dr. Walker and Dr. King have had on our nation's history.

## ADOPTION OF MINUTES

Council Member Rivera moved that the Minutes of the Stated Meeting of December 19, 2017 be adopted as printed.

## LAND USE CALL-UPS

M-12

By The Chair of the Committee on Land Use Council Member Salamanca:

**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 actions of the City Planning Commission on Uniform Land Use Review Procedure application No. C 170305 MMX shall be subject to Council review. This item is related to application nos. C 180051 (A) ZMX and N 180050 (A) ZRX, shall be subject to Council review.**

Coupled on Call-up vote.

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

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

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

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Finance

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

Report for L.U. No.12

**Report of the Committee on Finance in favor of a Resolution approving 211 West 28th Street, Block 778, Lot 33; Manhattan, Community District No. 5, Council District No. 3.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on January 31, and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

January 31, 2018

TO: Hon. Daniel Dromm
Chair, Finance Committee
Members of the Finance Committee

FROM: Eric Bernstein, Counsel, Finance Division
Rebecca Chasan, Counsel, Finance Division

RE: Finance Committee Agenda of January 31, 2018 - Resolution approving a tax exemption for two Land Use items (Council Districts 1 and 3)

**Item 1: 211 West 28th Street**

211 West 28th Street (the "Project") will be a single multiple dwelling, located in the Chelsea neighborhood of Manhattan, containing 37 supportive housing studio units. The property was formerly a six-story, 13,000 sq. ft. commercial building that will be reconstructed as a 14-story residential building by the Arker Companies. The units will be master leased to Citileaf.

The Project is financed by proceeds generated by the sale of inclusionary air rights, a permanent mortgage after completion, and deferred developer fees. The Department of Housing Preservation and Development (HPD) did not provide any subsidy or financing for the construction of the project.

The Project's owner entered into an Inclusionary Housing Regulatory Agreement with HPD, dated April 17, 2015, that establishes certain controls upon its operation. While the Article XI exemption will be for a period of 40 years, all 37 of the Project's units will be permanently affordable (AMI targets of 80% AMI).

Summary:

- Borough-Manhattan
- Block 778, Lot 3
- Council District-3
- Council Member-The Speaker (Council Member Johnson)
- Council Member approval-Yes
- Number of buildings-1
- Number of units-37
- Type of exemption-Article XI, Partial, 40-years
- Population-Individuals in need of supportive housing
- Sponsor-Chelsea Leaf South HDFC
- Purpose-New Construction (w/substantial rehabilitation of former commercial building)
- Cost to the City-$526,565 ($14,231/unit)
- Housing Code Violations-N/A
- Anticipated AMI targets-80% AMI

**Item 2: Two Bridges**

Two Bridges (the "Project") is a single multiple dwelling, located in Manhattan, containing 198 units of rental housing for low-income households. The Project is requesting a full Article XI tax exemption for the residential portion of the property in order to ensure continued financial sustainability and extended affordability.

The Project contains both residential units and 28,786 sq. ft. of leased community facility space. In 1998, the Project received an exemption under the 421-a program for a term of 20 years (to expire in 2018). HPD will authorize the termination of the 421-a exemption in order to replace it with the new Article XI exemption pursuant to the Private Housing Finance Law. The community space was tax-exempt under the 421-a exemption, however, this space will be fully taxable for the duration of the Article XI benefits.

The Project will receive HPD City Capital, Energy Efficiency Water Conservation funds, and an HDC reserve loan to rehabilitate the property. As part of the Project, current regulatory agreements will be extended until 2062, which is fifteen years from the date of the latest current regulatory term.

Summary:

- Borough-Manhattan
- Block 248, Lot 15
- Council District-1
- Council Member-Chin
- Council Member approval-Yes
- Number of buildings-1
- Number of units-198 (including one superintendent's unit)
- Type of exemption-Article XI, Full, 40-years
- Population-Low-income rental households
- Sponsor-Two Bridgeset Associates L.P. and 2BT HDFC
- Purpose-Preservation
- Cost to the City-$11.16M ($56,406/unit)
- Housing Code Violations:
    - Class A: 2
    - Class B: 4

- Class C: 0
- Anticipated AMI targets:
  - 99 units up to 60% AMI
  - 98 units up to 100% AMI

**(For text of the coupled resolution for L.U. No. 13, please see the Report of the Committee on Finance for L.U. No. 13 printed in these Minutes; for the coupled resolution for L.U. No. 12, please see below:)**

*Accordingly, this Committee recommends the adoption of L.U. Nos. 12 and 13.*

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

Res. No. 129

**Resolution approving an exemption from real property taxes for property located at (Block 778, Lot 33) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 12).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated January 16, 2018 that the Council take the following action regarding a housing project located at (Block 778, Lot 33) Manhattan ("Exemption Area"):

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

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

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

**RESOLVED:**

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

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

   a. "Effective Date" shall mean April 17, 2015.

   b. "Exemption" shall mean the exemption from real property taxation provided hereunder.

   c. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 778, Lot 33 on the Tax Map of the City of New York.

d. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

e. "Gross Rent" shall mean the gross potential rents from all residential and commercial units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).

f. "Gross Rent Tax" shall mean an amount equal to fifteen percent (15%) of the Gross Rent in the tax year in which such real property tax payment is made.

g. "HDFC" shall mean Chelsea Leaf South Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

h. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

i. "Owner" shall mean, collectively, the HDFC and the Partnership**.**

j. "Partnership" shall mean Eighth and Seventh Limited Partnership or a limited partnership that acquires the beneficial interest in the Exemption Area with the approval of HPD.

k. "Regulatory Agreement" shall mean the Inclusionary Housing Regulatory Agreement between HPD and the Owner dated April 17, 2015 establishing certain controls upon the operation of the Exemption Area.

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

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

4. Notwithstanding any provision hereof to the contrary:

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

sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before April 17, 2018, as such date may be extended in writing by HPD.

c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the Owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits 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.

DANIEL DROMM, *Chair*; VANESSA L. GIBSON, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, RORY I. LANCMAN, HELEN K. ROSENTHAL, JAMES G. VAN BRAMER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; 13-0-0; Committee on Finance, January 31, 2018.

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

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

Report for L.U. No. 13

**Report of the Committee on Finance in favor of a Resolution approving Two Bridges, Block 248, Lot 15; Manhattan, Community District No. 3, Council District No. 1.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on January 31, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 12 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 130

**Resolution approving an exemption from real property taxes for property located at (Block 248, Lot 15) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 13).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 20, 2017 that the Council take the following action regarding a housing project located at (Block 248, Lot 15) Manhattan ("Exemption Area"):

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

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

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

**RESOLVED:**

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

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

   a. "Effective Date" shall mean June 10, 2016.

   b. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 248, Lot 15 on the Tax Map of the City of New York.

   c. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of 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 2BT Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

   e. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

   f. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

   g. "Owner" shall mean, collectively, the HDFC and the Partnership.

   h. "Partnership" shall mean Two Bridgeset Associates, L.P.

i. "Prior Exemption" shall mean the existing tax exemption for the Exemption Area pursuant to Section 421-a of the Real Property Tax Law.

j. "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 New Exemption.

2. As approved by HPD pursuant to Real Property Tax Law Section 421-a, the Prior Exemption shall terminate upon the Effective Date.

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

4. Notwithstanding any provision hereof to the contrary:

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

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

c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the 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.

DANIEL DROMM, *Chair*; VANESSA L. GIBSON, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, RORY I. LANCMAN, HELEN K. ROSENTHAL, JAMES G. VAN BRAMER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; 13-0-0; Committee on Finance, January 31, 2018.

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

**Report of the Committee on Land Use**

Report for L.U. No. 1

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20185005 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Giacosa Corp., d/b/a Il Pitino, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 270 6th Avenue, Borough of Manhattan, Community Board 2, Council District 3. 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 January 16, 2018 (Minutes, page 77) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2** **20185005 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Bar Giacosa Corp., d/b/a Il Pittino, for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 270 6th Avenue.

By letter dated January 22, 2018 and submitted to the City Council on January 22, 2018, the Applicant withdrew the Application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent.

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 23, 2018

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.

**In Favor:**
Moya,, Constantinides, Lancman, Levin, Richards, Rivera, Torres, Grodenchik.

| **Against:** | **Abstain:** |
|---|---|
| None | None |

**COMMITTEE ACTION**

**DATE:** January 25, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**
Salamanca, Gibson, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

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

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

Res. No. 131

**Resolution approving a motion to file pursuant to withdrawal of the Application for a new revocable consent for an unenclosed sidewalk café located at 270 6th Avenue, Borough of Manhattan (20185005 TCM; L.U. No. 1).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on January 12, 2018 its approval dated January 11, 2018 of the petition of Bar Giacosa Corp., d/b/a Il Pittino, for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 270 6th Avenue, Community Board 2, Borough of Manhattan (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**, by letter dated January 22, 2018 and submitted to the City Council on January 22, 2018, the Applicant withdrew the Application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a, 7.90 and 11.80 of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chair*; VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANDY L. KING, PETER A. KOO, RORY I. LANCMAN, DONOVAN J. RICHARDS, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; 15-0-0 (Absent: Inez D. Barron, Stephen T. Levin, I. Daneek Miller and Ritchie J. Torres; Paternity Leave: Antonio Reynoso); Committee on Land Use, January 25, 2018.

Coupled to be Filed Pursuant to Letter of Withdrawal.

Report for L.U. No. 2

**Report of the Committee on Land Use in favor of approving Application No. 20185019 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Brown Sugar Bar and Restaurant, Inc., for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 5060 Broadway, Borough of Manhattan, Community Board 12, Council District 10. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 77) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 12** **20185019 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Brown Sugar Bar and Restaurant, Inc., for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 5060 Broadway.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** January 23, 2018

**Witnesses in Favor:** None **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 23, 2018

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

**In Favor:**
Moya, Constantinides, Lancman, Levin, Richards, Rivera, Torres, Grodenchik.

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

**COMMITTEE ACTION**

**DATE:** January 25, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**
Salamanca, Gibson, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

| **Against:** | **Abstain:** |
|---|---|
| None | None |

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

Res. No. 132

**Resolution approving the petition for a new revocable consent for an unenclosed sidewalk café located at 5060 Broadway, Borough of Manhattan (20185019 TCM; L.U. No. 2).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on January 12, 2018 its approval dated January 11, 2018 of the petition of Brown Sugar Bar and Restaurant, Inc., for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 5060 Broadway, Community Board 12, Borough of Manhattan (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 January 23, 2018; 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.

RAFAEL SALAMANCA, Jr., *Chair*; VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANDY L. KING, PETER A. KOO, RORY I. LANCMAN, DONOVAN J. RICHARDS, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; 15-0-0 (Absent: Inez D. Barron, Stephen T. Levin, I. Daneek Miller and Ritchie J. Torres; Paternity Leave: Antonio Reynoso); Committee on Land Use, January 25, 2018.

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

Report for L.U. No. 3

**Report of the Committee on Land Use in favor of approving Application No. C 170024 ZMK submitted by 116 Bedford Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 13a, establishing within an existing R6A District a C1-4 District bounded by North 11th Street, Bedford Avenue, North 10th Street, and a line 100 feet northwesterly of Bedford Avenue, Borough of Brooklyn, Community Board 1, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 78) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 1** **C 170024 ZMK**

City Planning Commission decision approving an application submitted by 116 Bedford Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a, by establishing within an existing R6A District a C1-4 District bounded by North 11th Street, Bedford Avenue, North 10th Street, and a line 100 feet northwesterly of Bedford Avenue, subject to the conditions of the CEQR Declaration E-440.

**INTENT**

To approve an amendment to the Zoning Map, Section No. 13a, in order to facilitate the use of ground floor space for commercial use and bring five existing non-conforming ground floor commercial uses on the same block frontage into conformance.

**PUBLIC HEARING**

**DATE:** January 23, 2018

**Witnesses in Favor:** Two **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 23, 2018

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

**In Favor:**
Moya, Constantinides, Lancman, Levin, Richards, Rivera, Torres, Grodenchik.

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

**COMMITTEE ACTION**

**DATE:** January 25, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**
Salamanca, Gibson, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

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

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

Res. No. 133

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170024 ZMK, a Zoning Map amendment (L.U. No. 3).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on December 19, 2017 its decision dated December 13, 2017 (the "Decision"), on the application submitted by 116 Bedford Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a, establishing within an existing R6A District a C1-4 District in order to facilitate the use of ground floor space for commercial use and bring five existing non-conforming ground floor commercial uses on the same block frontage into conformance, (ULURP No. C 170024 ZMK), Community District 1, Borough of Brooklyn (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the revised negative declaration issued November 27, 2017 (CEQR No. 17DCP021K), (the "Revised Negative Declaration").

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170024 ZMK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 13a, by establishing within an existing R6A District a C1-4 District bounded by North 11th Street, Bedford Avenue, North 10th Street, and a line 100 feet northwesterly of Bedford Avenue, as shown on a diagram (for illustrative purposes only), dated August 7, 2017, and subject to the conditions of the CEQR Declaration E-440, Community District 1, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chair*; VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANDY L. KING, PETER A. KOO, RORY I. LANCMAN, DONOVAN J. RICHARDS, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; 15-0-0 (Absent: Inez D. Barron, Stephen T. Levin, I. Daneek Miller and Ritchie J. Torres; Paternity Leave: Antonio Reynoso); Committee on Land Use, January 25, 2018.

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

Report for L.U. No. 4

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170356 ZMK submitted by 1121 Delaware, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 16c, changing an existing M1-1 District to an R6B district for property in the vicinity of Bergen Street and Carlton Avenue, Borough of Brooklyn, Community Board 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 78), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 4 & Res. No. 135 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chair*; VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANDY L. KING, PETER A. KOO, RORY I. LANCMAN, DONOVAN J. RICHARDS, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; 15-0-0 (Absent: Inez D. Barron, Stephen T. Levin, I. Daneek Miller and Ritchie J. Torres; Paternity Leave: Antonio Reynoso); Committee on Land Use, January 25, 2018.

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

Report for L.U. No. 5

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170357 ZRK submitted by 1121 Delaware, LLC pursuant to Sections 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community Board 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred January 16, 2018 (Minutes, page 78), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 5 & Res. No. 136 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chair*; VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANDY L. KING, PETER A. KOO, RORY I. LANCMAN, DONOVAN J. RICHARDS, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; 15-0-0 (Absent: Inez D. Barron, Stephen T. Levin, I. Daneek Miller and Ritchie J. Torres; Paternity Leave: Antonio Reynoso); Committee on Land Use, January 25, 2018.

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

Report for L.U. No. 11

**Report of the Committee on Land Use in favor of approving Application No. 20185162 HAM submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant Section 577 of Article XI of the Private Housing Finance Law, for property located at 9 Fort Washington Avenue, 518 West 161st Street, and 609 West 158th Street, Borough of Manhattan, Community Board 12, Council District 7.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 79) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 12** **20185162 HAM**

Application submitted by the New York City Department of Housing Preservation and Development for approval of an urban development action area project and disposition of city-owned property under Article 16 of the General Municipal Law, and a real property tax exemption under Article XI of the Private Housing Finance Law for property located at 9 Fort Washington Avenue (Block 2136, Lot 47), 518 West 161st Street (Block 2119, Lot 28), 544-46 West 163rd Street (Block 2122, Lot 142), and 609 West 158th Street (Block 2136, Lot 5), Borough of Manhattan, Community District 12, Council District 7.

**INTENT**

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project which, when completed, will provide 94 Affordable cooperative dwelling units.

**PUBLIC HEARING**

**DATE:** January 23, 2018

**Witnesses in Favor:** Three **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 23, 2018

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:**
Kallos, Gibson, Deutsch, King, Diaz.

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

**COMMITTEE ACTION**

**DATE:** January 25, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**
Salamanca, Gibson, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

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

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

Res. No. 134

**Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 9 Fort Washington Avenue (Block 2136, Lot 47), 518 West 161st Street (Block 2119, Lot 28), 544-46 West 163rd Street (Block 2122, Lot 142), and 609 West 158th Street (Block 2136, Lot 5), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 12, Borough of Manhattan (L.U. No. 11; 20185162 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 8, 2018 its request dated December 1, 2017 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 9 Fort Washington Avenue (Block 2136, Lot 47), 518 West 161st Street (Block 2119, Lot 28), 544-46 West 163rd Street (Block 2122, Lot 142), and 609 West 158th Street (Block 2136, Lot 5), Community District 12, Borough of Manhattan (the "Disposition Area"):

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

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve the exemption of the project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on January 23, 2018;

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

**RESOLVED:**

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

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on January 8, 2018, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Disposition Area from real property taxes as follows:

a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area ("Effective Date") and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").

b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.

c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

RAFAEL SALAMANCA, Jr., *Chair*; VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANDY L. KING, PETER A. KOO, RORY I. LANCMAN, DONOVAN J. RICHARDS, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; 15-0-0 (Absent: Inez D. Barron, Stephen T. Levin, I. Daneek Miller and Ritchie J. Torres; Paternity Leave: Antonio Reynoso); Committee on Land Use, January 25, 2018.

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

## GENERAL ORDER CALENDAR

Report for L.U. No. 4 & Res. No. 135

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170356 ZMK submitted by 1121 Delaware, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 16c, changing an existing M1-1 District to an R6B district for property in the vicinity of Bergen Street and Carlton Avenue, Borough of Brooklyn, Community Board 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 78) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 8** **C 170356 ZMK**

City Planning Commission decision approving an application submitted by 1121 of Delaware, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an M1-1 District to an R6B District property bounded by Dean Street, a line 150 feet easterly of Carlton Avenue, a line midway between Dean Street and Bergen Street, a line 310 feet easterly of Carlton Avenue, Bergen Street, a line 210 feet easterly of Carlton Avenue, a line 80 feet northerly of Bergen Street, and a line 100 feet easterly of Carlton Avenue, subject to the conditions of CEQR Declaration E-439.

**INTENT**

To approve an amendment of the Zoning Map, Section No. 16c, by changing an M1-1 to an R6B zoning district, which in conjunction with the related action would facilitate the development of a new four-story building containing approximately 26 residential units, including approximately 8-10 units of permanently affordable housing, in the Prospect Heights neighborhood of Brooklyn Community District 8.

**PUBLIC HEARING**

**DATE:** January 23, 2018

**Witnesses in Favor:** One **Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 23, 2018

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

**In Favor:**
Moya, Constantinides, Lancman, Levin, Richards, Rivera, Torres, Grodenchik.

| **Against:** | **Abstain:** |
|---|---|
| None | None |

**COMMITTEE ACTION**

**DATE:** January 25, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**
Salamanca, Gibson. Constantinides. Deutsch. Kallos. King. Koo, Lancman. Richards. Treyger. Grodenchik. Adams. Diaz, Moya, Rivera.

| **Against:** | **Abstain:** |
|---|---|
| None | None |

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

Res. No. 135

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170356 ZMK, a Zoning Map amendment (L.U. No. 4).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on December 19, 2017 its decision dated November 29, 2017 (the "Decision"), on the application submitted by 1121 of Delaware, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c, changing from an M1-1 District to an R6B District, which in conjunction with the related action would facilitate the development of a new four-story building containing approximately 26 residential units, including approximately 8-10 units of permanently affordable housing, in the Prospect Heights neighborhood of Brooklyn (ULURP No. C 170356 ZMK), Community District 8, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to application N 170357 ZRK (L.U. No. 5), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues including the negative declaration issued July 24, 2017 (CEQR No. 17DCP163K), which include (E) designations to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-439) (the "Negative Declaration").

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170356 ZMK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 16c, changing from an M1-1 District to an R6B District property bounded by Dean Street, a line 150 feet easterly of Carlton Avenue, a line midway between Dean Street and Bergen Street, a line 310 feet easterly of Carlton Avenue, Bergen Street, a line 210 feet easterly of Carlton Avenue, a line 80 feet northerly of Bergen Street, and a line 100 feet easterly of Carlton Avenue, as shown on a diagram (for illustrative purposes only) dated July 24, 2017, and subject to the conditions of CEQR Declaration E-439, Community District 8, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chair*; VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANDY L. KING, PETER A. KOO, RORY I. LANCMAN, DONOVAN J. RICHARDS, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; 15-0-0 (Absent: Inez D. Barron, Stephen T. Levin, I. Daneek Miller and Ritchie J. Torres; Paternity Leave: Antonio Reynoso); Committee on Land Use, January 25, 2018.

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

Report for L.U. No. 5 & Res. No. 136

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170357 ZRK submitted by 1121 Delaware, LLC pursuant to Sections 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community Board 8, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred January 16, 2018 (Minutes, page 78) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 8** **N 170357 ZRK**

City Planning Commission decision approving an application submitted by 1121 of Delaware, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve an amendment to the text of the Zoning Resolution, which in conjunction with the related action would facilitate the development of a new four-story building containing approximately 26 residential units, including approximately 8-10 units of permanently affordable housing, in the Prospect Heights neighborhood of Brooklyn Community District 8.

**PUBLIC HEARING**

**DATE:** January 23, 2018

**Witnesses in Favor:** One **Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 23, 2018

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

**In Favor:**
Moya, Constantinides. Lancman. Levin. Richards. Rivera. Torres. Grodenchik.

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

**COMMITTEE ACTION**

**DATE:** January 25, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**
Salamanca, Gibson, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

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

**FILING OF MODIFICATION WITH THE CITY PLANNING COMMISSION**

The Committee's proposed modification was filed with the City Planning Commission on January 25, 2018. The City Planning Commission filed a letter dated January 29, with the Council on January 30, 2018, indicating that the proposed modification is not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 136

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 170357 ZRK, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 8, Borough of Brooklyn (L.U. No. 5).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on December 19, 2017 its decision dated November 29, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 1121 of Delaware, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area. This action in conjunction with the related action would facilitate the development of a new four-story building containing approximately 26 residential units, including approximately 8-10 units of permanently affordable housing, in the Prospect Heights neighborhood of Brooklyn (Application No. N 170357 ZRK), Community District 8, Borough of Brooklyn (the "Application");

**WHEREAS,** the Application is related to application C 170356 ZMK (L.U. No. 4), an amendment to the Zoning Map to change an M1-1 district to an R6B district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues including the negative declaration issued July 24, 2017 (CEQR No. 17DCP163K), which include (E) designations to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-439) (the "Negative Declaration").

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170357 ZRK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
Matter ~~double-strikeout~~ is old, deleted by the City Council;
Matter double-underline is new, added by the City Council;
* * * indicates where unchanged text appears in the Zoning Resolution.

* * *

**APPENDIX F**
**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

*** * ***

**BROOKLYN**

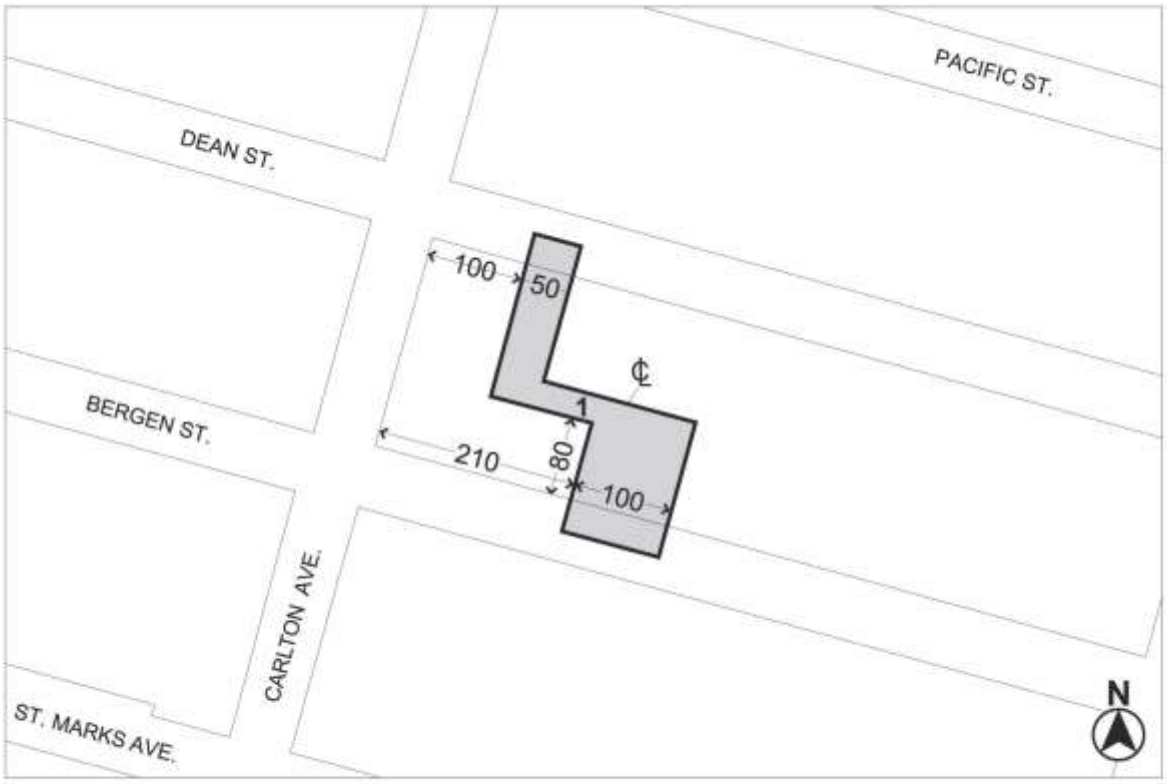
*** * ***

**Brooklyn Community District 8**

*** * ***

Map 2 - [date of adoption]

[PROPOSED MAP]




Portion of Community District 8, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chair*; VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANDY L. KING, PETER A. KOO, RORY I. LANCMAN, DONOVAN J. RICHARDS, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; 15-0-0 (Absent: Inez D. Barron, Stephen T. Levin, I. Daneek Miller and Ritchie J. Torres; Paternity Leave: Antonio Reynoso); Committee on Land Use, January 25, 2018

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

**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

*Approved New Applicants*

| *Name* | *Address* | *District #* |
|---|---|---|
| Marie Danowski | 3407 Dekalb Avenue #1C<br>Bronx, New York 10467 | 11 |
| Veronica Smith | 104-04 219th Street<br>Queens Village, New York 11429 | 27 |
| Alexander Aufrichtig | 45 Oceana Drive East #9E<br>Brooklyn, New York 11235 | 48 |

*Approved Reapplicants*

| *Name* | *Address* | *District #* |
|---|---|---|
| Yuliya Slavinskaya | 625 Main Street #643<br>New York, New York 10044 | 5 |
| Mildred Marcelino | 853 Riverside Drive #3E<br>New York, New York 10032 | 7 |
| Margaritz Mendez | 901 Neill Avenue<br>Bronx, New York 10462 | 13 |
| Wanda Herndon | 500 East 171st Street #14E<br>Bronx, New York 10457 | 16 |
| Donna Taylor-Sanders | 814 Ritter Place<br>Bronx, New York 10459 | 17 |
| Rosmailyn Lantigua | 1155 Evergreen Avenue #D3<br>Bronx, New York 10475 | 17 |
| Antoinette M. Quinones | 94-30 Magnolia Court #3A<br>Ozone Park , New York 11417 | 32 |
| Samuel Ross | 146 Henry Street<br>Brooklyn, New York 11201 | 33 |

| | | |
|---|---|---|
| Jackson L. Quinones Jr. | 231 Maujer Street #2L<br>Brooklyn, New York 11206 | 34 |
| Lilia Dwyer | 1047 President Street<br>Brooklyn, New York 11225 | 35 |
| Annell Hudson | 374 Madison Street<br>Brooklyn, New York 11221 | 36 |
| Anna Cruz | 604 Clinton Street #4B<br>Brooklyn, New York 11231 | 38 |
| Perlese E. Steed | 672 Empire Blvd #5A<br>Brooklyn, New York 11213 | 41 |
| Annette Wesley | 2805 West 37th Street<br>Brooklyn, New York 11224 | 47 |
| Jessica Schrader | 9 Pleasant Plains Avenue<br>Staten Island, New York 10309 | 51 |

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

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

**(1) L.U. 1 & Res 131 -** App. **20185005 TCM** Manhattan, Community Board 2, Council District 3 (**Coupled to be Filed pursuant to a Letter of Withdrawal).**

**(2) L.U. 2 & Res 132 -** App. **20185019 TCM** Manhattan, Community Board 12, Council District 10.

**(3) L.U. 3 & Res 133 -** App. **C 170024 ZMK** Brooklyn, Community Board 1, Council District 33.

**(4) L.U. 4 & Res 135 -** App. **C 170356 ZMK** Brooklyn, Community Board 8, Council District 35.

| | | |
|---|---|---|
| **(5)** | **L.U. 5 & Res 136 -** | App. **N 170357 ZRK** Brooklyn, Community Board 8, Council District 35. |
| **(6)** | **L.U. 11 & Res 134 -** | App. **20185162 HAM** Manhattan, Community Board 12, Council District 7. |
| **(7)** | **L.U. 12 & Res 129 -** | 211 West 28th Street, Block 778, Lot 33; Manhattan, Community District No. 5, Council District No. 3. |
| **(8)** | **L.U. 13 & Res 130 -** | Two Bridges, Block 248, Lot 15; Manhattan, Community District No. 3, Council District No. 1. |

**(9) Resolution approving various persons Commissioners of Deeds.**

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

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

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

The following was the vote recorded for **L.U. No. 4 & Res. No. 135**:

**Affirmative –** Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo and the Speaker (Council Member Johnson) – **48**.

**Negative –** Barron and Perkins **– 2.**

## INTRODUCTION AND READING OF BILLS

Int. No. 2

By Council Members Barron and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to status updates on contracts funded pursuant to discretionary appropriations**

*Be it enacted by the Council as follows:*

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

*§6-142 Reporting on discretionary funded contracts. The city chief procurement officer shall issue, upon request of a council member, a report to such council member within five days of such request with the status of contracts funded pursuant to discretionary appropriations of such council member. Such report shall be disaggregated by fiscal year and contracting agency and shall contain, for each applicable contract: (a) the total amount of funds allocated in the fiscal year by the contracted entity for the provision of services under the contract and (b) the total amount of funds reimbursed to the contracted entity in the fiscal year by the contracting agency for the provision of services under the contract.*

§2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 3

By Council Members Barron and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring water filtration in schools with water pipes or solder that contain lead**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.7 to read as follows:

§ 17-199.7 Lead Filtration in Public Schools. a. For the purposes of this section, the following terms have the *following meanings.*

*Lead-containing pipes or fixtures. The term "lead-containing pipes or fixtures" means:*

*1. Any water supply pipe, including any solder on such a pipe, or any plumbing fixture, through which water used for drinking or cooking passes; and*

*2. Which the department or the department of education knows or should know is not lead free.*

*Lead free. The term "lead free" means "lead free" as defined in section 300g-6 of title 42 of the United State code.*

*School. The term "school" means a school of the city school district of the city of New York.*

*Water filtration system. The term "water filtration system" means a filtration system that is certified by NSF International, or by another credible certifying body designated by the department by rule, to be effective at reducing concentrations of lead in drinking water.*

*b. The department shall provide or install, and maintain in working order, water filtration systems in any school with lead-containing pipes or fixtures. Water that has passed through lead-containing pipes or fixtures at any such school that is primarily used for drinking or cooking must pass through such a water filtration system prior to being made available for drinking or cooking.*

§ 2. This local law takes effect 180 days after it becomes law, except that the department of health and mental hygiene may promulgate such rules, and take such other actions, as are necessary for the timely implementation of this law prior to such date.

Referred to the Committee on Health.

Int. No. 4

By Council Member Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to provide a list of organizations they consult with on chronic diseases**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.7 to read as follows:

*§ 17-199.7 Consultation Reporting. No later than February 1 of each year, the department shall submit to the speaker a list of the non-governmental organizations that the department routinely consults with regarding the prevention and management of common chronic diseases, including but not limited to diabetes, hypertension, heart disease, stroke, cancer, obesity, and alzheimer's disease. The organizations in such list shall be categorized by disease.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 5

By Council Members Barron, Rosenthal and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring signage about the risks of sugars and other carbohydrates for people with diabetes and prediabetes**

*Be it enacted by the Council as follows:*

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1506 to read as follows:

*§ 17-1506 Required diabetes information signage. a. Every food service establishment that sells food for consumption on the premises of such establishment shall display the poster created by the department pursuant to subdivision b of this section in a conspicuous location within such establishment.*

*b. The department shall create a poster containing information on the risks of excessive sugar and other carbohydrate intake for diabetic and prediabetic individuals. Such poster shall be made available to food service establishments in covered languages.*

*c. Any person who violates subdivision a of this section, or any rules promulgated pursuant to this section, shall be liable for a civil penalty of not more than $500, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings, except that a person shall not be subject to such civil penalty for a first-time violation of subdivision a of this section, or any rules promulgated pursuant to this section, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The*

*submission of proof of a cure shall be deemed an admission of liability for all purposes. The department shall permit such proof to be submitted electronically or in person. A person may seek review, before the tribunal within any agency of the city of New York designated to conduct such proceedings, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 2. This local law takes effect 120 days after it becomes law, except that the department of health and mental hygiene shall take such actions are as necessary for the timely implementation of this local law, including the creation of a poster pursuant to the requirements of section 1 of this local law and the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

Int. No. 6

By Council Members Barron and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to evictions of elderly tenants**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 18 to read as follows:

*CHAPTER 18*
*EVICTIONS OF ELDERLY TENANTS*



*§ 26-1801 Definitions. As used in this chapter, the terms "dwelling unit" and "owner" shall have the meanings ascribed to such terms by the housing maintenance code and:*

*Commissioner. The term "commissioner" means the commissioner of housing preservation and development.*

*Department. The term "department" means the department of housing preservation and development.*

*Senior. The term "senior" means a person who is sixty-two years of age or older.*

*Senior occupant. The term "senior occupant" means, with respect to a dwelling unit, a person who is (i) a senior or the spouse or domestic partner of a senior and (ii) entitled to the possession or use and occupancy of such unit.*

*§ 26-1802 Notification requirement. On or before the day on which an owner serves a petition or notice of petition for a summary proceeding to recover possession of a dwelling unit, pursuant to article seven of the real property actions and proceedings law, upon a senior occupant of such unit, the owner shall provide notification to the department of the name, address and phone number of the senior occupant. Such notification shall be in a form and manner determined by the department.*

*§ 26-1803 Tenant assistance. Upon receiving a notice pursuant to section 26-1802, the department shall provide to the senior occupant identified on the notice a list of persons that may provide legal services to senior tenants, including low-income senior tenants, or that may assist such tenants in obtaining legal services.*

*§ 26-1804 Reporting. The commissioner, in conjunction with the commissioner of the commission on human rights, shall analyze the information received pursuant to section 26-1802 and shall, by no later than*

*July first in each year, electronically submit to the mayor and the speaker of the council, and make publicly available online, a report regarding the findings of such analysis including, but not limited to, any trends identified in evictions of senior tenants and any finding or pattern of discrimination against senior tenants with respect to eviction.*

*§ 26-1105 Violations. Any person who violates section 26-1802 shall be guilty of a class A misdemeanor.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 7

By Council Member Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to assessing the size of the city's housing stock**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 27-2098 of the administrative code of the city of New York is amended by adding a new paragraph (7) to read as follows:

*(7) If the dwelling is a multiple dwelling or a one- or two-family dwelling where neither the owner nor any family member occupies the dwelling, the number of dwelling units contained therein.*

§ 2. Article 2 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2109.3 to read as follows:

*§ 27-2109.3 Reporting on number of registered dwelling units. By March 1 and September 1 of each year, the department shall submit a report to the council containing the following information for dwellings registered with the department under this article within the year preceding the filing date of such report, disaggregated by council district:*

*a. The number of registered class A multiple dwellings and the number of dwelling units located in such dwellings;*

*b. The number of registered class B multiple dwellings and the number of dwelling units located in such dwellings;*

*c. The number of registered private dwellings and the number of dwelling units located in such dwellings;*

§ 3. This local law shall take effect 120 days after enactment, provided that the department may take such measures as are necessary for the implementation of this law, including the promulgating of rules, prior to such date.

Referred to the Committee on Housing and Buildings.

Int. No. 8

By Council Member Barron.

**A Local Law to amend the New York city charter, in relation to social services for the wrongfully convicted**

*Be it enacted by the Council as follows:*

Section 1. Section 13 of the New York city charter, as amended by local law number 86 for the year 2015, is amended to read as follows:

§ 13. Office of Criminal Justice. *a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Immediate family member. The term "immediate family member" means a spouse, domestic partner, biological or adoptive parent, step-parent, legal guardian, biological or adopted child, child of a domestic partner or step-child of a wrongfully convicted individual.*

*Wrongfully convicted individual. The term "wrongfully convicted individual" means an individual who has been convicted of one or more felonies or misdemeanors and has served any part of a sentence of criminal imprisonment, and (i) who has been pardoned upon the ground of innocence of the crime or crimes for which the individual was sentenced or (ii) the individual's judgment of conviction was reversed or vacated and the accusatory instrument dismissed or, if a new trial was ordered, either the individual was found not guilty at the new trial or the individual was not retried and the accusatory instrument dismissed. Such judgement of conviction must have been reversed or vacated and the accusatory instrument dismissed on one of the following grounds:*

*(1) Paragraph (b), (c), (e), (g) or (g-1) of subdivision 1 of section 440.10 of the criminal procedure law; or*

*(2) Subdivision 1 (where based upon one of the provisions of section 440.10 of the criminal procedure law as set forth in this definition), 2, 3 (where the count dismissed was the sole basis for imprisonment) or 5 of section 470.20 of the criminal procedure law.*

*b.* There is established in the executive office of the mayor an office of criminal justice, to be headed by a coordinator of criminal justice appointed by the mayor. The coordinator shall:

[(1) advise] *1. Advise* and assist the mayor in planning for increased coordination and cooperation among agencies under the jurisdiction of the mayor that are involved in criminal justice programs and activities;

[(2) review] *2. Review* the budget requests of all agencies for programs related to criminal justice and recommend to the mayor budget priorities among such programs; [and,]

*3. Coordinate with relevant city agencies to promote the availability of social services for wrongfully convicted individuals and immediate family members, including but not limited to housing, medical care, health insurance, mental health counseling, drug addiction screening and treatment, employment, job training, education, personal finances, public benefits, immigration and legal services to seek compensation for wrongful conviction and imprisonment;*

*4. Work with the municipal division of transitional services to develop methods to improve the coordination of social services for wrongfully convicted individuals and immediate family members;*

*5. Provide outreach and education on the availability of social services for wrongfully convicted individuals and immediate family members; and*

6*. Perform [perform] such other duties as the mayor may assign.*

*c. No later than April 1, 2018, and by April 1 of every year thereafter, the coordinator shall prepare and submit to the mayor and the speaker of the council a report regarding the coordinator's progress regarding the availability and coordination of social services for wrongfully convicted individuals and immediate family members. Such report shall include, but need not be limited to:*

*1. An assessment of the type and frequency of social services needed by wrongfully convicted individuals and immediate family members;*

*2. An assessment of the availability and capacity of existing social services available for wrongfully convicted individuals and immediate family members; and*

*3. Recommendations for improving the availability and coordination of social services for wrongfully convicted individuals and immediate family members.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Justice System.

Int. No. 9

By Council Members Barron, Brannan and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of a stop sign or traffic control signal at every intersection immediately adjacent to any school**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-188.1 to read as follows:

*§ 19-188.1 Traffic control devices near schools. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Intersection. The term "intersection" has the meaning set forth in section 120 of the vehicle and traffic law.*

*School. The term "school" means any buildings, grounds, facilities, property, or portion thereof in which educational instruction is provided to at least 250 students at or below the twelfth grade level.*

*Traffic control device. The term "traffic control device" means a stop sign or traffic control signal.*

*Traffic control signal. The term "traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.*

*b. The department shall install stop signs or traffic control signals at all intersections immediately adjacent to any school in order to control motor vehicle traffic on streets that abut such schools. The department shall determine which type of traffic control device is appropriate at such intersection based upon the volume of motor vehicle traffic and the sight-lines of persons crossing at such intersection.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Res. No. 3

**Resolution calling on the New York City Department of Education to require that all public school students receive age-differentiated anti-bullying instruction and complete an anti-bullying course focused especially on cyberbullying**.

By Council Members Barron and Brannan.

**Whereas**, Bullying is a serious and widespread problem in schools throughout the United States (U.S.); and

**Whereas,** A survey by the U.S. Department of Education found that about 21% of students ages 12–18 reported being bullied at school in 2015; and

**Whereas,** Cyberbullying is bullying that takes place using electronic technology such as cell phone texting, email and social media internet sites and is a growing problem in U.S. schools; and

**Whereas,** Data collected by the National Center for Education Statistics indicates that 9% of students ages 12–18 experienced cyberbullying in school year 2010–11; and

**Whereas**, By 2015, 15.5% of high school students (grades 9-12) were electronically bullied according to the Youth Risk Behavior Surveillance Survey conducted by the Centers for Disease Control and Prevention; and

**Whereas**, Bullying has a negative impact on student attendance, academic outcomes and psychological well-being; and

**Whereas,** Students who are bullied or cyberbullied are more likely to skip a class or miss days of school, receive poor grades, experience depression, have lower self-esteem, use alcohol and drugs, and have more health problems; and

**Whereas,** Bullying prevention has received increasing focus from educators and policymakers in recent years, as evidenced by annual bullying prevention summits hosted by the U.S. Department of Education and similar events held in individual states; and

**Whereas,** New York State enacted its own anti-bullying law, the "Dignity for All Students Act" (DASA), in September 2010, which took effect on July 1, 2012; and

**Whereas**, The goal of DASA is to provide the State's public school students with a safe and supportive environment free from discrimination, harassment, and bullying; and

**Whereas,** DASA also amended Section 801-a of New York State Education Law which requires that the course of instruction in grades kindergarten through twelve include a component on civility, citizenship and character education; and

**Whereas,** Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, with an emphasis on discouraging acts of harassment, bullying and discrimination; and

**Whereas**, Further, such component must include instruction in the safe and responsible use of the internet and electronic communications; and

**Whereas**, The New York City Department of Education (DOE), in collaboration with the City Council and advocates, launched the citywide Respect For All initiative in 2007 to combat bias-based bullying and harassment in schools; and

**Whereas**, The Respect For All initiative includes staff training and curriculum for students in secondary schools; and

**Whereas,** In addition, DOE's Chancellor's Regulation A-832 establishes a procedure for the filing, investigation, and resolution of complaints of student-to-student bias-based harassment, intimidation, and/or bullying; and

**Whereas**, Chancellor's Regulation A-832 requires principals to ensure that students have been provided with information and training on the policy and procedures in this Regulation by October 31st of each year; and

**Whereas,** However, Chancellor's Regulation A-832 does not mandate comprehensive anti-bullying and cyberbullying instruction for all students; and

**Whereas**, Such instruction would assist in the prevention of bullying, harassment and violence, enabling schools to better maintain supportive learning environments; and

**Whereas**, Students deserve to learn in a safe space that encourages positive learning conditions and increases academic achievement for all students; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to require that all public school students receive age-differentiated anti-bullying instruction and complete an anti-bullying course focused especially on cyberbullying.

Referred to the Committee on Education.

Res. No. 4

**Resolution calling upon the New York City Department of Education to implement a curriculum and to acquire textbooks that include key moments in the history of the labor movement throughout New York City and the United States.**

By Council Members Barron, Brannan and Miller.

**Whereas**, The labor movement in the United States grew out of the need to protect the common interest of workers; and

**Whereas**, Organized labor unions fought for better wages, reasonable hours, safer working conditions and led efforts to stop child labor, give health benefits and provide aid to workers who were injured or retired; and

**Whereas,** According to the Department of Labor, union workers fought for decades for improvements in working conditions for Americans, such as 40-hour work weeks and a minimum wage granted under the Fair Labor Standards Act of 1938, and the creation of the Occupational Safety and Health Administration (OSHA) to oversee the welfare of workers; and

**Whereas,** The achievements of unions benefit all American workers, not just unionized workers, and therefore deserve to be taught as part of American history; and

**Whereas**, According to the Bureau of Labor Statistics, New York State contains the highest amount of unionized workers in the country, as every 1 in 4 workers in the state is affiliated with a union; and

**Whereas**, The efforts of union workers are more relevant now than ever, as new technologies emerge and working-class Americans experience a decline in standards of living as jobs disappear in the current global economy; and

**Whereas,** According to the Washington Post and the Albert Shanker Institute, several contemporary history textbooks distort the character of unions by portraying unions as violent and focusing on union strikes and labor unrest; and

**Whereas**, These textbooks ignore the fact that unions won all Americans improved working standards, ignore the connections unions had to the Civil Rights movement, and ignore the social mobility unions made possible; and

**Whereas,** Knowledge of unions is important in the creation of a strong middle class and a strong economy; and

**Whereas,** Today's students must know of the historically violent and deplorable workplace conditions that pushed workers to unionize; and

**Whereas,** It is imperative that today's students understand the value of collaboration and understand that all workers have dignity; and

**Whereas,** The sacrifices of past workers who fought for improved working conditions must always be remembered and never forgotten; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to implement a curriculum and to acquire textbooks that include key moments in the history of the labor movement throughout New York City and the United States.

Referred to the Committee on Education.

Res. No. 5

**Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that prohibits third parties from obtaining copies of homeowners' deeds.**

By Council Member Barron.

**Whereas**, Recent years have seen a substantial rise of real property scams as a result of the 2008 foreclosure crisis, subsequent recession and the significant increase in New York City property values; and

**Whereas**, According to the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee), minority homeowners (particularly African-Americans and Latinos) are considerably more likely to be victims of scams, and to suffer greater financial losses per scam, than white homeowners; and

**Whereas,** The Lawyers Committee also reports that older New Yorkers are disproportionately affected by scams and experience greater losses than younger homeowners while being more likely to live on limited or fixed incomes; and

**Whereas,** One of the most prevalent scams has been real property deed fraud involving the fraudulent transfer of the ownership of a home to a third party; and

**Whereas,** Real property deed fraud typically occurs through either the forging of deeds or the fraudulent transfer of deeds; and

**Whereas**, State law currently establishes that deeds are public records that can be copied and distributed to any member of the public upon request and payment of the requisite fees; and

**Whereas,** In New York City, certified copies of deeds may be obtained through the Automated City Register Information System (ACRIS) or in person from the Borough City Register Offices in Manhattan, the Bronx, Queens and Brooklyn, and from the Office of the Richmond County Clerk on Staten Island; and

**Whereas,** According to a February 22, 2016 CBS New York report, "scam artists are accessing homeowners' deeds online and then putting these homes up for sale, entering into contracts with several unsuspecting buyers, and flipping it for a profit."; and

**Whereas**, Manhattan District Attorney Cyrus Vance told CBS New York that his office was investigating 100 similar cases where deeds were obtained online; and

**Whereas,** State law currently limits the issuance of copies of other valuable documents, such as birth certificates, to the person to whom the record directly relates or their legal representative, except in the case of court orders and governmental requests; and

**Whereas**, Similar limitations on the provision of copies of homeowner deeds to third-parties would reduce the ability for such parties to fraudulently modify or transfer the deeds; 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, legislation that would prohibit third parties from obtaining copies of homeowners' deeds.

Referred to the Committee on Finance.

Res. No. 6

**Resolution calling upon the State Legislature to pass and the Governor to sign A.7274/S.5624, which would establish the Commission to Study Reparations for African-Americans and to Recommend Remedies.**

By Council Member Barron.

**Whereas**, In 1991, during an excavation in preparation for the construction of a new federal building in Lower Manhattan, remains were unearthed revealing one of the largest, known early African-American cemeteries; and

**Whereas,** The African Burial Ground yielded the intact remains of over 400 men, women and children of African descent, spanning 6.6 acres and dating from the 1690s to the 1790s; and

**Whereas,** The burial ground served as a reminder that, although slavery in the United States is frequently associated with the early colonies and states of the South, until July 4, 1827 the owning of slaves was legal in New York; and

**Whereas**, According to the New York Historical Society, 41% of colonial New York City households owned slaves—a level of urban societal penetration that has been compared to Charleston, South Carolina, and

**Whereas**, At the time of the American Revolution over 10,000 African-Americans inhabited New York City; and

**Whereas,** In 1626, 11 African slaves were brought to New Amsterdam, as New York City, founded by the Dutch, was originally called, by the Dutch West India Company; and

**Whereas**, Slave labor cleared the land and built the walls along what would later become Wall Street, the City's first city hall, Trinity Church and Fraunces Tavern among other structures; and

**Whereas**, In 1711, a slave market was officially established on Wall Street between Pearl and Water Streets, which according to some reports operated for about 50 years; and

**Whereas**, During the American Revolution, the British dealt slavery in New York City a blow by offering freedom to slaves who would join their ranks; and

**Whereas,** Over 10,000 slaves came to New York, which was under British control and over 3,000 sailed away with British forces to Canada at the end of the war; and

**Whereas**, On July 4, 1799, The Gradual Emancipation Act of 1799 was enacted, which freed slave children born after that date, but indentured them until they were adults; and

**Whereas**, In 1817 the Abolition Act was enacted, which also freed slaves born before 1799, but only after July 4, 1827; and

**Whereas,** On the threshold of widespread emancipation, the New York State Constitutional Convention of 1821 removed the property qualifications for ballot access for white men, but imposed a property qualification ($250) for blacks that effectively disenfranchised them; and

**Whereas**, In acknowledgement of the fundamental injustice of slavery in New York, A07274/S05624 would create the Commission to Study Reparations for African-Americans and to Recommend Remedies ("The Commission") and appropriate $250,000 to cover its expenses; and

**Whereas,** The Commission would consist of 11 members with one appointee by the Governor, the majority and minority leadership of the State Assembly and Senate—a total of five appointees; and

**Whereas**, The balance of the Commission would be appointed by the National Coalition of Blacks for Reparations in America, the December 12th Movement and by Dr. Ron Daniels of the Institute of the Black World, with two appointees each; and

**Whereas,** The Commission would examine the slave trade, including the procurement, transport and sale of African slaves, as well as their treatment throughout this process; and

**Whereas,** The Commission would examine the institution of slavery that existed in the State and City of New York; and

**Whereas,** The Commission would examine the treatment of slaves in New York, including their deprivation of freedom, exploitation for labor and the destruction of family and culture; and

**Whereas**, The Commission would examine the extent to which the federal and state governments of the United States supported the institution of slavery; and

**Whereas,** The Commission would examine the various forms of discrimination in both the public and private sectors during the period between the Civil War and the present, as well as the lingering effects of the institution of slavery in the present day; and

**Whereas,** The Commission would recommend appropriate ways to educate the American public of its findings; and

**Whereas,** The Commission would also recommend remedies for suffering related to slavery, the slave trade and the lingering effects of the trade and the discrimination that followed, including whether the New York State Legislature should offer a formal apology on behalf of the United States for the perpetuation of slavery; and

**Whereas,** The Commission would also consider whether any form of compensation to the descendants of African slaves is warranted and offer recommendations accordingly; 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 A.7274/S.5624, which would establish the Commission to Study Reparations for African-Americans and to Recommend Remedies.

Referred to the Committee on Governmental Operations.

Res. No. 7

**Resolution commending Governor Cuomo and the New York State Legislature for enacting legislation, which increased the number of Family Court judges throughout the state and urging them to continue to regularly assess the need to appoint more judges in New York City.**

By Council Members Barron, Brannan and Koslowitz.

**Whereas**, Family Court judges play an important role in our judicial system; and

**Whereas**, Each day, Family Court judges are charged with making critical decisions that have a direct and immediate impact on the safety and stability of children and families alike; and

**Whereas,** Family Court judges preside over important cases involving minors, including juvenile delinquency charges, child abuse and neglect, termination of parental rights, adoption, and guardianships; and

**Whereas,** Additionally, victims of domestic or intimate partner violence may seek recourse at a family court to obtain an order of protection, in which the judge can order a respondent to stay away from a victim's home, work place, or other locations; and

**Whereas**, Despite their commitment to meting out justice, Family Court judges have been saddled with overwhelming caseloads; and

**Whereas**, Individuals face exorbitant delays in family courts because of the amount of cases on a judge's calendar;

**Whereas,** According to the *New York Law Journal*, no new Family Court judge positions were created in New York City since 1990 and since 2005 in the rest of the state; and

**Whereas**, Recognizing the need to ease the strain on family courts, State Senator John Bonacic and Assemblywoman Helene E. Weinstein introduced S.07883 and A.10139, respectively, which amended the New York State Family Court Act by increasing the number of Family Court Judges by 25 throughout the state; and

**Whereas**, S.07883 and A.10139 increased the number of Family Court judges in New York City by 9 (bringing the total to 56, effective January 1, 2015) and added 16 new judges in various upstate counties (11 in 2015 and 5 in 2016); and

**Whereas,** On June 19 and 20, 2014, the Assembly and the Senate passed A.10139 and S.07883, respectively, and on June 26, 2014, Governor Andrew M. Cuomo signed the bill into law; and

**Whereas,** This was a significant victory for the City and State and the many advocates who worked tirelessly to secure additional judgeships, including Chief Judge Jonathan Lippman, Chief Administrative Judge A. Gail Prudenti, The New York State Coalition for More Family Court Judges, and the New York State Bar Association; and

**Whereas,** New York State should be commended for seizing the momentum to pass this important legislation; and

**Whereas,** Although this law was an important step towards ensuring adequate judicial resources in our family courts, the New York State Legislature should continue to assess the need to appoint more Family Court judges in New York City; and

**Whereas,** Additional judgeships in New York City would help meet the needs of children and families that come before the court, now, therefore, be it

**Resolved**, That the Council of the City of New York commends Governor Cuomo and the New York State Legislature for enacting legislation, which increased the number of Family Court judges throughout the state and urging them to continue to regularly assess the need to appoint more judges in New York City.

Referred to the Committee on Justice System.

Res. No. 8

**Resolution calling upon the New York State legislature to pass, and the Governor to sign, legislation to amend the Social Services Law to require a sponsoring agency seeking to establish a limited secure placement facility in a particular community district, under the close to home initiative, to notify and provide such district with an opportunity for notice and comment.**

By Council Member Barron.

**Whereas**, Close to Home is a juvenile justice reform initiative launched by New York State Governor Andrew Cuomo in 2012 to keep youth close to their families and community; and

**Whereas,** Pursuant to Close to Home, New York State Social Services Law ("SSL") section 404 permits the New York City Administration for Children's Services ("ACS") to oversee custody of New York City youth adjudicated as juvenile delinquents, who are deemed by Family Court as needing placement other than in a secure detention facility, in limited secure placement ("LSP") facilities and non-secure placement facilities ("NSP") in New York City; and

**Whereas**, The New York City Department of Investigation ("DOI") released a report on Wednesday April 13, 2016, detailing the arrests of four overnight staff members from a Brooklyn NSP facility in connection with a 2015 incident where three juveniles absconded, and later raped and robbed a woman in Manhattan; and

**Whereas,** The DOI report identified several systemic management and oversight deficiencies by ACS, including inadequate policies and procedures for the monitoring of safety and security at all Close to Home locations; and

**Whereas**, Close to Home has been implemented in two phases, with phase I including the roll out of NSP facilities in 2012; and

**Whereas**, ACS testified at a hearing of the New York City Council's Committee on Juvenile Justice held on April 14, 2016, that phase II of Close to Home, including the roll out of LSP facilities, began in December 2015; and

**Whereas,** Young people who are placed into an LSP facility by a Family Court judge typically present higher risks than those who are placed in an NSP setting, so that LSP facilities require more restrictive security features to ensure the safety of residents, program staff, and local communities; and

**Whereas,** Given the content of the DOI report, there is reason for community members to be concerned about the establishment of an LSP facility in such community; and

**Whereas,** SSL section 404 further allows ACS to enter into contracts with authorized agencies to operate and maintain such LSP facilities; and

**Whereas,** The New York State Mental Hygiene Law ("MHL") section 41.34 relates to site selection of community residential facilities for the disabled; and

**Whereas**, Pursuant to MHL section 41.34, when a sponsoring agency has selected a site for a community residential facility for the disabled, the agency must notify the municipality of the specific address of the site and the type of community residence, among other things; and

**Whereas**, Pursuant to MHL section 41.34, once the municipality has been notified about the site proposal, the municipality has 40 days to approve of the site, suggest one or more suitable sites, or make an objection to the site; and

**Whereas,** Close to Home sites are residential facilities focused on rehabilitation, and communities should have the same opportunity for notice and comment as required for community residential facilities for the disabled; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State legislature to pass, and the Governor to sign, legislation to amend the Social Services Law to require a sponsoring agency seeking to establish a limited secure placement facility in a particular community district, under the close to home initiative, to notify and provide such district with an opportunity for notice and comment.

Referred to the Committee on Juvenile Justice.

Res. No. 9

**Resolution calling on the Mayor, the Mayor's Office of Environmental Coordination, the New York City Planning Commission, the New York City Department of City Planning, and all other relevant City agencies to re-examine the standards in the CEQR regulations and the Technical Manual for assessing when a possible adverse impact on a neighborhood's character or socioeconomic status requires a detailed analysis and possible mitigation, and calling on the relevant agencies, when such significant adverse impacts are identified, consistently to seek mitigation or development alternatives that provide long-term or permanent protection for the residents, businesses, and character of the affected community, including through the provision of permanently affordable housing and commercial space.**

By Council Member Barron.

**Whereas**, In recent years, the City of New York has rezoned and redeveloped (or allowed to be redeveloped) a substantial portion of the real estate in the City; and

**Whereas,** Specifically, the Furman Center has reported that between 2002 and 2010 the City of New York rezoned roughly twenty percent of the land in the City and recent reports suggest that as much as forty percent of the City was rezoned between 2002 and 2014; and

**Whereas,** Some major redevelopment projects directly displace local residents and businesses to make room for new construction; and

**Whereas,** Such projects may also displace local residents and businesses by substantially altering the character and affordability of the affected neighborhoods (a process often called indirect or secondary displacement); and

**Whereas**, Before the City of New York may undertake or give discretionary approval to a project, Article 8 of the New York State Environmental Conservation Law and related regulations generally require the City to consider whether the proposed project would have a significant adverse impact on the "environment" (including on "existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character"); and

**Whereas,** The New York State environmental review regulations specify that projects may cause an adverse environmental impact if they "creat[e] . . . a material conflict with a community's current plans or goals as officially approved or adopted; . . . impair[] . . . existing community or neighborhood character; . . . [or cause] a substantial change in the use, or intensity of use, of land"; and

**Whereas**, Section 192 of the New York City Charter requires the City Planning Commission to "oversee implementation of" environmental review laws and "establish by rule procedures for environmental reviews of proposed actions by the city"; and

**Whereas,** The City of New York accordingly has adopted the City Environmental Quality Review (CEQR) process for evaluating any project it plans to undertake or give discretionary approval to; and

**Whereas,** Section 5-04 of Title 62 of the Rules of the City of New York obliges the Mayor's Office of Environmental Coordination to assist all city agencies in fulfilling their environmental review responsibilities, and to "[w]ork with appropriate city agencies to develop and maintain technical standards and methodologies for environmental review"; and

**Whereas,** The Mayor's Office of Environmental Coordination plays a central role in developing and maintaining the CEQR Technical Manual, which offers City agencies standards and guidance for conducting these required environmental reviews; and

**Whereas,** Depending on the type and scale of the project, CEQR review may involve several stages of study and evaluation, including 1) a determination of whether the action is the kind that requires any significant environmental review or instead has been identified by state or local rule as requiring no environmental study, 2) an Environmental Assessment Statement ("EAS") to help identify any impacts the proposed project may have on the environment and whether those environmental impacts may be significant and adverse, and 3) if significant adverse impacts might result, either adopting changes to the project or conducting a full Environmental Impact Statement ("EIS"), which generally involves a deeper analysis of the possible impacts and of project alternatives or mitigation measures; and

**Whereas**, Specifically, after considering the EAS, the reviewing agency may issue one of three determinations. A Negative Declaration means that the proposal will not result in any significant adverse environmental impacts. A Conditional Negative Declaration (which is only available for certain types of projects) means that, while the "action as initially proposed may result in one or more significant adverse environmental impacts," the proposal has been changed and will no longer cause such impacts. In other words, this finding means that, through mitigation or changes to the project, the project sponsor likely can avoid having to prepare a full EIS. Third, a Positive Declaration means that there are potentially significant adverse environmental impacts and a full EIS is necessary; and

**Whereas**, The Technical Manual offers guidance on assessing a variety of possible adverse environmental impacts, including socioeconomic impacts and damage to the character of the neighborhood; and

**Whereas**, The Technical Manual describes three major levels of analysis that may be necessary to evaluate

each kind of potential adverse impact as part of an EAS or EIS. If a particular level of analysis cannot rule out the possibility of a significant adverse impact, the project sponsor must proceed to the next level and ultimately (if necessary) identify possible mitigation measures or project alternatives; and

**Whereas,** The first level is an initial screening, often consisting of a set of initial questions or thresholds spelled out in the Technical Manual and also included on the standard EAS forms; and

**Whereas**, The second level is a preliminary assessment; and

**Whereas,** The third level is a detailed analysis; and

**Whereas,** At the initial screening level, the Technical Manual calls for a project sponsor to undertake further socioeconomic assessment "if a project may be reasonably expected to create socioeconomic changes within the area affected by the project that would not be expected to occur without the project," including by producing levels of direct or indirect displacement of area residents and businesses that "typically" warrant further study, such as 1) the direct displacement of more than 500 residents, 2) the direct displacement of more than 100 employees, 3) the displacement of a business or industry that is "unusually important," and 4) "substantial new development that is markedly different from existing uses, development, and activities within the neighborhood" - usually involving the addition of more than 200 residential units or 200,000 square feet of commercial development; and

**Whereas**, If at least one of those thresholds is met or the agency otherwise concludes that more analysis is necessary, the analysis proceeds to the next level, a "preliminary assessment." Under the Technical Manual's preliminary assessment standards, generally a project sponsor may have to go on and conduct the most detailed level of analysis of, for example, direct residential displacement only if: 1) more than 500 residents will be directly displaced, 2) the displaced residents constitute more than five percent of the population in the area surrounding the project, and 3) the average income of the displaced population is markedly lower than that of the relevant area more generally; and

**Whereas,** Similarly, the most detailed level of analysis of indirect residential displacement is usually only required if 1) the project would add a new population with higher average income relative to the people who would otherwise live in the area, 2) the population increase is more than five percent of the population otherwise expected to live in the area, and 3) the relevant area is not already experiencing a sustained trend toward increasing rents and new market rate development; and

**Whereas,** Although the Technical Manual emphasizes that adequate analysis depends upon the project's context, the initial screening and preliminary assessment thresholds may in practice be applied formulaically – particularly the initial screening questions, which are presented in check-box format on the standardized EAS forms; and

**Whereas,** It is the view of the City Council that these initial screening and preliminary assessment thresholds for more detailed study underestimate the impact of displacing long-term area residents and businesses; and

**Whereas,** If the third, most detailed level of analysis reveals a change in socioeconomic conditions or neighborhood character, the project sponsor must assess the significance of the impact and, if it is significant and adverse, must identify possible mitigation measures or project alternatives; and

**Whereas,** The Technical Manual already recognizes a variety of reasonable mitigation measures that project proponents may rely on to address significant adverse socioeconomic impacts, including relocation expenses, lump-sum payments, building or preserving affordable housing, and similar measures for displaced businesses; and

**Whereas**, While the Technical Manual recognizes that a combination of multiple moderate impacts, such as a moderate socioeconomic impact combined with an impact on cultural and historic resources and on community facilities and services, can harm a neighborhood's overall character, when assessing whether there is a significant adverse impact on "neighborhood character," the Technical Manual focuses on a few "defining" features of the relevant community and so may miss major, adverse changes in the character of an affected neighborhood; and

**Whereas**, Because the thresholds for deciding when further study is needed, and ultimately for identifying potentially significant adverse socioeconomic and neighborhood character impacts, are too high, too many projects receive only limited CEQR scrutiny, stopping, for example, at the initial screening stage, and so project sponsors are never required to adequately assess or mitigate immediate and long-term displacement of community residents and businesses; and

**Whereas**, For example, if the Technical Manual set lower initial screening thresholds, more project sponsors would have to take a closer look at the characteristics of the neighborhood that the project will impact, providing additional valuable information for the agency and the public to consider when assessing the proposal; and

**Whereas,** Similarly, if the Technical Manual also set lower preliminary assessment and detailed study

thresholds for identifying possible significant adverse socioeconomic impacts, more project sponsors could be required to adopt displacement mitigation measures (such as providing permanently affordable housing and commercial space) in order to receive a Conditional Negative Declaration following an EAS, or would be required to explicitly evaluate such mitigation options, along with less-impactful project alternatives, as part of an EIS; and

**Whereas,** When projects that may impact the relevant neighborhood are studied in greater detail, the resulting disclosures support meaningful review by community members and city stakeholders and may generate new and creative solutions for minimizing significant adverse effects (as occurred in the Greenpoint-Williamsburg rezoning process in 2004 to 2006); and

**Whereas,** Creating permanently affordable housing and commercial space for directly and indirectly displaced residents and businesses is essential to ameliorating the negative effects of redevelopment and preserving the character of our neighborhoods and should be a priority in every project undertaken or approved by the City; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Mayor, the Mayor's Office of Environmental Coordination, the New York City Planning Commission, the New York City Department of City Planning, and all other relevant City agencies to re-examine the standards in the CEQR regulations and the Technical Manual for assessing when a possible adverse impact on a neighborhood's character or socioeconomic status requires a detailed analysis and possible mitigation, and calls upon the relevant agencies, when such significant adverse impacts are identified, consistently to seek mitigation or development alternatives that provide long-term or permanent protection for the residents, businesses, and character of the affected community, including through the provision of permanently affordable housing and commercial space.

Referred to the Committee on Land Use.

Res. No. 10

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.5046, legislation relating to the prosecution of cases involving civilian deaths and injuries by law enforcement officers, and calling upon the Special Prosecutor and district attorneys to proceed with such cases with preliminary hearings instead of grand juries until the passage of S.5046.**

By Council Member Barron.

**Whereas,** Recent high-profile cases of police killings of unarmed civilians, especially cases that result in non-indictments by grand juries, have focused intense attention on the grand jury process; and

**Whereas,** A prosecutor typically presents all felony cases to a grand jury, which, during a secret proceeding sealed to the public, returns an indictment if it decides there is "reasonable cause to believe" that the defendant committed an offense; and

**Whereas,** Prosecutors secure indictments from grand juries in an overwhelming majority of cases, according to data from the U.S. Department of Justice showing that grand juries returned indictments in more than 99.9 percent of the 162,000 cases brought by federal prosecutors in 2010; and

**Whereas,** However, there is evidence that in cases involving police killings of civilians, a very small proportion of officers are indicted; and

**Whereas,** Research by the Bowling Green State University found that during a seven-year period ending in 2011, 2,600 "justifiable" police homicides across the country were reported by police departments to the Federal Bureau of Investigation, when only 41 police officers over that same period were indicted on murder or manslaughter charges for shootings while on duty; and

**Whereas,** In New York City, from 1999 to 2014, at least 179 people were killed by on-duty officers of the New York City Police Department (NYPD), resulting in only three indictments and one conviction with no jail time, according to an analysis by the *New York Daily News*; and

**Whereas,** In the case of Eric Garner, an unarmed black man who died in July of 2014 after an alleged chokehold by NYPD officer Daniel Pantaleo, a grand jury failed to return an indictment against Panteleo, causing outrage among many police reform advocates; and

**Whereas,** In response, New York City Public Advocate Letitia James, the Legal Aid Society, the New York Civil Liberties Union, the New York Post, and the National Association for the Advancement of Colored People petitioned a New York state judge to release records of the grand jury proceedings; and

**Whereas,** In July of 2015, an appellate court upheld the trial court's denial of the requested disclosure, claiming that "curbing community unrest and restoring faith in courts and prosecutors did not represent a compelling and particularized need, as is necessary to overcome the presumption of confidentiality attached to grand jury proceedings"; and

**Whereas,** In an attempt to remove the secretive grand jury process from cases involving civilian deaths and injuries stemming from police encounters, New York State Senator Kevin Parker introduced S5046 in March 2017, legislation that would prohibit a grand jury from inquiring into an offense that involves a shooting or use of excessive force by a peace officer that led to the death or injury of a civilian; and

**Whereas,** Similar legislation was formerly introduced by New York State Assembly Member Charles Barron in August of 2015, and has been reintroduced subsequently each year; and

**Whereas,** S5046 seeks to address the lack of transparency highlighted in the grand jury process of the Garner case, with the aim of increasing accountability of police behavior; and

**Whereas,** Another effort to address the perceived unfair indictment process is the examination of district attorneys' ability to objectively prosecute police officers, whom they almost always use as witnesses in prosecuting cases; and

**Whereas,** In July of 2015, New York Governor Andrew Cuomo appointed New York Attorney General Eric Schneiderman as Special Prosecutor in cases where a law enforcement officer kills an unarmed civilian, including cases where there is uncertainty as to whether the civilian is armed and dangerous; and

**Whereas,** Until S5046 is in effect, district attorneys prosecuting cases involving armed civilians as well as Special Prosecutor Schneiderman should avoid commencing a case with the confidential grand jury process but instead file a felony complaint; and

**Whereas,** Pursuant to Section 180.60 of the New York Criminal Procedure Law, a felony prosecution may proceed with a grand jury indictment or a preliminary hearing; and

**Whereas**, A judge determines in such a hearing whether there is "sufficient evidence to warrant the court in holding him [or her] for the action of a grand jury"; and

**Whereas,** A preliminary hearing is an open hearing, unlike the grand jury process, which is closed to public scrutiny; and

**Whereas,** Before more permanent reform is enacted by S5046, prosecutors should utilize preliminary hearings to provide the transparency sought in cases involving civilian deaths and injuries resulting from police encounters; 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, S5046, legislation relating to the prosecution of cases involving civilian deaths and injuries by law enforcement officers, and calls upon the Special Prosecutor and district attorneys to proceed with such cases with preliminary hearings instead of grand juries until the passage of S5046.

Referred to the Committee on Public Safety.

Res. No. 11

**Resolution calling on the New York State Legislature and the Governor to amend the New York State Correction Law to prohibit registered sex offenders from living within fifteen hundred feet of a school.**

By Council Members Barron and Brannan.

**Whereas**, According to the New York State Division of Criminal Justice Services' ("DCJS" ) Sex Offenders Registry, there are 7,660 sex offenders living in New York City; and

**Whereas**, Sex offenders can pose a serious threat to the welfare of children; and

**Whereas**, Seven-year-old Megan Kanka was a New Jersey resident who was raped and brutally murdered by a known sex offender who moved across the street from the Kanka family's residence; and

**Whereas,** In 1996 the United States Congress passed a federal law in memoriam to Megan Kanka titled "Megan's Law", which authorizes local law enforcement agencies to notify the public about convicted sex offenders living in their communities; and

**Whereas**, Megan's Law requires every state to develop a procedure for notifying the public when a sex offender is released into their community; and

**Whereas,** The New York State Sex Offender Registration Act ("SORA") requires anyone on parole, probation or imprisoned for a sex offense to register with DCJS; and

**Whereas**, In addition, sex offenders sentenced to probation, local jail, or state prison must register upon their return to the community; and

**Whereas**, Convicted sex offenders who are assessed as posing a possible risk to reoffend are assigned a classification level; and

**Whereas**, Sex offenders who have been classified as a Level 2 (moderate) or Level 3 (high) are identified on the New York State Sex Offender Registry; and

**Whereas**, According to DCJS's Sex Offenders Registry there are more than 4,000 Level 2 and Level 3 sex offenders living in New York City; and

**Whereas**, SORA does not restrict where a registered sex offender may live or travel; and

**Whereas**, However, a judge may order certain registered sex offenders not enter an area accessible to the public within 1000 feet of school grounds; and

**Whereas,** If the registered sex offender is conditionally released or under parole supervision and has been convicted of a qualifying offense against a victim under 18 years of age, there is a mandatory condition in New York State law which provides that the registered sex offender cannot enter an area accessible to the public within 1000 feet of school grounds: and

**Whereas,** There have been numerous instances of children who were sexually assaulted and murdered by convicted sex offenders who had access to children after they were released from prison; and

**Whereas,** New York State should limit areas where the most dangerous Level 2 and Level 3 sex offenders can live in order to protect children in areas where they are most vulnerable; and

**Whereas**, Passing legislation to prohibit Level 2 and Level 3 registered sex offenders from living within fifteen hundred feet of public or private grammar or high school will provide greater protection to our children than the current law; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature and the Governor to amend the New York State Correction Law to prohibit registered sex offenders from living within fifteen hundred feet of a school.

Referred to the Committee on Public Safety.

Res. No. 12

**Resolution calling upon the New York State legislature to pass and the Governor to sign legislation expunging all misdemeanor convictions for low-level marijuana related offenses that occurred in New York City from 2000 through 2014.**

By Council Members Barron and Brannan.

**Whereas**, In 1994, the New York Police Department ("NYPD") introduced "Broken Windows" policing in New York City; and

**Whereas,** As part of "Broken Windows" policing, it is alleged that NYPD officers prompted New Yorkers during stop-and-frisk encounters to empty their pockets; and

**Whereas**, Often these stops lead to a misdemeanor marijuana possession charge when marijuana comes into public view; and

**Whereas**, In November 2014, Mayor de Blasio and Police Commissioner Bratton announced a new policy whereby individuals found in public possession of less than 25 grams of marijuana that is not burning will be issued a court summons instead of being arrested on a misdemeanor charge; and

**Whereas,** Mayor de Blasio characterized the policy change by saying it would direct police resources "towards more serious crime" and not waste "officer time processing unnecessary arrests;" and

**Whereas,** Black and Latino individuals make up about 54% of New York City's population; and

**Whereas,** 86% of New Yorkers who were arrested for marijuana possession in the first eight months of 2014 were black or Latino; and

**Whereas,** Research shows that communities of color disproportionately battle the harsh impacts of low-level marijuana charges for the rest of their lives; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State legislature to pass, and the Governor to sign legislation expunging all misdemeanor convictions for low-level marijuana related offenses that occurred in New York City from 2000 through 2014.

Referred to the Committee on Public Safety.

Int. No. 10

By Council Members Borelli and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to strengthening the existing record-keeping requirements of pawnshops and dealers of second-hand articles**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions d and e of section 20-268 of the administrative code of the city of New York are amended to read as follows:

d. It shall be unlawful for any such dealer to sell or dispose of any articles or things except household furniture, curtains, carpets, stoves, kitchen utensils, office furniture, automobiles, motor and other vehicles, machinery, belting, building materials and barrels, or other articles or things received from a dealer or pawnbroker, or which have been received from persons known to be jewelers, dealers, banking institutions, executors or administrators, until the expiration of [fifteen] *30* days after such purchase or redemption.

e. All second-hand articles or things purchased for the purpose of melting or refining by persons principally engaged in such business, from persons who are not jewelers or dealers, shall not be sold, refined or melted or disposed of until the expiration of [fifteen] *30* days after such purchase. Such items as described in the preceding paragraph shall be kept on the premises described in the license which is required by section 20-265 of this chapter.

§ 2. Subdivisions b and c of section 20-273 of the administrative code of the city of New York, as amended by local law number 149 for the year 2013, are amended to read as follows:

b. In addition to maintaining written records in accordance with subdivision a of this section, every dealer in second-hand articles that deals in the purchase or sale of any second-hand manufactured article composed wholly or in part of gold, silver, platinum, or other precious metals, or deals in the purchase or sale of any old gold, silver, platinum or other precious metals, or deals in the purchase of articles or things comprised of gold, silver, platinum or other precious metals for the purpose of melting or refining, or deals in the purchase or sale of used electrical appliances excluding kitchen appliances, or deals in the purchase or sale of any used electronic equipment, computers or component parts of electronic equipment or computers, shall with respect to such transactions create an electronic record *at the time of each transaction* in English, in a manner to be specified by the police commissioner by rule. Such electronic record [may include real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the

police commissioner. Such electronic record] *shall be uploaded to an electronic database designated by and accessible by the police commissioner within 30 days of the transaction and* shall be retained *by the pawn shop* for a minimum period of [six] *7* years from the date of purchase or sale. Such electronic record [shall be created by the dealer at the time of each transaction and] shall include the following information: (i) date, time, and location of transaction; and (ii) an accurate description of each article purchased or sold, including the type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks. Such electronic record [may] *must* include one or more digital photographs*, excluding still images from security camera footage, reasonably capturing the likeness of the article, provided in a format or in accordance with* specifications as provided by rule of the police commissioner in furtherance of the purposes of this subchapter.

c. In the case of a dealer in second-hand articles who deals in the purchase or sale of pawnbroker tickets or other evidence of pledged articles or the redemption or sale of pledged articles and who is not subject to the provisions of section 20-277 of this chapter:

1. Every dealer shall at the time of such purchase, sale or redemption, include the following information in the written record kept pursuant to subdivision a of this section:

(i) The name and address of the person who issued such ticket or other evidence;

(ii) The pledge number of such pawn ticket or other evidence;

(iii) The name and address of the pledgor as it appears upon such pawn ticket or other evidence;

(iv) The amount loaned or advanced as it appears on such pawn ticket or other evidence;

(v) The day and hour of such purchase, sale or redemption, as the case may be;

(vi) The name, residence and [general description] *one or more digital photographs, excluding still images from security camera footage, reasonably capturing the likeness* of the person from whom or to whom the redeemed article is purchased or sold, as the case may be;

(vii) The sum paid or received for such pawn ticket or other evidence, or the sum paid or received for the redeemed article or pledge; and

(viii) Such description of a pledged article as appears on such pawn ticket or other evidence and an accurate description of every redeemed pledged article.

2. Every dealer shall with respect to such transactions also create an electronic record in English, in a manner to be specified by the police commissioner by rule. Such electronic record may include real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the police commissioner. Such electronic record shall be retained for a minimum period of [six] 7 years from the date of purchase or sale. Such electronic record shall be created by the dealer at the time of purchase, sale or redemption and shall include the information specified in subparagraphs (i), (ii), (iv), (v), *(vi),* (vii) and (viii) of paragraph one of this subdivision and one or more digital photographs reasonably capturing the likeness of the article, provided in a format or in accordance with specifications as provided by rule of the police commissioner in furtherance of the purposes of this subchapter.

§ 3. Subdivision a of section 20-277 of the administrative code of the city of New York, as amended by local law number 149 for the year 2013, is amended to read as follows:

§ 20-277 Reports. a. Every pawnbroker shall create an electronic record in English, in a manner to be specified by the police commissioner by rule. Such electronic record *shall be uploaded* to an electronic database designated by and accessible by the police commissioner within 30 days of the transaction. [may include real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the police commissioner.] Such electronic record shall be created by the dealer at the time of every transaction in which goods, articles and things, or any part thereof, are pawned, pledged or redeemed in the course of business of such pawnbroker *and shall be uploaded to the database designated by the police commissioner within 30 days of the transaction.* Such electronic record shall be retained for a minimum period of [six] *7* years from the date of such transaction. Such electronic record shall include the following information:

1. The date, time, location and type of transaction;

2. An accurate description of each article pawned or pledged, including type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks[, and at the discretion of the police commissioner and in furtherance of the purposes of this subchapter,] *and* one or more digital photographs*, excluding still images from security camera footage,* reasonably capturing the likeness of the article;

3. An accurate description of each article purchased or sold, including type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks, [and at the discretion of the police commissioner and in furtherance of the purposes of this subchapter] one or more digital photographs, *excluding still images from security camera footage*, reasonably capturing the likeness of the article[.]*;*

*4. The name, residence and one or more digital photographs, excluding still images from security camera footage, reasonably capturing the likeness of the person from whom or to whom the redeemed article is purchased or sold.*

*5. A photocopy of the driver's license or other government issued photo identification from the person from whom or to whom the redeemed article is purchased or sold.*

§ 4. This local law takes effect 180 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 11

By Council Members Borelli, Brannan and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring cost and schedule signage at capital project sites**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 5 of the administrative code of the city of New York is amended by adding a new section 5-108 to read as follows:

*§ 5-108. Signage at capital project sites. a. Definitions. As used in this section, the following terms have the following meanings:*

*Baseline completion date. The term "baseline completion date" means the estimated substantial completion date at the start of the construction phase of the project.*

*Baseline cost. The term "baseline cost" means the cost of a project as based on the original contract value and other project-related cost estimates.*

*Budget agency. The term "budget agency" means the agency that is funding the project.*

*Construction phase. The term "construction phase" means the period of time between the commencement of work by the contractor as defined in the contract and when such work has reached substantial completion.*

*Cost variance. The term "cost variance" means the difference between the baseline cost and the current forecast cost.*

*Managing agency. The term "managing agency" means the agency that is responsible for functions and operations related to the project.*

*Schedule variance. The term "schedule variance" means the difference between the baseline completion date and the current forecast completion date.*

*b. Signage placement and duration. The managing agency shall prominently display signage as provided under subdivision c of this section at all ongoing capital project sites from the commencement of a project until its substantial completion, updating the signs monthly and updating information on its website more frequently.*

*c. Information to be displayed. Such signage shall be in a large format font readable from a reasonable distance and shall include:*

*(1) The name of the project;*

*(2) The managing agency and budget agency, if different;*

*(3) Whether a project is on time, behind schedule, or ahead of schedule;*

*(4) The current projected completion date;*

*(5) The schedule variance;*

*(6) Whether the project is substantially on budget, over budget or under budget;*

*(7) The cost variance expressed both as a dollar amount and as a percentage of the baseline cost; and*

*(8) A website link and phone number to call for more information regarding schedule and cost variances.*

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

Referred to the Committee on Finance.

Int. No. 12

By Council Members Borelli, Brannan and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to notification of changes to appropriations of capital projects funded by the council**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 5 of the administrative code of the city of New York is amended to add a new section 5-108 to read as follows:

*§5-108. Notification of changes to capital projects funded by the council. For all capital projects, funded by an appropriation to an entity other than the city and where any portion of such funding was allocated by a council member, the agency responsible for the functions and operations related to the capital project shall provide written notification to the funded entity and applicable council member(s) and shall post such notification on its website, whenever any amount of the appropriation is reappropriated to another entity. Such notification shall also include amount of the reappropriation, the reason for such reappropriation and a description of the new capital project that will be funded with the reappropriated funds.*

§2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 13

By Council Members Borelli and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of outdoor residential fire pits**

*Be it enacted by the Council as follows:*

Section 1. Section 24-149 of the administrative code of the city of New York is amended by amending subdivision e, and adding a new subdivision f, to read as follows:

e. fires used for special effects for the purpose of television, motion picture, theatrical and for other entertainment productions, but only with the approval of the fire commissioner and the commissioner[.]:

*f. residential outdoor fires in equipment intended to be used as a fire pit. For purposes of this subdivision the term "fire pit" means a freestanding vessel that is not designed for cooking in which a contained outdoor fire is made from gas burners or from burning wood.*

§ 2. This local law takes effect 120 days after it becomes law. The fire commissioner shall take all measures necessary for the implementation of this local law, including the promulgation of rules and regulations, before such effective date.

Referred to the Committee on Fire and Emergency Management.

Int. No. 14

By Council Members Borelli, Brannan and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to the broadcasting of mandatory debates**

*Be it enacted by the Council as follows:*

Section 1. Section 3-709.5 of the administrative code of the city of New York is amended to add a new subdivision 13, to read as follows:

*13. In addition to any broadcast plan adopted pursuant to paragraph (vii) of subdivision 5 of this section, each debate held pursuant to this section shall be broadcast simultaneously on the city-owned or operated television channel serving the largest public audience.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 15

By Council Member Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to exempting hand-rolled cigars from the price floors established in 2017**

*Be it enacted by the Council as follows:*

Section 1. Section 11-1301 of the administrative code of the city of New York, as amended by local law 145 for the year 2017, is amended to read as follows:

§ 11-1301 Definitions. When used in this chapter the following words shall have the meanings herein indicated:

1. "Cigarette." Any roll for smoking made wholly or in part of tobacco or any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material but is not made in whole or in part of tobacco.

2. "Person." Any individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals.

3. "Sale or purchase." Any transfer of title or possession or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever or any agreement therefor.

4. "Use." Any exercise of a right or power, actual or constructive, and shall include but is not limited to the receipt, storage, or any keeping or retention for any length of time, but shall not include possession for sale by a dealer.

5. "Dealer." Any wholesale dealer or retail dealer as hereinafter defined.

6. "Wholesale dealer." Any person who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale only, and any person who owns, operates or maintains one or more cigarette vending machines in, at or upon premises owned or occupied by any other person.

7. "Retail dealer." Any person, other than a wholesale dealer, engaged in selling cigarettes or tobacco products. For the purposes of this chapter, the possession or transportation at any one time of more than four hundred cigarettes or little cigars, or more than fifty cigars, or more than one pound of loose tobacco, smokeless tobacco, snus or shisha, or any combination thereof, by any person other than a manufacturer, an

agent, a licensed wholesale dealer or a person delivering cigarettes or tobacco products in the regular course of business for a manufacturer, an agent or a licensed wholesale or retail dealer, shall be presumptive evidence that such person is a retail dealer.

8. "Package." The individual package, box or other container in or from which retail sales of cigarettes or tobacco products are normally made or intended to be made.

9. "Agent." Any person authorized to purchase and affix adhesive or meter stamps under this chapter who is designated as an agent by the commissioner of finance.

10. "Comptroller." The comptroller of the city.

11. "Commissioner of finance." The commissioner of finance of the city.

12. "City." The city of New York.

13. "Tax appeals tribunal." The tax appeals tribunal established by 168 of the charter.

14. "Cigar." Any roll of tobacco for smoking that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece. Cigar does not include a little cigar *or hand-rolled cigar* as defined in this section.

15. "Little cigar." Any roll of tobacco for smoking that is wrapped in leaf tobacco or in any substance containing tobacco and that weighs [no more than] *less than* four pounds per thousand or has a cellulose acetate or other integrated filter.

16. "Loose tobacco." Any product that consists of loose leaves or pieces of tobacco that is intended for use by consumers in a pipe, roll-your-own cigarette, or similar product or device.

17. "Smokeless tobacco." Any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

18. "Snus." Any smokeless tobacco product marketed and sold as snus, and sold in ready-to-use pouches or loose as a moist powder.

19. "Tobacco product." Any product which contains tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, *hand-rolled cigar,* little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, shisha, or dissolvable tobacco product. Tobacco product shall not include cigarettes or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purposes.

20. "Shisha." Any product that contains tobacco and is smoked or intended to be smoked in a hookah or water pipe.

*21. "Hand-rolled cigar." Any roll of tobacco for smoking that is hand-constructed and hand-rolled; has a wrapper made entirely from whole tobacco leaf; is with or without a tip or mouthpiece; and weighs four pounds per thousand or more.*

§ 2. Subdivision a of section 11-1302.1 of the administrative code of the city of New York, as amended by local law 145 for the year 2017, is amended to read as follows:

a. In accordance with section 110 of the public housing law, an excise tax on the sale of tobacco products is hereby imposed and shall be paid on all tobacco products possessed in the city for sale, except as hereinafter provided. It is intended that the ultimate incidence of and liability for the tax shall be upon the consumer. Any dealer or distributor who pays the tax to the commissioner of finance shall collect the tax from the purchaser or consumer. Such tax shall be at the rate of ten percent of the price floor for a package of the specified category of tobacco product, exclusive of sales tax, set forth in the following table, which shall be consistent with the price floors described in subdivision d of section 17-176.1:

| Tobacco Product | Price floor (excluding OTP and sales taxes) | Amount of OTP tax (excluding sales tax) |
|---|---|---|
| Cigar | $8.00 per cigar sold individually; for a package, number of cigars multiplied by $1.75 plus $6.25 | $0.80 per cigar; for a package, $0.80 for first cigar, plus $0.175 for each additional cigar |
| *Hand-rolled cigar* | *$3.00 per hand-rolled cigar* | *$0.30 per hand-rolled cigar* |

| | | |
|---|---|---|
| Little cigar | $10.95 per pack of 20 little cigars | $1.09 per pack |
| Smokeless tobacco | $8.00 per 1.2 oz. package plus $2.00 for each additional 0.3 oz. or any fraction thereof in excess of 1.2 oz. | $0.80 per 1.2 oz. plus an additional $0.20 for each 0.3 oz. or any fraction thereof in excess of 1.2 oz. |
| Snus | $8.00 per 0.32 oz. package plus $2.00 for each additional 0.08 oz. or any fraction thereof in excess of 0.32 oz. | $0.80 per 0.32 oz. plus an additional $0.20 for each 0.08 oz. or any fraction thereof in excess of 0.32 oz. |
| Shisha | $17.00 per 3.5 oz. package plus $3.40 for each additional 0.7 oz or any fraction thereof in excess of 3.5 oz. | $1.70 per 3.5 oz. plus an additional $0.34 for each 0.7 oz, or any fraction thereof in excess of 3.5 oz. |
| Loose tobacco | $2.55 per 1.5 oz. package plus $0.51 for each additional 0.3 oz. or any fraction thereof in excess of 1.5 oz. | $0.25 per 1.5 oz. package plus an additional $0.05 for each 0.3 oz. or any fraction thereof in excess of 1.5 oz. |

§ 3. Subdivision a of section 17-176.1 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

a. Definitions. For purposes of this section:

"Cigar" means any roll of tobacco for smoking that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece. Cigar does not include a little cigar *or hand-rolled cigar* as defined in this section.

"Cigarette" means any roll for smoking made wholly or in part of tobacco or any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material but is not made in whole or in part of tobacco.

"Listed price" means the price listed for cigarettes or tobacco products on their packages or on any related shelving, posting, advertising or display at the place where the cigarettes or tobacco products are sold or offered for sale, including all applicable taxes.

"Little cigar" means any roll of tobacco for smoking that is wrapped in leaf tobacco or in any substance containing tobacco and that weighs [no more than] *less than* four pounds per thousand or has a cellulose acetate or other integrated filter.

"Loose tobacco" means any product that consists of loose leaves or pieces of tobacco that is intended for use by consumers in a pipe, roll-your-own cigarette, or similar product or device.

"Non- tobacco shisha" means any product that does not contain tobacco or nicotine and is smoked or intended to be smoked in a hookah or water pipe.

"Person" means any natural person, corporation, partnership, firm, organization or other legal entity.

"Price reduction instrument" means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or any other form, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.

"Retail dealer" means retail dealer as defined in section 20-201 of the code, and any employee or other agent of such retail dealer.

"Shisha" means any product that contains tobacco or nicotine and is smoked or intended to be smoked in a hookah or water pipe.

"Smokeless tobacco" means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

"Snus" means any smokeless tobacco product marketed and sold as snus, and sold in ready-to-use pouches or loose as a moist powder.

"Tobacco product" means any product which contains tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, *hand-rolled cigar,* little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, shisha, or dissolvable tobacco product. Tobacco product shall not include cigarettes or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purposes.

*"Hand-rolled cigar" means any roll of tobacco for smoking that is hand-constructed and hand-rolled, has a wrapper made entirely from whole tobacco leaf; is with or without a tip or mouthpiece, has a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor, and weighs four pounds per thousand or more.*

§ 4. Subdivision d of section 17-176.1 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

d. Price floors for cigarettes and tobacco products. No person shall sell or offer for sale to a consumer a package of cigarettes, tobacco products, or non-tobacco shisha, as such package is described in section 17-704, for a price less than the applicable price floor described in this subdivision. Any such price floor may be modified pursuant to paragraph 9 of this subdivision.

(1) The cigarette price floor shall be $13 per package of cigarettes, including all applicable taxes.

(2) The little cigar price floor shall be $10.95, excluding all applicable taxes.

(3) The cigar price floor shall be $8 for any cigar sold individually, excluding all applicable taxes. Notwithstanding subdivision c of section 17-176.1, the price floor for any package of cigars that contains more than one cigar and that has been delivered to a retail dealer in a package described by subdivision a of section 17-704 shall be computed by multiplying the number of cigars in the package by $1.75 and adding $6.25 to the total, excluding all applicable taxes.

(4) The smokeless tobacco price floor shall be $8 per 1.2 ounce package, excluding all applicable taxes. The price floor for packages larger than 1.2 ounces shall be computed by adding $2 for each 0.3 ounces or any fraction thereof in excess of 1.2 ounces, excluding all applicable taxes.

(5) The snus price floor shall be $8 per 0.32 ounce package, excluding all applicable taxes. The price floor for packages larger than 0.32 ounces shall be computed by adding $2 for each 0.08 ounces or any fraction thereof in excess of 0.32 ounces, excluding all applicable taxes.

(6) The shisha price floor shall be $17 per 3.5 ounce package, excluding all applicable taxes. The price floor for packages larger than 3.5 ounces shall be computed by adding $3.40 for each 0.7 ounces or any fraction thereof in excess of 3.5 ounces, excluding all applicable taxes.

(7) The non- tobacco shisha price floor shall be $17 per 3.5 ounce package, excluding all applicable taxes. The price floor for packages larger than 3.5 ounces shall be computed by adding $3.40 for each 0.7 or any fraction thereof ounces in excess of 3.5 ounces, excluding all applicable taxes.

(8) The loose tobacco price floor shall be $2.55 per 1.5 ounce package, excluding all applicable taxes. The price floor for packages larger than 1.5 ounces shall be computed by adding $0.51 for each 0.3 ounces or any fraction thereof in excess of 1.5 ounces, excluding all applicable taxes.

*(9) The hand-rolled cigar price floor shall be $3, excluding all applicable taxes.*

[(9)] *(10)* The department may modify by rule the price floors described in this subdivision to account for changes in the New York--northern New Jersey--Long Island consumer price index, adjusted for inflation, or changes in taxes for any of these products.

§ 5. This local law takes effect on June 1, 2018.

Referred to the Committee on Health.

Res. No. 13

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation to allow the limitation on increases of assessed value of individual parcels of class one properties to reset upon transfer.**

By Council Members Borelli, Brannan, Richards, Miller, Rosenthal, Rose, Holden, Cornegy, Yeger, Williams, Matteo and Ulrich.

**Whereas,** Pursuant to the New York State Real Property Tax Law (RPTL), class one properties generally includes all one-to-three family residential homes in the City; and

**Whereas,** The market value of a property is the worth of the property as determined by the New York City Department of Finance based on its classification and other requirements; and

**Whereas,** The assessed value of a property is a figure assigned to the property, based on a set percent of its market value, for the purpose of computing the property tax; and

**Whereas**, The RPTL limits the amount by which the assessed value of an individual parcel of class one property can increase; and

**Whereas**, In any one year, the assessed value of a class one property cannot increase by more than six percent over the prior year's assessment and not more than twenty percent over a five-year period; and

**Whereas**, This cap applies only to increases in assessment due to market forces and does not apply to increases resulting from physical alterations or the expiration of any tax exemption; and

**Whereas,** The purpose of the cap is to ensure that an individual's property tax bill does not fluctuate too much from year-to-year; and

**Whereas,** Under current law, the first of the five-year periods is measure from 1980 for parcels that were on the assessment roll at that time, or from the first year after 1980 in which such parcel was added to the assessment roll; and

**Whereas,** In essence, assessment caps are tied to the property and do not reset when a property is transferred from owner to owner; and

**Whereas**, As a result, the assessed values of rapidly appreciating homes, often located in higher-income neighborhoods, are artificially suppressed thereby causing the assessed values to not keep up with the market values and for the property tax liabilities to be less than they would be were the cap not in place; and

**Whereas,** This allows higher-income homeowners in those areas to receive significant breaks in their property tax liabilities while homeowners in middle-income and low-income neighborhoods where the properties do not appreciate as quickly are paying a higher effective tax rate; and

**Whereas,** For example, according to a 2013 report by the Citizen's Budget Commission, the average benefit an owner of a one-to-three family home in Greenwich Village receives from the assessment cap was between $32,000 and $39,000 per year, where the median household income for residents is $105,000 and for homeowners is $200,000; and

**Whereas**, By comparison, in Queens Village where the median income for all residents is $74,000 and for homeowners is $80,000, the average benefit from the assessment cap was just $394 per year; and

**Whereas**, Allowing assessment caps on class one property to reset upon transfer would ensure that the assessed values of the properties more accurately reflect their market values while still preserving the original purpose of the cap; and

**Whereas**, Allowing the assessment caps to reset upon transfer would thereby level the playing field and ensure that all homeowners pay their fair share of property taxes; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation to allow the limitation on increases of assessed value of individual parcels of class one properties to reset upon transfer.

Referred to the Committee on Finance.

Res. No. 14

**Resolution calling upon New York State legislature to pass a bill requiring the collection of data relating to the number of Autism Spectrum Disorder diagnoses in New York City and New York State.**

By Council Members Borelli and Brannan.

**Whereas,** Autism Spectrum Disorder (ASD) is a developmental disability that can cause significant social, communication and behavioral challenges; and

**Whereas,** According to Autism Speaks, people with ASD may have sleep disorders, language impairment, seizures, anxiety disorders, and hyperactivity; and

**Whereas,** According to the Centers for Disease Control and Prevention (CDC), ASD now affects 1 in 68 U.S. children, with an estimated 3 million people on the autism spectrum nationwide; and

**Whereas,** Autism Society and the CDC found that the prevalence of autism in U.S. children increased by 119.4 percent from 2000 to 2010, becoming the fastest-growing developmental disabilities in the world; and

**Whereas,** A 2014 study from Georgia Institute of Technology (Georgia Tech) found that early diagnosis and intervention of ASD is key to helping a child with Autism to develop a higher level of social, behavioral and learning skills, such as improved adaptive functioning, developmental growth, and increased intellectual functioning; and

**Whereas,** According to the 2014 study by Georgia Tech, early diagnoses and intervention can lead to savings of about $1.2 million over a lifetime if initial treatment is started in children ages 2 to 3 years old; and

**Whereas,** In 2015, researchers estimated the annual national cost for caring for Americans with Autism to be $268 billion, with the potential to rise to $461 billion by 2025 if there is a lack of more effective intervention and lifelong support; and

**Whereas**, The CDC indicates that it costs an estimated $17,000 more per year to care for a child with ASD compared to a child without this disorder; and

**Whereas,** Autism Speaks has reported medical expenditures, on average, for children and adolescents with ASD were estimated to be about 4 to 6 times greater than those without Autism; and

**Whereas,** In 2017, 17,015 students in New York City public school were classified as having autism as a disability, up from 13,685 in 2014-2015; and

**Whereas**, The collection of data pertaining to the number of diagnoses of ASD could facilitate necessary funding and resources for health officials and organizations to better serve those with ASD and their families; now, therefore, be it

**Resolved,** That the Council of the City of New York will call on New York State Legislature to pass a bill requiring the collection of data relating to the number of Autism Spectrum Disorder diagnoses in New York City and New York State

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 15

**Resolution calling upon the New York State Office of Alcoholism and Substance Abuse Services to require that all addiction treatment facilities and programs use evidence-based treatment and make public comprehensive information about which treatment approaches are used and long-term patient outcomes**.

By Council Members Borelli and Brannan.

**Whereas,** According to the New York City Department of Health and Mental Hygiene (DOHMH), between 2010 and 2014, rates of unintentional drug overdoses in the city increased by 43%; and

**Whereas,** According to DOHMH, 79% of overdoses in 2014 involved an opioid; and

**Whereas,** Opioids, which include opiates (sedative narcotics, such as heroin) and opioid analgesics (prescription medications that relieve pain), are increasingly implicated in unintentional overdose deaths across the city, with Staten Island having the highest rates of all five boroughs of unintentional overdose deaths caused by heroin and opioid analgesics in 2014, according to DOHMH; and

**Whereas**, Addiction treatment facilities and programs are an increasingly important resource for those who reside in New York City; and

**Whereas,** The New York State Office of Alcoholism and Substance Abuse Services (OASAS) is the state agency charged with regulating the state's system of addiction treatment including administering credentials for alcoholism and substance abuse counselors and ensuring quality of care; and

**Whereas**, According to the National Center on Addiction and Substance Abuse at Columbia University, many in the addiction treatment workforce are underqualified when it comes to providing evidence-based treatment approaches, oversight is inadequate, and quality assurance requirements are focused more on process than on patient outcomes; and

**Whereas,** Individuals and their families currently do not have vital access to information about individual addiction treatment facilities and programs, such as which facilities and programs offer evidence-based treatment and data regarding long-term patient outcomes; and

**Whereas,** Individuals and their families need to have meaningful statistical information about individual addiction treatment facilities and programs so that they can choose a substance abuse treatment center or program that offers the best quality of care; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Office of Alcoholism and Substance Abuse Services to require that all addiction treatment facilities and programs use evidence-based treatment and make public comprehensive information about which treatment approaches are used and long-term patient outcomes.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 16

**Resolution calling on the New York State Legislature to introduce and pass and for the Governor to sign legislation making offenses against uniformed law enforcement officers hate crimes.**

By Council Member Borelli.

**Whereas,** The current climate in our country has deteriorated to the point where the brave men and women that serve and protect our communities from nefarious individuals are being abused and disrespected via various social movements; and

**Whereas**, As residents of New York City, we are fortunate to have one of the most iconic and well respected police departments in the world, which sadly puts an unusually large bull's-eye on our officers; and

**Whereas,** You need look no further than the assassinations of NYPD officers Wenjian Liu and Rafael Ramos in 2014 to understand the gravity of this problem, or earlier that same year when NYPD Officer Kenneth Healey was struck in the back of the head with a hatchet, but tragically this is a national problem; and

**Whereas,** In July of 2016, various reports indicate Micah Johnson cowardly ambushed law enforcement officers by sniper fire in Dallas, Texas, killing five officers and two civilians, while injuring nine others; and

**Whereas,** Recent assaults on law enforcement by spineless individuals, such as the ambush-style shootings of police officers in Texas, Missouri, and Florida show that law enforcement is being targeted as a class; and

**Whereas,** The United States Federal Bureau of Investigations has defined a hate crime as a "criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity."; and

**Whereas**, Presently, New York State does not include law enforcement as part of a protected class for hate crimes and therefore the penalties for crimes against law enforcement offices are deficient; and

**Whereas,** Pursuant to the New York State Penal Code Section 485.10, the law presently upgrades any offense deemed a hate crime to the next level of severity and an increase in the severity of the punishment; and

**Whereas,** All malicious acts against our State and City's law enforcement should be treated as a crime against a protected class because officers are worthy of our protection; and

**Whereas**, New York City's bravest should be given these extended protections from the cowards that specifically target law enforcement officer as a whole; and

**Whereas,** The New York State Legislature should introduce and pass legislation that defines offenses against law enforcement as hate crimes; and

**Whereas**, Establishing certain crimes, including assaults on uniformed law enforcement officers as hate crimes will ensure that the perpetrators of such targeted offenses against police officers are subject to harsher punishments, leaving no doubt that Blue Lives Matter; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York State Legislature to introduce and pass and for the Governor to sign legislation making offenses against uniformed law enforcement officers hate crimes.

Referred to the Committee on Public Safety.

Int. No. 16

By Council Members Cabrera and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the departments of correction and health and mental hygiene to report on cases of injuries to inmates and staff in city jails, and to refer such cases to investigative agencies**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended to add a new section 17-199.8 to read as follows:

*§ 17-199.8 Inmate injury reporting.*

*Definitions. When used in this section the following terms shall have the following meanings:*

*1. "Investigation division" means any division of the department of correction responsible for investigating allegations of the excessive use of force by staff against inmates or for investigating allegations of violence by inmates against staff, including but not limited to the investigation division and intelligence division.*

*2. "Physical injury" means impairment of physical condition or substantial pain. It shall not constitute a superficial bruise, scrape, scratch, or minor swelling.*

*3. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a bodily organ.*

*b. Inmate injury inter-agency reporting. The department must review every incident in which an inmate in the custody of the department of correction received medical treatment for a physical injury to the head or any serious physical injury within 12 hours of the treatment. If an inmate suffered any physical injury to the head or any serious physical injury, the department must report to the investigation division, the department of investigation, and the board of correction a detailed description of the injury, the name of the inmate, and any pertinent information in its possession regarding the nature of the incident that led to the injury within 12 hours of reviewing the incident. In no event shall any report submitted pursuant to this section release, or provide access to, any personally identifiable information contained in health records if such disclosure or access would violate any federal or state law.*

*c. Injury reporting. Beginning January 1, 2019, and every quarter thereafter, the commissioner shall post on the department website a report including the following information for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year: the number of physical injuries to the head and the number of serious physical injuries to inmates, in total and the rate of each such injury per 100 inmates in the custody of the department of correction during the reporting period.*

§ 2. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-154 to read as follows:

*§ 9-154 Injury reporting*

*a. Definitions. When used in this section the following terms shall have the following meanings:*

*1. "Assault" means any act taken with the intent to cause physical injury to another person.*

*2. "Command discipline" means any penalty imposed by officers of the department to sanction the officers under their command for the purpose of correcting minor deficiencies and maintaining discipline within the officer's command, and does not include any formal charges.*

*3. "Excessive force" means force that, considering the totality of the circumstances in which it is used, is greater than that which a person in the position of the person using such force would reasonably believe necessary to ensure their safety or the safety of others.*

*4. "Formal charges" means any recommendation for sanctions against staff brought by the department pursuant to section 75 of the civil service law, including but not limited to departmental charges commonly known as "charges and specifications."*

*5. "Investigation division" means any division of the department of correction responsible for investigating allegations of the excessive use of force by staff against inmates or for investigation allegations of violence by inmates against staff, including but not limited to the investigation division and intelligence division.*

*6. "Physical injury" means impairment of physical condition or substantial pain. It shall not constitute a superficial bruise, scrape, scratch, or minor swelling.*

*7. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss of impairment of the function of a bodily organ.*

*8. "Staff" means anyone, other than an inmate, working at a facility operated by the department of correction.*

*9. "Staff injury" means any physical injury or serious physical injury to staff as a result of an inmate assault.*

*b. Staff injury reporting. The department shall report to the investigation division any staff injury resulting in physical injury, and shall further report any staff injury resulting in serious physical injury to the district attorney's office with jurisdiction over the location at which such injury occurred.*

*c. Beginning January 1, 2019, and every quarter thereafter, the commissioner shall post on the department website a report including the following information for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year: the number of physical injuries to staff and the number of serious physical injuries to staff, in total and the rate of each such injury per 100 inmates in the custody of the department of correction during the reporting period.*

*d. The commissioner shall attempt to obtain the following information from any district attorney's office to whom the department has referred an inmate for criminal prosecution and shall post such information by the 20th day of each year on the department website: the total number of cases referred for criminal prosecution, the number that were actually prosecuted, the number in which the inmate was charged with a felony, and the number in which the inmate was charged with a misdemeanor.*

*e. The investigation division shall investigate all incidents in which an inmate receives a physical injury to the head or a serious physical injury.*

*f. Beginning January 1, 2019, and every quarter thereafter, the commissioner shall post on the department website a report including the following information for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year: the number of physical injuries to the head and the number of serious physical injuries for inmates, in total and the rate of each such injury per 100 inmates in the custody of the department of correction during the reporting period.*

*g. Beginning January 1, 2019, and every quarter thereafter, the commissioner shall post on the department website a report regarding all incidents in which the department concludes that staff caused an inmate head injury or an inmate serious physical injury. For all such incidents, the report shall include the following information for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year: the number of incidents in which the department determined that staff violated departmental rules or directives regarding the use of force; the number of incidents in which the department determined that excessive force was used; the number of incidents referred to a District Attorney's office; the number of incidents in which command discipline was recommended; the number of incidents in which command*

*discipline was imposed; the nature of any command discipline sanctions imposed; the number of incidents in which the department brought formal charges; the number of incidents in which sanctions were imposed pursuant to formal charges; the nature of any sanctions recommended by the department as part of formal charges; the nature of any sanctions recommended by an administrative law judge as part of formal charges; the nature of any sanctions imposed by the department as part of formal charges; the number of incidents in which the sanctions imposed differed from those recommended by the department or an administrative law judge pursuant to formal charges along with a written explanation regarding the reasons for varying from the recommendation.*

§ 3. Severability. If any word, clause, sentence, or provision of this local law shall be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, or provision directly involved in the controversy in which such judgment shall have been rendered.

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

Referred to the Committee on Criminal Justice.

Int. No. 17

By Council Member Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to removing the off-street parking requirement for base station licenses**

*Be it enacted by the Council as follows:*

Section 1. Section 19-511 of the administrative code of the city of New York, as amended by local law number 51 for the year 1996, is amended to read as follows:

§ 19-511 Licensing of communications systems and base stations. a. The commission shall require licenses for the operation of two-way radio or other communications systems used for dispatching or conveying information to drivers of licensed vehicles, including for-hire vehicles or wheelchair accessible vans and shall require licenses for base stations, upon such terms as it deems advisable and upon payment of reasonable license fees of not more than five hundred dollars a year. There shall be an additional fee of twenty-five dollars for late filing of a license renewal application where such filing is permitted by the commission.

b. [The operator of a base station shall provide and utilize lawful off-street facilities for the parking and storage of the licensed for-hire vehicles that are to be dispatched from that base station equal to not less than one parking space for every two such vehicles or fraction thereof. The commission shall establish by rule criteria for off-street parking which shall include, but not be limited to, the maximum permissible distance between the base station and such off-street parking facilities and the proximity of such off-street parking facilities and the proximity of such off-street parking facilities to residences and community facilities as defined in the zoning resolution of the city of New York. A license for a new base station shall only be granted where the applicant has demonstrated to the commission prior to the issuance of such license that off-street parking facilities sufficient to satisfy the requirements of this subdivision shall be provided.

c. Notwithstanding the provisions of subdivision b of this section, a license for a base station which was valid on the effective date of this section shall only be renewed upon the condition that within two years of such renewal the licensee shall provide off-street parking facilities as required by subdivision b of this section.

d.] (1) No license for a new base station shall be issued unless [the applicant demonstrates to the satisfaction of the commission that the applicant will comply with the off-street parking requirements of subdivision b of this section and] the commission finds that the operation of a base station by the applicant at the proposed location would meet such [other] criteria as may be established by the commission. Among the [other] factors which must be examined and considered by the commission in making a determination to issue a license are the adequacy of existing mass transit and mass transportation facilities to meet the transportation needs of the public any adverse impact that the proposed operation may have on those existing services and the

fitness of the applicant. In determining the fitness of the applicant the commission shall consider, but is not limited to considering, such factors as the ability of the applicant to adequately manage the base station, the applicant's financial stability and whether the applicant operates or previously operated a licensed base station and the manner in which any such base station was operated. The commission shall also consider the extent and quality of service provided by existing lawfully operating for-hire vehicles and taxicabs.

(2) No license for a new base station shall be issued for a period of three years subsequent to a determination in a judicial or administrative proceeding that the applicant or any officer, shareholder, director or partner of the applicant operated a base station that had not been licensed by the commission.

(3) In its review of an application for a license to operate a new base station and in its review of an application to renew a base station license the commission shall also consider the possible adverse effect of such base station on the quality of life in the vicinity of the base station including, but not limited to, traffic congestion, sidewalk congestion and noise. In its review of an application to renew a base station license the commission shall also consider whether a determination has been made after an administrative proceeding that the operator has violated any applicable rule of the commission.

[(4) No base station license shall be renewed where it has been determined after an administrative proceeding that the applicant has failed to comply with the off-street parking requirements set forth in subdivision b of this section or as they may have been modified pursuant to subdivision h of this section.

e.] c. A licensed base station shall at all times have no fewer than ten affiliated vehicles, except that a base station for which a license was first issued prior to January 1, 1988 and which at that time had fewer than ten affiliated vehicles or a base station which has an affiliation with a wheelchair accessible vehicle may have as few as five affiliated vehicles, not including black cars and luxury limousines.

[f.] d. Prior to the issuance of a license for a base station or the renewal of a valid base station license, the applicant shall provide to the commission a bond in the amount of five thousand dollars with one or more sureties to be approved by the commission. Such bond shall be for the benefit of the city and shall be conditioned upon the licensee complying with the requirement that the licensee dispatch only vehicles which are currently licensed by the commission and which have a current New York city commercial use motor vehicle tax stamp and upon the payment by the licensee of all civil penalties imposed pursuant to any provision of this chapter.

[g.] e. Upon receiving an application for the issuance of a license for a new base station or for the renewal of a license for a base station pursuant to this section, the commission shall, within five business days, submit a copy of such application to the council and to the district office of the council member and the community board for the area in which the base station is or would be located.

[h. Notwithstanding the provisions of subdivisions b and c of this section, the commission may reduce the number of required off-street parking spaces or may waive such requirement in its entirety where the commission determines that sufficient lawful off-street parking facilities do not exist within the maximum permissible distance from the base station or an applicant demonstrates to the satisfaction of the commission that complying with the off-street parking requirements set forth in such subdivisions would impose an economic hardship upon the applicant; except that the commission shall not reduce or waive the off-street parking requirements where it has been determined in an administrative proceeding that the applicant, or a predecessor in interest, has violated any provision of section 6-03 of the rules of the commission or any successor thereto, as such may from time to time be amended. A determination to waive or reduce the off-street parking requirements shall be made in writing, shall contain a detailed statement of the reasons why such determination was made and shall be made a part of the commission's determination to approve an application for a base station license.

i.] f. The determination by the commission to approve an application for a license to operate a new base station or for the renewal of a license to operate a base station shall be made in writing and shall be accompanied by copies of the data, information and other materials relied upon by the commission in making that determination. Such determination shall be sent to the council and to the district office of the council member within whose district that base station is or would be located within five business days of such determination being made.

§ 2. This local law takes effect immediately.

Referred to the Committee on For-Hire Vehicles.

Int. No. 18

By Council Member Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to providing for-hire vehicles with an initial thirty day inspection grace period**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-503.2 to read as follows:

*§ 19-503.2 Initial inspection of for-hire vehicles. Notwithstanding any law, rule or provision to the contrary, any for-hire vehicle shall be permitted to operate for up to thirty days prior to an initial inspection by the commission required by this code or the rules of the commission, provided that the said vehicle has been properly inspected pursuant to department of motor vehicles laws and rules, provided that passengers in said vehicles are informed that the vehicle has not yet been inspected by the commission, in accordance with a procedure to be established by the commission, and provided further that the vehicle adheres to all other laws and rules applicable to for-hire vehicles.*

§2. This local law shall take effect 90 days after it becomes law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on For-Hire Vehicles.

Int. No. 19

By Council Member Cabrera.

**A Local Law to amend the New York city charter, in relation to a durational residency requirement for council members**

*Be it enacted by the Council as follows:*

Section 1. Section 25 of the New York city charter is amended to add a new subdivision c to read as follows:

*c. No person shall be eligible to hold the office of council member for a district in which such person has not, at the time he or she is elected to hold such office, resided for at least one year, except that in the case of an election immediately following a reapportionment of council districts he or she must instead have been a resident of a county in which such council district is located for at least one year prior to such election.*

§ 2. This local law takes effect on January 1, 2019.

Referred to the Committee on Governmental Operations.

Int. No. 20

By Council Members Cabrera and Brannan.

**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 10-179 to read as follows:

*§ 10-179 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 it becomes law.

Referred to the Committee on Health.

Int. No. 21

By Council Member Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking and using electronic cigarettes in vehicles when a child under the age of eight is present, and to repeal subdivision f of section 17-505**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 17-505 of the administrative code of the city of New York is REPEALED.

§ 2. Section 17-502 of the administrative code of the city of New York is amended by adding new subdivision zz to read as follows:

*zz. "Vehicle" means any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.*

§ 3. Section 17-503 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. It shall be unlawful for the operator or any passenger in a vehicle to be smoking or using electronic cigarettes when a child under the age of eight is present within such vehicle.*

§ 4. Subdivision d of section 17-508 of the administrative code of the city of New York is amended to read as follows:

d. It shall be unlawful for any person to smoke, use an electronic cigarette, or use smokeless tobacco in any area *or vehicle* where such activity is prohibited under section 17-503, section 17-503.1 or section 17-504.

§ 5. This local law takes effect 90 days after its enactment into law, provided that the commissioner of health and mental hygiene, in consultation with the police commissioner, shall promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Int. No. 22

By Council Member Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the chief medical examiner to determine the veteran status of any previously unidentified deceased person**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-209 to read as follows:

*§ 17-209 Identifying veterans. a. Definitions. For the purposes of this section:*

*Veteran. The term "veteran" means a person:*

*1. Who served in the active military or naval service of the United States; in active duty in a force of any organized state militia in a full-time status; or in the reserve armed forces of the United States in active duty; and*

*2. Who was released from such service otherwise than by dishonorable discharge.*

*Veterans' service organization. The term "veterans' service organization" means an association, corporation or other entity that qualifies as a tax-exempt organization under paragraph (3) of subsection (c) of section 501 or paragraph (19) of subsection (c) of section 501 of the internal revenue code and that has been organized for the benefit of veterans and is recognized or chartered by the United States congress, including, but not limited to, the Disabled American Veterans, the Veterans of Foreign Wars, the American Legion and the Vietnam Veterans of America.*

*b. Upon identifying any previously unidentified deceased person and prior to interment or cremation of such person, the chief medical examiner shall determine whether such person was a veteran.*

*c. If such person was a veteran, the chief medical examiner shall contact at least one veterans' service organization and inquire about the veterans' service organization's ability to provide funeral services for such person.*

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

Referred to the Committee on Health.

Int. No. 23

By Council Member Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Administration for Children's Services to permit youth in detention facilities to request privacy during visits and phone calls**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended to add new section 21-919 to read as follows:

*§ 21-919 Private visits and phone calls. Youth in detention may request privacy during visits and phone calls, and the facility director shall provide such privacy to the extent practicable.*

§2. This local law takes effect immediately.

Referred to the Committee on Juvenile Justice.

Int. No. 24

By Council Members Cabrera and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a map of trails accessible to the public in parks and natural areas under the jurisdiction of the parks department**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title eighteen of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

*§ 18-156 Maps of trails in parks and natural areas. The commissioner shall make available, on the department's website, maps of each trail that is accessible for public use in each park and natural area under the jurisdiction of the department.*

§2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 25

By Council Member Cabrera.

**A Local Law in relation to the naming of the David Dinkins – Washington Bridge.**

*Be it enacted by the Council as follows:*

Section 1. The following bridge located in the Boroughs of Manhattan and the Bronx is hereby designated as hereafter indicated.

| New Name | Present Name |
|---|---|
| David Dinkins – Washington Bridge | Washington Bridge |

§2. The official map of the city of New York shall be amended in accordance with the provisions of section one of this local law.

§3. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 26

By Council Member Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to banning the sale of green lasers in New York City.**

*Be it enacted by the Council as follows:*

Section 1. Section 10-134.2 of Title 10 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

*h. It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, laser pointers that emit a green laser. Transportation of green laser pointers through the city or the storage of green laser pointers in a warehouse or distribution center in the city that is closed to the public for purposes of retail sales outside the city does not violate this subdivision.*

§ 2. Subdivision h of Section 10-134.2 of Title 10 of the administrative code of the city of New York is re-lettered as subdivision i and as re-lettered is amended to read as follows:

[h.] *i.* Any person who violates subdivision b, c, [or] e *or* h of this section shall be guilty of a misdemeanor. Any person who violates subdivision d of this section shall be guilty of a violation for a first offense and a misdemeanor for all subsequent offenses.

§ 3. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 27

By Council Member Cabrera

**A Local Law to amend the administrative code of the city of New York, in relation to regulating the use of conducted electrical weapons by the New York city police department**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§ 14-175 Conducted electrical weapons*

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

*Appropriate personnel. The term "appropriate personnel" means any police officer and any other employee of the department that the department determines would benefit from possessing a conducted electrical weapon.*

*Conducted electrical weapon. The term "conducted electrical weapon" means any device designed to incapacitate a person through the use of an electric shock.*

*b. The department shall provide all appropriate personnel with conducted electrical weapons, and train such personnel on the proper usage of such weapons.*

*c. The department shall post on the department website by the 30th day of January on a yearly basis a report containing information pertaining to the training and usage of conducted electrical weapons for the prior calendar year. Such annual report shall include:*

*1. the total number of conducted electrical weapons distributed to departmental personnel;*

*2. the number of departmental personnel trained on the usage of conducted electrical weapons, and the number of hours so provided;*

*3. the number of instances in which departmental personnel utilized conducted electrical weapons, not including instances in which such weapons were used as part of training; and*

*4. The rate of injuries to a civilian resulting from the use of a conducted electrical weapon, in total and disaggregated by the following categories for ever instance in which a conducted electrical weapon is discharged: (a) no injury, (b) physical injury, such as minor swelling, contusion, laceration, abrasion or complaint of substantial contracted pain, (c) substantial physical injury, such as a significant contusion or laceration that requires sutures or any injury that requires treatment at a hospital emergency room, and (d) serious physical injury, such as a broken or fractured bone, heart attack, stroke, or any injury requiring hospital admission. Such injuries shall also be disaggregated by the precinct or other departmental unit to which the officer who used such weapon was assigned. This information shall be compared to the same information for the previous three reporting periods, where available.*

*d. The information in subdivision c of this section shall be permanently accessible from the department's website.*

§2. This local law takes effect 18 months after it becomes law, provided that the department provides the council with a written update on plans to implement this local law on a quarterly basis.

Referred to the Committee on Public Safety.

Int. No. 28

By Council Member Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to the identification of dog owners by sanitation agents**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-133.1 to read as follows:

*§ 16-133.1 Identification of dog owner. Any peace officer of the department of sanitation enforcing section 1310 of the public health law shall have available a device capable of reading the identification information contained in a microchip implanted in a dog.*

§ 2. This local law takes effect 120 days after it becomes law, provided that the commissioner of sanitation may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, establishing guidelines and promulgating rules.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 29

By Council Members Cabrera and Brannan.

**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, 2018, 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.

Res. No. 17

**Resolution calling on the New York State Legislature to establish a Recovery and Opportunity Trust Fund to help train New York residents disproportionately impacted by chronic long-term unemployment factors**.

By Council Members Cabrera and Brannan.

**Whereas**, The Dubois Bunche Center for Public Policy has issued a policy plan (the "Thurgood Marshall Plan"), which calls for lawmakers to create new localized systems for employment opportunities and business development within urban centers to address the negative impact of economic disparities that impact African American and Latino communities; and

**Whereas,** The recent recession has had a severe effect on the United States' economy and the unemployment rate; and

**Whereas,** According to statistics provided by the New York State Department of Labor, New York City has an unemployment rate of 8.9 percent as of October 2013; and

**Whereas,** Additionally, African Americans in New York State have been disproportionately impacted with an unemployment rate of 13.8 percent, in comparison to a rate of 7.9 percent for white New Yorkers, according to the 2012 annual averages reported by the United States Department of Labor; and

**Whereas,** The Bronx and Brooklyn are the boroughs with the largest proportions African American and Latino residents and have unemployment rates of 12.2 percent and 9.6 percent, respectively, as of October 2013; and

**Whereas**, A component of the Thurgood Marshall Plan calls for the establishment of a Recovery and Opportunity Trust Fund modeled after the Massachusetts Workforce Training Fund; and

**Whereas**, The Recovery and Opportunity Trust Fund should finance job training for residents living within neighborhoods plagued with high rates of long-term chronic unemployment; and

**Whereas,** Proponents believe the Recovery and Opportunity Trust Fund should also subsidize pre-apprenticeship and apprenticeship training that is linked to energy conservation, renewable energy, the

rebuilding of core infrastructure, and the installation of broadband telecommunications networks throughout the City; and

**Whereas,** Lawmakers should develop policies that acknowledge disparities in urban neighborhoods, that identify neighborhoods with high rates of chronic unemployment, and that promote outcomes that advance equity and stability in job opportunities; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to establish a Recovery and Opportunity Trust Fund to help train New York residents disproportionately impacted by chronic long-term unemployment factors.

Referred to the Committee on Civil Service and Labor.

Res. No. 18

**Resolution calling upon the New York City Department of Education to provide one college advisor for every 50 high school seniors in New York City public schools.**

By Council Members Cabrera and Brannan.

**Whereas**, College degrees are increasingly a prerequisite for economic self-sufficiency; and

**Whereas,** "Repeated studies have found that improving counseling would have a significant impact on college access for low-income, rural and urban students as well as students of color" according to the National Association for College Admission Counseling (NACAC); and

**Whereas**, Unfortunately, counselors, especially those serving at-risk students, are often stretched too thin, greatly limiting their abilities to help students realize their full educational potential; and

**Whereas**, Nationally, the student-to-school counselor ratio was 482 to 1 in 2014-2015, according to the U.S. Department of Education's National Center for Education Statistics; and

**Whereas**, This ratio is nearly twice the 250 to 1 ratio recommended by the American School Counselor Association; and

**Whereas,** Further, according to NACAC, counselors in public schools reported spending only 23.4 percent of their time on postsecondary admission counseling, compared to 52.1 percent for private school counselors; and

**Whereas,** Not surprisingly, a 2010 Public Agenda report declared guidance counselors "overstretched" between heavy caseloads and time-consuming administrative responsibilities; and

**Whereas,** In New York, regulations of the State Education Commissioner require each school district to have a guidance program for all students; and

**Whereas,** In grades 7-12, the guidance program must include advisory assistance "to help students develop and implement postsecondary education and career plans … provided by teachers or counselors, or by certified teaching assistants under the supervision of counselors or teachers"; and

**Whereas,** New York State does not mandate any specific student-to-counselor ratio, however; and

**Whereas,** In February 2017, the New York City Department of Education (DOE) reported that the overall guidance counselor-to-student ratio was 1 to 346 for all public schools and 1 to 221 for schools with high school grades; and

**Whereas,** However, the DOE does not report the number or ratio of college advisors to students; and

**Whereas,** Many of the guidance counselors in City public schools spend the majority of their time on mandatory counseling services for students with disabilities and other tasks unrelated to college advising; and

**Whereas,** All New York City students need and deserve adequate assistance to ensure equal access to college and careers; now, therefore, be it

**Resolved,** That the New York City Council calls upon the New York City Department of Education to provide one college advisor for every 50 high school seniors in New York City public schools.

Referred to the Committee on Education.

Res. No. 19

**Resolution calling upon the New York City Department of Education to provide a music teacher in every school.**

By Council Members Cabrera, Brannan and Koslowitz.

**Whereas,** Instruction in the arts is an integral part of a quality education; and

**Whereas,** Considerable research shows that arts education significantly enhances students' cognitive, personal, and social growth and increases analytical and problem-solving skills; and

**Whereas,** Further, low-income students who have access to arts education "tend to have better academic results, better workforce opportunities, and more civic engagement," according to a 2012 report by the National Endowment for the Arts, an independent agency of the federal government; and

**Whereas**, Music education is particularly important, because research shows that music education facilitates language development, as musical training physically develops the part of the brain involved with processing language; and

**Whereas,** All students in New York State from pre-K through high school are required to receive instruction in the arts, including visual arts, music, dance and theatre; and

**Whereas**, State requirements for the amount of arts education vary according to grade level; and

**Whereas,** New York State Education Department (NYSED) guidelines for grades 1-3 recommend that 20% of the weekly time spent in school should be allocated to dance, music, theatre and visual arts; and in grades 4-6, 10% of the weekly time spent in school should be allocated to dance, music, theatre and visual arts; and

**Whereas,** Over the course of grades 7 and 8, the State requires students to receive one-half unit of study in the visual arts, and one-half unit of study in music, where one half-unit is the equivalent of approximately 55 hours of instruction by a certified arts teacher in New York City; and

**Whereas,** In high school, New York State graduation requirements include one unit in the arts (dance, theater, visual arts, and/or music), with one unit the equivalent of two credits in New York City; and

**Whereas**, The New York City Department of Education (DOE) has made progress in meeting NYSED arts instructional requirements and guidelines; however, there is still a long way to go; and

**Whereas,** For example, only 45% of City elementary schools provided the required instruction in all four arts disciplines to all grades 1-5, according to DOE's 2016-17 Annual Arts in Schools Report; and

**Whereas**, One key reason why City schools are unable to meet NYSED arts instructional requirements and guidelines is a lack of certified arts teachers; and

**Whereas,** In January 2018, DOE reported a record number of full-time certified arts teachers, with a total of 2,770 in pre-K-12 schools in 2016-17, up from 2,681 in the previous year; and

**Whereas,** Yet, that number of certified arts teachers is wholly inadequate, given that there are over 1,800 schools for grades K-12 in New York City and hundreds more pre-K programs; and

**Whereas,** Further, schools are required to provide instruction in visual arts, music, dance and theatre, and the 2,770 certified arts teachers reported is the total across all four disciplines, with no breakdown available of the number of teachers in each discipline; and

**Whereas,** Given the State requirements for and overall benefits of arts education, and particularly the critical importance of music education in facilitating language development; now, therefore, be it

**Resolved,** That the New York City Council calls upon the New York City Department of Education to provide a music teacher in every school.

Referred to the Committee on Education.

Res. No. 20

**Resolution calling upon the New York City Department of Education to move Transfer Schools to a single superintendency**.

By Council Member Cabrera.

**Whereas**, The New York City Department of Education (DOE) offers a large variety of high school programs and other ways to graduate or obtain a high school equivalency diploma; and

**Whereas,** DOE has over 700 program options at more than 400 traditional high schools and students can apply to any of these schools and programs via a single citywide high school application; and

**Whereas,** In addition to these traditional high school options, DOE offers a number of non-traditional high school programs, including Transfer Schools; and

**Whereas**, According to DOE, Transfer Schools are small, academically rigorous, full-time high schools designed to re-engage students who are behind in high school or have dropped out; and

**Whereas**, Students between the ages of 16 to 21 who have completed at least one year of high school are eligible for Transfer Schools; and

**Whereas**, Further, unlike traditional high school options, students must apply to each Transfer School separately and students and their parents or guardians must contact the schools to schedule an intake appointment; and

**Whereas,** Transfer Schools serve over-age, under-credited and other at-risk students, including many court-involved youth, for whom the school-by-school admissions process poses a significant barrier to enrollment; and

**Whereas,** Many more over-age, under-credited students between the ages of 16 to 21 could likely benefit from Transfer Schools if the admissions process was unified under one entity; and

**Whereas,** Advocates for Children of New York has recommended that Transfer Schools be moved under a single superintendency, such as District 79, to allow for better oversight, coordination and transparency; and

**Whereas**, According to DOE, District 79 includes Alternative Schools and Programs that help students under 21 years old who have experienced an interruption to their studies to stay on track to a high school or high school equivalency diploma; and

**Whereas,** As such, it makes sense for Transfer Schools to be included under District 79 or another single superintendency; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Department of Education to move Transfer Schools to a single superintendency.

Referred to the Committee on Education.

Res. No. 21

**Resolution calling upon the New York State Legislature and the Office of Children and Family Services to establish and administer "Care Cards" that foster parents can use to receive, spend, and track monthly foster care stipends**

By Council Member Cabrera.

**Whereas,** According to the Administration for Children's Services ("ACS") of New York City, as of October 2017, there were 8,917 children living in individual foster homes in New York City; and

**Whereas,** According to a 2015 fact sheet published by Public Advocate, Letitia James, the number of children placed in foster care in New York City at the time accounted for approximately 60% of children in the foster care system in the state of New York; and

**Whereas,** Currently, financial support provided by New York State and New York City for a child placed in a foster home is paid directly to the foster parent in monthly installments; and

**Whereas,** Unless the foster parent voluntarily terminates his or her parental rights or sends a letter to ACS relinquishing the monthly check, the parent will continue getting the monthly stipends until the child turns 21; and

**Whereas,** Foster parents in New York City who send their children to live elsewhere and do not voluntarily terminate their parental rights can continue to pull in monthly checks of up to $1,700 undetected by ACS for months or years, even if their children have re-entered the foster care system and reside in another foster home; and

**Whereas,** Such abuse by foster parents defrauds the taxpayers of New York State and New York City, deprives vulnerable children of opportunities to be placed into proper foster care, and perpetuates the notion that the foster care system prioritizes money over the child, which has collateral social consequences such as children in foster care being more susceptible to sex trafficking; and

**Whereas,** Instead of depositing foster care subsidies directly into foster parents' accounts, the Office of Children and Family Services could establish a "Care Card" for each child in foster care and load the "Care Card" every month with the child's monthly stipend; and

**Whereas,** Each "Care Card" would function similarly to a debit card (much like commuter cards or healthcare flexible spending cards), and would be associated with one child so that any time that child enters or leaves a foster home, the "Care Card" is activated or de-activated accordingly; and

**Whereas,** The "Care Card" would allow the foster parents, the Office of Children and Family Services, and ACS to track monthly costs associated with foster care, ensuring that the foster care subsidies are indeed being used for the child for whom the foster care subsidy is given; and

**Whereas,** The Office of Children and Family Services, working with ACS, would develop mechanisms that would account for any child who has been sent out of a foster home and would ensure that foster parents who send out a child no longer collect monthly funds associated with that child; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature and the Office of Children and Family Services to establish and administer "Care Cards" that foster parents can use to receive, spend, and track monthly foster care stipends.

Referred to the Committee on General Welfare.

Res. No. 22

**Resolution calling on the United States Congress to introduce and pass legislation to allow states and municipalities to expand upon the Food and Drug Administration's nutritional labeling requirements on menus and menu boards.**

By Council Members Cabrera and Brannan.

**Whereas**, The Patient Protection and Affordable Care Act (ACA) of 2010 directs the Food and Drug Administration (FDA) to establish menu labeling requirements for restaurants, similar retail food establishments and vending machines; and

**Whereas**, On December 1, 2014, FDA finalized two rules requiring that calorie information be listed on menus and menu boards for standard menu items offered for sale in a restaurant or similar retail food establishment that is part of a chain with 20 or more locations, doing business under the same name, and offering for sale substantially the same menu items; and

**Whereas**, According to the FDA, Americans eat and drink about one-third of their calories away from home; and

**Whereas**, Consumers should be provided with nutritional information at food service establishments to make informed decisions regarding food purchases; and

**Whereas**, The ACA specifies that State or local governments cannot impose nutrition labeling requirements for foods sold in establishments covered by the final FDA rules, unless such requirements are identical to the federal requirements; and

**Whereas**, Although the FDA's new rules require calorie information to be posted, the new rules do not require additional nutritional information, such as sodium content; and

**Whereas**, About 90 percent of Americans eat too much sodium, which can cause high blood pressure, according to the FDA; and

**Whereas**, According to a study published in JAMA Internal Medicine, most adults in the United States consume more added sugar than is recommended for a healthy diet and the odds of dying from heart disease rise with the percentage of sugar in the diet; and

**Whereas**, The New York City Board of Health required calorie postings on menus in 2008 and recently passed a requirement for restaurants to include warnings on food items with excessive sodium contents; and

**Whereas**, New York City strives to be at the forefront of consumer nutrition education and should not be restricted from expanding the FDA's nutrition labeling requirements; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to introduce and pass legislation to allow states and municipalities to expand upon the Food and Drug Administration's nutritional labeling requirements on menus and menu boards.

Referred to the Committee on Health.

Res. No. 23

**Resolution calling upon the New York State Legislature to pass and the Governor to sign a law amending article 45 of the Civil Practice Law and Rules to prohibit juvenile admissions and statements against penal interest made during court-ordered mental health screening and treatment from being admitted into evidence in subsequent criminal proceedings.**

By Council Member Cabrera.

**Whereas**, According to the Citizens' Committee for Children of New York City, 268,743 children ages 5 through 17 have a diagnosable mental illness; and

**Whereas**, In a study conducted by the Administration for Children's Services in 2011, 44% of the nearly 5,400 youths housed in juvenile detention in New York City received in-care mental health services in 2010; and

**Whereas**, If left untreated or undiagnosed, juveniles with psychiatric conditions may pose a danger to themselves or others; and

**Whereas**, The New York State Unified Court System has recognized the importance of rehabilitation and treatment of juvenile criminal defendants through the creation of Mental Health Courts and Drug Treatment Courts that focus on therapy and counseling as opposed to incarceration; and

**Whereas**, In the process of such therapy, counseling, and other treatment, juveniles may make statements that are self-incriminating and against their penal interests; and

**Whereas**, There is currently no universally recognized privilege protecting statements made by juveniles to their court-appointed mental health providers; and

**Whereas**, Absent explicit protections in the Civil Practice Law and Rules, such statements may be used in subsequent criminal prosecutions; and

**Whereas**, The knowledge that statements made during court-ordered mental health screenings, assessments, or counseling can be used against juveniles in subsequent criminal prosecutions will likely undercut the goals of rehabilitation and treatment, having a chilling effect on the honest and forthright communication essential to effective mental health therapy; and

**Whereas**, In adopting Civil Practice Law and Rules § 4507, the New York State Legislature has already recognized the importance of honest and forthright communication to effective psychiatric therapy by

determining that statements made to a psychologist are privileged communications akin to statements made to an attorney; 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 law amending article 45 of the Civil Practice Law and Rules to prohibit juvenile admissions and statements against penal interest made during court-ordered mental health screening and treatment from being admitted into evidence in subsequent criminal proceedings.

Referred to the Committee on Juvenile Justice.

Res. No. 24

**Resolution calling upon the New York City Administration of Children's Services to fund and Criminal Court Judges to use the Positive Alternative Towards Home program.**

By Council Member Cabrera.

**Whereas**, In April 2011, the New York City Administration of Children's Services ("ACS") began a pilot program called Positive Alternative Towards Home ("PATH"); and

**Whereas**, The PATH program involves using electronic monitoring so that youth who would normally be in secure detention as alleged Juvenile Offenders ("JO's") can return to the community as they await adjudication; and

**Whereas**, Many young offenders can be effectively rehabilitated through community-based supervision and intervention; and

**Whereas**, The PATH program includes support and supervision from community-based organizations; and

**Whereas**, Residential care is costly and community based alternative programs that divert juvenile offenders from residential care are cost effective and improve outcomes for children; and

**Whereas**, The goal of PATH is to keep youth in the community pending adjudication while minimizing risk to the community; and

**Whereas**, PATH is a performance-based program where youth can significantly influence their outcome based on their behavior; and

**Whereas**, An electronic monitoring device is used to measure the youth's compliance with curfew and other court-ordered conditions and restrictions, as well as to monitor school and program attendance; and

**Whereas**, The PATH program is in line with ACS' efforts to step down youth from secure detention to non-secure detention as well as from detention to community-based alternatives; and

**Whereas**, It must be a priority for New York City to maintain public safety while providing effective alternatives to incarceration that allow court involved youth to remain safely with their families in their communities; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Administration for Children's Services to fund and Criminal Court Judges to use the Positive Alternative Towards Home program.

Referred to the Committee on Juvenile Justice.

Res. No. 25

**Resolution calling upon the Department of Education to have a full time mental health counselor on staff at every elementary and middle school.**

By Council Members Cabrera and Brannan.

**Whereas**, New York City has approximately 1,800 schools; and

**Whereas**, New York City public schools educate 1.1 million children every year; and

**Whereas**, Children spend most of their day at school; and

**Whereas**, Eight percent of public high school students report attempting suicide, according to New York City Department of Health and Mental Hygiene (DOHMH); and

**Whereas**, According to DOHMH, that percentage doubles if a student has been bullied on school grounds, which eighteen percent of students report having experienced; and

**Whereas**, According to DOHMH, twenty-seven percent of New York City high school students report feeling sad or hopeless each month; and

**Whereas**, According to Journal of the American Medical Association of Psychiatry (JAMA), adolescents exposed to childhood adversity, including family malfunctioning, abuse, neglect, violence, and economic adversity, are nearly two times as likely to experience the onset of mental disorders; and

**Whereas**, According to JAMA, the likelihood of experiencing the onset of mental health disorders grows with additional exposures to childhood adversity; and

**Whereas**, According to Data Resource Center for Child and Adolescent Health, approximately eighteen percent of children in New York State between the ages of zero and seventeen experienced two or more adverse family experiences in their lifetime; and

**Whereas**, According to the Children's Defense Fund's 2014 State of America's Children report, nearly forty percent of youth in the United States who needed mental health care between 2011-12 didn't receive the necessary treatment; and

**Whereas,** As part of ThriveNYC, New York City has hired nearly 100 School Mental Health Consultants who will work with every school citywide to ensure that school staff can connect high need students with the appropriate mental health care; and

**Whereas**, One hundred School Mental Health Consultants is not sufficient to serve the mental health needs of approximately 1800 schools and 1.1 million students; and

**Whereas**, New York City will assess the need and availability of mental health services at 52 schools starting in the 2017 school year; and

**Whereas**, New York City has trained selected staff of middle and high schools in youth Mental Health First Aid and Youth Suicide Prevention; and

**Whereas**, New York City has opened mental health clinics at a number of community schools; and

**Whereas**, School climate has a significant impact on mental health; and

**Whereas**, ThriveNYC has announced several initiatives to improve school climate; and

**Whereas**, Providing mental health services in school improves the school environment and provides resources to address the emotional and behavioral needs of students; and

**Whereas**, According to ThriveNYC, the availability of on-site mental health services has been linked to higher GPA scores, reduced absenteeism, and improvements in graduation rates, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Department of Education to have a full time mental health counselor on staff at every elementary and middle school.

Referred to the Committee on Mental Health, Disabilities and Addictions.

Res. No. 26

**Resolution calling upon the New York City Housing Authority to assess the feasibility of utilizing cogeneration to increase energy efficiency in its developments.**

By Council Member Cabrera.

**Whereas**, The New York City Housing Authority ("NYCHA") is a public housing authority with 326 developments, 2,462 buildings, and 176,066 public housing units, making it the largest public housing provider in North America; and

**Whereas**, Federal funding, which comprises the bulk of NYCHA's capital and operating budgets, has declined substantially over the past several years; and

**Whereas**, Since 2001, NYCHA's federal capital grants have fallen from $420 million annually to $318 million annually; and

**Whereas**, As the capital needs of NYCHA's aging infrastructure grow, operating expenses, such as maintenance and repair costs increase; and

**Whereas**, In addition to maintenance and repair costs, NYCHA's Operating Fund is used for a vast array of day-to-day operations including utilities; and

**Whereas**, According to NYCHA's most recent Five Year Operating Plan, utility expenditures, which make up a significant portion of NYCHA's operating budget, are expected to increase from $530 million in 2017 to $551 million in 2021; and

**Whereas**, NYCHA's operating budget is funded by the United States Department of Housing and Urban Development ("HUD"); and

**Whereas**, NYCHA's funding is based on the subsidy eligibility of all public housing authorities in the nation and HUD's annual federal appropriation; and

**Whereas**, If the national eligibility exceeds the federal appropriation, HUD must prorate the allocation of subsidy; and

**Whereas**, Since 2001, proration has resulted in a cumulative operating subsidy loss of over $1.31 billion for NYCHA; and

**Whereas**, In 2007, the City released a long-term sustainability plan, PlaNYC 2030, which emphasized the critical importance of improving energy planning, reducing the City's energy consumption, modernizing electricity delivery infrastructure and expanding the City's clean power supply; and

**Whereas**, One example of such clean power supply can be found in the utilization of cogeneration, which simultaneously produces electricity and heat which may be harvested to heat buildings or provide hot water; and

**Whereas**, Cogeneration has significant environmental benefits, reducing air pollution and greenhouse gas emissions; and

**Whereas**, Cogeneration is currently used in some buildings in New York City and may offer a significant reduction in such buildings' energy costs; and

**Whereas**, During this time of chronic underfunding, NYCHA should look at methods to reduce its utility and thereby operating expenses, while also helping to reduce the City's carbon footprint; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Housing Authority to assess the feasibility of utilizing cogeneration to increase energy efficiency in its developments.

Referred to the Committee on Public Health.

Res. No. 27

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.1699 and S.4915, legislation that would establish the crime of strangulation in the first degree; disregard of banned employment procedures.**

By Council Member Cabrera.

**Whereas**, On Thursday, July 17, 2014, Eric Garner, who was unarmed and accused of selling loose cigarettes, was placed in a chokehold in Staten Island by a New York Police Department ("NYPD") officer; and

**Whereas**, Despite Mr. Garner's pleas that he could not breathe, the officers proceeded to put him in handcuffs and he died later in the hospital; and

**Whereas**, The NYPD Patrol Guide bans the use of chokeholds which includes, but is not limited to, any pressure to the throat or windpipe which may prevent or hinder breathing to reduce intake of air; and

**Whereas**, Currently, New York Penal Law section 121.11 makes it a class A misdemeanor for a person to apply pressure on the throat or neck of a person with intent to impede the normal breathing or circulation of the blood of such person, and such action rises to the level of a class C violent felony if it results in serious physical injury; and

**Whereas**, A.1699 /S.4915 sponsored by Assembly Member Walter Mosley and Senator Ruben Diaz and pending in the New York State Assembly and Senate, respectively, will establish the crime of strangulation in the first degree; disregard of banned employment procedures; and

**Whereas**, A.1699 /S.4915 provide that a person is guilty of strangulation in the first degree; disregard of banned employment procedures when he or she disregards any procedures banned by his or her employment and commits the crime of criminal obstruction of breathing or blood circulation, as defined section 121.11 of the penal law, causing serious physical injury or death to another person; and

**Whereas**, A.1699 /S.4915 makes such offense a class B felony and;

**Whereas**, A.1699 /S.4915 also criminalizes the use of a chokehold procedure in any context as a class A misdemeanor; 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.1699 and S.4915, legislation that would establish the crime of strangulation in the first degree; disregard of banned employment procedures.

Referred to the Committee on Public Safety.

Res. No. 28

**Resolution calling upon the Port Authority of New York and New Jersey to require that all baggage at the Port Authority Bus Terminal undergo security screening.**

By Council Members Cabrera and Brannan.

**Whereas**, New York City's Port Authority Bus Terminal is the world's busiest bus terminal, serving more than 65 million passengers a year, with approximately 8,000 buses passing through every weekday; and

**Whereas**, Individuals can generally access the terminal itself and the buses it serves without undergoing a security screening; and

**Whereas**, The federal Transportation Security Administration (TSA) conducts random security screening operations, which can include behavior, radiological/nuclear, and explosives detection, at various transportation facilities nationwide, including bus and rail stations, through its Visible Intermodal Prevention and Response program (VIPR); and

**Whereas**, TSA's VIPR program is not as comprehensive or consistent as its airport security operations, which screen every commercial airline passenger and piece of luggage; and

**Whereas**, Public transportation systems have been a frequent target for terrorist attacks, notably the 2004 Madrid train bombings and the 2005 London bus and train attacks, as well as the attack by a would-be suicide bomber in the Times Square-Port Authority Bus Terminal subway station complex in December 2017; and

**Whereas**, With violence and instability common throughout the world, and in particular with terrorist groups such as ISIS continuing to pose serious threats, we must remain vigilant and do all we can to prevent attacks in our City; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Port Authority of New York and New Jersey to require that all baggage at the Port Authority Bus Terminal undergo security screening.

Referred to the Committee on Public Safety.

Res. No. 29

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.2722/A.2970A, which would ban chemicals substantially similar to those already designated as controlled substances.**

By Council Member Cabrera.

**Whereas**, Synthetic cannabinoids refers to a range of herbal mixtures sprayed with chemicals in order to produce mind-altering effects; and

**Whereas**, Often known by other names such as synthetic marijuana, K2, spice, or spike, synthetic cannabinoids are consumed as recreational drugs; and

**Whereas**, According to the American Association of Poison Control Centers ("AAPCC"), health effects from synthetic cannabinoids can be life-threatening and can include severe agitation, seizures, intense hallucinations, and psychotic episodes; and

**Whereas**, Since 2010, AAPCC has tracked the number of calls made to poison centers due to adverse reactions to these drugs; and

**Whereas**, AAPCC's data show that in the first eleven months of 2017, 1,837 such calls were made across the country, 151 calls were made in New York; and

**Whereas**, In New York City, the Department of Health and Mental Hygiene issued a warning in April of 2015 detailing the potential dangers of synthetic cannabinoids, citing that in a one-week period in early April, there had been more than 120 emergency room visits related to these drugs; and

**Whereas**, In response to the drugs' increased use in recent years, all 50 states have banned some forms of synthetic drugs since 2011, according to the National Conference of State Legislatures; and

**Whereas**, Laws often target specific ingredients used in these drugs, but manufacturers have tried to avoid prosecution by continually changing the chemical composition of banned substances to create similar substances not yet outlawed; and

**Whereas**, Thirty-four states have responded with "analogue laws"—laws that ban drugs with chemical structures and effects substantially similar to those of already prohibited substances; and

**Whereas**, New York currently does not have an analogue law, thus depriving prosecutors the ability to punish manufacturers who repeatedly produce slightly different versions of synthetic drugs; and

**Whereas**, New York State Senator Jeffrey D. Klein and New York State Assembly Member Michael Cusick have introduced S.2722 and A.2970A, respectively, which would incorporate the Federal Analogue Act into New York law and ban chemicals substantially similar to those already scheduled as controlled substances; and

**Whereas**, Support for the bill's passage is strong in the State Senate, which passed the bill in 2013, 2014, 2015, and 2016; and

**Whereas**, Passing this legislation would equip law enforcement with an important tool to fight against the use of synthetic cannabinoids and the resulting adverse effects; 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, S.2722/A.2970A, which would ban chemicals substantially similar to those already designated as controlled substances.

Referred to the Committee on Public Safety.

Res. No. 30

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.03641, which would eliminate the statute of limitations in criminal and civil actions involving sex crimes against minors.**

By Council Member Cabrera.

**Whereas**, According to the Centers for Disease Control and Prevention, nearly one in four girls and nearly one in six boys in the United States are sexually abused before the age of eighteen; and

**Whereas**, According to the Rape, Abuse and Incest National Network, the effects of child sexual abuse can be devastating, with survivors experiencing a range of short- and long-term effects that can include: (i) suicidal thoughts, (ii) depression, (iii) post-traumatic stress disorder, (iv) disassociation, (v) self-harm, and (vi) feelings of guilt and shame; and

**Whereas**, Survivors are often reluctant to share their painful experiences with others; and

**Whereas**, According to the Child Abuse Prevention Center, over 30% of child sexual abuse victims never disclose to others they have been abused, and those who do often do so years, if not decades, later; and

**Whereas**, For years, advocates have campaigned for legislative reforms to extend or eliminate the statute of limitations in cases of rape and other sex crimes, so that survivors can seek justice regardless of how much time has passed since the crime; and

**Whereas**, According to the Council of State Governments, 31 states removed or never had statutes of limitations for certain sex crimes; and

**Whereas**, In 2006, New York State eliminated the criminal statute of limitations for rape in the first degree, which had been five years, and increased the statute of limitations for civil actions for rape from one to five years; and

**Whereas**, According to the National Organization for Women, there were 690 rape complaints in New York State in 2005 that could not be prosecuted due to the existing statute of limitations; and

**Whereas**, The increased use of DNA testing as evidence in prosecution over the last two decades has underscored the need to eliminate the statute of limitations for sex crimes; and

**Whereas**, By 2013, New York State had removed the statute of limitations for several sex crimes, including: (i) rape, (ii) criminal sexual act, (iii) aggravated sexual abuse, and (iv) course of sexual conduct against a child; and

**Whereas**, To empower victims of child sexual abuse to bring their abusers to justice regardless of how much time has passed since they were abused, in January of 2017 New York State Assembly Member Al Graf introduced A.03641, an act to remove the statute of limitations in criminal and civil actions involving all sex crimes against minors; 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.03641, which would eliminate the statute of limitations in criminal and civil actions involving sex crimes against minors.

Referred to the Committee on Public Safety.

Res. No. 31

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would increase the penalties for possessing or selling marijuana in a Drug Free School Zone.**

By Council Members Cabrera and Brannan.

**Whereas**, Drug Free School Zones are protected areas in and around schools where the sale or possession of controlled substances receives higher punishments; and

**Whereas**, In New York State, school grounds include the area in or within a building, structure, athletic playing field, playground or any land contained within the property of an elementary school, parochial, intermediate, junior high, vocational, or high school; and

**Whereas**, The zone is further extended to include any area accessible to the public, including sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants, located within one thousand feet of the school's property line, including any parked vehicle within this distance; and

**Whereas**, In New York State, if an individual commits the criminal sale of a controlled substance in the fourth degree, he or she may be liable for a C felony, as the law explicitly allows for an increased penalty if the

sale takes place on a school ground or school bus; and

**Whereas**, Additionally, if an individual commits the criminal sale of a controlled substance in or near school grounds, the person may be liable for a B felony; and

**Whereas**, State law seeks to provide further protections to school grounds and deter people from prying on children and exposing children to illegal drug use and sales; and

**Whereas**, However, existing law does not punish the sale or use of marijuana in a Drug Free School Zone on the same level as other controlled substances; and

**Whereas**, The severity of punishing an individual for selling or possessing marijuana is generally limited to the amount of marijuana recovered; and

**Whereas**, Despite this, marijuana use in New York City is a significant public health and safety issue; and

**Whereas**, Marijuana is the most commonly used illicit narcotic; and

**Whereas**, The New York City Department of Health and Mental Hygiene estimates that 28 percent of New York City youth have used marijuana at least once in their lives; and

**Whereas**, Marijuana can produce physical, mental, emotional and behavioral effects, including impairing short-term memory, judgment and perception; and

**Whereas**, Studies have shown an association between chronic marijuana use and increased rates of anxiety, depression, suicidal thoughts and schizophrenia; and

**Whereas**, Aside from the public health ramifications, marijuana was also the leading cause of arrests in New York City in 2010, accounting for 50,383 arrests; and

**Whereas**, In New York City, the Department of Education is responsible for approximately 1.1 million school children; and

**Whereas**, Adequate safeguards are needed to ensure that school children are not exposed to marijuana use and sale; and

**Whereas**, Accordingly, punishing the sale or possession of marijuana on the same level with other controlled substances would deliver a powerful message that Drug Free School Zones are protected areas and that New York State will not tolerate individuals possessing or selling drugs in close proximity to schools; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would increase the penalties for using or selling marijuana in a Drug Free School Zone.

Referred to the Committee on Public Safety.

Res. No. 32

**Resolution condemning the inequitable contract between the City of New York and LinkNYC which will provide better Wi-Fi access to areas throughout the City where advertising is deemed more profitable, and calling for revenue sharing profits from this contract to be invested in efforts to increase Wi-Fi access in the Bronx, Brooklyn, Queens and Staten Island.**

By Council Members Cabrera and Brannan.

**Whereas**, Payphones are generally considered outdated as a result of mobile devices, and a large number of the City's 11,000 payphones are often broken; and

**Whereas**, In 1999, the City entered into a number of franchise contracts for installation and maintenance of public payphones which expired in October 2014; and

**Whereas**, On December 4, 2012, then Mayor Michael R. Bloomberg, along with the Department of Information Technology and Telecommunications (DoITT) announced the Reinvent Payphones Design Challenge, a competition to modernize payphone infrastructure throughout the City; and

**Whereas**, On December 10, 2014, Mayor Bill de Blasio announced the approval of the City's LinkNYC proposal by the Franchise and Concession Review Committee to expand free, high-speed Internet access throughout the City; and

**Whereas**, LinkNYC is a public-private partnership between the Mayor's Office of Technology and Innovation, DoITT and CityBridge, a consortium whose members include Comark, Qualcomm, Control Group, Titan, Antenna and Transit Wireless; and

**Whereas**, As part of the proposal, LinkNYC will install approximately 10,000 digital kiosks, replacing the City's pay phones over the next 12 years providing New Yorkers with free Wi-Fi connections, free calls to anywhere in the United States, touchscreen displays with access to city services including 911 and 311, maps and directions, free charging stations for mobile devices and digital displays for advertising; and

**Whereas**, In addition, residents and tourists will receive high-speed Internet service ranging from 100 megabits per second to one gigabit per second within 150 feet of the kiosks; and

**Whereas**, Although the project is expected to generate $500 million for the City, some elected officials and city residents have expressed concerns that the project will disproportionately benefit Manhattan with the borough receiving more kiosks and better Wi-Fi service than low-income areas in the outer boroughs, which will receive fewer kiosks and slower connection speeds; and

**Whereas**, In order to partially recompense low-income communities which will receive fewer kiosks and relatively low bandwidth access in accordance with the contract's terms, revenue sharing profits from this contract should be invested in efforts to increase Wi-Fi access in the Bronx, Brooklyn, Queens and Staten Island; now, therefore, be it

**Resolved**, That the Council of the City of New York condemns the inequitable contract between the City of New York and LinkNYC which will provide better Wi-Fi access to areas throughout the City where advertising is deemed more profitable, and calling for revenue sharing profits from this contract to be invested in efforts to increase Wi-Fi access in the Bronx, Brooklyn, Queens and Staten Island.

Referred to the Committee on Technology.

Res. No. 33

**Resolution calling upon the Governor and the New York State Department of Transportation to more rigorously enforce the requirements of New York State's Vehicle and Traffic Law on drivers of sightseeing tour buses.**

By Council Member Cabrera.

**Whereas**, During the year 2017, it is anticipated that the City of New York will have received over 61 million visitors; and

**Whereas**, According to NYC & Company, the number of visitors coming to New York City has broken records for each of the past eight years; and

**Whereas**, Tourism is an important part of New York City's economy accounting for $43 billion in direct visitor spending in 2016; and

**Whereas**, New York City is also densely populated and experiences significant traffic congestion in general and particularly in locations that draw tourists; and

**Whereas**, Additionally, according to United States Census estimates, Manhattan's population doubles during weekdays due to its daily influx of commuters; and

**Whereas**, There have been a number of accidents involving sightseeing buses that have raised safety concerns, including a collision, in June of 2014, between two sightseeing tour buses that resulted in serious injury to at least 15 persons—most of them pedestrians; and

**Whereas**, One of the drivers in that incident had a history of traffic infractions and license suspensions prior to this incident; and

**Whereas**, On July 3, 2015 in Greenwich Village, a man was struck in the crosswalk and dragged by a sightseeing bus making a left turn—the pedestrian suffered severe injuries; and

**Whereas**, In November of 2017, a double decker tour bus collided with a meat truck in Times Square resulting in three injured; and

**Whereas**, In recent years the double decker sightseeing bus industry has seen significant growth: in 2004, there were only 60 tour buses licensed to operate in the city, but currently 194 such buses are licensed to operate; and

**Whereas**, There have been growing safety concerns regarding double decker sightseeing buses, including a report by Senator Brad Hoylman titled, "Thrown Under the Bus," indicating that drivers of sightseeing tour buses are not required to comply with the same requirements as other bus operators in New York State; and

**Whereas**, Senator Hoylman's report notes that sightseeing buses are exempt from Article 7 of the New York State Transportation Law (Article 7), are not required to obtain a certificate of public convenience and necessity from the state's Department of Transportation (DOT) to operate; and

**Whereas**, The Senator's report further notes that the effect of this exemption from Article 7 means that DOT cannot use its statutory power under section 145 of the Transportation Law to directly order sightseeing bus companies to cease operations for non-compliance with the law's provisions; and

**Whereas**, Nevertheless, the City's Department of Consumer Affairs, licenses sightseeing buses and may revoke a company's license to operate for non-compliance with state law; and

**Whereas**, Neither New York State Transportation Law nor the state's Vehicle and Traffic Law, indicates that drivers of sightseeing buses are exempt from the requirements for bus drivers as mandated in Article 19-A of the Vehicle and Traffic Law; and

**Whereas**, Article 19-A of the New York State Vehicle and Traffic Law specifies additional requirements for Department of Motor Vehicles licensees authorized to operate buses, including background checks, medical examinations and regular testing and reporting of the licensee's driving record, to ensure public safety; and

**Whereas**, Tourism is important to both the city and state's economy and state action is necessary to thoroughly regulate sightseeing bus drivers; so, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Governor and the New York State Department of Transportation to more rigorously enforce the requirements of New York State's Vehicle and Traffic Law on drivers of sightseeing tour buses.

Referred to the Committee on Transportation.

Int. No. 30

By Council Members Chin, Cornegy and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the recovery of relocation expenses incurred by the department of housing preservation and development pursuant to a vacate order.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 3 of § 26-305 of chapter 2 of title 26 of the administrative code of the city of New York is amended to read as follows:

3. The department may bring an action against the owner for the recovery of such expenses. The institution of such action shall not suspend or bar the right to pursue any other remedy provided by this section or any other law for the recovery of such expenses. *As part of such action for recovery the department may require the owner to deposit moneys in an escrow account, naming the department as escrowee. Such moneys shall be equivalent to at least ten per cent of the rent roll, of the building from which such tenants were relocated, for five years preceding the vacate order.*

§ 2. This local law shall take effect ninety days after its enactment, except that the 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. 31

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to selective service applications in city jails**

*Be it enacted by the Council as follows:*

Section 1. Section 9-128 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

§ 9-128. Applications for government benefits.

*d. Notwithstanding any other provision of law, the department shall provide any inmate between the ages of 18 and 25 with materials necessary to apply to the selective service system, and shall ensure that any inmate between the ages of 18 and 25 that is engaged in programming for more than 30 days is provided with materials, guidance, and any assistance necessary to register with the selective service system. For the purposes of this subdivision, "inmate programming" includes but is not limited to any structured services offered directly to inmates for the purposes of vocational training, counseling, cognitive behavioral therapy, addressing drug dependencies, or any similar purpose.*

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

Referred to the Committee on Criminal Justice.

Int. No. 32

By Council Members Cohen and Brannan.

**A Local Law to amend the New York city charter, in relation to electronic notification of capital project delays and cost changes**

*Be it enacted by the Council as follows:*

Section 1. Section 219 of the New York city charter is amended to read as follows:

*e. Each agency shall provide additional electronic notification to the affected council member, borough president and community board(s) within thirty days of learning of any of the following with respect to any capital project under its jurisdiction: (1) any projected or actual delay of sixty days or more with respect to any phase of the project and (2) any projected or actual change of ten percent or more of the total estimated cost of the project. Such notification shall include the original and total estimated cost of the capital project, the projected or actual start and end date of each project phase, the total amount spent on the project as of the date of such notification, and a clear explanation of the reasons for any projected or actual change in cost or delay.*

[e]*f.* Any capital project which results in the acquisition or construction of a capital asset which will be subject to the requirements of section eleven hundred ten-a shall contain a provision requiring a comprehensive

manual setting forth the useful life of the asset and explaining the activities necessary to maintain the asset throughout such useful life.

[f]*g*. The mayor may issue directives and adopt rules and regulations in regard to the execution of capital projects, consistent with the requirements of subdivisions a, b, c [and], d *and e* of this section, which shall be binding upon all agencies.

§2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 33

By Council Members Cohen and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on contract awards made from discretionary funds allocated by a council member**

*Be it enacted by the Council as follows:*

Section 1. Title 1 of Chapter 6 of the administrative code of the city of New York is amended to add a new section 6-143 to read as follows:

*§ 6-143 Reporting on contract awards made from discretionary funds allocated by a council member. a. Within ten days of the end of each quarter of the fiscal year, the city chief procurement officer shall submit to the speaker of the council a report on the status of contract awards made from discretionary funds allocated by a council member. Such report shall be disaggregated by contracting agency, source of funding, allocating council member and entity to which the funds were allocated and shall include:*

*1. the date on which each contract was entered into or the reason why no contract had yet been entered into;*

*2. for each contract which was entered into, the date on which such contract was registered with the office of the comptroller or the reason why such contract had not yet been registered; and*

*3. for each contract entered into and registered, the dollar amount of funds reimbursed pursuant to the contract, and, where full reimbursement under the contract has not yet been made, the reason why full reimbursement has not yet been made.*

*b. On December 1, 2019 and each December 1 thereafter, the city chief procurement officer shall submit to the speaker of the council a final report on the information required by paragraph three of the prior subdivision for the prior fiscal year.*

*c. On the day that the third report of the fiscal year is submitted, the city chief procurement officer shall provide written notification to every council member who allocated discretionary funds where pursuant to such allocation a contract was not yet entered into, not yet registered with the office of the comptroller or not yet fully_reimbursed. For contracts which were not yet fully reimbursed, such notification shall include the dollar amount of funds outstanding for reimbursement.*

§ 2. This local law takes effect July 1, 2018.

Referred to the Committee on Finance.

Int. No. 34

By Council Member Cohen.

**A Local Law to amend the New York city charter, in relation to the use of government resources during an election campaign**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (b) of subdivision 2 of section 1136.1 of the New York city charter is amended to read as follows:

(b) No public servant who is a candidate for nomination or election to any elective office or the spouse of such public servant shall use, cause another person to use, or participate in the use of governmental funds or resources for a mass mailing that is postmarked, if mailed, or delivered, if by other means, less than *thirty* [ninety] days prior to any primary or general election for any elective office for which office such person is a candidate for nomination or election; provided, however, that a candidate may send one mass mailing, which shall be postmarked, if mailed, or delivered, if by other means, no later than twenty-one days after the adoption of the executive budget pursuant to section two hundred fifty-four. No such mass mailing shall be intentionally sent to individuals outside the particular council district, borough, or other geographic area represented by such candidate.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 35

By Council Members Cohen and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to recurring violations of the housing maintenance code**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (a) of section 27-2115 of the administrative code of the city of New York, as amended by local law 65 for the year 1987 is amended to read as follows:

(a) (1) A person who violates any law relating to housing standards shall be subject to a civil penalty of not less than ten dollars nor more than fifty dollars for each non-hazardous violation, not less than twenty-five dollars nor more than one hundred dollars and ten dollars per day for each hazardous violation, fifty dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than fifty dollars nor more than one hundred fifty dollars and, in addition, one hundred twenty-five dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person willfully making a false certification of correction of a violation shall be subject to a civil penalty of not less than fifty dollars nor more than two hundred fifty dollars for each violation falsely certified, in addition to the other penalties herein provided.

*(2) Notwithstanding any other provision of law, where the department issues a person more than two hazardous or immediately hazardous violations within a twelve-month period such person shall be subject to a civil penalty of not less than fifty dollars not more than two hundred dollars for each such subsequent hazardous violation and not less than one hundred dollars nor more than three hundred dollars for each such subsequent immediately hazardous violation, where such subsequent violations are issued within the same twelve month period. Such penalties shall be in addition to any daily penalties that may be authorized pursuant to paragraph (1) of this subdivision.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 36

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of lot line windows on residential property**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-723.4 to read as follows:

*§ 20-723.4 Disclosure of windows situated on a lot line. a. Anyone who advertises or causes to be advertised the sale or lease of a dwelling or space within such dwelling in a newspaper, magazine, circular, pamphlet, store display, online advertisement, letter, handbill or in any other form shall conspicuously include in such advertisement, in a form and manner determined by the department a notice that indicates the presence of any window that is situated on a lot line within such dwelling and describes the requirements associated with window situated on lot lines pursuant to table 705.8 of the New York city building code.*

*b. Anyone who advertises or causes to be advertised the sale or lease of a dwelling or space within such dwelling in a newspaper, magazine, circular, pamphlet, store display, online advertisement, letter, handbill or in any other form and who must disclose the presence of a window situated on a lot line, pursuant to subdivision a of this section shall not advertise or cause to be advertised a space within such dwelling as a living room, as such term is defined in section 27-2004 of the administrative code, if such space has no legally required window as such term is defined by the zoning resolution.*

*c. 1. Anyone who offers a dwelling or space within such dwelling for sale or lease shall, before accepting a purchase or rental offer for such dwelling or space, provide the prospective purchaser or lessee with a notice that indicates the presence of any window that is situated on a lot line within such dwelling or space and describes the requirements associated with windows situated on lot lines pursuant to table 705.8 of the New York city building code.*

*d. No charge or fee shall be imposed on such prospective purchaser or lessee for the provision of any information required by this section.*

*e. Violations. 1. Anyone who violates any provision of this section shall be subject to a civil penalty equal to $500.*

*2. Civil penalties under this section may be recovered by the department in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board. Such board shall have the power to impose civil penalties provided for in this section.*

*3. The civil penalties set forth in this section shall be indexed to inflation in a manner to be determined by rules promulgated by the department.*

*f. Private right of action. 1. A person who purchases or leases a dwelling or space within such dwelling from anyone who violates this section may institute an action in any court of competent jurisdiction for any damages, including punitive damages and such other remedies as may be appropriate resulting from such violation.*

*2. In any action or proceeding to enforce this section, a court may allow a prevailing plaintiff to recover reasonable attorney's fees as part of the costs.*

*3. Any action or proceeding to enforce this section shall be commenced no later than 5 years after the date on which the contract of sale or lease agreement is executed.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of consumer affairs may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 37

By Council Member Cohen.

**A Local Law to amend the New York city charter, in relation to requiring the mayor's office of criminal justice to evaluate the effectiveness of criminal justice programs that receive funding from the city**

*Be it enacted by the Council as follows:*

Section 1. Section 13 of chapter 1 of the New York city charter is amended by adding a new subsection (4) to read as follows:

*(4) evaluate the performance of the vendor of any contract with the coordinator's office for the provision of criminal justice related services. For purposes of this subsection, "criminal justice related services" include but are not limited to: (i) providing alternatives to incarceration; (ii) re-entry or diversion programs; and (iii) pretrial supervised release services. Beginning on January 1, 2019 and annually thereafter, the coordinator shall submit a summary of each evaluation to the Mayor and the Council. This summary shall include criteria determined by the coordinator, which shall include, but not be limited to, information related to the following for each such organization: (i) the amount of funding received; (ii) the number of individuals served; (iii) a brief description of the services provided; and (iv) recidivism and compliance rates, if applicable*.

§ 2. This local law takes effect immediately.

Referred to the Committee on Justice System.

Int. No. 38

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to city planning commission permits in Special Natural Area Districts**

*Be it enacted by the Council as follows:*

Section 1. Title 25 of the administrative code of the city of New York is amended by adding a new section 25-116 to read as follows:

*§ 25-116 Authorization of natural features alteration in Special Natural Area Districts. a. As used in this section, the following terms have the following meanings:*

*Commission. The term "commission" means the city planning commission.*

*Special Natural Area District. The term "Special Natural Area District" means an area of the city defined as a Special Natural Area District pursuant to chapter 5 of article 10 of the zoning resolution.*

*b. An owner of property within a Special Natural Area District, upon receiving a certification, authorization or special permit from the commission or its chairperson pursuant to the provisions of chapter 5 of article 10 of the zoning resolution, shall post such certification, authorization or special permit on the property:*

*1. In a location that is reasonably visible at the main point of entry to the property, in a manner and form to be determined by the director of city planning;*

*2. Promptly after its issuance by the commission or its chairperson; and*

*3. Until the completion of construction as determined by the department of buildings.*

*c. The commission shall forward by regular mail or email within five business days of issuance any certification, authorization or special permit pertaining to a Special Natural Area District, along with the accompanying plan, to the relevant community board.*

*d. The department of city planning shall post the requirements of this chapter on its website.*

*e. The department of buildings shall enforce the provisions of subdivision b of this section.*

§ 2. This local law takes effect 90 days after it becomes law, except that the department of city planning, the commission and the department of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, before its effective date.HB/ADW

Referred to the Committee on Land Use.

Int. No. 39

By Council Members Cohen and Brannan.

**A Local Law to amend the administrative code of the city of New York, requiring NYPD officers involved in an incident with an emotionally disturbed person to complete an incident report.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§ 14-175 Filing of an emotionally disturbed person involved incident report.*

*a. Definitions. As used in this section, the following terms have the following meanings:*

*Emotionally disturbed person involved incident report. The term "emotionally disturbed person involved incident report" means a written document that includes the following:*

*1. the name and residence of the emotionally disturbed person;*

*2. the time, date, and location of the incident;*

*3. the name and precinct of the responding officer;*

*4. a detailed description of the incident; and*

*5. information detailing the resolution of the incident, including whether the emotionally disturbed person was arrested or transported to a health facility.*

*Emotionally disturbed person. The term "emotionally disturbed person" means a person who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to themselves or others.*

*b. Filing of emotionally disturbed person involved incident report. An officer shall complete an emotionally disturbed person involved incident report subsequent to the resolution of any incident involving an emotionally disturbed person.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 40

By Council Members Cohen and Brannan.

**A Local Law to amend the administrative code of the city of New York to require the police department to issue a quarterly report on the department's response to calls involving people in mental crisis to measure the efficacy of the department's Crisis Intervention Team training program.**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§ 14-175 Online reporting of the department's response to calls involving emotionally disturbed persons.*

*a. Definitions. For purposes of this section, the following terms have the following meanings: Crisis intervention team. The term "crisis intervention team" means the department's training program designed to help officers assist individuals who are in crisis due to mental health problems, developmental disabilities, or substance abuse.*

*Emotionally disturbed person. The term "emotionally disturbed person" means a person who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to themselves or others.*

*b. Crisis intervention team training report. No later than 30 days after the quarter ending March 31, 2018 and 30 days after every quarter thereafter, the department shall publish on the department's website a report which shall include:*

*1. the total number of calls received in which the dispatcher was aware of the involvement of an emotionally disturbed person;*

*2. the total number of calls in which the dispatcher was aware of the involvement of an emotionally disturbed person and a crisis intervention team trained officer was dispatched;*

*3. the total numbers of use of force incidents that involved an emotionally disturbed person;*

*4. the total number of calls in which the dispatcher was aware of the involvement of an emotionally disturbed person and the emergency service unit was dispatched;*

*5. the total number of arrests involving an emotionally disturbed person, disaggregated by age, race, and gender; and*

*6. the total number of incidents in which the department transported an emotionally disturbed person to a hospital or mental health facility in lieu of an arrest.*

*c. Such data shall be stored permanently, and shall be accessible from the department's website in a format that permits automated processing.*

*d. Community Survey. No later than January 1, 2019, and every January 1 thereafter, the department shall develop and distribute a community survey to the public assessing the public's confidence in the department's ability to assist individuals with mental illnesses, disaggregated by precinct. The department shall post the results of such survey on the department's website on or before March 31, 2019 and every March 31 thereafter.*

§2. This local law takes effect immediately.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 41

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring mental health assistance to persons in need following police encounters**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 19 to read as follows:

*Chapter 19*
*Mental Health Assistance Following Police Encounters*

*§ 17-1901 Definitions. For the purposes of this chapter, the following terms have the following meanings: Emotionally disturbed person. The term "emotionally disturbed person" means a person who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner that a police officer reasonably believes is likely to result in serious injury to self or others.*

*Police encounter. The term "police encounter"*

*1. Means:*

*(a) An interaction between a police officer and an emotionally disturbed person that results in a desk appearance ticket or a criminal summons;*

*(b) An interaction between a police officer and an emotionally disturbed person that results in such person being transported to a health care facility in lieu of an arrest; or*

*(c) An interaction in which a police officer responds to a call involving an emotionally disturbed person that does not result in a law enforcement action.*

*2. Does not mean an interaction in which an emotionally disturbed person has been stopped, questioned or frisked by a police officer pursuant to subdivision 4 of section 140.50 of the criminal procedure law.*

*§ 17-1902 Post-encounter follow-up teams. a. Within five days of a police encounter the department shall attempt to locate the emotionally disturbed person using all available contact information. If the department fails to locate such person upon its initial attempt, the department shall make an additional attempt within 14 days of the initial attempt.*

*b. If the department is able to locate such person, the department shall offer services and resources offered by the city that the department deems appropriate for such person, and shall advise such person of additional appropriate services and resources offered by other governmental and non-governmental entities.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 42

By Council Members Cohen and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to members of recreation centers with disabilities**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-155 to read as follows:

*§ 18-155 Disabled members of recreation centers. By no later than December first of 2016 and each year thereafter, the commissioner shall for the immediately preceding fiscal year, submit a report to the mayor and the council identifying the number persons with disabilities who are members of each recreation center under the jurisdiction of the department.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 43

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to a pesticide use reporting manual published by the department of parks and recreation**

*Be it enacted by the Council as follows:*

Section 1. Section 17-1208 of the administrative code of the city of New York is amended by adding a new subdivision f as follows:

*f. Pursuant to section 18-154, the department of parks and recreation shall develop a manual regarding the reporting of its pesticide use.*

§ 2. Chapter 1 of Title 18 of the administrative code of the city of New York is amended by adding a new section 18-154 as follows:

*§ 18-154 Pesticide use manual. By January 1, 2020, the commissioner shall publish on the department's website a manual that sets forth binding policy regarding the reporting of pesticide use by the department. Any subsequent amendments or modifications to such manual shall be made available online on the department's website. Such manual shall, at a minimum, set forth a system of recordkeeping and reporting pursuant to section 17-1208, including, but not limited to:*

*a. The submission of a pesticide use report by the department to the commissioner of health and mental hygiene on May 1 of each year;*

*b. The submission of a pesticide use report to the commissioner of health and mental hygiene and the city council on November 1 of each year starting on November 1, 2020;*

*c. The requirement that all pesticide use reports prepared by the department are made available online on the department's website; and*

*d. The requirement that on May 1 of each year starting on May 1, 2021, a summary of any changes made to the pesticide use manual during the prior year and an updated manual be made available online on the department's website.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 44

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to the letting of sleeping rooms**

*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 10-179 to read as follows:

*§ 10-179 Letting out of sleeping rooms. a. No owner or operator of a hotel shall let out a sleeping room for less than 12 hours or more than twice within a 24 hour period. The terms used in this section shall have the meanings set forth in section 11-2501 of the code unless otherwise indicated.*

*b. Any owner or operator who violates subdivision a of this section shall be liable for a civil penalty recoverable in a proceeding before an authorized tribunal of the office of administrative trials and hearings of five hundred dollars for each offense.*

*c. The department of consumer affairs, as well as any other agency designated by the mayor, shall have the authority to enforce the provisions of this section.*

§ 2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 45

By Council Members Cohen and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to banning moving billboards**

*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 19-175.6 to read as follows:

*§ 19-175.6 Moving billboards. a. No person shall operate, stand, or park a vehicle on any street or roadway for the purpose of commercial advertising. Advertising notices relating to the business for which a vehicle is used may be put upon a motor vehicle when such vehicle is in use for normal delivery or business purposes, and not merely or mainly for the purpose of commercial advertising, provided that no portion of any such notice shall be reflectorized, illuminated, or animated, and provided that no such notice shall be put upon the top of the vehicle and that no special body or other object shall be put upon vehicles for commercial advertising purposes. Advertisements may be put upon vehicles licensed by the taxi and limousine commission in accordance with the commission's rules.*

*b. Any person who violates the provisions of subdivision a of this section is subject to a civil penalty of not less than $500.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 46

By Council Members Cohen and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the distance between parking signs**

*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 to add a new section 19-175.6 to read as follows:

*§ 19-175.6 Distance between parking signs. On every block longer than 200 feet, the department shall post a sign indicating parking, standing or stopping regulations every 100 feet or less. For purposes of this section, "block" means a stretch of roadway that connects two intersections.*

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

Referred to the Committee on Transportation.

Int. No. 47

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to mandating the use of identification tags for easier attribution of improperly restored pavement**

*Be it enacted by the Council as follows:*

Section 1. Section 19-115 of the administrative code of the city of New York is amended to read as follows:

§ 19-115 Paving, generally. *a.* All streets shall be paved and arched in full accordance with department specifications for such work, which shall be prescribed by the commissioner and kept on file in his or her office.

*b. A person who restores pavement that was previously removed shall affix an identification tag on such pavement, as prescribed by the commissioner in the rules of the department. The commissioner shall promulgate rules relating to the provision and proper placement of such identification tags.*

§ 2. Paragraph 1 of subdivision b of section 19-150 of the administrative code of the city of New York, as amended by local law number 4 for the year 2011, is amended to read as follows:

b. 1. Except as provided in subdivision c of this section, such civil penalty shall be determined in accordance with the following schedule:

| Section of the Administrative Code | Maximum Civil Penalty (dollars) |
|---|---|
| 19-102 | 10,000 |
| 19-107 | 10,000 |
| 19-109 subd(a) | 10,000 |
| 19-109 subd(c) | 5,000 |
| 19-111 | 5,000 |
| 19-112 | 5,000 |
| 19-113 | 5,000 |
| 19-115 *subd(a)* | 5,000 |
| 19-116 | 5,000 |
| 19-117 subd(a) | 10,000 |
| 19-119 | 10,000 |

| | |
|---|---|
| 19-121 subd(a) | 10,000 |
| 19-121 subd(b) para (5) & (7) | 10,000 |
| 19-121 subd(b) para (2), (3) & (6) | 5,000 |
| 19-122 | 5,000 |
| 19-123 | 10,000 |
| 19-126 | 10,000 |
| 19-128 | 5,000 |
| 19-133 | 5,000 |
| 19-133.1 | 10,000 |
| 19-135 | 5,000 |
| 19-137 | 5,000 |
| 19-138 | 5,000 |
| 19-139 | 10,000 |
| 19-141 | 5,000 |
| 19-144 | 10,000 |
| 19-145 | 10,000 |
| 19-146 | 5,000 |

| | |
|---|---|
| 19-147 | 5,000 |
| 19-148 | 5,000 |
| 24-521 | 10,000 |
| All other Provisions of this subchapter and rules or orders relating thereto | 5,000 |

Note: Reference to an administrative code provision is intended to encompass the penalties for violations of the rules or orders made or of the terms or conditions of permits issued pursuant to such code provision.

§ 3. Sections 28-108.1 and 28-108.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, are amended to read as follows:

**§ 28-108.1 General.** The commissioner shall not issue a permit for the erection of a new building or for alterations that will require the issuance of a new or amended certificate of occupancy without a statement that no certificate of occupancy shall be issued unless the sidewalk in front of or abutting such building, including but not limited to the intersection quadrants for corner properties, shall have been paved or repaired by the owner, at his or her own cost, in the manner, of the materials, and in accordance with the standard specifications prescribed by the New York city department of transportation pursuant to section[s] 19-113 and *subdivision a of section* 19-115 of the administrative code.

**Exceptions**:

1. Application for the erection of an accessory building appurtenant to an existing one- or two-family dwelling.

2. Where the commissioner determines that a sidewalk is not required, provided that such determination shall not affect the obligations of the owner under subdivision a of section 19-152 of the administrative code, nor relieve the owner of any such obligations, nor impair or diminish the rights of the city or its agencies to enforce such obligations.

3. Where the extent of the change in use or occupancy or the cost of the alteration does not exceed a threshold established pursuant to rule of the commissioner.

**§ 28-108.2 Pavement plan required.** Construction documents shall include a pavement plan processed and approved under guidelines established by the department. The pavement plan shall include documentation sufficient to show compliance with the standards and specifications of the New York city department of transportation pursuant to section[s] 19-113 and *subdivision a of section* 19-115 of the administrative code.

**Exception:** No pavement plan shall be required with respect to an alteration application for a building where the applicant certifies that there is a sidewalk in existence in front of or abutting such building, including but not limited to the intersection quadrants for corner properties, complying with the specifications of the New York city department of transportation, and that the nature of such alteration work will neither remove such existing sidewalk nor cause damage to such existing sidewalk such that the damage could not be corrected as minor repairs prior to issuance of the certificate of occupancy.

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

Referred to the Committee on Transportation.

Res. No. 34

**Resolution calling on the New York State Legislature to introduce and pass and the Governor to sign such legislation which would amend the New York State Correction Law by enhancing training for staff in residential mental health treatment unit programs inside correctional facilities.**

By Council Member Cohen

**Whereas**, According to the United States Department of Justice, nationwide state prison suicides rose from 192 in 2013 to 249 in 2014, which represents a thirty percent increase; and

**Whereas**, *CBS News New York* reports that suicide is the leading cause of death in jails nationally after illnesses; and

**Whereas**, the *New York Daily News* reported in 2016 that the City's average jail suicide rate is approximately 17 per 100,000 inmates; and

**Whereas**, According to the *2017 Mayor's Management Report*, 42 percent of the 9,500 incarcerated individuals at Rikers Island were diagnosed with a mental illness during fiscal year 2017; and

**Whereas**, According to a 2013 article in *The New York Times*, mentally ill inmates stay in jail nearly twice as long as people without mental illness, an average of 112 days compared with 61 days; and

**Whereas**, It is critical to the well-being of inmates to ensure that those individuals who work in the correctional system are trained to recognize symptoms and indicators that may result in suicide, or other forms of self-harm or harm to others, and refer such inmates to appropriate treatment; and

**Whereas**, Amending the New York State Correction Law by increasing the training for staff in residential mental health treatment unit programs inside correctional facilities provides for a more robust approach to properly treat inmates with mental illness; and

**Whereas**, Enhancing mental health training for correctional staff would help reduce the number of suicides in New York correctional facilities; and

**Whereas**, New York should help ensure that inmates in correction facilities are provided the best possible mental health treatment while incarcerated; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to introduce and pass and the Governor to sign such legislation which would amend the New York State Correction Law by enhancing training for staff in residential mental health treatment unit programs inside correctional facilities.

Referred to the Committee on Criminal Justice.

Res. No. 35

**Resolution calling upon the New York City Department of Education to revise residency requirements to strengthen proof of residency standards.**

By Council Member Cohen.

**Whereas**, The mission statement of the New York City Department of Education (DOE) declares that "every student in New York City deserves an opportunity to have the foundation of skills, knowledge, and approaches to learning needed to be ready for school and, ultimately, college and careers;" and

**Whereas**, Numerous research studies, including one published by the National Education Policy Center in 2014, have indicated that smaller class sizes facilitate educational success; and

**Whereas**, Over the course of the last several years, several reports have found that overcrowding has become an issue in New York City schools for several years; and

**Whereas**, The "Where's My Seat" report from November 2015, published by Make the Road New York, suggested that more than 49,000 seats need to be created citywide; and

**Whereas**, Additionally, a 2016 report issued by the Education Law Center showed that New York City class sizes in all grades exceeded limits established in a 2007 state law; and

**Whereas**, Currently, the New York City DOE requires that students' families provide proof of residency and complete a questionnaire prior to enrolling in school; and

**Whereas**, The DOE can strengthen residency requirements by confirming a student's address during the initial application process and at the beginning of each school year; and

**Whereas**, Introducing an additional step to prove residency will ensure that every student is a resident of that district; and

**Whereas**, The DOE should also amend section I-A-17 of the chancellor's regulations A-101, which allows students "who change residence within New York City" to "remain in their current school until completion of the terminal grade" – so that they may remain in school only until the completion of the current school year; and

**Whereas**, Strengthening residency requirements would ease the issue of overcrowding and ensure that districts have higher proportions of appropriately enrolled students; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to revise residency requirements to strengthen proof of residency standards.

Referred to the Committee on Education.

Res. No. 36

**Resolution calling upon the State Legislature to introduce and pass, and the Governor to sign, legislation extending the authority of the New York City Department of Housing Preservation and Development to enter into a regulatory agreement with certain housing development fund companies to suspend their obligations to pay real property tax arrears.**

By Council Member Cohen.

**Whereas**, A housing development fund company ("HDFC"), as defined by the New York State Private Housing Finance Law ("PHFL"), is an entity that has been incorporated as an organization to develop low-income housing projects, the income of which must be used exclusively for corporate purposes, and that is authorized to enter into a regulatory agreement with the supervising agency providing for certain controls over the use of the property; and

**Whereas**, In New York City, the supervising agency referenced in the PHFL is the City's Department of Housing Preservation and Development ("HPD"); and

**Whereas**, Section 577-b of the PHFL, permits HDFC cooperatives in New York City that, as of January 1, 2002, had outstanding real property taxes relating to any period prior to January 1, 2001, to enter into a regulatory agreement with HPD pursuant to which the obligation to pay real property tax arrears attributable to such property may be suspended and later forgiven; and

**Whereas**, In exchange for having the arrears suspended and forgiven, the HDFC must agree in the regulatory agreement to certain controls on the use of the property, such as restriction of sales to low-income households, restrictions on subletting, and certain financial controls; and

**Whereas**, Such regulatory agreements are a vehicle for the City to ensure the preservation of affordable housing; and

**Whereas**, Under section 577-b, the regulatory agreement must include certain provisions, such as 1) a term of thirty years; 2) that the suspension of the obligation to pay arrears will continue provided that the

HDFC complies with the terms of the regulatory agreement; 3) that all suspended arrears will be forgiven provided that the HDFC complies with the regulatory agreement for an initial period of ten years; 4) that any suspended obligations which have not been forgiven may be reinstated if the HDFC fails to comply with the regulatory agreement; 5) that all new real property taxes must be paid on time; and 6) that HPD will be authorized to assume control of the HDFC if the HDFC fails to comply with the agreement; and

**Whereas**, The PHFL does not currently permit HPD to enter into these types of regulatory agreements for the suspension and forgiveness of tax arrears accrued by HDFCs on or after January 1, 2001; and

**Whereas**, According to the Memorandum in Support of Chapter 315 of the Laws of 2002, the State law which originally enacted section 577-b of the PHFL, the purpose of the law was to provide relief that would alleviate the financial burdens of HDFC cooperatives that had tax arrears with rapidly accumulating interest charges that the buildings could not afford to pay; and

**Whereas**, When section 577-b of the PHFL was first enacted, it applied only to HDFC cooperatives that were sold by the City to tenant cooperatives through the Tenant Interim Lease program; and

**Whereas**, In 2004, the State expanded the definition of eligible HDFC cooperative to include all HDFC cooperatives in New York City, regardless of how they were initially established; and

**Whereas**, The initial enactment of the law and the subsequent expansion demonstrates the State's recognition of the significance of HDFCs in providing essential, tenant-managed affordable housing in New York City and the value of ensuring their continued financial viability; and

**Whereas**, According to a July 20, 2015 article in the Wall Street Journal entitled "*New York's Struggling 'Low-Income' Co-ops*," many HDFC cooperatives today continue to have difficulty staying current with their property tax bills with nearly one-third of the estimated 1,000 in the City struggling to do so; and

**Whereas**, The same principles which led the State to grant HPD the authority to enter into regulatory agreements suspending an HDFC cooperative's obligation to pay real property tax arrears still exist today; and

**Whereas**, The State should amend the PHFL to allow HPD to provide assistance to HDFC cooperatives with real property tax arrears that arose on or after January 1, 2001, as well; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the State Legislature to introduce and pass, and the Governor to sign, legislation extending the authority of the New York City Department of Housing Preservation and Development to enter into a regulatory agreement with certain housing development fund companies to suspend their obligations to pay real property tax arrears.

Referred to the Committee on Finance.

Res. No. 37

**Resolution calling upon the New York State Legislature to pass and the Governor to sign, A.5094/S.2552, to amend the Education Law, in relation to hazing, serving alcohol to minors and illegal drug offenses.**

By Council Members Cohen and Brannan.

**Whereas**, Hazing has been banned by 44 states, according to *Diverse Education* magazine; and

**Whereas**, Many colleges have taken measures to address hazing, but despite such efforts, it remains prevalent on college campuses; and

**Whereas**, A comprehensive study by the University of Maine found that 55 percent of students nationwide who joined fraternities, sororities, sports teams, clubs, or other student groups have experienced hazing; and

**Whereas**, The study also found that half of those who reported hazing experiences were aware of anti-hazing policies at their school; and

**Whereas**, In addition, the study found that alcohol consumption, humiliation, isolation, sleep-deprivation, and sexual acts are common hazing practices; and

**Whereas**, An increase in the number of reported hazing incidents, some of which have resulted in death, has reignited efforts by higher education institutions and states to take action against such dangerous practices, according to *USA Today*; and

**Whereas**, New York Penal Law prohibits hazing in the State; and

**Whereas**, Postsecondary institutions in New York State, including New York City, have implemented anti-hazing policies and procedures, as required by State law; and

**Whereas**, New York Education Law requires colleges to create and implement policies and procedures to address instances involving endangerment of mental or physical health, or forced consumption of liquor or drugs for initiation into or affiliation with any organization; and

**Whereas**, Several New York State laws including the Penal Law, the New York General Obligations Law and the New York Alcohol and Beverage Control Law prohibit underage drinking, serving alcohol to minors, and the possession, sale or unauthorized use of certain drugs; and

**Whereas**, A 2009 study in the Journal of Studies on Alcohol and Drugs titled, "Magnitude of and Trends in Alcohol-Related Mortality and Morbidity Among U.S. College Students Ages 18-24, 1998-2005," determined that in 2005, the latest available data, 1,825 college students died from alcohol related injuries, and nearly 600,000 college students were directly impacted by alcohol-related injuries;

**Whereas**, Further, nearly 700,000 college students were assaulted, and almost 100,000 were sexually abused by a drinking college student, which were all significant increases from 1998; and

**Whereas**, According to a 2010 study in the Journal of Addictive Behaviors, alcohol education programs have had positive effects on students' alcohol use and alcohol-related consequences; and

**Whereas**, Effective elimination or reduction of hazing, underage drinking, and illegal drug use would create a safer and more productive environment for students on college and university campuses; and

**Whereas**, A.5094, by Assembly Member David I. Weprin, and S.2552, by Senator Kenneth P. LaValle, would expand the authority of New York State colleges to regulate the conduct of student organizations, establish penalties and additional policy requirements regarding hazing, underage drinking and illegal drug use on campus and within school clubs, sports teams and social organizations; and

**Whereas**, Those engaged in such activities would face more serious consequences and disciplinary charges through the college; and

**Whereas**, This legislation would also require colleges to educate their campus communities, including training appropriate campus staff, on hazing, underage drinking, illegal drug use, bias-related crime and sexual assault; and

**Whereas**, This legislation would help bring the necessary changes needed to ensure campus safety and deter such harmful behavior; 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.5094/S.2552, to amend the Education Law, in relation to hazing, serving alcohol to minors and illegal drug offenses.

Referred to the Committee on Higher Education.

Res. No. 38

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.7286/S.5766, legislation that would create a New York City Parks Construction Authority**

By Council Members Cohen and Brannan.

**Whereas**, The Department of Parks and Recreation (DPR) has been criticized for delays and cost overruns in parks capital projects; and

**Whereas**, Notwithstanding DPR's commitment to streamline and shorten the capital process, DPR still allots themselves 30 to 45 months for on-time projects, a negligible decrease from the allotted time in 2013, 33 to 45 months; and

**Whereas**, Although DPR is committed to streamlining and shortening the capital process, its regulatory requirements have created a structure of checks over balances that ties the hands of DPR with bureaucratic red tape requiring multiple agency review and approvals, to the point where under State and City Laws or Citywide Policy, there are at least 6 different agencies and at minimum 53 steps in the process; and

**Whereas**, The project initiation process takes approximately 1-2 months and includes the following steps: (1) Confirm project is fully funded; (2) Assign to in-house staff or consultant; (3) Hold scoping meetings; (3)(a) Pre-scope meeting with internal stakeholders; and (3)(b) Scope meeting with community; and

**Whereas**, The design process takes approximately 10-15 months and includes the following steps: (4) Design development; (4)(a) Conceptual design; (4)(b) Schematic design; (4)(c) Pre-applications submitted to oversight regulatory agencies; (5) Internal and external schematic approvals; (5)(a) Internal reviews; (5)(a)(i) Borough; (5)(a)(ii) Capital staff; (5)(a)(iii) Commissioner; (5)(b) External reviews; (5)(b)(i) Community Board; (5)(b)(ii) Public Design Commission; (5)(b)(iii) Landmarks Preservation Commission; (6) Construction document preparation; (6)(a) Apply for permits; (6)(b) PDC/LPC final review; and

**Whereas**, The procurement process takes approximately 7-10 months and includes the following steps: (7) Pre-solicitation review; (7)(a) DPR legal review; (7)(a)(i) Mayor's Office of Contract Services review; (7)(b) NYC Law Department legal review; (7)(c) Schedule for bid; (7)(c)(i) Grantor concurrence; (8) Solicitation; (8)(a) Pre-bid meeting; (8)(b) Question and answer period; (8)(b)(i) Addenda issued; (8)(c) Open bids; (9) Pre-award; (9)(a) Responsiveness/Responsibility review and determination: (9)(b) Vendor appeal (if applicable); (9)(b)(i) Amend certification to proceed with Office of Management and Budget; (9)(b)(ii) General counsel review; (9)(c) Recommendation for award; (9)(d) Award letter issues; (9)(d)(i) Grantor concurrence; (9)(d)(ii) MOCS approval; (10) Award and registration; (10)(a) Vendor executes contract; (10)(b) Agency submits package to Comptroller; (10)(b)(i) Pre-construction planning; (10)(c) Comptroller registration; and

**Whereas**, The construction process takes approximately 12-18 months and includes the following steps: (11) Order to work; (12) Construction supervision; (12)(a) Subcontractor approvals; (12)(b) Submittals; (12)(c) Change orders and overruns; (12)(d) Payments; (13) Substantial completion use inspection; and

**Whereas**, the DPR capital process does not technically begin until the first scoping meeting for the project, at which time DPR starts the clock for timeline, which might account for the 1-2 months of alleged streamlining under the current administration; and

**Whereas**, DPR capital projects, historically, have experienced large delays and substantial cost overruns; and

**Whereas**, 43 DPR capital projects have been delayed for 5 or more years and counting, 7 of which have been stalled since 2009; and

**Whereas**, Delays in DPR capital projects have generally been attributed to the overuse of private management consultants, poor project planning and inaccurate early cost estimates; and

**Whereas**, An authority that exclusively manages the design and construction of DPR capital projects may be able to increase the number capital projects which are completed on time and within budget; and

**Whereas**, An authority would not require PDC or LPC approval, although that does not prohibit the authority from simultaneous consultation when project appropriate; and

**Whereas**, An authority would not require multiple approvals from OMB or the Comptroller; and

**Whereas**, An authority would have a simplified procurement process for construction and contracted services; and

**Whereas**, State Senator Jeffrey Klein and State Assemblyman Jeffrey Dinowitz have introduced legislation which would create a New York City Parks Construction Authority; 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.7286/S.5766, legislation that would create a New York City Parks Construction Authority

Referred to the Committee on Parks and Recreation.

Res. No. 39

**Resolution calling upon the State Legislature to pass and the Governor to sign S.26/A.4072, also known as, "the Tax Returns Uniformly Made Public Act," which would amend State election law to require presidential candidates to submit a copy of their federal tax returns as a condition of access to the state's official ballot in the general election.**

By Council Members Cohen and Brannan.

**Whereas**, For several decades, every major presidential candidate has made their recent tax returns available to the public; and

**Whereas**, The public disclosure of a presidential candidate's tax returns is an act of good faith and transparency that the American electorate has come to expect; and

**Whereas**, Tax returns contain vital information that can be instructive to the public, such as whether the candidate paid their fair share of taxes, made charitable contributions, took advantage of tax loopholes or kept money offshore; and

**Whereas**, A presidential candidate's tax returns also offer information on how that candidate's wealth was obtained and may highlight potential conflicts of interest; and

**Whereas**, In 2016, presidential candidate and now President of the United States, Donald J. Trump, became the first presidential candidate in decades to withhold his tax returns from the public, despite pressure from the media and other candidates for him to do so; and

**Whereas**, In contrast, the Democratic candidate for president, Hillary Rodham Clinton, released nine years of her tax returns to the public; and

**Whereas**, While Mr. Trump has not made his tax returns public, information has recently surfaced that has generated concern; and

**Whereas**, A partial copy of Mr. Trump's 1995 tax return was leaked to the New York Times showing a nearly $916 million net operating loss, which according to some estimates, might have enabled Mr. Trump to not pay income taxes for as many as 18 years; and

**Whereas**, Furthermore, according to news reports, Mr. Trump has business dealings and holdings in multiple countries, raising concerns among legal ethicists that Mr. Trump may run afoul of the Emoluments Clause, which forbids presidents receiving gifts from foreign powers; and

**Whereas**, Mr. Trump has been vague regarding how he will prevent conflicts of interest and separate the operation of his business organization from his duties as President of the United States; and

**Whereas**, These concerns threaten our Constitution and the democracy upon which it is built—the public disclosure of Mr. Trump's tax returns prior to the general election would have introduced greater clarity to these concerns, at a more appropriate time; and

**Whereas**, S.26/A.4072, also known as, the Tax Returns Uniformly Made Public Act, would require presidential and vice-presidential candidates to publicly release the most recent five years of their tax returns, fifty days before Election Day, as a condition of appearing on the State's ballot; and

**Whereas**, Additionally, the bill would forbid the State's electors from voting for non-compliant candidates; and

**Whereas**, The Tax Returns Uniformly Made Public Act would codify a long-standing American political tradition and bring necessary transparency to the State's presidential political 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.26/A.4072, also known as, "the Tax Returns Uniformly Made Public Act," which would amend State election law to require presidential candidates to submit a copy of their federal tax returns as a condition of access to the state's official ballot in the general election.

Referred to the Committee on State and Federal Legislation.

Int. No. 48

By Council Members Constantinides, Espinal and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of wind maps demonstrating wind energy generation potential within the city**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-806 to read as follows:

*§ 24-806 Wind resource assessment. By no later than June 30, 2018, and in every fifth year thereafter, the department of environmental protection, or an office or agency designated by the mayor, shall conduct a wind resource assessment to identify and map the areas of the city in which installation of (i) a wind turbine appurtenant to a building that has a height of 100 feet or more, (ii) a wind turbine appurtenant to a building of any height located in a waterfront area or (iii) a freestanding wind turbine in a waterfront area, would be able to effectively utilize winds that have an average speed of at least 11 miles per hour or more for at least three months during the year. Such assessment shall be made publicly available online together with a description of the methodology used to conduct such assessment. For the purposes of this section, the term "waterfront area" shall have the meaning ascribed to such term in the New York city zoning resolution.*

§ 2. This local law takes effect immediately

Referred to the Committee on Environmental Protection.

Int. No. 49

By Council Members Constantinides, Espinal and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to installation of utility-scale battery storage systems on city buildings and conducting a feasibility study on installation of such systems throughout the city**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-207.3 to read as follows:

*§ 4-207.3 Utility-scale battery storage systems for city buildings. a. Definitions. As used in this chapter, the following terms have the following meanings:*

*Battery storage system. The term "battery storage system" means a set of methods and technologies utilizing a range of electrochemical storage solutions, including advanced chemistry batteries and capacitors, for the purpose of storing energy.*

*City building. The term "city building" has the same meaning as set out in section 28-309.2.*

*Commissioner. The term "commissioner" means the commissioner of citywide administrative services.*

*Cost effective. The term "cost effective" means that the cumulative savings in energy costs expected to result from the use of a battery storage system, including expected savings will, in 25 years or less, equal or exceed the costs of acquisition, installation, and maintenance of such system, less all federal, state and other non-city governmental assistance and including the social cost of carbon value, as described in paragraphs 3 and 4 of subdivision d of section 3-125. A higher site- or project-specific social cost of carbon value may be developed and used in lieu of the social cost of carbon value.*

*Department. The term "department" means the department of citywide administrative services.*

*b. The department, or any other agency authorized by the commissioner, shall, within two years from the effective date of the local law that added this section, submit to the mayor and the council a feasibility study regarding the use of utility-scale battery storage systems for city buildings. The feasibility study shall include a review of any available federal or state funds or incentives for the acquisition, installation, operation or maintenance of such systems.*

*c. The department, or any other agency authorized by the commissioner, shall install, or cause to be installed, utility-scale battery storage systems on all city buildings where the feasibility study has found it cost-effective.*

*d. Not later than December 15 of the year following the submission of the feasibility study, and every second year thereafter, the department shall report to the mayor and the council the following:*

*1. The city buildings where the installation of a utility-scale battery storage system would be cost effective and the projected annual energy and other cost savings for each such system, both individually and in the aggregate.*

*2. The city buildings where installation of a utility-scale battery storage system has been commenced by the department or any other agency authorized by the commissioner.*

*3. The city buildings where the installation of a utility-scale battery storage system has been completed by the department or any other agency authorized by the commissioner, and the annual energy and other cost savings associated with the installation of such battery storage systems.*

§ 2. Report on feasibility of installation of utility-scale battery storage systems in non-city buildings. Not later than 2 years after the enactment of this local law, one or more offices or agencies designated by the mayor shall submit to the mayor and council, and make available to the public, a report on the feasibility of installing utility-scale battery storage systems throughout the city, not including city buildings as defined in section 28-309.2 of the administrative code of the city of New York. Such report shall also include, but need not be limited to, recommendations on where installation of utility-scale battery storage systems would be appropriate and identification of any financial or environmental benefits to the public that are associated with the installation of such systems.

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 50

By Council Members Constantinides and Espinal.

**A Local Law to amend the New York city noise control code, the administrative code of the city of New York and the New York city building code, in relation to small wind turbines**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 5 of the New York city noise control code is amended by adding a new section 24-232.1 to read as follows:

*§ 24-232.1 Small wind turbines. No person shall cause or permit operation of a small wind turbine, as such term is defined in section 426.2 of the New York city building code, so as to create a sound level in excess of 5 db(A) above the ambient sound level, as measured at the property line of the property containing the nearest dwelling unit.*

§ 2. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 319 to read as follows:

***ARTICLE 319***
***MAINTENANCE AND REMOVAL OF SMALL WIND TURBINES***

***§ 28-319.1 Maintenance.*** *The owner of a small wind turbine or small wind turbine tower, as such terms are defined in section 426.2 of the New York city building code, shall maintain such turbine and tower in good condition.*

***§ 28-319.2 Removal.*** *The owner of a small wind turbine, as such term is defined in section 426.2 of the New York city building code, shall remove such turbine when (i) the time elapsed since installation exceeds the manufacturer's suggested useful life of such turbine or (ii) such turbine has been continuously inoperable for 12 months or more, whichever occurs sooner, provided that the commissioner shall by rule establish a timeframe for removing small wind turbines that do not have manufacturer's suggested useful lives.*

§ 3. Chapter 4 of the New York city building code is amended by adding a new section BC 426 to read as follows:

***SECTION BC 426***
***SMALL WIND TURBINES***

***426.1 General.*** *In addition to other applicable requirements in this code, other law or rule, and established by the commissioner, small wind turbines shall be designed and constructed in accordance with this section.*

***426.2 Definitions.*** *The following words and terms shall for the purposes of this section have the meanings shown herein.*

***SMALL WIND TURBINE.*** *A turbine that is designed to use wind to generate no more than 100 kW (105 Btu/h) of electricity.*

***SMALL WIND TURBINE TOWER.*** *A structure that supports a small wind turbine.*

***426.3 Design standards.*** *A small wind turbine shall be designed in accordance with standards adopted by rules of the commissioner. Such standards shall include but need not be limited to standards relating to the design of small wind turbines that are developed by the American Wind Energy Association, the New York State Energy Research and Development Authority, the California Energy Commission, the Small Wind Certification Council, the British Wind Energy Association, the International Electrotechnical Commission, the National Renewable Energy Laboratory, or the Underwriters Laboratory.*

***426.4 Wind speed.*** *A small wind turbine shall be designed to withstand winds of up to and including 130 mph (58.1 m/s) or such higher wind load as may be specified in this code or the design standard for such turbine pursuant to Section 426.3.*

***426.5 Brakes and locks.*** *Where deemed necessary by the commissioner, a small wind turbine shall be equipped with a redundant braking system and a passive lock, including aerodynamic overspeed controls and mechanical brakes.*

***426.5.1 Locking before hurricane or strong wind conditions.*** *If a hurricane or strong wind conditions are expected, the commissioner may order that small turbines equipped with passive locks be stopped and locked.*

***426.6 Visual appearance.*** *A small wind turbine shall be white, off-white, grey, or another non-obtrusive color specified by the commissioner.*

***426.7 Lighting.*** *A small wind turbine shall not be artificially lighted.*

***Exception:*** *Lighting that is required by this code or other applicable laws or rules, provided that such lighting is shielded in accordance with rules promulgated by the commissioner.*

***426.8 Access.*** *Access to a small wind turbine shall be limited as follows:*

*1. Access to electrical components of a small wind turbine shall be prevented by a lock.*

*2. A small wind turbine tower shall not be climbable, except by authorized personnel, up to a height of 10 feet (3048 mm) measured from the base of such tower.*

***426.9 Noise.** A small wind turbine shall be designed so that, at wind speeds of less than or equal to 25 mph (11.2 m/s), such turbine will not cause a sound level that is more than 5 dB(A) above the ambient sound level, as measured at the property line of the property containing the nearest dwelling unit.*

***426.10 Shadow flicker.** The commissioner shall by rule establish shadow flicker limitations for small wind turbines for the purpose of limiting, to the extent practicable, such flicker on buildings adjacent to such turbines.*

***426.11 Signal interference.** The commissioner shall establish rules governing small wind turbines for purpose of minimizing, to the extent practicable, interference by such turbines with radio, telephone, television, cellular or other similar signals.*

***426.12 Setback.** No part of a small wind turbine or small wind turbine tower shall be located within a horizontal distance of a property line that is equal or less than one-half the height of such turbine, including such tower, measured from the base of such tower or, if there is no such tower, the base of such turbine.*

***Exception:** Each owner of property adjacent to such property line has entered into a written agreement providing that such turbine or tower or a part thereof may be located closer to such property line than this section allows.*

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

Referred to the Committee on Environmental Protection.

Int. No. 51

By Council Members Constantinides and Espinal.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a pilot program for a district-scale geothermal system**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-126 to read as follows:

*§ 3-126 District-scale geothermal system. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Building. The term "building" means a building as defined in section 28-101.5.*

*Geothermal energy. The term "geothermal energy" means energy stored in the form of heat beneath the surface of the earth.*

*Geothermal system. The term "geothermal system" means a system used to exchange geothermal energy between the earth and one or more buildings for the purpose of powering building systems, which may include, but need not be limited to, heating and cooling buildings, heating water and generating electricity.*

*Pilot district. The term "pilot district" means a portion of the city that includes two or more buildings and is designated for participation in the pilot program.*

*Pilot program. The term "pilot program" means a pilot program established pursuant to this section for the creation and administration of a district-scale geothermal system.*

*Power purchase agreement. The term "power purchase agreement" means a contract in which one party generates geothermal energy and another party purchases such energy or another form of energy, such as heat or electricity, that is developed using geothermal energy.*

*Third-party developer. The term "third-party developer" means a renewable energy developer that may be selected through competitive bidding to undertake project development for the pilot program, including site assessment and system configuration, installation, financing, operation and maintenance.*

*b. Development of pilot program. The director of long-term planning and sustainability, in consultation with the commissioner of environmental protection, shall establish and oversee a pilot program for the creation of a district-scale geothermal system in accordance with this section.*

*c. Request for proposals; third-party developer. The director of long-term planning and sustainability may comply with subdivision b of this section by issuing a request for proposals from renewable energy developers for the development of a geothermal system for the pilot district, including site assessment and the configuration, installation, financing, operation and maintenance of a geothermal system. Any such request for proposals may include terms in which a third-party developer selected for the pilot program owns the geothermal system and sells the geothermal energy produced by such system to building owners under power purchase agreements.*

*d. Siting of pilot district. 1. The director of long-term planning and sustainability, in consultation with the commissioner of environmental protection and any third-party developer selected pursuant to subdivision c of this section, shall identify potential sites for the pilot district in consideration of all relevant factors, which shall include, but need not be limited to:*

*(a) The site's geologic and hydrologic profile;*

*(b) The availability, suitability and accessibility of land for geothermal wells within a suitable distance of the site;*

*(c) Whether the city has the property rights necessary to develop geothermal energy at the site and, if not, the cost of obtaining such rights, including the cost of paying fair market value to property owners;*

*(d) The level of interest of property owners in the area in participating in a geothermal system;*

*(e) The energy demand profile of buildings in the area that may participate in the geothermal system;*

*(f) The capacity of a geothermal system to meet the demand projected for the proposed pilot district;*

*(g) Projected fuel cost savings for participating buildings;*

*(h) Projected carbon emissions savings measured in terms of the social cost of carbon as provided in paragraphs 3 and 4 of subdivision d of section 3-125, except that a site- or project-specific social-cost-of-carbon value may be developed and used in place of the social-cost-of-carbon value from section 3-125 if such site- or project-specific social cost of carbon is higher than the value provided in such section; and*

*(i) Projected costs to build, operate and maintain a geothermal system, including costs to the city, to any contracted private entities including any third-party developer selected pursuant to subdivision c of this section, and to property owners and tenants.*

*2. The site for the pilot district and geothermal system shall be selected from among such potential sites in compliance with sections 197-c and 197-d of the charter.*

*e. Construction of geothermal system. The director of long-term planning and sustainability, in consultation with the commissioner of environmental protection and any third-party developer selected pursuant to subdivision c of this section, shall build, install and maintain:*

*1. A geothermal system for the pilot district, including equipment in and around buildings selected for the pilot program; and*

*2. Other facilities and equipment necessary for the operation of such geothermal system.*

*f. Power purchase agreement. 1. Each power purchase agreement entered into pursuant to this section between a property owner and the city or a third-party developer selected pursuant to subdivision c of this section shall provide that title to all geothermal system infrastructure located on such an owner's property shall vest in that owner at the conclusion of the term of such agreement.*

*2. The duration of a power purchase agreement executed pursuant to this section shall not exceed seven years.*

*g. Provision of service. 1. Charges for geothermal energy service in the pilot district and procedures for the application for, termination of and reconnection of such service shall be administered in accordance with rules promulgated by the director of long-term planning and sustainability. In promulgating those rules, such director shall select from the following models the model that will be least costly to the average consumer of the geothermal energy being produced:*

*(a) A consumption model, in which consumers are charged in proportion to the amount of geothermal energy they consume; or*

*(b) An access model, in which consumers are charged a fixed amount for access to energy from the geothermal system, which charge does not vary based on the amount of energy consumed. If the director of long-term planning and sustainability selects the access model, such director may set a maximum amount of energy that each consumer may consume.*

*2. Charges for geothermal energy service in the pilot district shall not exceed the sum of the reasonable cost of system design, installation and maintenance over a 50-year period and a reasonable return on investment for any third-party developer selected pursuant to subdivision c of this section.*

*h. Rulemaking. The director of long-term planning and sustainability, in consultation with the commissioner of environmental protection, shall promulgate such rules as are necessary to effectuate this section.*

*i. Reporting. 1. Except as provided in paragraph 2 of this subdivision, no later than February 1 of each year the director of long-term planning and sustainability, in consultation with the commissioner of environmental protection and any third-party developer selected pursuant to subdivision c of this section, shall report to the mayor and the council a detailed assessment of the impacts of the pilot program. Such assessment shall include, but need not be limited to:*

*(a) Recommendations for improving the pilot program, including the specification of any beneficial new technology for the geothermal system;*

*(b) Recommendations on whether or not to make the pilot program permanent;*

*(c) Recommendations on whether or not to add similar permanent or pilot programs at other sites and the locations of any such potential sites;*

*(d) The costs incurred by the city, by contracted private companies including any third-party developer selected pursuant to subdivision c of this section, and by property owners and their tenants in implementing the pilot program up to the date of the report and anticipated future costs per year;*

*(e) Recommendations regarding the efficient and equitable allocation of geothermal energy among interested parties in the pilot district; and*

*(f) Recommendations regarding the administration of the pilot program, including, but not limited to, whether the pilot program should be administered directly by a city agency, by a third-party developer, by a public-private partnership, or under a private ownership model with title to the system transferred to property owners after a set term.*

*2. The director of long-term planning and sustainability may discontinue reporting to the mayor and the council after issuing five annual reports as required by paragraph 1 of this subdivision.*

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

Referred to the Committee on Environmental Protection.

Int. No. 52

By Council Members Cornegy and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to banning companies that charge a fee for "student debt relief" already provided by the federal government and creating a private cause of action for borrowers who fall victim to these scams**

*Be it enacted by the Council as follows:*

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

*SUBCHAPTER 20*
*PROHIBITION ON STUDENT DEBT RELIEF SERVICES REGARDING FEDERAL LOANS FOR A FEE*

*§ 20-828 a. No person shall offer or advertise student debt relief services regarding federal student loans for a fee where such services are offered for free by the federal department of education.*

*b. This law does not apply to persons who, before providing such services, provide to customers written disclosures that contain the following information:*

*1. A statement informing customers that the federal department of education provides free assistance to holders of federal loans, including:*

*(a) Lowering or capping monthly payments;*

*(b) Checking eligibility for loan forgiveness;*

*(c) Consolidating federal loans; and*

*(d) Giving advice on getting out of default.*

*2. Contact information for the federal student aid information center, including:*

*(a) The phone number; and*

*(b) The website URL.*

*§ 20-825 Penalties. Any person that violates 20-824 is liable for a civil penalty of not less than $500 or more than $2,000 for the first violation and a civil penalty of not less than $800 or more than $3,000 for each succeeding violation.*

*§ 20-826 Civil cause of action. Any person claiming to have been harmed by a person offering student debt relief services for a fee has a cause of action against such person in any court of competent jurisdiction for compensatory and punitive damages; injunctive and declaratory relief; attorney's fees and costs; and such other relief as a court deems appropriate.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of the department of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 53

By Council Member Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to enabling compliance with the City's record keeping requirements**

*Be it enacted by the Council as follows:*

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

*CHAPTER 11*
*RECORD KEEPING ASSISTANCE PROGRAM*

*§ 20-937 Record keeping assistance program.*

*§ 20-937 Record keeping assistance program. a. For the purposes of this chapter, the term "record keeping requirement" means any provision of the code or the rules of the city of New York enforced by the department and requiring that a person, as defined in section 1-112 of this code, create or maintain records.*

*b. Notwithstanding any other provision of law, the commissioner shall establish a record keeping assistance program. Such program shall allow a person that receives a violation for failing to comply with any record keeping requirement to have the civil penalty for such violation waived where such person (i) has not previously received a violation, which was not eligible for a cure period, for failing to comply with a record keeping requirement and (ii) attends a course that provides training in complying with such requirements and is approved by the commissioner.*

*c. In approving courses pursuant to subdivision b of this section, the commissioner shall ensure that that there is an approved course in English and each of the languages set forth in subdivision j of section 8-1002 of the code.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 54

By Council Member Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to notification of deed fraud investigations**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-517 to read as follows:

*§7-517 Notifications regarding deed fraud investigations. When the office of the sheriff commences an investigation into deed fraud involving property within the city, the sheriff shall notify appropriate personnel at the department of finance, the department of environmental protection, and the utility company or companies providing electrical and/or gas service to the applicable property, as well as the council member in whose district such property is located, that such property is the subject of an investigation. At the conclusion of such investigation, the sheriff shall further notify such parties regarding the outcome and that such investigation has been closed by the sheriff's office.*

§2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 55

By Council Member Cornegy.

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

*Be it enacted by the Council as follows:*

Section 1. Chapter 7 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-707.1 to read as follows:

*§ 11-707.1 Registration of commercial leases by owner. a. No later than one year after the effective date of the local law adding this section, and in each year thereafter according to a schedule that shall be established by rule of the department of finance, every landlord of taxable premises shall submit to such department a registration statement containing, at a minimum, the following information:*

*1. An identification of such premises by block and lot number and by street address;*

*2. The tax identification number of such premises;*

*3. The floor area of such premises;*

*4. The name, address, electronic mail address and telephone number of such landlord or the managing agent thereof, if any;*

*5. A statement indicating whether such premises are being leased or rented to a tenant on the submission date;*

*6. If such premises are being leased or rented to a tenant on the submission date, a copy of the lease or agreement governing such lease or rental and a statement indicating the following:*

*(a) The duration of such lease or agreement;*

*(b) The average monthly rent charged for such premises during the twelve months preceding the submission date and a statement as to whether rent is owed annually, quarterly, monthly or otherwise and whether the rent for such premises is calculated based in whole or in part upon the revenue or financial condition of the tenant;*

*(c) Whether rent is owed annually, quarterly, monthly or otherwise and, if otherwise, the frequency that rent is owed;*

*(d) Whether the landlord or tenant bears responsibility for property taxes for such premises under such lease or agreement;*

*(e) Whether the landlord or tenant bears responsibility for maintenance of such premises under such lease or agreement; and*

*(f) A listing of costs for such premises, other than those set forth in subparagraphs d and e of this paragraph, for which the tenant bears responsibility under such lease or agreement.*

*b. Such registration statements shall be filed on forms prescribed by the department of finance and shall be accompanied by an appropriate filing fee as determined by rule of the department of finance, provided that no filing fee shall be required for any premises owned by any a charitable corporation, as defined in section 102 of the not-for-profit corporation law or any federal, state or local government agency.*

*c. No later than two years after the effective date of the local law adding this section, and in each year thereafter, the commissioner of finance shall submit to the mayor, the speaker of the council and the comptroller, and make publicly available online, a report of the following information, at a minimum, based upon registrations filed during the previous year, citywide and disaggregated by business improvement district:*

*1. The number of taxable premises reported as being leased or rented to a tenant and for such premises:*

*(a) The median and average rent reported for such premises;*

*(b) The median and average rent per square foot of floor area for such premises;*

*(c) The number and percentage of such premises for which rent is owed on annual basis;*

*(d) The number and percentage of such premises for which rent is owed on a quarterly basis;*

*(e) The number and percentage of such premises for which rent is owed on a monthly basis;*

*(f) The number and percentage of such premises for which rent is owed on a basis other annually, quarterly or monthly;*

*(g) The number and percentage of such premises for which the tenant bears responsibility for property taxes for the subject premises;*

*(h) The number and percentage of such premises for which the tenant bears responsibility for maintenance of the subject premises;*

*2. The number of taxable premises reported as not being leased or rented to a tenant and for such premises:*

*3. Recommendations for expanding or restricting the information required on registrations; and*

*4. The five most common costs listed on such registrations in response to subparagraph f of paragraph 1 of subdivision b of this section.*

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

Referred to the Committee on Finance.

Int. No. 56

By Council Member Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to media in electronic emergency notifications**

*Be it enacted by the Council as follows:*

Section 1. Section 30-115 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. Any emergency notification system operated and controlled by the city for the purposes of aggregating information obtained from other offices or agencies to inform the public about emergencies or disruptive events through e-mail, text, phone, social media platform, or internet-based feed shall include in each notification relevant media including, but not limited to, any image, map, video, or hyperlink related to such notification, provided that this requirement shall not delay or prohibit the immediate issuance of notifications without such media.*

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

Referred to the Committee on Fire and Emergency Management.

Int. No. 57

By Council Member Cornegy.

**A Local Law to amend local law number 118 for the year 2017 amending the administrative code of the city of New York relating to the prohibition of circus performances with wild or exotic animals, in relation to extending the effective date thereof**

*Be it enacted by the Council as follows:*

Section 1. Section 3 of local law 118 for the year 2017, as amended by local law 138 for the year 2017, is amended to read as follows:

§ 3. This local law takes effect on [October 1, 2018] *December 31, 2020*; provided, however, that the commissioner shall take such actions, including the promulgation of rules, as may be necessary for the timely implementation of this local law prior to such date.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 58

By Council Member Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to security services in certain multiple dwellings**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 15 to read as follows:

*Article 15*
*Security Services*

*§ 27-2056.19 Definitions.*
*§ 27-2056.20 Obligations of owner.*
*§ 27-2056.19 Definitions. As used in this article:*
*Security guard. The term "security guard" means an unarmed individual with a current and valid registration card issued in accordance with article 7-A of the general business law, authorizing such individual to perform security services in New York.*
*Security services. The term "security services" means the unarmed protection of individuals and property from harm or other unlawful activity and includes prevention deterrence, observation, detection and reporting to government agencies of unlawful activity and conditions that present a risk to the safety of residents or the public.*
*§ 27-2056.20 Obligations of owner. a. The owner of a multiple dwelling of nine or more dwelling units shall, between the hours of 9:00 p.m. and 7:00 a.m., ensure that there is at least one security guard within such dwelling to provide security services for such dwelling.*
*b. The provisions of this article shall not be applicable to the New York city housing authority.*
§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 59

By Council Member Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to required disclosures by persons making buyout offers**

*Be it enacted by the Council as follows:*
Section 1. Subparagraph f-2 of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, as added by local law number 82 of 2015, is amended to read as follows:
f-2. contacting any person lawfully entitled to occupancy of such dwelling unit to offer money or other valuable consideration to induce such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, unless such owner discloses to such person in writing (i) at the time of the initial contact, and (ii) in the event that contacts continue more than 180 days after the prior written disclosure, at the time of the first contact occurring more than 180 days after the prior written disclosure:
(1) the purpose of such contact,
(2) that such person may reject any such offer and may continue to occupy such dwelling unit,

(3) that such person may seek the guidance of an attorney regarding any such offer and may, for information on accessing legal services, refer to The ABCs of Housing guide on the department's website,

(4) that such contact is made by or on behalf of such owner, [and]

(5) that such person may, in writing, refuse any such contact and such refusal would bar such contact for 180 days, except that the owner may contact such person regarding such an offer if given express permission by a court of competent jurisdiction or if notified in writing by such person of an interest in receiving such an offer.[;]

*(6) the median market rent, as reported by the department pursuant to section 27-2096.1, for a dwelling unit with the same number of bedrooms located in the same community district as such dwelling unit,*

*(7) the number of months of such median market rent such money would cover; calculated by dividing the value of such offer, or if such offer includes valuable consideration other than money, the value of the money portion of such offer, by such median market rate rent, and*

*(8) that there is no guarantee that such person will be able to rent a dwelling unit in the same community district with the same number of bedrooms for such median market rent and that the number provided pursuant to item 7 of this subparagraph is calculated based solely upon such median market rent and does not include broker fees, security deposits or any other costs or fees associated with renting a dwelling unit;*

§ 2. Article 1 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2097.1 to read as follows:

*§ 27-2097.1 Median market rents. By no later than July first in 2016 and in every year thereafter, the commissioner shall submit to the mayor and the council, and publish online, a listing of median rents for market rate dwelling units, disaggregated by community district and the number of bedrooms. For the purposes of this section, the term "market rate dwelling unit" means a dwelling unit for which the rent is not regulated pursuant to a law, rule or provision of an affordable housing program.*

§ 3. This local law takes effect immediately, except that section one of this local law takes effect on September 1, 2018, and except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 60

By Council Member Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of an on-site compliance consultation program for multiple dwellings**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 15 to read as follows:

*ARTICLE 15*

*ON-SITE COMPLIANCE CONSULTATION PROGRAM FOR MULTIPLE DWELLINGS*

*§ 27-2056.19 On-site compliance consultation program for multiple dwellings.*
*§ 27-2056.20 Violations discovered as a result of on-site compliance consultations.*
*§ 27-2056.21 On-site compliance consultation requested following issuance of a violation.*
*§ 27-2056.22 Fee.*

*§ 27-2056.19 On-site compliance consultation program for multiple dwellings. a. Definitions. For the purposes of this article, the term "eligible violation" means (i) a violation which is set forth in rule by the department as eligible for the on-site compliance consultation program for multiple dwellings and (ii) a non-hazardous violation of this chapter.*

*b. The commissioner shall develop an on-site compliance consultation program for multiple dwellings. Under such program, the department shall, upon request of an owner of a multiple dwelling, perform an on-site consultation in order to ensure that such multiple dwelling is in compliance with this code and any rules promulgated thereunder. Such program shall also allow a multiple dwelling owner who receives an eligible violation to have the penalties for such violation waived if they request such an on-site consultation.*

*§ 27-2056.20 Violations discovered as a result of on-site compliance consultations. Where an owner of a multiple dwelling requests an on-site compliance consultation such consultation shall not result in violations being issued. Upon completion of an on-site compliance consultation, the inspector shall review the results with the owner and advise such owner of potential violations and how to remedy such violations. If such owner is issued a violation for any condition which was or reasonably should have been identified during the on-site compliance consultation within 60 days after such consultation, the civil penalties for such violation shall be waived.*

*§ 27-2056.21 a. On-site compliance consultation requested following issuance of a violation. An owner may contact the department of housing preservation and development to request an on-site compliance consultation following the issuance of an eligible violation. Such owner may, as a result of requesting such on-site compliance consultation following the issuance of an eligible violation, request, in a form or manner to be provided or approved by the commissioner of housing preservation and development, that any civil penalties imposed in connection with such violation be waived. In order to be eligible to have civil penalties for an eligible violation waived, an owner must cure all violations issued before and potential violations discovered during an on-site compliance consultation. Such request shall be available to owners no more than once every five years.*

*b. An owner who fails to cure all violations issued before and potential violations discovered during an on-site compliance consultation within 60 days of requesting such on-site compliance consultation for the purposes of having eligible violations waived shall have the original civil penalty or penalties reinstated and doubled.*

*§ 27-2056.22 Fee. The department may charge a fee to cover such on-site compliance consultations which shall be set by rule.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 61

By Council Members Cornegy and Brannan.

**To amend the administrative code of the city of New York, in relation to establishing timelines for the approval of permits and expanding real time tracking of pending permits**

*Be it enacted by the Council as follows:*

Section 1. Chapter 6 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-602 to read as follows:

*§ 23-602 Timelines for the approval of permits. a. Public timelines. Each city agency that issues permits or licenses shall establish and maintain, for each such permit or license, publicly available timelines that*

*approximate how long an applicant should expect to wait for a decision on such applicant's permit or license application. Such timelines shall be publicly available no later than December 31, 2018.*

*b. Real time tracking. Each city agency that issues permits or licenses shall establish tools that allow applicants to track the status of their applications in real time. Such tracking systems shall be operational no later than December 31, 2018.*

*c. Accountability. On or before December 31, 2018, the mayor shall establish methods of holding agencies accountable if they do not adequately meet the timelines the agencies establish.*

§ 2. This local law takes effect immediately

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Referred to the Committee on Technology.

Int. No. 62

By Council Members Cornegy and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that the 311 website, app, and phone line allow for persons to request snow and ice removal on pedestrian bridges and that those reports be routed to the appropriate agency**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-304 to read as follows:

*§ 23-304. Reporting snow and ice conditions on pedestrian bridges. The department of information technology and telecommunications shall create a mechanism for persons using the 311 app, 311 website, and 311 phone line to report snow and ice conditions on pedestrian bridges, and for those reports to be routed to the appropriate agency.*

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

Referred to the Committee on Technology.

Int. No. 63

By Council Member Cornegy (by request of the Manhattan Borough President).

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring written communications regarding the results of inspections from the departments of consumer affairs and health and mental hygiene to be in the receiving business owner's language of choice**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision f of section 15 of the New York city charter is amended to read as follows:

3. To the extent practicable, the office of operations shall develop and implement a plan for each business owner to indicate the language in which such owner would prefer that agency inspections of the business be conducted*, and in which such owner would prefer that mailed agency communications relating to the results of*

*such inspections be written.* To the extent practicable, the office of operations shall also develop and implement a plan to inform all relevant agencies of such respective language preference.

§ 2. Subdivision b of section 561 of the New York city charter is amended to read as follows:

b. Every application for a permit or a renewal of an existing permit issued by the commissioner pursuant to this section shall provide an opportunity for the applicant to indicate the language in which such applicant would prefer that inspections in connection with such permit be conducted, or alternatively for which language interpretation services be provided, *and an opportunity for the applicant to indicate the language in which such applicant would prefer that mailed communications relating to the results of such inspection be written*. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 3. Section 17-301 of the administrative code of the city of New York is amended to read as follows:

§ 17-301. Language preference for inspections. Every application for a license or a permit, or the renewal of an existing license or an existing permit to be issued by the commissioner pursuant to this chapter shall provide an opportunity for the applicant to indicate the language in which such applicant would prefer that inspections in connection with such license or permit be conducted, or alternatively for which language interpretation services be provided, *and an opportunity for the applicant to indicate the language in which such applicant would prefer that mailed communications relating to the results of such inspection be written*. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 4. Subdivision b of section 20-107 of the administrative code of the city of New York is amended to read as follows:

b. Every application for a license or the renewal of an existing license shall provide an opportunity for the applicant to indicate the language in which he or she would prefer that inspections in connection with such license be conducted, *and in which such applicant would prefer that mailed agency communications relating to the results of such inspections be written*. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

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

b. Except as otherwise provided in this subchapter, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than $500 for each violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or of subdivision a of section 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or of subdivision a of section 20-271 of this subchapter or any rule or regulation issued thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code.* The department shall permit such proof to be submitted electronically, by mail or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 6. Section 20-332 of the administrative code of the city of New York is amended to read as follows:

§ 20-332. Violation. Any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than five hundred dollars for each violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b of section 20-324 of this subchapter and any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the

violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-324 of this subchapter or any rule or regulation issued thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 7. Subdivision d of section 20-240.1 of the administrative code of the city of New York is amended to read as follows:

d. Any person who violates the provisions of this section or section 20-237 shall be considered to be an unlicensed general vendor or an unlicensed food vendor and shall be subject to the penalty and enforcement provisions of either subchapter twenty-five of chapter two of this title or subchapter two of chapter three of title seventeen of the code, whichever is applicable; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision b of section 20-237 and any rule or regulation issued thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof of compliance shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-327 or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code.* The department shall permit such proof to be submitted to the department electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 8. Section 20-728 of the administrative code of the city of New York is amended to read as follows:

§ 20-728. Penalties. Violation of this subchapter or any rule or regulation promulgated thereunder, shall be punishable by payment of a civil penalty in the sum of not less than twenty-five nor more than one hundred dollars for each violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of any provision of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any provision of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter*. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 9. Section 20-743 of the administrative code of the city of New York, as added by local law number 31 for the year 2003, is amended to read as follows:

§ 20-743. Penalties. Any person, partnership, corporation or other business entity who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty or not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars; except that a person, partnership, corporation or other business entity shall not be subject to the civil penalty described above for a first-time violation of subdivision (a) of section 20-740 of this subchapter or any rule or regulation promulgated thereunder, if such person, partnership, corporation or other business entity

proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person, partnership, corporation or other business entity who has received, for the first time, a notice of violation of subdivision (a) of section 20-740 of this subchapter or any rule or regulation issued thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter*. The department shall permit such proof to be submitted electronically or in person. A person, partnership, corporation or other business entity may seek review, in the department's administrative tribunal, of the determination that the person or entity has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 10. Section 20-748 of the administrative code of the city of New York is amended to read as follows:

§ 20-748. Penalties. Violation of this subchapter, or any regulation promulgated pursuant to it, shall be punishable by payment of a civil penalty not to exceed two hundred fifty dollars; except that a person shall not be subject to a civil penalty described above for a first-time violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter*. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 11. Section 20-753 of the administrative code of the city of New York is amended to read as follows:

§ 20-753. Penalties. Any person who shall violate the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty or not less than fifty dollars and not more than two hundred and fifty dollars for the first offense and for each succeeding offense a penalty of not less than one hundred dollars nor more than five hundred dollars for each such violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision c of section 20-750 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision c of section 20-750 of this subchapter or any rule or regulation issued thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter*. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with this subchapter or the regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 12. Section 20-810 of the administrative code of the city of New York is amended to read as follows:

§ 20-810. Violations. A person violating sections 20-808 or 20-809 of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the

satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder. *Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter.* The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 13. By May 30, 2016, the department of consumer affairs shall promulgate rules to the effect that the option of presenting proof that the violation has been cured as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any signage mandate described in this section shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code. This section shall apply to the following signage mandates:

1) requiring the posting of refund policies;

2) requiring the posting of a sign stating that individuals may complain to the department of consumer affairs about a business licensed by such department;

3) prohibiting signs stating that a business is not liable for such business's negligence if such a statement is invalid under law;

4) requiring that parking lots and garages post a sign stating:

a) the business hours of such lot or garage;

b) the licensed capacity of such lot or garage;

c) such lot or garage is at full capacity for car or bicycle parking; and

d) minimum number of bicycle parking spaces;

5) requiring that parking lots and garages have separate entrances and exits, with the main entrance and exit clearly designated with illuminated signs marked "entrance" and "exit";

6) requiring that all required signage is illuminated, clearly visible, and readable;

7) requiring that those lots and garages with waivers under section 20-327.1 of the administrative code post a sign with respect to bike parking;

8) requiring that auxiliary signs of parking lots and garages contain equally sized letters and numbers;

9) requiring that businesses that accept credit cards post a list of limitations that such businesses put on credit card usage at or near the entrance of each such business, and in all advertising indicating that credit cards are accepted;

10) requiring that electronic or home appliance service dealers include a notice in the department or area where electronic and home appliances are accepted for repair stating that customers are entitled to written estimates for repairs and other customer rights, and that the regulations of the department of consumer affairs relating to television, radio and audio servicing are available for review from the service dealer upon request;

11) requiring a tax preparer to display a sign:

a) identifying him or herself, including his or her address, telephone number, and qualifications;

b) stating that both the preparer and taxpayer must sign every tax return;

c) stating how his or her fees are calculated;

d) stating that he or she or his or her agency will not represent the taxpayer in an audit, if true; and

e) stating that he or she is not licensed by the state board of public accounting or the New York state bar, or both, if true;

12) requiring dealers of products for the disabled to post a sign summarizing any provisions of the New York city products for the disabled law;

13) requiring any bus to include a posted sign on the windshield and near the entrance door of such bus that designates the departure time and destination of such bus;

14) requiring laundries:

a) to distinguish in their advertising between services being offered at different prices;

b) to post an out-of-order sign on non-functioning machines on such laundry's premises;

c) to post a notice that complaints and claims for refunds may be made to a certain person or persons; and

d) to post any sign in both English and Spanish, if applicable;

15) requiring sidewalk cafes to post a sign stating the maximum number of tables and chairs licensed for such sidewalk café, and prohibiting other signage at a sidewalk café except for signage meeting certain specifications;

16) requiring motor vehicle rental businesses to post a notice of the department of consumer protection's consumer protection law;

17) requiring any labeling declaration to be written in the English language;

18) requiring that amusement arcades and gaming cafes post a sign describing age restrictions during certain hours of operation; and

19) requiring signage at businesses that sell beverages for off-premises consumption in beverage containers that are covered by title ten of article twenty-seven of the environmental conservation law of the state of New York to be placed within a certain distance of cash registers or to be visible to consumers from any specific vantage point; and

20) requiring stores with weighing and measuring devices for customer use to post a sign informing customers that they may reweigh products using such weighing or measuring device or devices.

§ 14. This local law takes effect 120 days after it becomes law, except that the department of consumer affairs shall take such actions as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Governmental Operations.

Res. No. 40

**Resolution calling upon the New York City Employee Retirement System to determine that members are disabled for purposes of accidental disability pensions, if both the New York State Workers' Compensation Board and U.S. Social Security Administration determine that a member is disabled**

By Council Members Cornegy and Koslowitz

**Whereas**, When employees of the City of New York are injured on the job, they become eligible for various Federal, State and City benefits; and

**Whereas**, City employees who are injured in the course of their duties may be eligible for workers' compensation benefits, Social Security benefits and accidental retirement disability benefits; and

**Whereas**, The New York State Workers' Compensation System, the U.S. Social Security Administration, and the New York City Employee Retirement System (NYCERS) all have thorough processes for determining whether a City employee injured at work is eligible for benefits; and

**Whereas**, NYCERS has the sole discretion to determine whether an employee injured in the course of their job is eligible for an accidental retirement disability pension; and

**Whereas**, As confirmed by case law from 2008, NYCERS has the sole independent authority to determine eligibility for an accidental retirement disability pension based on the system's 1-B Medical Board's analysis and determination; and

**Whereas**, It is possible for an injured worker to be classified as disabled by, and receive benefits from, the New York State Workers' Compensation Board and the U.S. Social Security Administration, but be simultaneously denied an accidental disability pension by NYCERS; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Employee Retirement System to determine that members are disabled for purposes of disability pensions, if both the New York State Workers Compensation Board and U.S. Social Security Administration determine that a member is disabled.

Referred to the Committee on Civil Service and Labor.

Res. No. 41

**Resolution to observe every May 25th as Kalief Browder Day in the City of New York.**

By Council Member Cornegy.

**Whereas**, Kalief Browder was born on May 25th, 1993 in the Bronx, New York; and

**Whereas**, Kalief was the youngest of seven siblings, five of whom were adopted by his mother, Venida Browder; and

**Whereas**, According to various reports, in 2010, at the age of sixteen, Kalief was arrested for the alleged robbery of a backpack that he insisted he had not stolen; and

**Whereas**, Kalief was incarcerated at Riker's Island, awaiting trial for more than one thousand days for a trial that never came, because the charges were ultimately dropped; and

**Whereas**, According to various reports, over the span of his incarceration, Kalief was offered several plea deals which he declined as he reiterated his innocence; and

**Whereas**, According to the *New York Times*, at one point during his incarceration, a judge offered Mr. Browder a chance to leave jail immediately in exchange for a plea of guilty to two misdemeanors, instead of a felony, which he declined; and

**Whereas**, According to various sources, of the three years Kalief Browder was incarcerated, he endured more than two years in solitary confinement where he attempted to end his life several times; and

**Whereas**, Kalief also encountered violence inflicted by both corrections officers and inmates; and

**Whereas**, According to the *New Yorker*, on May 29th, 2013, after appearing in front of eight judges, refusing 13 plea deals, and spending 3 years on Riker's Island, Kalief's case was dismissed as prosecutors reported their sole witness and accuser was no longer in the United States; and

**Whereas**, By the time Kalief was released from jail, he had missed his junior and senior year of high school, his graduation and prom, and was no longer a teenager; and

**Whereas**, After being released from Rikers, Kalief returned home, and passed the G.E.D on his first try and enrolled in college at the Bronx Community College; and

**Whereas**, Despite continuing to struggle with his mental health, Kalief was driven to tell his story so that no one else would endure the same ordeals; and

**Whereas**, During interviews with the *New Yorker*, *Huffington Post*, and other newspapers and television shows, Kalief detailed the horrific conditions at Rikers Island and his personal experiences of abuse by officers and other inmates; and

**Whereas**, Kalief's story and advocacy ignited discussions about criminal justice and led to the development of several reforms locally and nationally; and

**Whereas**, On June 6, 2015 Kalief Browder tragically died by suicide at his home in the Bronx; and

**Whereas**, May 25th will be a day of remembrance of Kalief Browder, his advocacy, and the legacy he leaves behind; therefore, be it

**Resolved**, That the Council of the City of New York will observe every May 25th as Kalief Browder Day in the City of New York.

Referred to the Committee on Criminal Justice.

Res. No. 42

**Resolution calling upon the Mayor to revitalize the Mayor's Office of Industrial and Manufacturing Business and to expand the technical assistance the Office would offer manufacturing and industrial businesses in the City.**

By Council Member Cornegy.

**Whereas**, According to a brief by the Pratt Center for Community Development, a healthy manufacturing sector is vital to the expansion of the middle class and to the growth of economic development in New York City; and

**Whereas**, Manufacturing jobs have historically been considered gateways to the middle class for people with limited educational backgrounds and English proficiency; and

**Whereas**, While New York City has made recent strides to encourage the growth of the manufacturing industry, through Industrial Business Zones (IBZs) and with the help of nonprofits like the Brooklyn Navy Yard Development Corporation (BNYDC), there are still many barriers preventing manufacturers from doing business in the City; and

**Whereas**, These barriers include a lack of stable industrial spaces, and a lack of a well-trained industrial workforce; and

**Whereas**, Given these barriers, it would be beneficial to industrial firms to have a City-run entity whose sole responsibility was ensuring the growth and support of the manufacturing and industrial sector; and

**Whereas**, However, City-provided technical assistance and support for industrial and manufacturing businesses is currently allocated to the New York City Department of Small Business Services (SBS) and the New York City Economic Development Corporation (EDC), which are both entities with mandates that extend far beyond the support of the manufacturing industry; and

**Whereas**, As an alternative, many industrial and manufacturing related services could be transferred to the management of the Mayor's Office of Industrial and Manufacturing Business (MOIMB); and

**Whereas**, MOIMB was created by former Mayor Michael R. Bloomberg in 2005, but its first director departed in 2007 and, according to Crain's New York Business, was never replaced; and

**Whereas**, Services that could be assigned to MOIMB include management of the IBZs and Industrial Business Solutions Providers (IBSPs), who provide technical assistance to manufacturing firms; and

**Whereas**, An expanded MOIMB could also oversee industrial-focused workforce and community development initiatives; and

**Whereas**, In expanding MOIMB, the City would grant the manufacturing sector a strong voice in City government, ensuring that land zoned for manufacturing is used as such, that technical assistance initiatives are sufficiently funded, and that technical assistance programs are designed to meet the unique needs of this vital sector; and

**Whereas**, In so doing, the City could encourage the development of innovative small industrial businesses, the growth of well-paying middle class jobs, and the progress of economic and community development; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Mayor to revitalize the Mayor's Office of Industrial and Manufacturing Business and to expand the technical assistance the Office would offer manufacturing and industrial businesses in the City.

Referred to the Committee on Economic Development.

Res. No. 43

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation establishing a tax credit for businesses that are located within neighborhoods with high rates of unemployment or that employ workers who live in neighborhoods with high rates of unemployment**

By Council Members Cornegy and Brannan.

**Whereas**, While New York City's unemployment rate has been declining since its peak during the midst of the Great Recession, according to the New York State Department of Labor (DOL), as of November 2017 it still remained at 4.0 percent; and

**Whereas**, The unemployment rate varies from borough to borough, with the unemployment rate in November 2017 in the Bronx at 5.7 percent, Brooklyn at 4.1 percent, Staten Island at 4.0 percent, Manhattan at 3.6 percent, and Queens at 3.5 percent, according to DOL; and

**Whereas,** The boroughs with lower levels of income have higher rates of unemployment; and

**Whereas**, In 2009, the Fiscal Policy Institute found a similar inverse relationship between income level and unemployment rate when it analyzed the data broken down further by New York City neighborhood; and

**Whereas**, In its brief entitled "New York City in the Great Recession: Divergent Fates by Neighborhood and Race and Ethnicity," the Fiscal Policy Institute reported that unemployment rates in the third quarter of 2009 ranged from 5.1% on Manhattan's Upper East and West Sides, to 15.7% in the South and Central Bronx and 19.2% in Brooklyn's East New York neighborhood; and

**Whereas**, Unemployment, and particularly long-term unemployment, leads to adverse consequences for the unemployed workers and their families; and

**Whereas,** According to the Congressional Budget Office, some of those adverse consequences include lower earnings for new job market entrants, reduced earnings after job loss, negative health effects, and family stresses; and

**Whereas**, Those adverse consequences can further compound families' already existing struggles to improve their financial conditions; and

**Whereas,** The City and the State should implement policies that would help lower the unemployment rate in areas that are the hardest hit by unemployment; and

**Whereas**, These policies should include offering tax relief to incentivize business owners to locate their businesses in, and to hire and retain workers who reside in, the neighborhoods with the highest rates of unemployment; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation establishing a tax credit for businesses that are located within neighborhoods with high rates of unemployment or that employ workers who live in neighborhoods with high rates of unemployment.

Referred to the Committee on Finance.

Res. No. 44

**Resolution calling upon the New York State Legislature to pass and the Governor to sign, a bill that would authorize New York City's Department of Finance (i) to freeze the rent of units in the Rent Freeze Program at the preferential rent rate and (ii) notify New York State Homes and Community Renewal when a unit in the Rent Freeze Program receives preferential rent**

By Council Member Cornegy.

**Whereas**, New York State Homes and Community Renewal (HCR) oversees over 1 million rent stabilized apartments in New York City; and

**Whereas,** Rent Stabilization restricts how much rent a certain residential housing unit can increase per year; and

**Whereas**, The Rent Stabilization Code (RSC) allows a property owner to charge tenants "preferential rent," which is rent that is less than what the property owner would ordinarily be entitled to receive under the Rent Stabilization system; and

**Whereas,** The "preferential rent" can be either for the term of the lease or for the entire term of the tenancy; and

**Whereas,** When a tenant's lease is up for renewal, property owners can increase rents to what they are entitled to receive under rent stabilization (also known as the legal rent) and such rent increase can be hundreds of dollars higher than the preferential rent; and

**Whereas,** According to AARP, many older and disabled residents on fixed and limited incomes are vulnerable to rising rental costs; and

**Whereas**, Under the State's Real Property Tax Law, New York City protects eligible senior citizens and people with disabilities from certain rent increased that are imposed by the property owners if they have total annual household income of $50,000 or less; and

**Whereas**, This benefit is provided pursuant to the senior citizen rent increase exemption (SCRIE) and disability rent increase exemption (DRIE) programs, collectively referred to as the New York City Rent Freeze Program (Rent Freeze Program); and

**Whereas,** The Rent Freeze Program, managed by the New York City Department of Finance (DOF), freezes the rent of eligible tenants at either their prior legal rent or one-third of their income, whichever is greater, and future rent increases for the unit are paid by the City to property owners in the form of a real property tax abatement credit; and

**Whereas,** Despite these steps, preferential rents for the term of the lease may result in unaffordable rent increases when the lease expires and it may force tenants with fixed incomes to move; and

**Whereas,** To prevent seniors or disabled tenants from being displaced due to a rate hike on their rent, DOF should be able to freeze the rent at the preferential rent level; and

**Whereas**, During the application process, the applicant should meet the requirements for the Rent Freeze Program, provide DOF with documentation that the unit is receiving preferential rent and DOF should then notify HCR about this information; and

**Whereas,** Under the Rent Code Amendments of 2014, when an owner claims that the rent is being charged preferential, HCR will examine the lease and rent history to assure that the higher legal rent is correctly calculated and lawful; and

**Whereas,** Because the Rent Act of 2015 limits rent increases at a vacant unit that was previously occupied by a household receiving preferential rent, this information could also be useful to HCR; now, therefore, be it

**Resolved,** That the Council of City of New York calls upon the New York State Legislature to pass and the Governor to sign, a bill that would authorize New York City's Department of Finance (i) to freeze the rent of units in the Rent Freeze Program at the preferential rent rate and (ii) notify New York State Homes and Community Renewal when a unit in the Rent Freeze Program receives preferential rent.

Referred to the Committee on Finance.

Res. No. 45

**Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would create a tax incentive for small businesses to hire from within the communities in which they are located.**

By Council Members Cornegy and Brannan.

**Whereas,** While New York City's unemployment rate has been declining since its peak during the midst of the Great Recession, according to the New York State Department of Labor (DOL), as of November 2017 it still remained at 4.0 percent; and

**Whereas**, The unemployment rate varies from borough to borough, with the unemployment rate in November 2017 in the Bronx at 5.7 percent, Brooklyn at 4.1 percent, Staten Island at 4.0 percent, Manhattan at 3.6 percent, and Queens at 3.5, according to DOL; and

**Whereas**, In order to address unemployment in the City and to promote economic development within the City's communities, small businesses should receive a tax incentive to encourage them to hire employees from within the communities in which they are located; and

**Whereas**, Such tax incentive could be modeled after existing federal and New York State tax credits that reward businesses that hire employees from a specific pool of workers; and

**Whereas**, On the federal level, the Work Opportunity Tax Credit ("WOTC") offers employers a federal tax credit to hire from a targeted group of job seekers with barriers to employment, including veterans, people with disabilities, individuals receiving certain types of public assistance, ex-felons, and youth; and

**Whereas**, The maximum credit ranges from $1,200 to $9,600, depending on the type of employee hired; and

**Whereas**, In December 2015, President Obama signed an appropriations bill that renewed the WOTC through December 31, 2019; and

**Whereas**, The legislation also expanded the category of job seeker to include job seekers who are long-term unemployment compensation recipients; and

**Whereas**, New York State offers the Hire-A-Veteran, Workers with Disabilities, and Urban Youth Jobs Programs Tax Credits; and

**Whereas**, The Hire-A-Veteran Tax Credit is available to businesses that hire veterans in an amount of up to $15,000 for disabled veterans hired and $5,000 for non-disabled veterans hired; and

**Whereas**, The Workers with Disabilities Tax Credit provides a credit up to $5,000 per full-time employee with a disability and $2,500 per part-time employee with a disability hired; and

**Whereas**, The Urban Youth Jobs Program Tax Credit provides a credit up to $5,000 for full-time youth and $2,500 for part-time youth hired; and

**Whereas**, Similarly, a tax credit could be provided to small businesses in New York City that hire employees from their local communities; and

**Whereas**, Encouraging small businesses to hire locally would also serve to strengthen the City's diverse neighborhoods and deepen residents' investment and commitment in their communities; 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, legislation that would create a tax incentive for small businesses to hire from within the communities in which they are located.

Referred to the Committee on Finance.

Res. No. 46

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation establishing a property tax credit for commercial landlords who voluntarily limit the amount of rent increases to small business owner tenants upon lease renewal.**

By Council Members Cornegy and Brannan.

**Whereas**, New York City's small and local businesses define the identities of its many diverse neighborhoods and are integral to creating vibrant, successful communities; and

**Whereas**, Often these small and local businesses open in less popular or less trafficked neighborhoods and their presence causes the neighborhood to become transformed into a more sought-after area; and

**Whereas**, According to the Real Estate Board of New York's Fall 2013 Retail Report, in areas where these boutique, one-of-a-kind stores create neighborhood appeal, the asking rents tend to rise as established retailers who want to benefit from the interest created by the small businesses come into the neighborhood and create demand and competition for space; and

**Whereas**, Once the commercial rents rise, the very businesses that generated the neighborhood appeal in the first place are no longer able to afford to remain in the area and are often forced to close or relocate; and

**Whereas**, The City has an interest in creating a commercial environment in which these small and local businesses can thrive and benefit from the neighborhood popularity that they themselves created; and

**Whereas**, The City also has an interest preventing retail homogenization and the wholesale replacement of "mom and pop" neighborhood stores with big-box retailers; and

**Whereas**, Within the past several years, numerous small and locally-owned businesses that many would describe as New York City institutions were forced to close or relocate as a result of exorbitant rent increases sought by landlords during the lease renewal process, including Bleecker Bob's Records which closed in 2013 after 46 years in business in the West Village after the landlord reportedly sought a $15,000 to $20,000

monthly rent increase and which was replaced with a frozen yogurt chain store; Colony Music in Times Square, which closed in 2012 after 63 years in business after the landlord sought to raise its rent from $1 million per month to $5 million per month; the Second Avenue Deli which closed in 2006 after 51 years in business on the Lower East Side, and was replaced with a bank, after the landlord sought a $9,000 increase to its $24,000 per month rent; and CBGB, which opened in 1973 in the East Village and closed in 2006 after the landlord asked to increase its rent from $19,000 per month to $41,000 per month, was replaced by an upscale men's clothing chain; and

**Whereas**, There are currently no legal protections for these businesses during the lease renewal process that would limit the amount of any rent increases sought by the commercial landlords; and

**Whereas**, There also are no tax incentives for commercial landlords to keep rents for small and local businesses affordable rather than obtain a higher rent from an established or chain business; and

**Whereas**, Similar incentives exist in the residential rent context, for example in the form of the Senior Citizen Rent Increase Exemption ("SCRIE") program under which the rent of qualifying senior citizens is frozen at a certain level, thereby effectively providing them with an exemption from future rent increases, and compensates the landlord by providing him or her with a property tax abatement credit equal to the amount of the senior citizen's future rent increases; and

**Whereas**, A tax incentive for commercial landlords that would enable the local businesses that make up the fabric of our communities to be able to continue to thrive would be beneficial both to these businesses and to the residents of the City; now, therefore be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation establishing a property tax credit for commercial landlords who voluntarily limit the amount of rent increases to small business owner tenants upon lease renewal.

Referred to the Committee on Finance.

Res. No. 47

**Resolution calling upon the United States Department of Justice to fund projects that aid in the protection and location of missing persons with autism.**

By Council Member Cornegy.

**Whereas**, Autism is one of a group of neurodevelopmental disorders, known as autism spectrum disorders, that are characterized by social impairments, difficulties with verbal and nonverbal communication, and repetitive behaviors; and

**Whereas**, Approximately 30,000 children and teenagers in New York have been identified as having autism; and

**Whereas**, Nearly half of children with an autism spectrum disorder attempt to wander or bolt from supervised areas, and more than half of those that wander go missing; and

**Whereas**, In October 2013, Avonte Oquendo, a 14 year-old autistic teenager who had a tendency to wander from safe environments, went missing from his school in Queens; and

**Whereas**, Despite a Citywide effort to locate Avonte, the search ended tragically with the discovery of his remains in January 2014; and

**Whereas**, The United States Department of Justice operates the Missing Alzheimer's Disease Patient Assistance Program, which provides funds for projects that aid in the protection and location of missing seniors with Alzheimer's; and

**Whereas**, The Missing Alzheimer's Disease Patient Assistance Program funds local projects that develop outreach programs to increase awareness regarding the needs of missing persons with Alzheimer's, implement processes for aiding in the location of lost persons with Alzheimer's, and provide training to local law enforcement agencies; and

**Whereas**, Seniors with Alzheimer's tend to wander and go missing, similar to those with autism, and are at a serious risk of injury or death if they are not located quickly; and

**Whereas**, Establishing a program for children with autism modeled upon the Missing Alzheimer's Disease Patient Assistance Program could benefit thousands of families with autistic children in New York City; and

**Whereas**, There is an urgent need to increase awareness regarding missing persons with autism and to develop systems for ensuring the timely location of children with autism that go missing; and

**Whereas**, Federal funding for such programs could help to prevent future tragedies like the death of Avonte Oquendo; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Department of Justice to fund projects that aid in the protection and location of missing persons with autism.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 48

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would allow limited liability companies formed in New York to fulfill their publication requirement by publishing on the New York Department of State's website or on an online news site**

By Council Member Cornegy.

**Whereas**, Many small businesses throughout the United States opt to incorporate as a limited liability company ("LLC") due to the relatively flexible corporate structure of the LLC as compared to other corporate structures; and

**Whereas**, The New York State Limited Liability Company Law requires a newly-formed LLC to publish notice of its formation once a week for six successive weeks in two newspapers in the county in which the office of the LLC is located before it can file a Certificate of Publication with the New York Department of State to complete formation (the "publication requirement"); and

**Whereas**, If a New York LLC fails to comply with the publication requirement within 120 days after formation, its authority to carry on, conduct or transact any business is suspended; and

**Whereas**, The purported original intent of the publication requirement was to give the local public notice of the company's existence and operations and to protect the public against fraud, the nonperformance of contractual, financial or other obligations and the usurpation of creditors' rights; and

**Whereas**, According to a September 27, 2012 Pew Research Center study on Trends in News Consumption, starting in 2011-2012, online and digital news sources surpassed other forms of media consumption to become the primary means of news consumption, especially as more people have begun to and continue to read their news on cell phones, tablets or other mobile platforms; and

**Whereas**, If the purported intent of the publication requirement is to give notice to the local public, then online publication of an LLC's formation is a more wide-reaching and effective means of giving notice than publication in printed form; and

**Whereas**, Fulfilling the publication requirement can cost an LLC more than $2,000 in New York City, where print newspapers charge the highest rates in the state; and

**Whereas**, Because of the high costs of the publication requirement, many new companies - especially small businesses - are discouraged from forming LLCs in New York, which results in the loss of the presence of such businesses and of the potential revenue from associated taxes and fees; and

**Whereas**, The Department of State could publish notices of newly-formed LLCs on its website for a small administrative fee; and

**Whereas**, If New York State also allowed for the publication requirement to be satisfied by publication on online news sites, online news sites could offer publishing fees that were competitive with the administrative fees that the Department of State would charge for publication; and

**Whereas**, New York State should modify the antiquated and onerous publication requirements for LLCs formed in New York in order to promote the establishment of new companies and small businesses within New York State and New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would allow limited liability companies formed in New York to fulfill their publication requirement by publishing on the New York Department of State's website or on an online news site.

Referred to the Committee on Small Business.

Int. No. 64

By Council Members Cumbo, Cohen and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a mental health coordinator to inform city employees about mental health support and services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-140 to read as follows:

*§ 12-140 Mental health coordinator. a. The head of each agency, in consultation with the mayor's office for people with disabilities, shall designate an employee as such agency's mental health coordinator.*

*b. Such mental health coordinator shall assist each agency in coordinating such agency's efforts to comply with the Americans with Disabilities Act and other federal, state, and local laws and regulations concerning accessibility and support for city employees with mental health needs.*

*c. Such mental health coordinator shall perform outreach to employees of the city about mental health services and support services available to such employees, including but not limited to the employee assistance program.*

§ 2. This local law shall take effect in 120 days.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 65

By Council Members Cumbo and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to permitting inmates in city jails to choose the gender of their doctor**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-153 to read as follows:

*§ 9-153 Gender specific doctors. Any inmate in the custody of the department of correction receiving medical treatment pursuant to chapter 3 of title 40 of the rules of the city of New York or any successor statute who requests a physician of such inmate's gender shall be treated by such physician unless so providing would substantially impact the safety or security of such inmate, in which case such request must be fulfilled after such safety or security risk has abated. For the purposes of this section, the term "gender" has the same meaning as that set forth in subdivision 23 of section 8-102.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 66

By Council Members Cumbo, Williams, Gibson, Cabrera and Brannan.

**A Local Law to amend the New York city charter, in relation to establishing an office to prevent gun violence**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new section 13-e to read as follows:

*§ 13-e. Office to prevent gun violence. a. The mayor shall establish an office to prevent gun violence. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office, within any other office of the mayor or within any department, the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor or the head of such department. For the purposes of this section, the term "director" means the director of the office to prevent gun violence.*

*b. The director shall have the power and the duty to:*

*1. Advise and assist the mayor in planning, developing and coordinating efforts to reduce gun violence;*

*2. Engage with members of the community, elected officials, and other interested groups and individuals to develop further strategies to reduce gun violence;*

*3. Review the budget requests of all agencies for programs related to gun violence, recommend budget priorities among such programs, and assist the mayor in prioritizing such requests; and*

*4. Perform other duties as the mayor may assign.*

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

Referred to the Committee on Governmental Operations.

Res. No. 49

**Resolution calling upon the New York City Department of Education to include age-appropriate gun violence prevention curriculum in all schools.**

By Council Members Cumbo, Williams, Gibson and Cabrera.

**Whereas**, Gun violence in the United States is at epidemic levels and is increasing; and

**Whereas,** According to the Centers for Disease Control and Prevention (CDC), in 2015, the latest year for which data is available, there were 33,252 deaths attributed to firearms in the U.S., up from 28,663 in 2000; and

**Whereas**, However, deaths from firearms are only part of the picture, as many other people are fortunate to survive gunshot wounds; and

**Whereas,** According to the Brady Campaign to Prevent Gun Violence, each year, on average, 114,994 people in America are shot in murders, assaults, suicides & suicide attempts, unintentional shootings, or by police intervention and 33,880 of them die; and

**Whereas**, Of this annual average number of people shot in America, 17,012 are children and teenagers ages 0-19 and 2,647 of them die according to the Brady Campaign to Prevent Gun Violence; and

**Whereas**, Further, American children 5-14 years old are 17 times more likely to be murdered by a firearm, 10 times more likely to die by suicide, and 9 times more likely to die from unintentional firearm injury than children in other industrialized countries, according to Doctors for America; and

**Whereas**, Besides being a serious public safety issue, there is a growing consensus among the nations' top medical organizations that gun violence is a public health crisis; and

**Whereas,** Efforts in the areas of drug and alcohol abuse prevention have demonstrated that preventive education can reduce the risks for youth; and

**Whereas,** Under New York State Law and the Regulations of the Commissioner of Education, all schools under the jurisdiction of the State Education Department must provide a program of health and physical education including health and safety education; and

**Whereas**, However, neither the New York State Education Department (NYSED) nor the New York City Department of Education (DOE) currently requires instruction in gun violence prevention as part of the health education curriculum; and

**Whereas,** The DOE recommended health curricula for Middle and High Schools, called HealthSmart, does contain lessons on "Safety & Injury Prevention" that, according to the publisher, include "discussion of how the presence of guns or other weapons increases the risk of violent injury"; and

**Whereas**, However, it is unclear whether such "discussion" about guns is extensive enough to be considered gun violence prevention curriculum; and

**Whereas**, Further, the DOE recommends but does not require all schools to use the HealthSmart curricula, instead requiring schools that choose not to use the curricula to select a curricula meeting NYSED health education requirements ; and

**Whereas**, Protecting our children and youth from the scourge of gun violence is too important to regard as optional; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York City Department of Education to include age-appropriate gun violence prevention curriculum in all schools.

Referred to the Committee on Education.

Int. No. 67

By Council Members Deutsch and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to placing liability on the city for overtaxed sewer lines and requiring the city to develop a plan to mitigate and prevent sewer backups**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-213 to read as follows:

*§ 7-213 Claims for property damage due to capacity-related sewer backups. a. Definitions. For purposes of this section, the term "capacity-related sewer backup" means a sewer backup caused by overtaxed sewers due to a natural occurrence such as a heavy rainfall or snowmelt.*

*b. The city is liable to real property owners for real or personal property damage caused by a capacity-related sewer backup.*

§ 2. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

*§ 24-531 Sewer backup mitigation plan. a. By July 1, 2018, the commissioner of environmental protection shall submit to the mayor and the council, and post on the department's website, an operation and maintenance plan for the city's sewer system.*

*b. The plan shall include, at a minimum, the following:*

*1. Sewer backup prevention and response measures;*

*2. A sewer backup benchmark for the annual reduction of sewer backups, based on the procedures and standards outlined in the United States environmental protection agency administrative compliance order dated August 31, 2016, and a detailed description of any other methodology used to develop the benchmark;*

*3. Proposed targeted reductions in sewer backups in the portions of the sewer system most heavily impacted by sewer backups;*

*4. An implementation schedule for the next five years, which will demonstrate that the department has continuously achieved the annual sewer backup benchmark;*

*5. Measures that will be implemented beyond the initial five-year period to ensure that sewer backups are adequately responded to and fully addressed and that adequate measures are taken to prevent sewer backups with the ultimate goal of elimination of sewer backups system-wide;*

*6. A general cleaning and maintenance schedule for the sewer system; and*

*7. The number of full-time department employees dedicated to sewer system maintenance and cleaning and the number of contractors and contract dollars allocated for sewer system maintenance each year for the next five years.*

§ 3. This local law takes effect 120 days after it becomes law; provided, however, that the comptroller and the commissioner of environmental protection shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Int. No. 68

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to include information regarding language access services in notice packages**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 11 of the administrative code of the city of New York is amended to add new section 11-141 to read as follows:

*§ 11-141 Notice of language access services. a. As used in this section, the following terms have the following meanings:*

*Language assistance services. The term "language assistance services" means interpretation and translation services as defined by subdivision n of section 8-1002.*

*Covered language. The term "covered language" means the languages as defined by subdivision j of section 8-1002.*

*Notice. The term "notice" means any document issued by the department of finance to a taxpayer or program participant or applicant where such document contains a notice that 1. requires a response from such taxpayer, participant or applicant; 2. concerns the denial, termination, reduction, increase or issuance of a benefit or service; 3. is regarding the rights of such taxpayer, participant or applicant to a conference and fair hearing; or 4. is describing regulation changes that affect benefits.*

*b. In addition to the requirements imposed by subdivision b of section 8-1005, the department shall provide in all notice packages an 8 1/2 inch x 11 inch or larger document advising taxpayers, participants and applicants that free language assistance services are available at its offices and how such services may be accessed. This document shall appear in all covered languages.*

§ 2. This local law takes effect immediately .

Referred to the Committee on Finance.

Int. No. 69

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring commercial recreational boat proprietors seeking docking permits in city-owned marinas to designate parking for boat customers and visitors**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

*§ 18-156 Designated parking spaces for customers of, and visitors to, commercial recreational boats docking in city-owned marinas. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*City block. The term "city block" means the distance from one city street to the next.*

*City-owned marina. The term "city-owned marina" means any marina where commercial recreational boats are required to obtain a docking permit pursuant to chapter 3 of title 56 of the rules of the city of New York.*

*Commercial recreational boat. The term "commercial recreational boat" means a vessel that is 14 feet in length or longer, measured from end to end over the deck; operated by the owner of the vessel or an employee of the owner; and rented or leased by the owner for a group recreational event consisting of more than six passengers.*

*Designated parking space. The term "designated parking space" means a location that a commercial recreational boat proprietor reserves for the exclusive use of a customer of, or visitor to, a commercial recreational boat that docks in a city-owned marina.*

*b. The department shall require any person seeking a docking permit for a commercial recreational boat at a city-owned marina to provide designated parking spaces for customers of, and visitors to, such boat as a condition of being issued or renewing such permit. The department shall require that the designated parking spaces:*

*1. Equal or exceed in number 50 percent of the legal capacity of such commercial recreational boat; and*

*2. Are located within three city blocks of such commercial recreational boat's docking location.*

§ 2. This local law takes effect 120 days after it becomes law, except that the department of parks and recreation 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 Parks and Recreation.

Int. No. 70

By Council Members Deutsch, Brannan and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to reimbursing small nonpublic schools for the cost of security guard services**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 10-172 of the administrative code of the city of New York, as added by local law 2 for the year 2016, is amended to read as follows:

f. Except as set forth in subdivision g of this section, the administering agency shall provide reimbursement of the allowable costs for:

1. one security guard at a qualifying nonpublic school that enrolls [from 300] *up* to 499 students;

2. two security guards at a qualifying nonpublic school that enrolls at least 500 students; and

3. an additional security guard at a qualifying nonpublic school for each additional 500 students enrolled.

For purposes of this subdivision, students with respect to whom the city separately provides assistance that includes funding for security shall not be included in the reimbursement determination, and reimbursement for the services of one security guard during periods of school-related instruction or school-related events may include the costs of different individuals providing security services at different times. Further, the term "student" shall be deemed to refer to the full-time equivalent thereof, based upon a six hour and twenty-minute school day for a student.

§ 2. Subdivision j of section 10-172 of the administrative code of the city of New York, as added by local law 2 for the year 2016, is amended to read as follows:

j. Notwithstanding any provision to the contrary in this local law, the total annual amount of reimbursements authorized by this section shall be a maximum of [$19,800,000] *$39,300,000* dollars per school year, which shall be adjusted annually by the administering agency, if such agency anticipates that such maximum will be reached in the subsequent one-year period, to reflect changes in the prevailing wage and supplements, the number of students attending qualifying nonpublic schools, or the number of qualifying nonpublic schools, provided that such reimbursements shall in no event exceed the amounts appropriated for implementation of this section. To the extent the administering agency anticipates that the amount requested for reimbursement will exceed the funds available, the administering agency shall reimburse for allowable costs on an equitable basis until such funds are exhausted.

§ 3. This local law takes effect July 1, 2018.

Referred to the Committee on Public Safety.

Int. No. 71

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to arterial roadway towing**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-170 to read as follows:

*§14-170. Arterial Roadway Tow Program. a. Definitions. For the purpose of this section:*

*Arterial Roadways. The term "arterial roadways" mean all parkways, expressways, drives, highways, interstate routes, thruways, and bridges listed in subdivision i of section 4-07 of title 34 of the rules and regulations of the city of New York, or any rules or regulations promulgated to succeed such section.*

*GPS Tracking Device. The term "GPS tracking device" mean a device that communicates with global positioning satellites to determine the physical location of a vehicle and transmits such location to a remote server.*

*b. Program Requirements.*

*1. The department shall administer a program for the towing of vehicles on arterial roadways pursuant to local law 58 of the year 1996 and to the traffic rules of the department of transportation. Under such program, pursuant to the traffic rules of the department of transportation and section 20-520 of the administrative code of the city of New York, no person shall cause or permit a disabled vehicle to be towed from an arterial roadway except by a tow truck under permit issued by the commissioner of the department.*

*2. Under such program, the commissioner of the department must issue permits to no less than two tow providers per arterial roadway, or segments thereof as determined by the commissioner of the department or the commissioner of the department of transportation. The permitted tow providers for a particular arterial roadway shall be dispatched to remove a disabled vehicle from such arterial roadway after the department has*

*determined which tow provider has an available tow vehicle that is nearest to the disabled vehicle, as determined by GPS tracking devices.*

*3. Within six months of the enactment of the law creating this section, the commissioner of the department shall promulgate rules and regulations detailing the arterial towing program as he or she deems necessary to effectuate the purposes of this section. Such rules and regulations shall include but not be limited to:*

*(i) the minimum number of tow providers to be issued permits for each arterial roadway, or segment thereof as determined by the commissioner of the department or the commissioner of the department of transportation, which shall be no less than two tow providers per arterial roadway or segment thereof;*

*(ii) the criteria tow providers must meet to be eligible for a permit for the arterial towing program, including the details of the GPS tracking capabilities that a tow provider's tow vehicles must be equipped with;*

*(iii) the details of how the department will utilize the GPS tracking capabilities to ensure that disabled vehicles on arterial roadways are towed by the permitted tow provider with a tow vehicle nearest to the disabled vehicle;*

*(iv) the details of how the department will ensure that a permitted tow provider with a tow vehicle nearest to a disabled vehicle will only be dispatched if such tow vehicle is available and not in the process of removing another disabled vehicle; and*

*(v) the details of how the department will dispatch permitted tow providers to disabled vehicles when location is either unable to be determined or when multiple permitted tow providers have tow vehicles equidistant from the disabled vehicle.*

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

Referred to the Committee on Public Safety.

Int. No. 72

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to requirements for notifying the 911 emergency assistance system whenever an amusement device must be evacuated**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-149.1 to read as follows:

*§ 14-149.1 Response to 911 call regarding evacuation of amusement device. a. Definitions. For purposes of this section, the terms "amusement device" and "amusement operator" have the meanings provided in section 20-211.*

*b. Whenever the department receives a call to the 911 emergency assistance system regarding an evacuation of an amusement device as required by section 20-214.3, the department shall, in addition to taking any emergency action appropriate under the circumstances presented by such evacuation, report the incident to the department of buildings and the department of consumer affairs within 24 hours of receiving such call.*

*c. The existence of the reporting requirement created by subdivision b of this section does not limit any duty of amusement operators to report incidents where required by other law.*

*d. The existence of the reporting requirement created by subdivision b of this section does not make the city or the department liable for any failure to satisfy such requirement or any results of such failure.*

§ 2. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

*§ 15-132 Response to 911 call regarding evacuation of amusement device. a. Definitions. For purposes of this section, the terms "amusement device" and "amusement operator" have the meanings provided in section 20-211.*

*b. Whenever the department receives a call to the 911 emergency assistance system regarding an evacuation of an amusement device as required by section 20-214.3, the department shall, in addition to taking any emergency action appropriate under the circumstances presented by such evacuation, report the incident to the department of buildings and the department of consumer affairs within 24 hours of receiving such call.*

*c. The existence of the reporting requirement created by subdivision b of this section does not limit any duty of amusement operators to report incidents where required by other law.*

*d. The existence of the reporting requirement created by subdivision b of this section does not make the city or the department liable for any failure to satisfy such requirement or any results of such failure.*

§ 3. Section 20-211 of the administrative code of the city of New York, as added by local law number 72 for the year 1995, subdivisions b, d, e and i as amended by local law number 58 for the year 2005 and subdivision c as amended by local law number 86 for the year 2009, is amended to read as follows:

§ 20-211 Definitions. Whenever used in this subchapter, the following terms [shall mean]*have the following meanings:*

[a. "Amusement device" means any contrivance, open to the public, that carries and conveys passengers along, around or over a fixed or restricted course or within a defined area for the purpose of amusing or entertaining its passengers, other than coin-operated amusement devices as defined in subdivision b of this section.

b. "Player-operated amusement device" means any machine, contrivance, apparatus, booth or other device intended as a game that one or more persons are permitted to play by controlling the mechanical, electrical or electronic components that are needed to operate or manipulate the game in exchange for the payment of a fee, charge or thing of value, and that provides amusement, diversion or entertainment. This shall include, but not be limited to, fixed stand coin-operated rides as defined in subdivision j of section 19-136 of this code.

c. "Amusement arcade" means any premises wherein there are located, in any combination, ten or more of the amusement devices and/or player-operated amusement devices defined in subdivisions a and b of this section.

d. "Amusement operator" means any person who maintains or operates any amusement device, gaming cafe or amusement arcade as defined in subdivisions a, c and i of this section.

e. "Amusement arcade or gaming cafe owner" means any person who owns or otherwise has legal possession or title to an amusement arcade as defined in subdivision c or a gaming cafe as defined in subdivision i of this section.

f. "Amusement device owner" means any person who owns or otherwise has legal possession or title to an amusement device as defined in subdivision a of this section.

g. "Portable amusement device" means an amusement device designed to be operated on the vehicle which is used to transport such device.

h. "Affected community board" means the community board in which an amusement device or amusement arcade would be located if a license were to be granted pursuant to this subchapter.

i. "Gaming cafe" is a place where, for a fee charged directly or indirectly, persons are provided access to three or more computers or electronic devices in which game software has been installed by or for the owner or operator for the purpose of playing a game on the premises.]

*Affected community board. The term "affected community board" means the community board in which an amusement device or amusement arcade would be located if a license were to be granted pursuant to this subchapter.*

*Amusement arcade. The term "amusement arcade" means any premises wherein there are located, in any combination, 10 or more amusement devices or player-operated amusement devices.*

*Amusement arcade or gaming cafe owner. The term "amusement arcade or gaming cafe owner" means any person who owns or otherwise has legal possession or title to an amusement arcade.*

*Amusement device. The term "amusement device" means any contrivance, open to the public, that carries and conveys passengers along, around or over a fixed or restricted course or within a defined area for the purpose of amusing or entertaining its passengers, other than a coin-operated amusement device.*

*Amusement device owner. The term "amusement device owner" means any person who owns or otherwise has legal possession or title to an amusement device.*

*Amusement operator. The term "amusement operator" means any person who maintains or operates any amusement device, gaming cafe or amusement arcade.*

*Evacuate. The term "evacuate" means to exit an amusement device in a manner other than the usual manner or in a location other than the area designated for unloading passengers at the end of the amusement device's course.*

*Gaming cafe. The term "gaming cafe" means a place where, for a fee charged directly or indirectly, persons are provided access to three or more computers or electronic devices in which game software has been installed by or for the owner or operator for the purpose of playing a game on the premises.*

*Player-operated amusement device. The term "player operated amusement device" means any machine, contrivance, apparatus, booth or other device intended as a game that one or more persons are permitted to play by controlling the mechanical, electrical or electronic components that are needed to operate or manipulate the game in exchange for the payment of a fee, charge or thing of value, and that provides amusement, diversion or entertainment. Such term includes, but is not limited to, fixed stand coin operated rides as defined in subdivision j of section 19-136.*

*Portable amusement device. The term "portable amusement device" means an amusement device designed to be operated on the vehicle that is used to transport such device.*

§ 4. Subdivision b of section 20-214 of the administrative code of the city of New York is amended by adding a new paragraph (5) to read as follows:

*(5) Every amusement device shall be outfitted with a sign that is posted in a conspicuous location near the controls for starting and stopping the amusement device and that reads as follows: "In case of emergency requiring evacuation of passengers from this ride, call 911 immediately."*

§ 5. Section 20-215 of subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 72 for the year 1995, is amended to read as follows:

[§ 20-215*]§ 20-214.1 Gambling and gambling devices not authorized.* Nothing in this subchapter shall be construed to authorize gambling or the use of gambling devices.

§ 6. Section 20-216 of subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 72 for the year 1995 and amended by local law number 86 for the year 2009, is renumbered section 20-214.2.

§ 7. Subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-214.3 to read as follows:

§ *20-214.3 Notification of 911 in certain emergencies required; penalties. a. If, due to a malfunction or other emergency, any passenger must evacuate an amusement device, the amusement operator shall notify the 911 emergency assistance system immediately upon making the decision to evacuate such device.*

*b. 1. In addition to any penalty or remedy otherwise allowed by law, an amusement device owner who fails to comply or whose employee or agent fails to comply with subdivision a of this section is subject to the following civil penalties:*

*(a) For a first offense, a civil penalty of not less than $500 and not more than $2,000.*

*(b) For a second offense and each subsequent offense, a civil penalty of not less than $1,000 and not more than $5,000.*

*2. In assessing a penalty pursuant to this subdivision, the commissioner shall take into consideration:*

*(a) The size of the amusement device owner's business;*

*(b) The good faith of the amusement device owner and amusement operator; and*

*(c) The amusement device owner's history of violations of this subchapter, of the rules of the department relating to amusement devices, of the rules of the department of buildings relating to amusement devices, and of article 27 of the labor law.*

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

Referred to the Committee on Public Safety.

Int. No. 73

By Council Members Deutsch, Brannan and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to remove fallen tree limbs, branches and vegetation that obstruct streets and sidewalks as a result of inclement weather**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

*§ 16-143 Removal of fallen tree limbs, branches and vegetation after inclement weather. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Inclement weather. The term "inclement weather" includes but is not limited to rain, sleet, ice, snow, wind, or extreme heat and cold.*

*Tree. The term "tree" has the same meaning as in section 18-103.*

*Vegetation. The term "vegetation" has the same meaning as in section 18-103.*

*b. The department shall assist the department of parks and recreation in removing fallen tree limbs, branches and vegetation that obstruct sidewalks, streets and parking spaces within 72 hours of discovery after inclement weather, such as through the department of sanitation discovering the fallen tree limbs, branches and vegetation or through a 311 call, although such assistance shall not take precedence over the department of sanitation's core duties.*

*c. The department is not responsible for removing downed trees or vegetation, or any portion thereof, if such removal requires specialized equipment such as cutting tools, ropes or cranes.*

*d. This section does not interfere with the commissioner of parks and recreation's jurisdiction or responsibilities over trees and vegetation pursuant to section 18-104.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 74

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring newsracks to have slanted tops**

*Be it enacted by the Council as follows:*

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

1. The maximum height of any newsrack containing a single publication shall be fifty inches. The maximum width of any such newsrack shall be twenty-four inches. The maximum depth of any such newsrack shall be twenty-four inches. *The top of any newsrack shall be at an angle of at least forty degrees such that the rear wall shall be taller than the front wall of the newsrack.*

§ 2. This local law shall take effect one hundred and twenty days after enactment into law.

Referred to the Committee on Transportation.

Int. No. 75

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending bus lane enforcement on legal holidays**

*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 19-175.6 to read as follows:

*§ 19-175.6 Bus lane enforcement on legal holidays. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Bus lane restrictions. The term "bus lane restrictions" means restrictions on the use of designated traffic lanes by vehicles other than buses imposed by the department pursuant to section 1111-c of the vehicle and traffic law.*

*Designated bus lane. The term "designated bus lane" means a lane dedicated for the exclusive use of buses with the exceptions allowed under 4-08(a)(3) and 4-12(m) of title 34 of the rules of the city of New York.*

*Legal holidays. The term "legal holidays" refers to holidays that are listed in subdivision a of section 19-163.*

*Photo device. The term "photo device" means a device that is capable of operating independently of an enforcement officer and produces one or more images of each vehicle at the time it is in violation of bus lane restrictions.*

*b. Notwithstanding any other provision of law, photo device enforcement of bus lane restrictions in designated bus lanes is suspended on legal holidays.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 76

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring temporary street lights**

*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 new section 10-179 to read as follows:

*§ 10-179 Requiring temporary street lights. a. For purposes of this section, the term "street light" means any light hanging from a pole that is designed to illuminate an outdoor public area, and where the light source of such fixture is greater than 10 feet off of the ground.*

*b. The department of transportation shall notify the police department when a street light has been broken for at least 14 days. Within five days of such notification, the police department shall replace the broken light unless it has been fixed with a temporary street light that has illumination equivalent to street lights maintained by the department of transportation.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 77

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to raising the speed limit on certain streets**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-177 of the administrative code of the city of New York is amended by adding new paragraphs 1 and 2 to read as follows:

*1. Notwithstanding any contrary provision of this subdivision, the commissioner may raise the speed limit to a maximum of 35 miles per hour on streets that are high-capacity streets under the jurisdiction of the department serving as the principal network of through-traffic flow and are designed to accommodate a higher rate of speed safely, as determined by the commissioner.*

*2. Upon request by a council member to raise the speed limit pursuant to paragraph 1 of this subdivision, the commissioner shall perform a study regarding the feasibility of raising the speed limit on a street specified by such council member and whether such a change would increase the risk of traffic crashes or increase the risk of critical injury or death resulting from such crashes. Such study shall include a recommendation from the commissioner regarding whether or not to raise the speed limit on the respective street and the basis for that recommendation. In determining whether to raise the speed limit, the commissioner shall take into account the results of any such study that has been conducted.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner 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 Transportation.

Int. No. 78

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to improving the flow of traffic during street construction**

*Be it enacted by the Council as follows:*

Section 1. Section 19-107 of the administrative code of the city of New York is amended by adding new subdivisions d and e to read as follows:

*d. A person to whom a permit has been issued shall ensure that a flag person or other individual authorized by law to conduct traffic is present at the street closure for which such permit was issued.*

*e. The police department shall enforce the provisions of this section, and shall periodically conduct a visual inspection of each street closure for which a permit has been issued pursuant to this section to confirm that a flag person or other individual authorized by law to conduct traffic is present.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation 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 Transportation.

Int. No. 79

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the consideration of community impact in applications for base stations, black car bases and luxury limousine bases**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-548 to read as follows:

*§ 19-548 Base applications. In reviewing an application for a license to operate a base station, black car base or luxury limousine base, the commission shall examine and consider any negative impact such base may have on quality of life in the vicinity of such base, including, but not limited to, the potential impact on traffic congestion, sidewalk congestion and noise. In addition, the commission shall submit a copy of such application to the council member and the community board for the area in which such base station would be located within five days of the receipt of such application and shall consider any comments received from such council member and community board during the commission's review of such an application.*

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

Referred to the Committee on Transportation.

Int. No. 80

By Council Members Deutsch and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that traffic study determinations be issued no later than 60 days from the date a traffic control device is requested by a city council member or community board**

*Be it enacted by the Council as follows:*

Section 1. Section 19-185 of the administrative code of the city of New York, as added by local law number 14 for the year 2011, is amended to read as follows:

§ 19-185 Traffic study determinations. *The department shall issue a traffic study determination within 60 days of the date a council member or community board submits a request for a traffic control device regulated by the manual on uniform traffic control devices.* The department shall include with any determination denying [a]*such* request [by a community board or council member for a traffic control device regulated by the manual on uniform traffic control devices,] a summary of the traffic control device warrants, along with the date and time that the department performed its traffic analysis and the time period of any crash data considered by the department for such warrants. Such denial shall also include the following language: "A summary of the studies and reports that led to this determination will be provided upon request." Upon such request by the community board or council member after receiving the denial the department shall provide a summary of the traffic studies and/or reports performed by the department.

§ 2. This local law takes effect 120 days after it becomes law

Referred to the Committee on Transportation.

Int. No. 81

By Council Members Deutsch and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of temporary priority regulatory signs at intersections within one hour of a report of an inoperable traffic control signal**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 19-128 of the administrative code of the city of New York, as added by local law number 22 for the year 2014, is amended to read as follows:

e. Within *one hour* [twenty-four hours] of receiving notice that a traffic control signal is missing or damaged to the extent that such signal is not operational or visible to a motorist who must obey or rely upon such signal the department *shall place a temporary priority regulatory sign at the location of the missing or damaged traffic control signal. Within 24 hours, the department shall:*

(i) repair or replace such signal, *at which point the department may remove the temporary sign if applicable,*

(ii) implement *additional* alternative measures to control traffic if such repair or replacement will take greater than [twenty-four] *24* hours, or

(iii) make a determination that repair or replacement is not warranted, *at which point the department may remove the temporary sign.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 82

By Council Member Deutsch

**A Local Law to amend the administrative code of the city of New York, in relation to bus lane violations**

*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 section is amended by adding a new section 19-175.6 to read as follows:

*§ 19-175.6 Bus lane violations. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Bus lane restrictions. The term "bus lane restrictions" means restrictions on the use of designated traffic lanes by vehicles other than buses imposed on routes within a bus rapid transit demonstration program by local law and signs erected by the department pursuant to section 1111-c of the vehicle and traffic law.*

*Designated bus lane. The term "designated bus lane" means a lane dedicated for the exclusive use of buses with the exceptions allowed under sections 4-08(a)(3) and 4-12(m) of title 34 of the rules of the city of New York.*

*Photo service. The term "photo device" means a device that is capable of operating independently of an enforcement officer and produces one or more images of each vehicle at the time it is in violation of bus lane restrictions.*

*b. Notwithstanding any other law, rule or regulation, when bus lane restrictions are in effect on a street, it shall be an affirmative defense to a violation of such restrictions that such summons or notice of violation was issued pursuant to an image captured by a photo device up to five minutes after such photo device began operating for the day or up to five minutes before such photo device ceased operating for the day at the time such summons or notice of violation was issued.*

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

Referred to the Committee on Transportation.

Int. No. 83

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to the labeling of temporary construction barriers and markers**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 4 of subdivision b of section 19-121 of the administrative code of the city of New York is amended to read as follows:

4. All construction material and equipment*, including traffic cones, sandbags, barricades and other temporary barriers or markers that are intended to be left in the public right-of-way,* shall have printed thereon the name, address and telephone number of the owner thereof. *The department of buildings may enforce the provisions of this paragraph*.

§ 2. This local law shall take effect 120 days after its enactment, except that the commissioner of transportation shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 84

By Council Member Deutsch.

**A Local Law to amend the administrative code of the city of New York, in relation to clarifying the enforcement of parking regulations near schools**

*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 19-175.6 to read as follows:

*§ 19-175.6 Enforcement of parking regulations in school zones. a. Definitions. For the purposes of this section, the term "school" means any buildings, grounds, facilities, property, or portion thereof, whether publicly or privately owned, in which educational instruction is provided to students at or below the twelfth grade level.*

*b. The department shall post a list on its website of the days and times during which parking regulations that are based on when school is in session are in effect at each school, including parking spaces designated as solely for school employees and any no standing or no parking zones relating directly to school operations.*

*c. Parking regulations reserving parking spots for school employees, and no standing zones and no parking zones that relate directly to school operations, shall only be in effect when school is in session.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation 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 Transportation.

Res. No. 50

**Resolution calling upon the State of New York to create a process whereby jurisdiction over a particular piece of property in the cities in the State of New York can be clarified upon request.**

By Council Member Deutsch.

**Whereas**, Conflicts arise about whether a New York State or, instead, a municipal entity controls a particular piece of property; for instance, a sidewalk near a park may fall under the jurisdiction of the State Office of Parks, Recreation and Historic Preservation or under the jurisdiction of the New York City Department of Sanitation; and

**Whereas**, Such uncertainty seems to arise frequently about whether the Metropolitan Transportation Authority (MTA) or the city Department of Transportation (DOT) has jurisdiction over a particular piece of property; and

**Whereas**, According to the New York Public Authorities Law, the MTA has the power to "manage, control and direct the maintenance and operation of transportation facilities, equipment or real property operated by or under contract, lease or other arrangement with the authority and its subsidiaries, and New York city transit authority and its subsidiaries"; and

**Whereas**, For example, MTA has acted upon its authority to open the 34th Street-Hudson Yards station (the only addition to the NYC subway system in the last 26 years), and the Appellate Division of the Supreme Court of the State of New York held the MTA liable for a personal injury suit when a pedestrian tripped and fell on a raised and broken portion of public sidewalk surrounding a vault cover owned by the MTA; and

**Whereas**, According to the New York City Charter, the DOT commissioner is charged with repairing public roads, streets, highways and parkways; and

**Whereas**, For example, DOT has asserted its authority over 50 intersections and corridors in New York City to design drastically safer streets through the Office of the Mayor's Vision Zero Action Plan; and

**Whereas**, Some constituents endure mounting litigation expenses to identify the liable party; and

**Whereas**, Confusion about DOT jurisdiction also arises outside the courts, including, for example, a Rockaway couple debating with the DOT over who was responsible for sidewalk damages that amounted to tens of thousands of dollars, to Brooklyn Community District 14 residents fearing that the elderly residents may be injured on the Newkirk Avenue subway overpass because of its disrepair and because the DOT did not claim responsibility for its maintenance; and

**Whereas**, Some advocates have argued that projects that would have otherwise improved the quality of life and ease of travel for New York city residents, such as repairing broken sidewalks underneath elevated subway tracks and installing additional Muni-Meters, cannot be implemented because of uncertainty regarding which entity has jurisdictional control; and

**Whereas**, Clarification regarding whether the MTA or the DOT has control over a particular piece of property would allow for greater efficiency and timeliness in initiating repairs and new transportation developments and would save on litigation costs; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the State of New York to create a process whereby jurisdiction over a particular piece of property in the cities in the State of New York can be clarified upon request.

Referred to the Committee on Transportation.

Res. No. 51

**Resolution calling on the New York State Office of Court Administration to perform a needs assessment of judges and court personnel in New York City Criminal Courts and according to those findings, increase staff within the next two years.**

By Council Members Gibson, Brannan and Salamanca.

**Whereas**, Case delays and court congestion have plagued New York City Criminal Courts and have caused extensive economic, physical, and mental impacts on defendants, victims, and their families; and

**Whereas,** According to the Criminal Court of the City of New York's Annual Report, although most criminal cases do not go to trial, for those that do, the prolonged time for cases to be disposed of is longer in some boroughs than in others; and

**Whereas,** In 2016, defendants charged with a misdemeanor awaiting the completion of a bench-trail waited longer in the Bronx than in all other boroughs, on average 634 days; and

**Whereas,** Trial courts in the Bronx, which for many years has received on-going criticism for its delayed cases and large backlog, had the highest average length of time for the completion of jury-trials in 2016, defendants waiting on average 885 days for their cases to be completed; and

**Whereas,** In May of 2016, the Bronx Defenders, a legal service provider, filed a lawsuit in Federal Court alleging that the crippling delays in the Bronx Criminal Courts violate defendants' Constitutional right to due process and a speedy trial; and

**Whereas,** Defendants charged with a felony waited longer in Queens than in all other boroughs for their case to be completed, on average 138 days in 2016; and

**Whereas**, Prolonged cases may lead to defendants being incarcerated unnecessarily, pleading guilty when they are innocent to avoid the long wait of pre-trial detention, or potential loss of employment due to attending several court appearances and missing work; and

**Whereas**, While case delays and court congestion are a result of an array of factors, lack of judges and court personnel impacts the ability of City courts to effectively process cases within the length of time permitted by law; and

**Whereas,** As of March 2016, the Queens County Criminal Courts had not processed a single jury-trial, due to the lack of judges, clerks and court staff; and

**Whereas**, Between July 1 and February 2016, 64% of cases where both the defense and prosecution were ready to proceed to a trial or hearing were adjourned in Queens, as there were no courtrooms available for the cases to be conducted; and

**Whereas,** The Queens County Criminal Courts have also reported that available courtrooms are often left vacant due to a severe shortage of court officers, clerks, and reporters; and

**Whereas,** Inadequate staffing is a severe issue that impacts all of the City's Criminal Courts, but is more prevalent in the Bronx, Queens, and Staten Island; and

**Whereas,** The lack of judges, clerks and court staff compromises the integrity of the Criminal Justice System and the Courts' ability to ensure justice; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York State Office of Court Administration to perform a needs assessment of judges and court personnel in New York City Criminal Courts and according to those findings, increase staff within the next two years.

Referred to the Committee on Justice System.

Res. No. 52

**Resolution calling on every school district in New York City to employ a suicide prevention coordinator.**

By Council Members Gibson, Brannan and Salamanca.

**Whereas,** Tragically, individuals of all backgrounds and walks of life commit suicide; and

**Whereas,** According to the Center for Disease Control (CDC), suicide was the third leading cause of death for children 10 to 14 years old in 2015; and

**Whereas**, Statistics from the American Foundation for Suicide Prevention (AFSP) indicate that suicide is the 4th leading cause of death for individuals between 10 and 14 years of age; and

**Whereas,** Data from the Department of Health and Mental Hygiene (DOHMH) found that there were more deaths in New York City from suicide than homicide between 2000 and 2014 and that the annual rate of suicide citywide rose by 14.5 percent during that time period;

**Whereas**, Adolescence can be a difficult time due to the mental and physical changes that individuals undergo; and

**Whereas**, However, the National Institutes of Health has estimated that nearly 80 percent of children who need mental health services will not receive them; and

**Whereas**, New York City has the largest public school system in the country and its schools educate approximately 1.1 million children every year; and

**Whereas**, According to the Department of Health and Mental Hygiene (DOHMH), 27 percent of New York City high school students report feeling sad or hopeless each month and 8 percent report having attempted suicide; and

**Whereas,** Schools exist in large part to ensure the holistic development of the child, linking academic development with social growth and emotional support; and

**Whereas**, For decades, public health professionals have touted the virtues of prevention for afflictions ranging from the flu to sexually transmitted diseases, reasoning that mitigating problems in advance is preferable to dealing with them once they have reached crisis proportions; and

**Whereas,** Employing a suicide prevention coordinator in every school district in New York City would expand the reach and scope of preventative efforts and make it easier for troubled teens to seek help; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on every school district in New York City to employ a suicide prevention coordinator.

Referred to the Committee on Mental Health, Disabilities and Addictions.

Res. No. 53

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.6838/S.5337, which would permit the use of certain body imaging scanning equipment on inmates in local correctional facilities.**

By Council Members Gibson, Miller, Brannan and Powers.

**Whereas,** The New York City Department of Correction ("DOC") is charged with overseeing and providing for the care, custody, and control of individuals 16 years of age and older who are accused of crimes or convicted and sentenced to one year or less of incarceration; and

**Whereas,** DOC reported 63,758 total admissions to City jails during Fiscal Year 2017, with an average daily population of 9,790; and

**Whereas**, According to the 2017 New York City's Preliminary Mayor's Management Report, inmate-on-inmate stabbings and slashings increased by 21 percent while inmate fights increased by 27 percent compared to the same time period of last year; and

**Whereas**, In an effort to successfully combat the rise of contraband, including weapons, from entering New York City correctional facilities the DOC purchased body imaging scanning equipment from the United States Transportation Security Administration; and

**Whereas,** It was reported by the New York Daily News that these six ionizing body imaging scanners were purchased by the City during 2012 and 2013 for approximately one million dollars; and

**Whereas,** Ionizing body imaging scanners emit a low dosage of radiation, less radiation than is experienced in approximately two minutes of commercial air flight; and

**Whereas,** According to the United States Department of Health and Human Services, ionization body imaging scanners are safe and an individual would have to be screened more than a thousand times in one year

in order to exceed the annual radiation dose limit, which has been set by expert radiation safety organizations; and

**Whereas,** These particular type of body imaging scanners purchased by DOC are prohibited by New York State law from being deployed and/or used by municipal correctional facilities; and

**Whereas**, A.6838, introduced by New York State Assembly Member David I. Weprin, and companion bill S.5337, introduced by New York State Senator Kemp Hannon, seek to amend the current New York State Public Health Law by permitting the use of ionizing body imaging scanners in local correctional facilities; and

**Whereas,** A.6838/S.5337 would limit and regulate the number of ionized body imaging exposures an inmate can experience while in DOC custody; and

**Whereas,** A.6838/S.5337 also carves out stricter exposure limitations for inmates under the age of eighteen as well as prohibiting exposure for women who are pregnant; and

**Whereas,** The endemic violence among New York City's inmate population at Rikers Island and the increased use of blades in stabbings and slashings must be mitigated; and

**Whereas,** Body imaging scanning equipment used on inmates in New York City jail helps to successfully eliminate weapons and contraband from entering our City's correctional facilities while ensuring a safer environment for both staff and those who are incarcerated; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.6838/S.5337, which would permit the use of certain body imaging scanning equipment on inmates in local correctional facilities.

Referred to the Committee on Criminal Justice.

Int. No. 85

By Council Member Kallos, The Public Advocate (Ms. James) and Council Members Levine, Brannan and Salamanca (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to housing accommodations and tenant blacklists**

*Be it enacted by the Council as follows:*

Section 1. Subparagraphs 1 and 2 of paragraph a of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, are amended to read as follows:

(a) Housing accommodations. It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee thereof:

(1) Because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or alienage or citizenship status of any person or group of persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons, *or because such person or persons were a party in a past or current landlord-tenant action or housing court proceeding, except where the tenant or tenants have not satisfied the terms of an order issued in such action or proceeding*:

(a) To refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any such person or group of persons such a housing accommodation or an interest therein;

(b) To discriminate against any such person or persons in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith; or

(c) To represent to such person or persons that any housing accommodation or an interest therein is not available for inspection, sale, rental or lease when in fact it is available to such person.

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or alienage or citizenship status, or any lawful source of income, or whether children are, may be, or would be residing with a person, *or because such person or persons were a party in a past or current landlord-tenant action or housing court proceeding, except where the tenant or tenants have not satisfied the terms of an order issued in such action or proceeding,* or any intent to make such limitation, specification or discrimination.

§ 2. Paragraph c of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended to read as follows:

(c) Real estate brokers. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space or an interest therein to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space or an interest therein to any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, [or] because children are, may be or would be residing with such person or persons, *or because such person or persons were a party in a past or current landlord-tenant action or housing court proceeding, except where the tenant or tenants have not satisfied the terms of an order issued in such action or proceeding,* or to represent that any housing accommodation, land or commercial space or an interest therein is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or an interest therein or any facilities of any housing accommodation, land or commercial space or an interest therein from any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, [or] because children are, may be or would be residing with such person or persons[.] *or because such person or persons were a party in a past or current landlord-tenant action or housing court proceeding, except where the tenant or tenants have not satisfied the terms of an order issued in such action or proceeding.*

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or an interest therein or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or alienage or citizenship status, or any lawful source of income, [or to] whether children are, may be or would be residing with a person, *or whether such person or persons were a party in a past or current landlord-tenant action or housing court proceeding, except where the tenant or tenants have not satisfied the terms of an order issued in such action or proceeding,* or any intent to make such limitation, specification or discrimination.

(3) To induce or attempt to induce any person to sell or rent any housing accommodation, land or commercial space or an interest therein by representations, explicit or implicit, regarding the entry or prospective entry into the neighborhood or area of a person or persons of any race, creed, color, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, national origin, alienage or citizenship status, or a person or persons with any lawful source of income, [or] a person or persons with whom children are, may be or would be residing[.] *or a person or persons were a party in a past or current landlord-tenant action or housing court proceeding, except where the tenant or tenants have not satisfied the terms of an order issued in such action or proceeding.*

§ 3. Subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended by adding a new paragraph p to read as follows:

*(p) Applicability; landlord-tenant actions or housing court proceedings. Where the commission finds that a person has engaged in an unlawful discriminatory practice relating to a past or current landlord-tenant action or housing court proceeding, the commission may impose a civil penalty according to the following structure: (i) $100 per unit per month for the first five instances; (ii) $250 per unit per month for instances six through 10; (iii) $500 per unit per month for instances 11 through 15; (iv) $1,000 per unit per month for instances 16 through 20; (v) $2,000 per unit per month for instances 21 and beyond. Owners may voluntarily report violations for a reduction of 50 percent of overall fines, which may be waived at the commission's discretion.*

§ 4. Subdivision a of section 8-126 of the administrative code of the city of New York, as amended by local law number 85 for the year 2005, is amended to read as follows:

a. Except as otherwise provided in subdivisions *five and* thirteen of section 8-107 of this chapter, in addition to any of the remedies and penalties set forth in subdivision a of section 8-120 of this chapter, where the commission finds that a person has engaged in unlawful discriminatory practice, the commission may, to vindicate the public interest, impose a civil penalty of not more than one hundred and twenty-five thousand dollars. Where the commission finds that an unlawful discriminatory practice was the result of the respondent's willful, wanton or malicious act or where the commission finds that an act of discriminatory harassment or violence as set forth in chapter six of this title has occurred, the commission may, to vindicate the public interest, impose a civil penalty of not more than two hundred and fifty thousand dollars.

§ 5. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 86

By Council Member Kallos, The Public Advocate (Ms. James) and Council Members Levine and Salamanca (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to licensing tenant screening bureaus**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 36 to read as follows:

*Subchapter 36*
*Tenant Screening Bureaus*

*§ 20-570.1 Definitions.*
*§ 20-570.2 License required.*
*§ 20-570.3 License term; fees.*
*§ 20-570.4 Applications.*
*§ 20-570.5 Required and prohibited practices.*
*§ 20-570.6 Powers and duties of the commissioner.*
*§ 20-570.7 Civil penalties.*
*§ 20-570.8 Private right of action.*

*§ 20-570.1 Definitions. For purposes of this subchapter, the following terms have the following meanings:*

*File. The term "file" when used in connection with information about any tenant or prospective tenant means all of the information about the tenant or prospective tenant that is recorded and retained by a tenant screening bureau, regardless of how the information is stored.*

*Housing court proceeding. The term "housing court proceeding" means a judicial or administrative proceeding that is related to residential tenancy, rent or eviction, regardless of the forum in which such proceeding is initiated and regardless of whether such proceeding is initiated by a landlord or a tenant.*

*Tenant screening. The term "tenant screening" means seeking, obtaining or using a tenant screening report about a prospective tenant for the purpose of assessing whether to make a rental offer to or to accept such an offer from a prospective tenant for residential real property located in the city.*

*Tenant screening bureau. The term "tenant screening bureau" means a person that, for a fee, regularly engages in the business of assembling or evaluating information about individuals for the purpose of furnishing tenant screening reports to third parties where such reports are used or are intended to be used in connection with the rental of residential real property located in the city. Such term does not include a person who obtains a tenant screening report and provides such report or information contained in such report to a subsidiary or affiliate of such person.*

*Tenant screening report. The term "tenant screening report" means any written, oral or other communication that purports to contain information about a housing court proceeding involving a tenant or prospective tenant who is the subject of the report and that is used or expected to be used in whole or in part for the purpose of serving as a factor in determining a tenant's or a prospective tenant's suitability for housing.*

*§ 20-570.2 License required. No person may act as a tenant screening bureau without first having obtained a license in accordance with this subchapter.*

*§ 20-570.3 License term; fees. a. A license issued pursuant to this subchapter shall be valid for two years unless sooner suspended or revoked.*

*b. The fee for a license or a renewal thereof is $75.*

*§ 20-570.4 Applications. a. A person applying for a license or a renewal thereof under this subchapter shall file an application in such form and detail as the commissioner shall prescribe and shall pay the fee required by this subchapter.*

*b. The commissioner shall require each person applying for a license under this subchapter to provide the following information:*

*1. The name, address, telephone number and e-mail address of the applicant;*

*2. If the applicant is a nonresident of the city, the name, address, telephone number and e-mail address of a registered agent in the city upon whom process or other notification may be served or a designation of the commissioner for such purpose; and*

*3. Any other information that the commissioner deems relevant.*

*§ 20-570.5 Required and prohibited practices. a. For each housing court proceeding that it refers to, a tenant screening report shall include all of the following information:*

*1. The names of all petitioners in the housing court proceeding;*

*2. The names of all respondents in the housing court proceeding;*

*3. The name and address of the forum where the housing court proceeding was filed;*

*4. The claims alleged in the petition;*

*5. In the case of a holdover proceeding, the specific claim or allegation made by the petitioner as grounds for the proceeding;*

*6. Whether the rent for the unit that was the subject of the housing court proceeding was regulated by law, as alleged in the petition;*

*7. Whether any respondent filed an answer in the housing court proceeding and, if so, the nature of any defenses asserted in such answer;*

*8. The outcome, if any, of the housing court proceeding, such as whether the proceeding was settled, discontinued, dismissed or withdrawn or resulted in a possessory judgment for landlord or tenant or in a money judgment for landlord or tenant;*

*9. If a rent claim made in the housing court proceeding was reduced or abated, either by agreement of the parties or by court order, the amount of such reduction or abatement;*

*10. The date when information about the housing court proceeding will be permanently removed from the file of the subject of such proceeding; and*

*11. The most current status of the housing court proceeding.*

*b. No tenant screening bureau may furnish a tenant screening report containing any information about a housing court proceeding:*

*1. If such proceeding is the subject of an expungement order issued by any court of competent jurisdiction;*

*2. If such report does not contain all of the information about such housing court proceeding required by subdivision a of this section; or*

*3. If such report contains information that the tenant screening bureau knows or should know is inaccurate.*

*§ 20-570.6 Powers and duties of the commissioner. a. The commissioner shall promulgate such rules as are necessary to implement and enforce this subchapter.*

*b. The commissioner has the power to enforce this subchapter, to investigate any violation thereof, and to investigate the business, business practices and business methods of any tenant screening bureau if the commissioner determines that such investigation is warranted. A tenant screening bureau that receives a request for information from the commissioner shall supply the requested information promptly in a manner provided by rule.*

*c. The commissioner may compel the attendance of witnesses and the production of documents in accordance with the provisions of chapter 1 of this title.*

*d. The commissioner may seek to enjoin a violation of this subchapter and may suspend the issuance of any tenant screening report in order to enforce this subchapter.*

*§ 20-570.7 Civil penalties. a. A person who, after notice and a hearing, is found to have furnished another with a tenant screening report that violates this subchapter is subject to a civil penalty of $500 for each such tenant screening report furnished.*

*b. A person who, after notice and a hearing, is found to have acted as a tenant screening bureau without a license in violation of section 20-570.2 is subject to a civil penalty of not less than $1,000 and not more than $5,000.*

*c. If a person is found to have committed repeated, multiple or persistent violations of any provision of this subchapter, such person may be responsible for all or part of the cost of the department's investigation.*

*d. Each penalty or cost specified in this section is in addition to any other applicable penalty or cost specified in this section or in other law.*

*§ 20-570.8 Private right of action. a. A tenant or prospective tenant who has been injured by a violation of this subchapter, except a violation of the requirement to obtain a license, may institute in such tenant's or prospective tenant's own name (i) an action to enjoin such unlawful act or practice, (ii) an action to recover the greater of such person's actual damages or $500 or (iii) both such actions.*

*b. In an action for damages under this section, a court may award punitive damages if such court finds that the defendant willfully violated this subchapter.*

*c. In any action under this section, a court shall award reasonable attorney's fees and costs to a prevailing plaintiff.*

*d. The issuance of a tenant screening report that the tenant screening bureau knew or should have known contained inaccurate information or otherwise violated this subchapter constitutes an injury for purposes of this subdivision. This subdivision does not limit the types of other injuries that are legally cognizable under this section.*

*e. A tenant or prospective tenant who institutes an action pursuant to this section shall provide notice of such action to the commissioner. The corporation counsel may intervene in any such action on behalf of the city.*

*f. In any action brought by a resident, former resident or prospective resident of the city involving the reporting of a housing court proceeding, a party who is found during the course of such action to have violated subchapter III of chapter 41 of title 15 of the United States code or article 25 of the general business law shall file a copy of such finding with the commissioner within 60 days of such finding.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 87

By Council Members Kallos, Brannan and Salamanca.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to removing construction-related equipment**

*Be it enacted by the Council as follows:*

Section 1. Section 28-201.2.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to add a new item 6 to read as follows:

*6. A violation of section 3307.4.3 of the New York city building code, where such violation occurs on a road with four or more traffic lanes.*

§ 2. Section 28-201.2.3 of the administrative code of the city of New York, as added by local law number 47 for the year 2012, is amended to add a new item 2 to read as follows:

*2. A violation of section 3307.4.3 of the New York city building code, where such violation occurs on a road with three or less traffic lanes.*

§ 3. Section 28-302.5 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-302.5 Repair of exterior walls, unsafe condition.** Upon notification to the department of an unsafe condition, the owner, the owner's agent or the person in charge shall immediately commence such repairs, reinforcements or other measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code.

1. All unsafe conditions shall be corrected within 90 days [of] <u>after</u> filing the critical examination report.

2. The registered design professional shall reinspect the premises and file an amended report within two weeks after the repairs have been completed certifying that the unsafe conditions of the building have been corrected.

3. The commissioner may grant an extension of time of up to 90 days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the registered design professional together with such additional documentation as may be prescribed by rule.

4. [The commissioner may grant further extensions of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the registered design professional together with such further documentation as may be prescribed by rule.] *If an unsafe condition has not been corrected within the time period set forth in item 1, including any extension granted under item 3, the commissioner shall direct the commissioner of housing preservation and development or the department of citywide administrative services or another authorized agency to perform or arrange for the performance of such correction in the manner provided for emergency work under section 28-215.1. Such work shall be deemed emergency work for the purposes of section 28-215.1.1.*

§ 4. Section 3202.4 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3202.4 Temporary encroachments**. Encroachments of temporary nature shall comply with Sections 3202.4.1 through [3202.4.3] *3202.4.4.*

§ 5. Section BC 3202 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new section 3202.4.4 to read as follows:

***3202.4.4 Contractor sheds and offices.*** *Contractor sheds or offices shall not be placed on a street.*

***Exception:*** *Where the commissioner determines it would be impracticable to place such contractor shed or office in a location other than on the street, provided that such placement complies with applicable rules of the Department of Transportation.*

§ 6. Section 3307.2.2 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3307.2.2 Temporary public walkway in the street**. Where authorized by the Department of Transportation, a temporary walkway open to the public may be provided in the street in front of the site. Such temporary walkway shall be protected in accordance with the requirements of the Department of Transportation. *Such walkway shall be removed and pedestrian access to the sidewalk shall be restored if there has been no work at such site for a period of seven or more consecutive days. There shall be a rebuttable presumption that no work has occurred for a period of seven or more consecutive days at such site if the department visits such site at least twice within a seven-day period and (i) each such visit occurs between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., excluding public holidays as such term is defined in section 24 of the general construction law and any other day excluded by department rule, and (ii) at each such visit, the department observes no work occurring.*

***Exceptions:***

1. *Where work has temporarily ceased due to weather.*

2. *Where work has temporarily ceased because of expiration of applicable permits from the department and the permit holder has applied for a renewal of such permits.*

3. *Where removal would pose a risk of physical harm to pedestrians.*

§ 7. Section 3307.4.3 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3307.4.3 Vehicular traffic**. Whenever any work is being performed over, on, or in close proximity to a highway, street, or similar public way, control and protection of traffic shall be provided by barriers, signals, signs, flagpersons, or other devices, equipment, and personnel in accordance with the requirements of the Department of Transportation. *Barriers that are placed in the roadway to prohibit vehicular traffic shall be removed if there has been no work for a period of one or more hours. There shall be a rebuttable presumption that no work has occurred for a period of one or more hours if (i) in response to a complaint, the department visits the site and observes no work occurring or (ii) the department visits the site at least twice in one day, at times which are separated by at least one hour, and observes no work occurring.*

§ 8. Section 3307.6.5.2 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3307.6.5.2 Supervision of installation, adjustment, repair, and removal.** The installation, adjustment, repair, or removal of a sidewalk shed shall be performed under the supervision of a competent person designated by the permit holder for the sidewalk shed. *The permit holder shall cause the removal of a sidewalk shed if there has been no work performed on the site for seven or more consecutive days. There shall be a rebuttable presumption that no work has occurred for a period of seven or more consecutive days at such site if the department visits such site at least twice within a seven-day period and (i) each such visit occurs*

*between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., excluding public holidays as such term is defined in section 24 of the general construction law and any other day excluded by department rule, and (ii) at each such visit, the department observes no work occurring.*

***Exceptions:***

*1. Where work has temporarily ceased due to weather.*

*2. Where work has temporarily ceased because of expiration of permits from the department and where the permit holder has applied for a renewal of such permits.*

*3. Where removal of sidewalk sheds would pose a risk of physical harm to pedestrians.*

*4. Where work has temporarily ceased due to a stop work order issued by the department.*

§ 9. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings, the commissioner of transportation, the commissioner of housing preservation and development, the commissioner of citywide administrative services and the head of any agency authorized to perform or arrange for the performance of emergency work under section 28-215.1 of the administrative code of the city of New York, as amended by section one of this local law, may take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 88

By Council Member King.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring notice and review for transferring inmates to facilities outside New York city**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-153 to read as follows:

*§ 9-153 Transfer of inmates by closed substitute jail order.*

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

*Application. The term "application" means an application by the department for a closed substitute jail order.*

*Attorney of record. The term "attorney of record" means any attorney that legally represents an inmate on any criminal case that is the basis for such inmate's incarceration.*

*Closed substitute jail order. The term "closed substitute jail order" means an order issued by the state commission of correction authorizing the transfer of a specific inmate pursuant to correction law section 504 or any successor provision.*

*Emergency-related cause. The term "emergency-related cause" means a condition that presents a substantial and imminent risk of serious injury to inmates or staff.*

*Notice of potential transfer. The term "notice of potential transfer" means a written notification to an inmate informing such inmate of their potential transfer to another correctional facility. Such notification shall include: (i) the full name of the inmate; (ii) the name, address, and contact information of the potential transfer facility; and (iii) the time and date the notice is issued.*

*b. Departmental review of closed substitute jail order requests. The department shall maintain formal written procedures for submitting applications consistent with the following provisions:*

*1. The warden of the facility in which the inmate is confined shall submit a written request for a closed substitute jail order to the chief of the department. Upon such submission, the warden shall immediately provide a notice of potential transfer to the inmate named in such request.*

*2. The chief of the department shall review such request, and may either approve or deny such request. If the chief of the department denies such request, he or she shall inform the requesting warden of the rationale for not pursuing a closed substitute jail order. If the chief of the department approves such request, he or she shall forward such request to the commissioner.*

*3. Upon receipt from the chief of the department, the commissioner shall review such request and determine whether to submit an application. If the commissioner elects not to submit an application, he or she shall inform the chief of the department and the requesting warden of the rationale for not submitting such application.*

*c. Notice to inmate contact. Immediately after receiving a notice of potential transfer, an inmate shall be permitted to notify up to three personal contacts by telephone at no cost to such inmate. Should such inmate lack contact information for a personal contact, the department shall make reasonable efforts to provide such contact information to such inmate.*

*d. Notice to attorney of record. Within 24 hours of submitting an application, the department shall contact the inmate's attorney of record to notify such attorney of the pending transfer. If such attorney's contact information is not immediately available, the department shall make reasonable efforts to obtain such information.*

*e. Records. The department of correction shall keep an electronic record of all requests for substitute jail orders submitted by wardens and all applications submitted by the commissioner.*

*f. Applicability. This section shall not apply to any application due to an emergency-related cause.*

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

Referred to the Committee on Criminal Justice.

Int. No. 89

By Council Member King.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting student commute times**

*Be it enacted by the Council as follows:*

Section 1. Section 21-956 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is amended to read as follows:

§ 21-956 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

*Commute. The term "commute" means travel from a student's residence to the school in which such student is enrolled.*

*NYC school survey. The term "NYC school survey" means the annual survey administered by the department that is completed by students in grades six through 12, by parents or guardians, and by teachers.*

*NYC school survey report. The term "NYC school survey report" means the annual report issued by the department summarizing the responses to the NYC school survey for the previous year.*

*Over the counter. The term* "[Over]*over* the counter" [shall mean]*means* a process of enrollment for high school students other than the citywide high school admissions processes.

*Performance level. The term* "[Performance]*performance* level" [shall mean]*means* the classification of test scores received on the New York state English language arts and mathematics examinations into four proficiency categories as reported by the state.

*Reside in temporary housing. The term* "[Reside]*reside* in temporary housing" [shall mean]*means* satisfying the definition of "homeless child" as set forth in chancellor's regulation A-780.

*School. The term* "[School]*school*" [shall mean]*means* a school of the city school district of the city of New York.

*Special programs. The term* "[Special]*special* programs" [shall mean]*means* academic programs including but not limited to gifted and talented programs in grades kindergarten through five and dual language programs in grades kindergarten through eight.

§ 2. Chapter 6 of title 21-a of the administrative code of the city of New York is amended by adding a new section 21-959.1 to read as follows:

*§ 21-959.1 Student commute times. a. The department shall collect information regarding commutes from students in grades six through 12 through the NYC school survey or by any other means deemed appropriate by the department. The information collected shall include but not be limited to:*

*1. Method of commute, including any specific bus and subway lines used;*

*2. Minimum commute time;*

*3. Average commute time; and*

*4. Maximum commute time.*

*b. The department shall publish the information required to be collected pursuant to subdivision a of this section in the NYC school survey report or by any other means deemed appropriate by the department, and shall submit to the mayor, the council and borough presidents such information within 30 days of publication. The department shall disaggregate such information by the following categories:*

*1. Community board district;*

*2. Community education council district;*

*3. Council district;*

*4. School;*

*5. Grade level;*

*6. English language learner status;*

*7. Race or ethnicity; and*

*8. Gender.*

*c. No information that is otherwise required to be published pursuant to this section shall be published in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between one and five students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 90

By Council Member King.

**A Local Law to amend the administrative code of the city of New York, in relation to raising the maximum age to apply to become a firefighter**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision a of section 15-103 of the administrative code of the city of New York, as amended by local law number 24 for the year 1968, is amended to read as follows:

3. Shall have passed his or her [eighteenth] 18th birthday but not his or her [twenty-ninth] *31st* birthday on the date of the filing of his or her application for civil service examination *and not his or her 36th birthday on the date of his or her commencing employment as a firefighter.* [No person who qualifies under this requirement shall be disqualified from membership in the department because of having passed his or her

twenty-ninth birthday subsequent to the filing of his or her application.] However no person shall be appointed unless he or she shall have attained his or her twenty-first birthday.

§2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 91

By Council Members King, Vallone and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the promulgation of standards for testing for lead in water at childcare facilities**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 3 of section 17-900 of the administrative code of the city of New York is amended to read as follows:

3. "Day care service" shall mean any [service which, during all or part of the day, regularly gives care to seven or more children under six years of age, not all of common parentage, which operates more than five hours per week for more than one month a year. Day care service shall not mean a kindergarten or higher grade in a facility operated by the board of education] *program required to obtain a permit to operate pursuant to section 47.03 of the health code.*

§ 2. Chapter 9 of title 17 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

*SUBCHAPTER 3. TESTING WATER FOR LEAD IN DAY CARE FACILITIES.*

*§ 17-914 Water testing required. a. Every day care facility that is required to obtain a permit to operate pursuant to section 47.03 of the health code shall conduct first-drawn tests of drinking water from faucets and fountains in such facility within 90 days of the effective date of the local law that created this section or, for a new permittee, within 90 days of receiving a permit, and by all permittees every five years thereafter. Such tests shall be conducted pursuant to rules promulgated by the department. The results of such tests shall be submitted to the department in a form and manner determined by such department by rule.*

*b. Every day care facility required to test drinking water pursuant to this section shall investigate and take remedial action if lead levels at or above 15 parts per billion are detected in any such test. Remedial action must be described in a corrective action plan to be submitted to the department along with results that indicate such elevated lead levels. Until remedial action is completed, the day care facility must provide and use bottled potable water from a source approved by the department or the state department of health.*

*c. Every day care facility required to test drinking water pursuant to this section shall provide the parents of any child attending the day care facility with written notification if lead levels at or above 15 parts per billion are detected.*

*d. The department shall promulgate rules as are necessary for the implementation of this section.*

§ 3. This local law takes effect 90 days after it becomes law, provided that the department of health and mental hygiene shall promulgate rules prior to such date as are necessary for the timely implementation of this local law.

Referred to the Committee on Health.

Int. No. 92

By Council Members King and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to waiving civil penalties for housing maintenance code violations where an owner made a good faith effort to correct such violations**

*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 new paragraphs 49 and 50 to read as follows:

*49. Eligible violation. The term "eligible violation" means (i) a violation which is set forth in rule by the department as eligible for a penalty mitigation program and (ii) a non-hazardous violation of this chapter.*

*50. The term "penalty mitigation program" means a program that allows individuals to have civil penalties waived or reduced if such individuals comply with such programs requirements.*

§ 2. Subdivision a of section 27-2115 of the administrative code of the city of New York is amended to read as follows:

(a) *(1)* A person who violates any law relating to housing standards shall be subject to a civil penalty of not less than ten dollars nor more than fifty dollars for each non-hazardous violation, not less than twenty-five dollars nor more than one hundred dollars and ten dollars per day for each hazardous violation, fifty dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than fifty dollars nor more than one hundred fifty dollars and, in addition, one hundred twenty-five dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person wilfully making a false certification of correction of a violation shall be subject to a civil penalty of not less than fifty dollars nor more than two hundred fifty dollars for each violation falsely certified, in addition to the other penalties herein provided.

*(2) Notwithstanding any other provision of law, the owner shall be responsible for the correction of all violations placed pursuant to this code, but civil penalties for such violations may be waived where such violations are eligible violations and such owner certifies to the department, on a form established by the department, and submits supporting documentation, that he or she began to correct the conditions which constitute the violations prior to receiving such violations, but that full correction could not be completed expeditiously because of an inability:*

*(i) to obtain necessary materials despite diligent efforts;*

*ii) to gain access to the dwelling unit wherein the violation occurs, or to such other portion of the building as might be necessary to make the repairs, despite multiple attempts; or*

*(iii) inability to obtain a permit or license necessary to correct the violation, despite diligent and prompt applications being made.*

*(3) An owner who has civil penalties waived pursuant to paragraph (2) of this subdivision, and who fails to certify correction of the violations for which they received such civil penalties by the date set for correction in the notice of violation shall have such civil penalties reinstated and doubled.*

*(4) An owner of a distressed building shall not be eligible to have civil penalties waived pursuant to paragraph (2) of this subdivision. For purposes of this subdivision the criteria used to identify distressed buildings shall be:*

*(i) in a multiple dwelling that contains not less than three and not more than nineteen units, a ratio of open hazardous and immediately hazardous violations which were issued by the department within the two-year period prior to such identification that equals in the aggregate five or more such violations for every dwelling unit in the multiple dwelling, and in a multiple dwelling that contains not less than twenty units, a ratio of open hazardous and immediately hazardous violations which were issued by the department within the two-year period prior to such identification that equals in the aggregate three or more such violations for every dwelling unit in the multiple dwelling; and*

*(ii) paid and unpaid emergency repair charges, including liens, which were incurred within the two-year period prior to such identification, of two thousand five hundred or more dollars in a multiple dwelling that contains not less than three and not more than nineteen units, and paid and unpaid emergency repair charges, including liens, which were incurred within the two-year period prior to such identification, of five thousand or more dollars in a multiple dwelling that contains twenty or more units.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 93

By Council Member King

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the parks department to repair damage caused by trees owned by the city of New York.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 7-210 of the administrative code of the city of New York, as added by local law number 49 for the year 2003, is amended to read as follows:

a. It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to maintain such sidewalk in a reasonably safe condition. *This subdivision shall not require the owner of a one-, two- or three-family residential property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, to repair damage caused to an abutting sidewalk by a city-owned tree.*

§ 2. Section 7-210 of the administrative code of the city of New York is amended by adding a new subdivision a-1 to read as follows:

*a-1. Notwithstanding any other provision of law, it shall be the duty of the owner of any residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to notify the department of parks and recreation or the department of transportation in the event that a sidewalk flag abutting such property is damaged by a city-owned tree. Failure to notify either department of such damage shall constitute a violation, the penalty for which shall be determined in accordance with section 19-150(b) of the code.*

§ 3. Subdivision a of section 19-152 of the administrative code of the city of New York, as amended by local law 64 of the year 1995, is amended to read as follows:

a. The owner of any real property, at his or her own cost and expense, shall (1) install, construct, repave, reconstruct and repair the sidewalk flags in front of or abutting such property, including but not limited to the intersection quadrant for corner property, and (2) fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property whenever the commissioner of the department shall so order or direct. The commissioner shall so order or direct the owner to reinstall, construct, reconstruct, repave or repair a defective sidewalk flag in front of or abutting such property, including but not limited to the intersection quadrant for corner property or fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property after an inspection of such real property by a departmental inspector. The commissioner shall not direct the owner to reinstall, reconstruct, repave or repair a sidewalk flag which was damaged by the city, its agents or any contractor employed by the city during the course of a city capital construction project. *The commissioner shall not direct the owner of one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, to reinstall, reconstruct, repave or repair an abutting sidewalk flag which was damaged by a city-owned tree.* The commissioner shall direct the owner to install, reinstall, construct, reconstruct, repave or repair only those sidewalk flags which contain a substantial defect. For the purposes of this subdivision, a substantial defect shall include any of the following:

§ 4. Section 19-152 of the administrative code of the city of New York is amended by adding a new subdivision d-1 to read as follows:

*d-1. Notwithstanding any other provision of law, if the owner of a one-, two- or three-family residence that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, has notified the department of the existence of a defective, unsafe, dangerous or obstructed condition of a sidewalk abutting such property pursuant to subdivision (a-1) of section 7-210 of the code, and the department determines that such condition was not caused by a city-owned tree, such owner shall have ninety days to repair such condition.*

§ 5. This local law takes effect 120 days after its enactment, except that the department of transportation and the department of parks and recreation shall each take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Res. No. 54

**Resolution calling upon the New York City Department of Education to mandate school uniforms.**

By Council Member King.

**Whereas**, New York State law requires that the New York City school district adopt a code of conduct, including standards for dress deemed appropriate and acceptable on school property and at school functions, as well as dress that is deemed unacceptable and inappropriate; and

**Whereas,** The New York City Department of Education (DOE) does not require students to wear uniforms as part of its code of conduct and instead applies a voluntary uniform policy; and

**Whereas,** Under Chancellor's Regulation A-665, the DOE implemented a voluntary uniform policy permitting individual schools to decide whether or not to require uniforms; and

**Whereas,** Many schools throughout the New York City school system choose to require uniforms; and

**Whereas,** According to the United States Department of Education, the percentage of public schools requiring uniforms increased from 12 percent to 20 percent from 1999-2000 to 2013-2014; and

**Whereas,** The DOE acknowledged in its voluntary policy that uniforms "help schools promote a more effective learning climate; foster school unity and pride; improve student performance; foster self-esteem; eliminate label competition; simplify dressing and minimize costs to parents; teach children appropriate dress and decorum in their 'work' place; and help to improve student conduct and discipline"; and

**Whereas,** Requiring school uniforms can present a cost savings to parents, as families of children in non-uniform schools spend more on school clothes than those of children attending schools where uniforms are required; and

**Whereas,** School uniforms may lead to decreased violence among students, increase school security by making non-students more obvious, decrease peer pressure, and help to minimize socioeconomic differences between students; and

**Whereas,** School uniforms improve the educational climate for students and teachers and should be required in all New York City public schools; now, therefore, be it

**Resolved**, That the Council of the City of New York calls the New York City Department of Education to mandate school uniforms.

Referred to the Committee on Education.

Res. No. 55

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation which would require drug testing as a condition for public assistance benefits.**

By Council Member King.

**Whereas,** Since the United States Congress overhauled welfare in 1996, through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), federal rules have allowed states to drug test welfare applicants for the Temporary Assistance for Needy Families (TANF) program; and

**Whereas**, According to the National Conference of State Legislatures' (NCSL) article titled "Drug Testing for Welfare Recipients and Public Assistance," in 2009, more than 20 states proposed legislation that has drug testing as a condition for public assistance eligibility; and

**Whereas,** While a Michigan law permitting blanket-testing applicants was struck down in 2003, Florida approved a law that was adverse to the Michigan court's ruling and had a drug-testing policy enacted through its state legislature in 2011, only to have its enforcement halted in 2013 by a federal court; and

**Whereas,** Recently, the call for drug testing for public assistance recipients has gained increased popularity with a growing number of states implementing various drug-testing conditions for public assistance, Supplemental Nutrition Assistance Program (SNAP) benefits, unemployment, public housing, and other benefit programs; and

**Whereas**, According to the NCSL article, at least 15 states have passed legislation regarding drug testing or screening for public assistance applicants or recipients, including Alabama, Arkansas, Arizona, Florida, Georgia, Kansas, Michigan, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Utah, West Virginia and Wisconsin; and

**Whereas,** While the 1996 "Gramm Amendment" to the PRWORA gave states significant discretion to modify or revoke a lifetime ban on SNAP benefits and TANF aid for individuals with felony convictions, at least four states modified the ban to require those convicted of drug felony charges to comply with drug testing requirements as a condition of receiving benefits, including Maine, Minnesota, Pennsylvania and Wisconsin; and

**Whereas**, Currently, 20 states prohibit unemployment benefits for applicants who have lost a job due to drug use; and

**Whereas**, Additionally, 12 states have proposed drug testing for unemployment insurance; and

**Whereas**, According to NCSL, as of March 2017, at least 20 states have proposed legislation requiring some form of drug testing or screening for public assistance recipients including Hawaii, Illinois, Kentucky, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, New York, North Dakota, Rhode Island, South Carolina, Texas, and Vermont; and

**Whereas,** Two pieces of legislation were introduced in New York State, A.4753 and A.7007/S.533; and

**Whereas,** A.4753 requires recipients of public assistance benefits submit to pre-qualification drug screening and testing, random drug testing, reasonable suspicion drug testing and resumption of benefits drug testing; and

**Whereas**, A.7097/S.533 would authorize local social services districts to conduct random drug testing to identify applicants for or recipients of public assistance benefits who need drug or alcohol treatment, and individuals would remain eligible for such benefits as long as they participate in good faith with the treatment; and

**Whereas**, According to an article in the Cleveland State Law Review, "Drug Testing, Welfare, and the Special Needs Doctrine: An Argument in Support of Drug Testing TANF Recipients," welfare drug-testing can help drug users on public assistance get help by promoting self-sufficiency and providing an incentive to kick long standing drug addiction; and

**Whereas,** Since drug tests are becoming a common requirement for job maintenance and application, welfare drug-testing requirements are aligned with the intention of public assistance as transitional aids; and

**Whereas**, Welfare drug-testing requirements help to ensure that public dollars are not going toward subsidizing drug habits, especially in times of budget constraints; and

**Whereas,** New York State should impose measures that will protect tax payer money, aid rehabilitation, discourage long-term dependence and abuse, and improve the overall quality of life for welfare recipients and non-recipients alike; now, therefore, be it,

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation which would require drug testing as a condition for public assistance benefits.

Referred to the Committee on General Welfare.

Res. No. 56

**Resolution calling on the New York State Legislature to pass and the Governor to sign, legislation to repeal the Criminal Procedure Law Article 240 and replace it with a law mandating early, open, and automatic pre-trial discovery.**

By Council Member King.

**Whereas,** Pursuant to New York State Criminal Procedure Law section 240, New York City currently does not provide for mandatory early or open pre-trial disclosure of evidence, witness lists, and police reports; and

**Whereas,** Pursuant to New York State Criminal Procedure law Section 240, the current discovery procedures prevent an innocent until proven guilty individual from crucial access to the evidence in their case, denying the right to a full defense in criminal matters with life-altering consequences; and

**Whereas**, Many other jurisdictions enjoy as a matter of practice the prosecution's full disclosure of witnesses' names, addresses, complete statements, and police reports early in the case; and

**Whereas,** The current Criminal Procedure Law section 240 prevents a defense attorney from zealously defending his/her client due to the attorney's inability to fully assess their client's legal options and thoroughly advise their clients about the strength or weakness of opposing counsel's case; and

**Whereas**, Because significant discovery from the prosecution occurs belatedly, the accused has no access to critical police reports, which systematically block innocent or over-charged defendants from meaningfully investigating their case, therefore denying justice by preventing the defense from to locating and using exculpatory evidence as well as preventing the defense from formulating a proper strategy of defense prior to trial; and

**Whereas**, Long-standing committees of legal experts and practitioners have repeatedly urged the New York State Legislature to fundamentally revise, modernize, and make more fair New York State's restrictive criminal discovery rules; and

**Whereas**, Fundamental fairness dictates that an innocent until proven guilty defendant should be provided with basic discovery well in advance of trial, such as police reports from the investigation of the case, the names and contact information of the witnesses, and those witnesses' prior testimony, statements, let alone the type of discovery available to civil litigants, such as depositions; and

**Whereas,** Due to delays in producing discovery materials under the existing law, indigent defendants many times choose a plea bargain instead of languishing in prison custody awaiting trial, which in New York City can last numerous years; and

**Whereas**, The existing discovery laws hamper the defendant's ability to make critical decisions about whether to plea bargain or proceed to trial and adequately prepare a defense, which forces defense attorneys to turn to other systems to obtain pre-trial information, such as subpoenas duces tecum, bills of particulars, pretrial hearings, voluntary disclosure forms, and informal incomplete discovery from the prosecutor, methods which are not always effective; and

**Whereas,** A broader fully early, open, and automatic discovery system will eliminate the cruelties and the inequities in the availability of information between the prosecution and the defense, thus providing for more equal justice, and less surprise at time of trial; and

**Whereas,** In the severely overcrowded court system, particularly in the five boroughs of the largest city in the United States, the current demand system under which defendants must seek discovery by filing endless written demands requiring further court time in unnecessary hearings makes justice in New York City extremely inefficient, often resulting in a colossal waste of time and money; and

**Whereas,** If the prosecution and defense are required to immediately trade vital information after arraignment, each side will be able to receive a better overview of the adversary's case and decide whether to plea bargain or proceed to trial; and

**Whereas,** The ability of the parties to make these decisions will result in faster resolution of the case, less court time, less wasted paper, less pre-trial detention of the indigent defendant, and more money for the tax-paying public and community; and

**Whereas**, The Legal Aid Society has written a proposed Criminal Procedure Law Article 245 which mandates early, open, and automatic pre-trial discovery in criminal cases, substantially improving upon the current Article 240; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign, legislation to repeal the Criminal Procedure Law Article 240 and replace it with a law mandating early, open, and automatic pre-trial discovery.

Referred to the Committee on Justice System.

Res. No. 57

**Resolution calling on the New York State Assembly to pass A.5303, the New York State Senate to introduce and pass a companion bill, and the Governor to sign such legislation into law, which would amend the New York State Criminal Procedure Law to allow for the expungement of certain records.**

By Council Member King.

**Whereas,** People with criminal arrest records often face difficulties in applying for and obtaining employment, housing and other opportunities, even if they were never convicted of a crime; and

**Whereas**, A criminal arrest record can stay with an individual for life unless the record is sealed or expunged; and

**Whereas**, New York State doesn't currently allow for the expungement of criminal records and only allows for the sealing of certain arrest records and records of misdemeanor convictions; and

**Whereas**, People in New York State who have been falsely arrested, whose cases were dismissed, or who were innocent should not be hampered by an arrest record for any purpose and should be allowed to petition that such records be expunged; and

**Whereas,** A.5303, introduced by Assembly Member Jeffrion L. Aubry and pending in theNew York State Assembly, would amend the Criminal Procedure Law to allowindividuals an opportunity to petition a court for the expungement of records of arrest, investigation, detention and computer databases for certain qualifying cases; and

**Whereas,** A.5303 would allow an individual who has been arrested with or without warrant to petition a court to request for an order to expunge any and all records of arrest investigation, computer databases, and records of detention pursuant to that voidable arrest; and

**Whereas,** In accordance with A.5303, such request to the court would have to be made no later than thirty days after the date on which the arrest becomes a voidable arrest; and

**Whereas,** A.5303 would define voidable arrest to mean any arrest resulting in the following conditions, (i) the person was released without the filing of formal charges (ii) a determination that the arrest was without probable cause, or (iii) dismissal of proceedings against the person; and

**Whereas,** A.5303 would establish penalties for individuals who knowingly fail to expunge records as directed by the court, or who, knowing the records are expunged, use the information for financial gain or willful destruction of a person's character; and

**Whereas,** Enactment of this law would provide certain individuals an opportunity to expunge their records and be free from the burdens of having an arrest record; and

Whereas, The New York State Assembly should pass this bill and the New York State Senate should introduce and pass a companion bill to allow people falsely or wrongfully accused of crimes and arrested to move on with their lives; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Assembly to pass A.5303, the New York State Senate to introduce and pass a companion bill, and the Governor to sign such legislation into law, which would amend the New York State Criminal Procedure Law to allow for the expungement of certain records.

Referred to the Committee on Justice System.

Res. No. 58

**Resolution urging the New York State Legislature to pass and the Governor to sign a law amending the parental responsibility section of the General Obligations Law, to make parents or custodial guardians responsible of minors possessing a firearm.**

By Council Member King.

**Whereas**, Pursuant to the General Obligations Law, parents and legal guardians can be responsible for the actions of their minor child; and

**Whereas**, According to the General Obligations Law, parents and legal guardians can be held responsible for the actions of their child if they are older than 10 and less than 18 years old; and

**Whereas,** However, if the State, Department of Social Services, or a foster parent have custody of a minor, the state or such foster parent cannot be held responsible under the law; and

**Whereas,** Pursuant to the General Obligations Law, parents and legal guardians are held responsible for the "willful, malicious, or unlawful" damage their minor child has caused; and

**Whereas,** This includes the unlawful damage, defacement, or detriment of public or private property, vandalism, and property theft; and

**Whereas,** Parents and legal guardians can also be held responsible if their minor child false reports or places a "false bomb";

**Whereas,** Parents and legal guardians whose minor child has reported or placed a "false bomb" can face a civil action in court to recover the funds expended in responding to the report or placement of the "false bomb"; and

**Whereas,** While the General Obligations Law provides several instances of when parents and legal guardians are held liable for the actions of their minor child, the current law does not include possession of a firearm; and

**Whereas,** Similarly to the actions currently included in the law, minors possessing firearms is a citywide public safety concern; and

**Whereas**, Minors possessing firearm poses a grave danger to themselves, their peers, and the public, which the City must do everything it can to prevent; therefore, be it

**Resolved,** That the Council of the city of New York urges New York State Legislature to pass and the Governor to sign a law amending the parental responsibility section of the General Obligations Law, to make parents or custodial guardians responsible of minors possessing a firearm.

Referred to the Committee on Public Safety.

Int. No. 94

By Council Members Koo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to door to door commercial solicitations**

*Be it enacted by the Council as follows:*

Section 1. Chapter five of title 20 of the administrative code is amended by adding new a subchapter 19 to read as follows:

*SUBCHAPTER 19*
*DOOR TO DOOR COMMERCIAL SOLICITATIONS*

*§ 20-824. Definitions.*
*§ 20-825. Definitions.*
*§ 20-825. Prohibited activity.*
*§ 20-826. Penalties.*

*§ 20-824. Definitions. For the purposes of this subchapter the following definitions shall apply:*

*a. "Door to door commercial solicitation" shall mean to go upon, ring the doorbell affixed to, knock on the door of or attempt to gain admission to any private or multiple dwelling for the purpose of advertising a business or soliciting business.*

*b. "Multiple dwelling" shall have the same meaning as defined in paragraph seven of section four of article one of the state multiple dwelling law.*

*c. "Person" shall mean any natural person, firm, partnership, joint venture, corporation or association.*

*d. "Private dwelling" shall have the same meaning as defined in paragraph six of section four of article one of the state multiple dwelling law.*

*§ 20-825. Prohibited activity. a. No person shall engage in door to door commercial solicitation at any private or multiple dwelling where, in a conspicuous location at the entrance to such private or multiple dwelling, a sign is posted stating that door to door commercial solicitation is prohibited.*

*b. 1. In a private dwelling that is entirely owner-occupied and is designed for and occupied exclusively by no more than two families, any owner of such property shall have the authority to post such sign.*

*2. In all other private and multiple dwellings, the property owner shall only post such sign if the owner or lessee of each separate dwelling unit on such property or within such building indicates a desire to prohibit door to door commercial solicitations. Where one or more of such owners or lessees do not consent to the prohibition of door to door commercial solicitations, the property owner may post a sign prohibiting door to door commercial solicitation as long as the sign indicates those units where door to door commercial solicitation is permitted.*

*3. The signs permitted by this section shall be in a size and style to be determined by the commissioner.*

*§ 20-826. Penalties. A civil penalty of not less than two hundred and fifty dollars nor more than one thousand dollars shall be imposed for each violation of the provisions of this subchapter.*

§ 2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 95

By Council Member Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to public access stairways**

*Be it enacted by the Council as follows:*

Section 1. Section 28-101.4.3 of the administrative code, as amended by local law 141 for the year 2013, is amended to add a new exception 20, to read as follows:

*20. Alterations requiring compliance with public access stairway provisions. Where the cost of alteration equals or exceeds 60 percent of the value of the building, a public access stairway shall be designated in accordance with section 1009.15 of the New York city building code and compliance with section 1009.15 shall be required. Such stairway shall be subject to special provisions for prior code buildings as set forth in such section. For the purposes of this exception, the cost of alterations shall be determined by adding the estimated cost of the proposed alteration, excluding minor alterations and ordinary repairs, computed as of the time of submitting the application for construction document approval, to the actual cost of any and all alterations made in the preceding 12-month period. Where the proposed alteration includes an enlargement, the value of such alteration shall include the cost of the enlargement.*

§2. Section 403.5.3 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

403.5.3 Stairway door operation. Doors opening into interior stair enclosures shall not be locked from either side. However, a door locked from the stair side may be permitted provided that such door is equipped with an automatic fail safe system for opening in the event of the activation of any automatic fire detection system, or when any elevator recall is activated, or when any signal is received from the fire command center. Such door shall be deemed as openable from the stair side. Stair reentry signs shall be posted throughout the stairway indicating that reentry is provided only during fire emergencies. Such signs shall be in accordance with Section 1030.4.2.

*Exception: Public access stairway door operation shall comply with Section 1008.1.9.10.*

§3. Section 1002.1 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding two new definitions, in alphabetical order, to read as follows:

*PUBLIC ACCESS STAIRWAY DOOR SIDELIGHTS. Fixed transparent panels, which form part of a fire door assembly and are immediately adjacent to the vertical edge of an opening in which a public access stairway door is located.*

*STAIRWAY, PUBLIC ACCESS. A continuous interior stairway that complies with Section 1009.15 and enables building occupants to utilize stairs to travel between the building entrance level and other levels.*

§4. Section 1008.1.9.10 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

1008.1.9.10 Stairway doors. Interior stairway means of egress doors, *including public access stairway doors,* shall be openable from both sides without the use of a key or special knowledge or effort.

Exceptions:

[1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.

2. This section shall not apply to doors arranged in accordance with Section 403.5.3.

3. In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously

without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

4. This section shall not apply to buildings permitted to be served by one exit in accordance with Item 4 or 5 of Section 1021.2.]

*1. Doors serving interior stairways, other than public access stairways, under the following conditions:*

*1.1 Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.*

*1.2 This section shall not apply to doors arranged in accordance with Section 403.5.3.*

*1.3 In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.*

*1.4. In buildings five stories in height or more but not subject to Section 403, any door locked from the stair side of an interior stairway shall be equipped with an automatic fail safe system for opening in the event of the activation of any automatic fire detection system, or when any elevator recall is activated, or when any signal is received from the fire command center.*

*1.5 This section shall not apply to buildings permitted to be served by one exit in accordance with Item 4 or 5 of Section 1021.2.*

*2. Doors serving public access stairways, under the following conditions:*

*2.1 On levels other than the building entrance level, where access to the level from the elevator is restricted to individuals by use of security devices, such as keys, codes, or card key access, doors serving a public access stairway on such levels may be locked from the egress side provided any such door shall be openable by such individuals using the same security devices. In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side.*

*2.2 On the building entrance level, where access to all other levels from the elevator is restricted to individuals by use of security devices, such as key, codes, or card key access, access to the public access stairway on the building entrance level may be locked on the side opposite the egress side, provided any such door shall be openable by such individuals using the same security devices. Public access stairway discharge doors shall be openable from the egress side.*

*2.3 In buildings five stories in height or more, any door serving a public access stairway that is permitted to be locked shall be equipped with an automatic fail safe system for opening in the event of the activation of any automatic fire detection system, or when any elevator recall is activated, or when any signal is received from the fire command center. In stairways serving not more than four stories, any door serving public access stairway that is permitted to be locked must be capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.*

*1008.1.9.10.1 Interior Stairways. Interior stairways that are designated as public access stairways in prior code buildings that are subject to this section pursuant to Item 18 of Section 28-101.4.3 of the Administrative Code shall comply with Section 1008.1.9.10, notwithstanding any provisions of Sections 27-371(j)(b)(2), (3), or (4) of the 1968 building code that previously permitted doors to be locked from the stair side.*

§5. Section BC 1008 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new section 1008.1.11, to read as follows:

*1008.1.11 Glazing in Doors. All doors serving a public access stairway required by Section 1009.15 shall have fire-protection rated glazing in accordance with Section 715.3.4.1. Such glazing shall be at least 10 square feet (3050 square mm) in area for such doors at the building entrance level and at least 7 square feet (2135 square mm) in area for all other doors. Such glazing may be of any width, however, a portion shall be located between 4 feet (1,220 mm) and 6 feet (1,830 mm) above the finished floor landing.*

*Exception: Glazing in doors shall not be required where Public Access Stairway Door Sidelights are provided on one or both sides of a door serving a public access stairway. The combined area of such sidelights*

*must be equal to or greater than the square footage required for glazing in doors pursuant to Section 1008.1.11. Such sidelights may be of any width, however, a portion shall be located between 4 feet (1,220 mm) and 6 feet (1,830 mm) above the finished floor landing.*

§6. Section BC 1009 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new Section 1009.15, to read as follows:

*1009.15 Public Access Stairway. At least one public access stairway in compliance with Sections 715.4, 1008.1.9.10, 1008.1.11, 1022.8.5, 1030.3, and 1030.13 shall be provided in buildings or structures. All levels within a building or structure shall have access to at least one public access stairway.*

*Exceptions:*

*1. Buildings in which an elevator or escalator is not provided.*

*2. Buildings or portions of buildings in occupancy group E under the jurisdiction of the New York City Department of Education.*

*3. Public access stairway doors serving the following spaces:*

*3.1 Doors in places of detention or restraint that are permitted to be locked pursuant to item 1 of Section 1008.1.9.3 or to Section 27-371(j)(1)(a)(2) of the 1968 building code.*

*3.2 Doors in banks, jewelry stores and other places where extra safeguards are required that are permitted to be locked pursuant to item 2 of Section 1008.1.9.3 or to Section 27-371(j)(1)(a)(2) of the 1968 building code, subject to the approval of the commissioner.*

*3.3 Doors in museums that are permitted to be locked pursuant to item 2 of Section 1008.1.9.3 or to Section 27-371(j)(1)(a)(2) of the 1968 building code, subject to the approval of the commissioner and the fire commissioner.*

*3.4 For prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the Administrative Code, doors opening directly into a dwelling unit or tenant's space without an intervening hall, vestibule or corridor.*

*3.5 For prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the Administrative Code, doors that are permitted to be locked to prevent access to the stair at the street floor pursuant to Section 27-371(j)(1)(b)(1) of the 1968 building code.*

*3.6 For prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the Administrative Code, doors providing access to the roof that are permitted to be locked pursuant to Section 27-371(j)(1)(a)(3) of the 1968 building code.*

*1009.15.1 Entry location. Where the common entrance area at the building entrance level provides direct access to an elevator, direct access to a public access stairway shall also be provided within the same common entrance area.*

*Exception for prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the Administrative Code: Where the common entrance area at the building entrance level provides direct access to an elevator, but does not provide direct access to a stairway within such area, compliance with the provisions of Section 1009.15.1 regarding providing direct access to a public access stairway in the common entrance area shall not be required. Instead, the stairway with an opening closest to such common entrance area shall be designated the public access stairway.*

*1009.15.1.1 Stairways. Stairways that are permitted to be unenclosed from the building entrance level pursuant to Section 1022.1 shall be permitted to serve as a portion of a public access stairway, provided that the top of such stairway has direct access to a public access stairway to the upper levels.*

*1009.15.2 Roof top access. In a building where access to the roof is provided by an elevator, such roof shall also be served by a public access stairway.*

*Exception: Where doors are permitted to be locked pursuant to Section 1008.1.9.3, Item 6.*

*1009.15.3 Multiple occupancies. Where multiple tenant spaces are not served by a common elevator, such tenant spaces shall be permitted to be served by separate public access stairways, provided that each such stair has access at the building entrance level.*

§7. Section 1020.1 of the New York city building code, as amended by Local Law 141 of 2013, is amended to read as follows:

1020.1 General. Exits shall comply with Sections 1020 through 1026 and the applicable requirements of Sections 1003 through 1013. An exit shall not be used for any purpose that interferes with its function as a

means of egress. *The use of an exit for access between floors of a public access stairway in accordance with Section 1009.15 shall not be deemed to interfere with its function as a means of egress.* Once a given level of exit protection is achieved, such level of protection shall not be reduced until arrival at the exit discharge.

§8. The New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new Section 1022.8.5, to read as follows:

*1022.8.5 Public access stairway identification sign. A public access stairway identification sign shall be provided on the occupied side of each door leading to a public access stairway, in accordance with the rules of the Department of Health and Mental Hygiene. Signs shall be mounted on the wall surface directly adjacent to the latch-side of the door, such that in no case shall there be more than 6 inches (152.4 mm) from the door to the edge of the sign. Where the wall surface directly adjacent to the latch side is too narrow to accommodate the sign, the sign may be placed on the adjacent perpendicular wall. The top of such sign shall be located no higher than 5 feet (1,525 mm) above the finished floor. Such signs shall comply with Section E107.3.*

§9. Section BC 1022 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

1030.3 Stairway and elevator identification signs. Stairway floor number and stairway identification signs shall be provided in accordance with Section 1022.8. Elevator identification and emergency signs shall be provided in accordance with Section 3002.3. *A public access stairway identification sign shall be provided in accordance with Section 1022.8.5. Stair prompt signs shall be provided in accordance with Section 3002.3.2. Where stair side doors provide restricted access in accordance with Section 1008.1.9.10, signs shall be posted in accordance with Section 1030.13.*

§10. Section BC 1030 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new section 1030.13, to read as follows:

*1030.13 Public access stairway, restricted access list. Where stair side doors provide restricted access in accordance with Section 1008.1.9.10, restricted access list signs shall be posted and maintained on the stair side at all public access stair doors at every floor. Such signs shall read: "DOORS TO THE FOLLOWING FLOORS ARE OPENABLE USING SECURITY DEVICES:…ALL OTHER DOORS ARE FULLY OPENABLE". Such signs shall comply with Section E107.3. In buildings where free access is provided on every floor, no such sign is required.*

11. Section BC 3002 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new section 3002.3.2, to read as follows:

*3002.3.2 Public Access Stairway Prompt. A public access stairway prompt sign shall be posted and maintained on each wall where an elevator call button is located, in accordance with the rules of the Department of Health and Mental Hygiene. The contents of the sign shall comply with the rules of the Department of Health and Mental Hygiene. Signs shall be mounted on the wall surface directly adjacent to the elevator call station. Where there are two or more elevators, signs shall be centrally mounted on the wall between such elevators. The top of such sign shall be located no higher than 5 feet (1,525 mm) above the finished floor. Such signs shall comply with Section E107.3.*

§12. This local law takes effect January 1, 2019 except that the commissioner of buildings may take such measures 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. 96

By Council Members Koo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing residential cooperatives to consolidate required energy efficiency reports**

*Be it enacted by the Council as follows:*

Section 1. Section 28-308.1 of the administrative code of the city of New York as added by Local Law number 87 for the year 2009, is amended by adding the following definition in appropriate alphabetical order to read as follows:

*COOPERATIVE CORPORATION. A corporation governed by the requirements of the state cooperative corporation law or general business law that, among other things, grants persons the right to reside in a cooperative apartment, that right existing by such person's ownership of certificates of stock, proprietary lease, or other evidence of ownership of an interest in such entity.*

§ 2. Section 28-308.4.1 of the administrative code of the city of New York is amended to read as follows:

§ 28-308.4.1 Due dates. The first energy efficiency reports for covered buildings in existence on the effective date of this article and for new buildings shall be due, beginning with calendar year 2013, in the calendar year with a final digit that is the same as the last digit of the building's tax block number, as illustrated in the following chart:

| Last digit of tax block number | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|---|
| Year first EER is due | 2020 | 2021 | 2022 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |

Owners of covered buildings (i) that are less than 10 years old at the commencement of their first assigned calendar year or (ii) that have undergone substantial rehabilitation, as certified by a registered design professional, within the 10 year period prior to any calendar year in which an energy efficiency report is due, such that at the commencement of such calendar year all of the base building systems of such building are in compliance with the New York city energy conservation code as in effect for new buildings constructed on and after July 1, 2010, or as in effect on the date of such substantial rehabilitation, whichever is later, may defer submitting an energy efficiency report for such building until the tenth calendar year after such assigned calendar year.

[Exception] *Exceptions:*

*1.* The first due dates for city buildings shall be in accordance with a staggered schedule, commencing with calendar year 2013 and ending with calendar year 2022 for buildings in existence on the effective date of this article, to be submitted by the department of citywide administrative services to the department on or prior to December 31, 2011. A city building constructed after the effective date of this article shall be added to such schedule within 10 years after the issuance of the first certificate of occupancy for such building. Copies of energy efficiency reports submitted to the department with respect to city buildings that are not submitted by the department of citywide administrative services shall also be submitted to the department of citywide administrative services.

*2. A cooperative corporation that owns multiple covered buildings located on different tax block numbers, that is required to file an energy efficiency report for more than one covered building in different calendar years, may consolidate all such energy efficiency reports into one report, due no later than the year in which the last energy efficiency report would be due, which shall be accepted by the department in satisfaction of the requirements of this section for each covered building included in such consolidated report.*

§ 3. This local law shall take effect 180 days after its enactment into law, except that the department of buildings shall take all measures for its implementation including the promulgation of rules prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 97

By Council Member Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the prior notification of tree planting abutting private residential property.**

*Be it enacted by the Council as follows:*

Section 1. Section 18-139 of title 18 of the administrative code of the city of New York is amended to read as follows:

§18-139 Notification prior to planting of trees. *a.* Except as provided herein, not less than thirty days prior and not more than one hundred twenty days prior to the commencement of the planting of a tree under the jurisdiction of the department on a sidewalk that is within one hundred feet of any entrance or exit of any school or hospital, the department shall provide written notification of such planting by either facsimile, regular mail, electronic mail or by personal service to the office of the principal or designated representative of such school, or the administrator or designated representative of such hospital. Notifications pursuant to this section made by regular mail shall be placed into the United States mail not less than forty days prior to the commencement of planting of any such tree.

*b. Not less than thirty days prior and not more than one hundred twenty days prior to commencing the planting of a tree by the department on a sidewalk abutting a one-family, two-family or three-family dwelling, the department shall provide written notification of such planting by facsimile, regular mail, electronic mail or by personal service to the owner of such dwelling. For the purposes of this section, "owner" shall mean and include the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation, directly or indirectly in control of a dwelling.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 98

By Council Members Koo and Koslowitz..

**A Local Law to amend the administrative code of the city of New York, in relation to abandoned tree pits**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-154 to read as follows:

*§ 18-154 Abandoned tree pits. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Abandoned tree pit. The term "abandoned tree pit" means a tree pit that is without trees or vegetation.*

*Tree pit. The term "tree pit" means any unpaved space in a sidewalk in which trees or vegetation are planted.*

*b. The commissioner shall inspect any location upon notice that there is an abandoned tree pit at such location.*

*c. The commissioner shall, within three months of the inspection required pursuant to subdivision b of this section, plant a tree or vegetation in any abandoned tree pit within the jurisdiction of the commissioner, except in instances of structural damage pursuant to subdivision d of this section.*

*d. In instances where the commissioner is unable to plant trees or vegetation in an abandoned tree pit due to structural damage, the commissioner shall, in consultation with the commissioner of transportation, remove the tree pit within three months of the inspection required pursuant to subdivision b of this section.*

*e. Nothing in this section affects the operation of any other law or regulation relating to the planting, cultivation or removal of trees and vegetation within the jurisdiction of the commissioner.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of parks and recreation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Parks and Recreation.

Int. No. 99

By Council Member Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the reuse or recycling of discarded carpeting from commercial units or buildings.**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-H to read as follows:

*CHAPTER 4-H*



*§16-490 Definitions. When used in this chapter the following terms shall have the following meanings:*

*a. "Conforming project" means a construction, alteration, demolition or other such project within the city in which carpeting covering a floor space equal to ten thousand or more square feet within the same commercial building or unit is to be removed as part of the same project.*

*b. "Covered carpeting" means carpeting that has been or will be removed from a commercial unit or building as part of a conforming project.*

*c. "Responsible party" means the owner, tenant, carpet retailer, carpet installer, general contractor, subcontractor, or any other party who is responsible for ensuring the proper disposal of the refuse generated by a conforming project.*

*d. "Recycle" has the same meaning as in section 16-303 of this title.*

*e. "Reuse" means the use of carpeting in a manner that retains the original purpose and performance characteristics of the carpeting.*

*f. "Carpet recycling company" shall mean an individual, company or other entity that (i) refurbishes or otherwise processes carpeting for reuse or resale, or (ii) removes, separates, or otherwise extracts components or commodities from carpeting either by manual or mechanical separation or by changing the physical or*

*chemical composition of such carpeting for the purpose of reusing or recycling such components or commodities.*

*g. "Licensed carter" means the holder of a valid license issued pursuant to section 16-505 of this title.*

*h. "Source separation" has the same meaning as in section 16-303 of this title.*

*§ 16-491 Disposal ban. On and after January first, two thousand nineteen, no person shall dispose of covered carpeting within the city as solid waste.*

*§ 16-492 Source separation. On and after January first, two thousand nineteen, a responsible party shall ensure that all covered carpeting is separated and kept separate from all solid waste produced as a result of a conforming project.*

*§ 16-493 Collection. a. On and after January first, two thousand nineteen, a responsible party shall arrange for the collection and transportation for reuse or recycling of all covered carpeting pursuant to the terms of this chapter through a licensed carter or a carpet recycling company.*

*b. No carpet recycling company may collect covered carpeting within the city unless it is licensed in accordance with section 16-505 of this chapter.*

*§ 16-494 Delivery. Any licensed carter that collects source separated covered carpeting shall deliver such carpeting to a carpet recycling company.*

*§ 16-495 List of carpet recycling companies. On and after December first, two thousand fourteen, the department shall maintain and regularly update a list of carpet recycling companies. Such list shall include the name, address and contact information for each carpet recycling company, and shall be maintained on the department website. Upon request, the department shall distribute a printed copy of such list by mail.*

*§ 16-496 Certificate of recycling. a. On and after January first, two thousand nineteen, within thirty days of collection of the covered carpeting by a licensed carter or carpet recycling company, a responsible party shall submit to the commissioner a certificate for each conforming project for which it is responsible which shall include:*

*1. the location of the conforming project;*

*2. the amount of carpeting, calculated either by weight or area, collected at the conforming project;*

*3. the name of the licensed carter or carpet recycling company that collected and was to deliver the covered carpeting;*

*4. the name of the carpet recycling company to which the covered carpeting was delivered, if known;*

*5. any other information required by department rules; and*

*6. a sworn affidavit by a qualified representative of the responsible party attesting that:*

*i. the responsible party adhered to the source separation and collection requirements of this chapter; and*

*ii. the information provided by the responsible party is accurate.*

*b. On and after January first, two thousand nineteen, a licensed carter or carpet recycling company that collects covered carpeting from within the city pursuant to this chapter shall submit to the commissioner a certificate for each conforming project from which it collects covered carpeting which shall include:*

*1. the location of the conforming project from which the covered carpeting was collected;*

*2. the name of the responsible party;*

*3. the amount of carpeting, calculated either by weight or area, collected at the conforming project;*

*4. the name of the carpet recycling company where the covered carpeting was delivered, if different than the entity that collected the carpeting;*

*5. any other information required by department rules; and*

*6. an affirmation by a qualified representative of the licensed carter or carpet recycling company averring that:*

*i. the licensed carter or carpet recycling company adhered to the collection and delivery requirements of this chapter; and*

*ii. the information provided by the licensed carter or carpet recycling company is an honest reporting.*

*§ 16-497 Carpet recycling company obligations. Any carpet recycling company receiving covered carpeting shall (1) recycle, reuse, or sell for reuse, or cause to be recycled, reused or sold for reuse all source separated covered carpeting received by such operators that have been separated as required by section 16-492 of this chapter; or (2) at a minimum, maintain the separation of such covered carpeting before their transfer to another location; and (3) not bring source separated covered carpeting for disposal, or cause such materials to be brought for disposal, to any solid waste disposal facility, whether or not such facility is*

*operated by the department, in an amount that should have been detected through reasonable inspection efforts by such operators.*

*§ 16-498 Enforcement. a. Any notice of violation alleging a violation of any provision of this chapter shall be returnable to the environmental control board, which shall have the power to impose civil penalties as provided herein.*

*b. On and after January first, two thousand nineteen, any person or entity who violates the provisions of sections 16-491, 16-492 or 16-493 of this chapter shall be liable for a civil penalty of five thousand dollars for each conforming project for which such person or entity improperly disposes of covered carpeting, fails to source separate such covered carpeting, or fails to observe the collection requirements of this chapter.*

*c. On and after January first, two thousand nineteen, any person or entity who violates the provisions of subdivision a of section 16-494 of this chapter shall be liable for a civil penalty of five thousand dollars for each conforming project for which such person or entity fails to properly deliver covered carpeting pursuant to the requirements of this chapter.*

*d. On and after January first, two thousand nineteen, any person or entity who violates the provisions of subdivision b of section 16-494 of this chapter shall be liable for a civil penalty of five hundred dollars for each conforming project for which such person or entity fails to properly mark, tag, segregate or otherwise identify covered carpeting as revised by such subdivision.*

*e. On and after January first, two thousand nineteen, any person or entity who fails to submit a certificate of recycling pursuant to section 16-496 of this chapter shall be liable for a civil penalty of ten thousand dollars for each conforming project for which the person or entity fails to submit a certificate.*

*f. On and after January first, two thousand nineteen, any person or entity who knowingly submits a certificate of recycling as required by section 16-496 of this chapter that contains a false or misleading statement as to a material fact or omits to state any material fact shall be liable for a civil penalty of five thousand dollars for each such statement or omission.*

*g. Any carpet recycling company which fails to comply with the provisions of section 16-497 shall be liable for a civil penalty of twenty thousand dollars for each such violation.*

§2. This local law shall take effect immediately upon its enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 100

By Council Member Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to fines for failures to comply with commercial waste disposal policies**

*Be it enacted by the Council as follows:*

Section 1. Paragraph i of subdivision d of section 16-116 of the administrative code of the city of New York is amended to read as follows:

(i) Except as provided in paragraph (ii) of this subdivision, violation of any of the provisions of this section or any rules promulgated pursuant thereto shall be punishable by a civil penalty of [not less than fifty nor more than one hundred] *two hundred* dollars *for the first violation in any twelve-month period, five hundred dollars for the second violation in any twelve-month period, and six hundred dollars for the third and any subsequent violations in any twelve-month period.* Any notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the environmental control board which shall impose the penalty herein provided. *No civil penalty shall be imposed for a first violation of subdivision b of this section upon a satisfactory showing before the environmental control board that the respondent was in compliance with subdivision a of this section on the date that the notice of violation, appearance ticket or summons was issued, except that such a violation shall count for the purposes of determining second and subsequent violations of this section.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 101

By Council Member Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to 311 transmitting image and video data for service requests or complaints**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-304 to read as follows:

*§ 23-304 Service requests or complaints by video or photograph. Any website or mobile device application used by the 311 customer service center for the intake of 311 requests from the public shall be capable of receiving image and video data in connection with all requests for service or complaints other than those relating to housing. Such data shall be transmitted to an agency as appropriate and be made available to inspectors or other relevant persons within such agencies.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Technology.

Int. No. 102

By Council Members Koo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to community board notification prior to installing or removing traffic calming devices or installing traffic control signals or devices**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-199.1 to read as follows:

*§ 19-199.1 Community board notification prior to installing or removing traffic calming devices or traffic control signals or devices. a. For the purposes of this section, "traffic calming device" has the same meaning as in section 19-183 of this subchapter.*

*b. Not less than 45 days prior to the proposed installation or removal of a traffic calming device by the department or at the behest of the department, or prior to the undertaking of a study by the department or at the behest of the department to determine whether a traffic control signal or device would be warranted at a location pursuant to the manual on uniform traffic control signals or devices, the department shall notify via facsimile and electronic mail the respective community board or boards having jurisdiction of the location where such traffic calming device or traffic control signal or device is proposed to be installed or removed. From the time of such notification to the time of such proposed installation or removal, such community board may provide comments regarding such proposed installation or removal to the department.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 103

By Council Members Koo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to free parking during nighttime hours.**

*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 to add a new section 19-167.5 to read as follows:

*§ 19-167.5 Parking fees during nighttime hours. Notwithstanding any local law or regulation to the contrary, there shall be no monetary fee to park a vehicle on any street in New York City between the hours of 7 p.m. and 8 a.m., except that penalties may be assessed in locations where parking is not permitted during such hours.*

§2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 104

By Council Members Koo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to improving safety at pedestrian crossings in the city**

*Be it enacted by the Council as follows:*

Section 1. Section 19-180.1 of the administrative code of the city of New York, as amended by local law number 12 for the year 2011 and renumbered by local law number 127 for the year 2013, is amended to read as follows:

§ 19-180.1 Safety audits of crash locations involving pedestrians a. Within one hundred and eighty days of receiving access to New York state department of motor vehicles traffic crash data involving pedestrian injuries or fatalities for the previous calendar year, the department shall:

1. Identify the twenty highest crash locations based upon a ranking of the total number of crashes involving pedestrians killed or seriously injured, occurring over a five-year period and selected proportionally by borough based upon the percentage of total crashes involving pedestrians in such borough; and

2. Inspect and conduct audits at such locations and, where warranted, make improvements or incorporate improvements into capital projects, *such as installation of leading pedestrian interval signals or exclusive pedestrian phase signals at intersections containing pedestrian crossings.*

b. Within thirty days of completing the inspections and audits required under paragraph 2 of subdivision a of this section, the department shall send a report noting such inspection and audit and summarizing its recommendations and steps to be taken, including a schedule to implement such recommendations, to the council member and community board in whose district the crash location is located.

c. If any crash location appears on the department's annual list of twenty highest crash locations involving pedestrians more than once in five consecutive years, such location shall be removed from the annual list and replaced by the location with the next highest number of crashes involving pedestrians located within the same borough as the consecutively appearing location; provided that the department shall continue to monitor such crash data and/or make safety improvements at such removed location until such removed location is no longer one of the highest crash locations.

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

*Exclusive pedestrian phase. The term "exclusive pedestrian phase" means a pedestrian control signal at any intersection with crosswalks and where the signal allows pedestrians an exclusive interval at which to completely cross the intersection while vehicular traffic is stopped in all directions.*

*Leading pedestrian interval. The term "leading pedestrian interval" means a pedestrian control signal that displays a walk indication before a green indication for the parallel direction of vehicular traffic.*

*Seriously injured. The term* "seriously injured" [shall mean]*means* those injuries categorized as "A" injuries by the New York state department of motor vehicles.

§ 2. Subdivision a of section 19-182 of the administrative code of the city of New York, as amended by local law number 12 for the year 2011, is amended to read as follows:

§ 19-182 Comprehensive study of pedestrian fatalities and serious injuries. a. Every five years, the department shall conduct a comprehensive study of all traffic crashes involving a pedestrian fatality or serious injury for the most recent five years where traffic crash data is available. In each such study, the department shall analyze the conditions and factors associated with each such traffic crash and identify common factors among the crashes, if any. The department shall use such studies to develop strategies to improve pedestrian safety, which may include modifying citywide traffic operations policy, developing pedestrian safety strategies geared towards specific users, including, but not limited to, installation of audible pedestrian signals and other devices to assist those with sight, hearing and mobility impairments, installation of leading pedestrian intervals, installation of exclusive pedestrian phases, prioritizing locations and/or types of roadways or intersections for safety improvements and making recommendations for improving safety at such locations.

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 105

By Council Member Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to posting of truck route road conditions by the department of transportation.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-154 of the administrative code of the city of New York is amended to read as follows:

§ 19-154 Publication of street resurfacing information. a. The commissioner shall make available online through the department's website information regarding the resurfacing and capital improvement of city blocks. Such information shall include but not be limited to: (i) what year city blocks were last resurfaced or received capital improvement; (ii) the current rating for city blocks pursuant to the department's street rating system as one of the following: good, fair, or poor*[.]; and (iii) whether a city block has been designated as part of a truck route by the department.*

§2. This local law shall take effect sixty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 106

By Council Members Koo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to repainting of pavement marking lines**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-115.1 to read as follows:

*§ 19-115.1 Pavement markings. a. For the purposes of this section, the term "pavement markings" includes, lines and symbols on the roadway that are intended to direct vehicular, pedestrian, and cyclist movement, including but not limited to lines that indicate where lanes are divided, where vehicles may pass other vehicles, where vehicles may change lanes, where vehicles may turn, where pedestrian walkways are located, and where pedestrians must stop for signs and traffic signals.*

*b. Whenever any street is repaved or resurfaced by the department, the department shall ensure that all pavement markings are repainted within one week of the completion of such repavement or reconstruction project.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 107

By Council Member Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the displaying of the POW/MIA flag on property under the care and control of the department of education**

*Be it enacted by the Council as follows:*

Section 1. Legislative intent. The Prisoner of War/Missing in Action (POW/MIA) flag was designed to honor and express the United States' gratitude to those members of the military who have been or remain prisoners of war and those who remain missing in action. The POW/MIA flag is a powerful symbol of our nation's concern and commitment to determining, as fully as possible, the fates of American military personnel still imprisoned or missing overseas. It is the Council's intent to require the POW/MIA flag be flown over every piece of property under the control of the Department of Education whenever the American flag is flown over such property.

§ 2. The administrative code of the city of New York is amended by adding a new chapter 21 to title 21-A to read as follows:

*Chapter 21. POW/MIA Flags*

*§ 21-988 Displaying a POW/MIA flag over department of education property. a. Until such time as all members of the United States Armed Forces listed either as missing in action or prisoners of war are accounted for by the United States government, the chancellor of the department of education shall assure that the Prisoner of War/Missing in Action (POW/MIA) flag is flown over all public property under the care and control of the department of education whenever the American flag is flown over such property.*

*b. No later than 90 days after the effective date of this local law, the chancellor shall submit to the mayor and the speaker of the city council a report indicating that all requirements of this section have been met and listing all public property under the care and control of the department of education over which the POW/MIA flag is flown.*

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

Referred to the Committee on Veterans.

Res. No. 59

**Resolution calling upon the United States Congress to pass, and the President to sign, the Silent Skies Act.**

By Council Member Koo.

**Whereas**, Many communities near LaGuardia Airport and John F. Kennedy International Airport are severely impacted by constant airplane engine noise; and

**Whereas**, The deafening sound has been linked to increased risk of cardiovascular diseases, disrupts student learning, and drowns out the joys of daily life; and

**Whereas,** In 2006, the Federal Aviation Administration (FAA) issued regulations requiring all new commercial aircraft designs to meet Stage 4 noise standards, which represented a significantly lower decibel level than what was standard at the time; and

**Whereas**, While these new rules were a significant step toward improving the quality of life for those who live near airports, the FAA was silent on whether airlines would need to phase out older airplanes or retrofit them with quieter engines; and

**Whereas**, The Silent Skies Act (H.R. 4171 in the 114th Congress) would improve the quality of life for those who live near airports by mandating that the FAA issue regulations requiring all commercial airplanes to meet Stage 4 noise standards; and

**Whereas,** In order to introduce quieter airplanes into the market, the Silent Skies Act would mandate that the new regulations require airlines to phase in quieter engines at a rate of 25 percent of their fleets every five years, so that all commercial airplanes meet the quieter standards by at least 2037; and

**Whereas,** The bill would also encourage research and development of quieter engine technologies by authorizing a new partnership program for the development of technologies to help meet Stage 4 standards; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, the Silent Skies Act.

Referred to the Committee on Transportation.

Res. No. 60

**Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation prohibiting buses from using streets adjacent to houses of worship or schools for the purposes of layovers, staging, or idling.**

By Council Member Koo.

**Whereas**, There are thousands of schools and houses of worship in New York City; and

**Whereas**, The City is served by over 4,500 local buses operated by the Metropolitan Transportation Authority (MTA), in addition to many express buses and private buses; and

**Whereas**, In certain communities, buses utilize curbside space near schools or places of worship for layovers and staging; and

**Whereas,** Buses using the layover space have raised many concerns among community members, including pollution and noise related to engine idling, as well as problems associated with bus driver loitering; and

**Whereas**, Schools and houses of worship serve inherently vulnerable populations such as children and the elderly; 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, legislation prohibiting buses from using streets adjacent to houses of worship or schools for the purposes of layovers, staging, or idling.

Referred to the Committee on Transportation.

Int. No. 108

By Council Member Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to regulating covenants not to compete for freelance workers**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative intent and findings. The council finds and declares that covenants not to compete are increasingly becoming common in contracts between hiring parties and freelance workers. Restrictive covenants not to compete are in some ways antithetical to the freelance work employment model. The practice of requiring freelance workers to enter into covenants not to compete in the fashion modelling industry is especially concerning to the council and often represents unequal bargaining power between freelance fashion models and hiring parties such as model management agencies. The council, therefore, finds it necessary and appropriate to create a requirement that hiring parties wishing to require freelance workers to agree to a covenant not to compete must guarantee a bi-weekly or monthly payment of a reasonable monetary sum that is mutually acceptable to both the hiring party and the freelance worker.

§2. Chapter 5 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-510 to read as follows:

*§ 22-510 Covenants not to compete. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Covenant not to compete. The term "covenant not to compete" means an agreement, or a clause contained in an agreement, which is entered into between a hiring party and a freelance worker after the effective date of the local law that added this section, and which restricts such freelance worker from performing work for another party not subject to such agreement for a specified period of time or in a specified geographical area, that is similar to such freelance worker's work for the hiring party.*

*Freelance worker. The term "freelance worker" means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, which is hired or retained as an independent contractor by a hiring party to provide services in exchange for compensation. This term does not include:*

*1. Any person who, pursuant to the contract at issue, is a sales representative as defined in section 191-a of the labor law;*

*2. Any person engaged in the practice of law pursuant to the contract at issue; who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia; and who is not under any order of any court suspending, enjoining, restraining, disbarring or otherwise restricting such person in the practice of law;*

*3. Any person who is a licensed medical professional; and*

*4. Any individual, partnership, corporation or other legal entity admitted to membership in the Financial Industry Regulatory Authority.*

*Hiring party. The term "hiring party" means any person who contracts with a freelance worker to provide any service, other than (i) the United States government, (ii) the state of New York, including any office, department, agency, authority or other body of the state including the legislature and the judiciary, (iii) the city, including any office, department, agency or other body of the city, (iv) any other local government, municipality or county or (v) any foreign government.*

*b. Prohibition; freelance workers. 1. No hiring party shall enter into a covenant not to compete with a freelance worker unless such covenant also contains a requirement for the hiring party to provide payment of a reasonable and mutually agreed upon sum to the freelance worker on either a bi-weekly or monthly basis for the duration of time during which the covenant not to compete is in effect.*

*2. A failure on the part of the hiring party to provide payment of the mutually agreed upon sum to the freelance worker in accordance with the terms of the covenant not to compete, will immediately render such covenant null and void.*

*c. Right of action. Except as otherwise provided by law, any freelance worker claiming to be aggrieved by a violation of this section may bring an action in any court of competent jurisdiction seeking a declaratory judgment that the covenant not to compete at issue is void. The court, in its discretion, may award the prevailing party reasonable attorney's fees.*

*d. Damages. A plaintiff who prevails on a claim alleging a violation of paragraph 1 of subdivision b of this section shall be awarded statutory damages of $1,000.*

*e. Any person who violates paragraph 1 of subdivision b of this section is subject to a civil penalty of $500 per violation. The director of labor standards shall enforce the requirements of this section pursuant to rules promulgated by such director.*

*f. Civil action for pattern or practice of violations. Where reasonable cause exists to believe that a hiring party is engaged in a pattern or practice of violations of this section, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction. The trier of fact may impose a civil penalty of not more than $25,000 for a finding that a hiring party has engaged in a pattern or practice of violations of this section. Any civil penalty so recovered shall be paid into the general fund of the city.*

§ 2. This local law takes effect 120 days after it becomes law, except that the director of labor standards shall take any actions necessary for the implementation of this local law, including the promulgation of rules relating to procedures and penalties necessary to effectuate this section, before such date.

Referred to the Committee on Civil Service and Labor.

Int. No. 109

By Council Member Lander.

**A Local Law to amend the administrative code of the city of New York in relation to the provision of sick time earned by employees**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions j of section 20-912 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, is amended to read as follows:

j. "Hourly professional employee" shall mean any individual (i) who is professionally licensed by the New York state education department, office of professions, under the direction of the New York state board of regents under education law sections 6732, 7902 or 8202, *or is a special education itinerant teacher of children with disabilities certified under New York State law,* (ii) who calls in for work assignments at will determining his or her own work schedule with the ability to reject or accept any assignment referred to them and (iii) who is paid an average hourly wage which is at least four times the federal minimum wage for hours worked during the calendar year.

§ 2. This local law shall take effect immediately upon enactment into law.

Referred to the Committee on Civil Service and Labor.

Int. No. 110

By Council Members Lander and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the procurement of fossil fuel**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

*Subchapter 8: Fossil Fuel*

*§6-318. Phase out of procurement of fossil fuel.*

*a. Within ninety days of the effective date of the local law that added this section, the director of citywide environmental purchasing shall develop a plan to phase out the city's procurement of fossil fuel. Such plan shall include a detailed schedule charting the planned reduction of the purchase of fossil fuel and increase in the purchase of alternative fuel(s) such that, by January 1, 2024, the city shall no longer purchase fossil fuel.*

*b. The director of citywide environmental purchasing shall publish such plan on the mayor's office of contract services website.*

*c. Not later than October first of each year, the director of citywide environmental purchasing shall submit to the mayor and the speaker of the city council, and publish on the mayor's office of contract services website, a report detailing the city's efforts during the preceding fiscal year to implement such plan. Such report shall include the total volume and dollar value of the city's procurement of fuel, including fossil fuels and alternative fuels, categorized by specific fuel type.*

§2. This local law takes effect 90 days after its enactment into law, provided, however, that city agencies, officers and employees shall take such actions as are necessary for its implementation prior to such effective date.

Referred to the Committee on Contracts.

Int. No. 111

By Council Members Lander and Brannan.

**A Local Law to amend the charter of the city of New York, in relation to requiring the New York city department of education to provide information on establishing afterschool programs.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530-g to read as follows:

*§ 530-g Guidelines on establishing afterschool programs. a. For the purposes of this section "department" shall mean the New York city department of education.*

*b. The chancellor shall post on the department's website a document with guidelines and information on establishing afterschool programs. The document shall include, but not be limited to:*

*1. A list of department regulations for afterschool programs.*

*2. Protocols explaining the guidelines by which afterschool programs may hire and pay staff and contractors including department employees.*

*3. Insurance guidelines for afterschool programs.*

*4. Internal revenue service guidelines for operators of afterschool programs.*

*5. A brief list and explanation of significant federal, state, and local laws regulating afterschool programs.*

*6. Best practices and options for the creation of scholarships for afterschool programs.*

*7. Best practices and options for collecting fees for afterschool programs.*

*8. Best practices and options for successfully integrating afterschool programming with school curricula, common core state standards, and curricula for students receiving additional instructional services.*

*9. Contact information for the department employee or designee who can provide assistance in the creation of afterschool programs.*

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

Referred to the Committee on Education.

Int. No. 112

By Council Member Lander.

**A Local Law to amend the administrative code of the city of New York in relation to the noise control code and manufacturing districts**

*Be it enacted by the Council as follows:*

Section 1. Section 24-227 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*(e) In any proceeding under this section it shall be an affirmative defense that the receiving property dwelling unit was not lawfully occupied at the time of the violation where both the receiving property dwelling unit and the subject sound source are located within a manufacturing district, as that term is defined in the zoning resolution of the city of New York.*

§ 2. This law shall take effect immediately upon enactment.

Referred to the Committee on Environmental Protection

Int. No. 113

By Council Members Lander and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a database to track citywide capital projects**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 5 of the administrative code of the city of New York is amended by adding a new section 5-108 to read as follows:

*§5-108. Reporting on capital projects. a. Definitions. As used in this section, the following terms have the following meanings:*

*Baseline completion date. The term "baseline completion date" means the original estimated substantial completion date at the start of the construction phase of the project or, where applicable, prior to the start of the design phase.*

*Baseline cost. The term "baseline cost" means the cost of a project as based on the original contract value and other project-related cost estimates.*

*Budget agency. The term "budget agency" means the agency from whose budget funds for the project's costs have been appropriated.*

*Cost variance. The term "cost variance" means the difference between the baseline cost from the current forecast cost.*

*Design phase. The term "design phase" means the period of time between the approval of a scope of project for a capital project and the approval of the final design of a capital project pursuant to chapter 9 of the charter.*

*Construction phase. The term "construction phase" means the period of time between the commencement of the performance of work by the contractor as defined in the contract and when such work has reached substantial completion.*

*Construction procurement phase. The term "construction procurement phase" means the period of time when procurement activities are underway to prepare a construction bid and award a contract, ending on the date on which both the contract has been signed and the notice to proceed has been issued.*

*Managing agency. The term "managing agency" means the agency that is responsible for functions and operations related to the project.*

*Schedule variance. The term "schedule variance" means the difference between the baseline completion date and the current forecast completion date.*

*b. The city shall establish and maintain a public online searchable and interactive database on the city website that shall include information on all pending capital projects as set forth in this section. The data included in such database shall be available in a format that permits automated processing and shall be available without any registration requirement, license requirement or restrictions on their use, provided that the city may require a third party providing the public any data from such database, or any application utilizing such data, to explicitly identify the source and version of the data, and a description of any modifications made to such data. The data shall be searchable by project name, borough, managing agency, and budget agency.*

*c. Such database shall include for each pending capital project:*

*(1) the name of the project and borough where such project will be located;*

*(2) the managing agency and the budget agency;*

*(3) the current project phase, which for construction projects shall be either the design phase, the construction procurement phase, or the construction phase;*

*(4) information about the project schedule, including but not limited to the baseline completion date and the current forecast completion date, and if applicable, the actual schedule variance, the schedule variance as a percentage of the planned duration of the project, and an explanation of the schedule variance;*

*(5) information about the project cost, including but not limited to the baseline cost, the current forecast cost, the current dollar amount spent to date and the percentage of the total current forecast cost spent to date, and if applicable, the actual cost variance, the cost variance as a percentage of the baseline cost, and an explanation of the cost variance;*

*(6) any other information that the city may deem appropriate.*

*d. Such database shall also include data on the total number of pending citywide capital projects, disaggregated by the following:*

*(1) total number and percentage of projects ahead of and behind schedule based on the baseline completion date;*

*(2) total number and percentage of projects above cost and below cost based on the baseline cost;*

*(3) total number and percentage of projects currently in each project phase; and*

*(4) any other information that the city may deem appropriate.*

*e. Such database shall be updated on a monthly basis.*

*f. The city shall provide an interactive map on such city website indicating the location of all projects listed in such database.*

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

Referred to the Committee on Finance.

Int. No. 114

By Council Members Lander and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to a campaign finance small contribution matching option**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (a) of subdivision 2 of section 3-705 of the administrative code of the city of New York is amended to read as follows:

2. (a) If the threshold for eligibility is met, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of six dollars for each one dollar of matchable contributions, up to one thousand fifty dollars in public funds per contributor (or up to five hundred twenty-two dollars in public funds per contributor in the case of a special election), obtained and reported to the campaign finance board in accordance with the provisions of this chapter, *except as otherwise provided in subdivision eleven of this section.*

§ 2. Section 3-705 of the administrative code of the city of New York is amended to add a new subdivision 11, to read as follows:

*11. Notwithstanding any other provision of this chapter to the contrary, a participating candidate may choose, by filing a written certification with the board, to receive public funds based on a small contribution matching system. If such a small contribution matching system is chosen by a participating candidate then the requirements of this chapter shall apply except for paragraph (f) of subdivision 1 of section 3-703, paragraph (a) of subdivision 2 of this section, and subdivision 3 of section 3-706, which shall instead be substituted as described in this subdivision. The amount of any contribution or contributions received prior to the filing of such certification that are in excess of the limitations of paragraph (a) of this subdivision must be refunded prior to filing and if, after such refunds, such candidate still meets the threshold for eligibility for public financing then such candidate shall be eligible for the small contribution matching system. After filing such certification:*

*(a) the participating candidate must not accept and his or her principal committee must not accept, either directly or by transfer, any contribution or contributions from any one individual, partnership, political committee, labor organization or other entity for all covered elections held in the same calendar year in which he or she is a participating candidate which in the aggregate: (i) for the office of mayor, public advocate or comptroller shall exceed $400, or (ii) for borough president shall exceed $320, or (iii) for member of the city council shall exceed $250; provided that for the purposes of this paragraph, contributions made by different labor organizations shall not be aggregated or treated as contributions from a single contributor for purposes of the contribution limit that is set forth in this paragraph if those labor organizations make contributions from different accounts, maintain separate accounts with different signatories, do not share a majority of members of their governing boards, and do not share a majority of the officers of their governing boards; and provided further that if state law prescribes a contribution limitation of a lesser amount, this paragraph shall not be deemed to authorize acceptance of a contribution in excess of such lesser amount.*

*(b) if the threshold for eligibility is met, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of ten dollars for each one dollar of matchable contributions, up to $1,750 in public funds per contributor, obtained and reported to the campaign finance board in accordance with the provisions of this chapter. In no case shall the principal committee of a participating candidate receive public funds in excess of the limit established pursuant to paragraph (b) of subdivision 2 of this section.*

*(c) If any candidate in any covered election chooses not to file a certification as a participating or limited participating candidate pursuant to this chapter, and where the campaign finance board has determined that such candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate:*

*(1) exceeds half the applicable expenditure limit for such office fixed by subdivision 1 of section 3-706, then such expenditure limit applicable to participating candidates in the small contribution matching system in such election for such office shall be increased to one hundred fifty percent of such limit, provided that in no*

*case shall the principal committee of a participating candidate receive public funds in excess of the limit established pursuant to paragraph (b) of subdivision2 of this section.*

*(2) exceeds three times the applicable expenditure limit for such office fixed by subdivision one of section 3-706, then such expenditure limit shall no longer apply to participating candidates in the small contribution matching system in such election for such office, provided that in no case shall the principal committee of a participating candidate receive public funds in excess of the limit established pursuant to paragraph (b) of subdivision 2 of this section.*

*(d) No funds shall be provided pursuant to this subdivision with respect to any covered election specified in subdivision five of this section.*

§ 3. Subdivision 7 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

7. Not later than the first day of March in the year two thousand eighteen and every fourth year thereafter the campaign finance board shall (i) determine the percentage difference between the average over a calendar year of the consumer price index for the metropolitan New York-New Jersey region published by the United States bureau of labor statistics for the twelve months preceding the beginning of such calendar year and the average over the calendar year two thousand fifteen of such consumer price index; (ii) adjust each maximum contribution applicable pursuant to paragraph (f) of subdivision one of this section *and subdivision 11 of section 3-705* by the amount of such percentage difference to the nearest fifty dollars; and (iii) publish such adjusted maximum contribution in the City Record. Such adjusted maximum contribution shall be in effect for any election held before the next such adjustment.

§ 4. This local law takes effect on January 1, 2019.

Referred to the Committee on Governmental Operations.

Int. No. 115

By Council Members Lander and Brannan.

**A Local Law to amend the New York city charter, in relation to additional reporting by the board of elections to the council regarding performance**

*Be it enacted by the Council as follows:*

Section 1. Section 12 of the New York city charter is amended by adding a new subdivision f to read as follows:

*f. (1) Not later than December fifteenth each year, the board of elections of the city of New York shall provide to the council information regarding its performance for the first four months of the current fiscal year relative to any program performance goals and measures established for such year by the council in consultation with the mayor.*

*(2) Not later than August first each year, the board of elections of the city of New York shall provide to the council information regarding its performance for the entire previous fiscal year relative to any program performance goals and measures established for such year by the council in consultation with the mayor.*

§2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 116

By Council Members Lander and Brannan.

**A Local Law to amend the New York city charter, in relation to establishing the office of civic engagement**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-D to read as follows:

*§ 20-D Office of Civic Engagement. a. The mayor shall establish an office of civic engagement. Such office may, but need not, be established in the executive office of the mayor, and may be established as a separate office within any other office of the mayor or within any department, the head of which is appointed by the mayor. Such office shall be headed by a coordinator who shall be appointed by the mayor or the head of such department.*

*b. Powers and duties. The coordinator of the office of civic engagement shall:*

*1. advise the mayor, and any other elected city official upon request, in developing and implementing policy designed to increase public engagement in community and civic affairs;*

*2. advise and assist mayoral agencies in developing and implementing policy to: (a) increase utilization of social services offered by city agencies or not-for-profit organizations, (b) facilitate community service, volunteer, and student internship opportunities, and (c) establish programs that enable direct public input and participation in the repurposing of public space and infrastructure for collaborative community use;*

*3. implement a community ambassador program that trains local resident volunteers to offer and provide within their communities general assistance, information and referrals regarding available social services, and report hazards and emergencies to city agencies; and*

*4. review budget requests of all agencies for programs related to increased civic engagement and recommend to the mayor budget priorities among such programs, and assist the mayor in prioritizing such requests.*

§ 2. This local law takes effect 120 days after enactment.

Referred to the Committee on Governmental Operations.

Int. No. 117

By Council Members Lander and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the requirement of food vendors to obtain a certificate of authority to collect sales tax**

*Be it enacted by the Council as follows:*

Section 1. Paragraph four of subdivision b of section 17-309 of subchapter two of chapter three of title 17 of the administrative code of the city of New York is amended to read as follows:

4. Proof that the applicant has obtained a certificate of authority to collect sales taxes pursuant to section eleven hundred thirty-four of the tax law and has a tax clearance certificate from the state tax commission of the state of New York[.], *except that only applicants applying for a permit shall be required to present such proof.*

§ 2. This local law takes effect 90 days after it becomes law; provided, however, that the commissioner may promulgate any rules and take such actions as are necessary prior to such effective date.

Referred to the Committee on Health.

Int. No. 118

By Council Members Lander and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a land bank.**

*Be it enacted by the Council as follows:*

Section 1. Title 25 of the administrative code of the city of New York is amended to add a new chapter 9 to read as follows:

*CHAPTER 9*

*NEW YORK CITY LAND CORPORATION*



*§ 25-901 Definitions. For the purposes of this chapter, the following terms shall be defined as follows:*

*AFFORDABLE HOUSING UNIT. A dwelling unit that (1) is or will be permanently restricted by a restrictive covenant, possibility of reverter or other similar deed restriction or by an agreement made with or approved and enforceable by the land corporation, to occupancy by households whose incomes at the time of initial occupancy do not exceed a certain amount, provided that such amount does not exceed 80 percent of the area median income, and (2) contains floor area equal to or greater than the average non-affordable unit floor area for the zoning lot containing the dwelling unit.*

*AREA MEDIAN INCOME. The New York city metropolitan area median income, adjusted for family size, as determined by the United States department of housing and urban development.*

*AVERAGE NON-AFFORDABLE UNIT FLOOR AREA. The number obtained for a particular zoning lot by dividing the total floor area contained within dwelling units, other than affordable housing units, by the total number of dwelling units, other than affordable housing units.*

*DIRECTOR. A "director" as defined by section 102(a)(6) of the not-for-profit corporation law. "Director" shall refer herein to directors of the land corporation.*

*DWELLING UNIT. A "dwelling unit" as defined in section 27-2004 of the housing maintenance code.*

*FLOOR AREA. "Floor area" as defined in section 12-10 of the New York city zoning resolution.*

*HOUSEHOLD. Prior to initial occupancy of an affordable housing unit, a household is, collectively, all of the persons intending to occupy the affordable housing unit at initial occupancy. After initial occupancy of an affordable housing unit, a household is, collectively, all of the persons occupying the affordable housing unit.*

*INCORPORATOR. A person identified in section 25-904(a).*

*INITIAL OCCUPANCY. The first date upon which a particular household lawfully occupies a particular affordable housing unit.*

*LAND CORPORATION. The New York city land corporation established under this chapter.*

*MEMBER. A "member," as defined by section 102(a)(9) of the not-for-profit corporation law. "Member" shall refer herein to members of the land corporation.*

*REAL PROPERTY. "Real property" as defined by section 1602(f) of the not-for-profit corporation law.*

*ZONING LOT. A "zoning lot" as defined in section 12-10 of the New York city zoning resolution.*

*§ 25-902 Land corporation established; purpose. a. There is hereby created a "New York City land corporation," which shall be a type C not-for-profit corporation and, upon approval of the local law that*

*added this chapter by the urban development corporation under section 1603(g) of the not-for-profit corporation law, a land bank under article 16 of the not-for-profit corporation law.*

*b. The purpose of the land corporation shall be to efficiently acquire, warehouse and transfer real property to expedite the development, rehabilitation and preservation of affordable housing and to encourage property uses that best serve the interests of the community but which are not sufficiently provided for by the free market, including industrial, manufacturing and maritime activities; fresh food stores; public and open spaces; and wildlife conservation areas.*

*§ 25-903 Members. The mayor and the speaker of the council shall be the members of the land corporation.*

*§ 25-904 Incorporators; board of directors. a. The following persons shall serve as the incorporators of the land corporation and shall serve as the initial directors until new directors are appointed under subdivision b:*

*(1) the president of the New York city economic development corporation;*

*(2) the commissioner of housing preservation and development;*

*(3) the chair of the city planning commission;*

*(4) the director of the land use division of the council; and*

*(5) the director of the finance division of the council.*

*b. No later than three months after the filing of the certificate of incorporation of the land corporation under section 25-906, the mayor shall appoint a number of directors equal to one half the total number of directors, rounded up to the nearest whole number, and the speaker of the council shall appoint a number of directors equal to one half the total number of directors, rounded down to the nearest whole number.*

*c. A person may not serve or continue serving as a director unless he or she:*

*(1) is a person of ability and integrity;*

*(2) has appropriate experience in real estate, finance, property management, community planning and development, organized community-based activities or other relevant field of endeavor; and*

*(3) is a registered voter of the city throughout his or her service on the board of directors.*

*d. The total number of directors shall be as set forth in the bylaws of the land corporation.*

*§ 25-905 Disposition of real property. a. Except as provided in subdivision b, the land corporation may only convey, lease as lessor or otherwise dispose of real property for one or more of the following:*

*(1) uses that would result in the creation or preservation of affordable housing units;*

*(2) if the property to be disposed of is located in an industrial business zone established under section 22-626 of this code, uses related to industrial, manufacturing or maritime activities;*

*(3) if the property to be disposed of is located within a FRESH food store designated area, as described in section 63-02 of the New York city zoning resolution, use as a FRESH food store, as defined by section 63-01 of the New York city zoning resolution;*

*(4) use as a public space or place; or*

*(5) use as a wildlife conservation area.*

*b. The land corporation may convey, lease as lessor or otherwise dispose of property for a use other than a use described in subdivision a only if:*

*(1) no less than 180 days and no more than one year before the disposition, the land corporation holds a public hearing, solicits public comment with respect to the disposition and considers the results of such public hearing and comments;*

*(2) no more than 90 days after the public hearing described in paragraph one, the land corporation finds that the disposition will best serve the interests of the community and prepares and makes publicly available online a report, signed by at least two thirds of the directors, setting forth all information supporting the finding including:*

*(A) all benefits that the disposition will provide for the community;*

*(B) all negative impacts that the disposition will have on the community*

*(C) a description of each public comment received and how the comment has been or will be addressed;*

*(D) how the disposition will better serve the community than the disposition for a use described in subdivision a;*

*(3) no more than 60 days and no less than 30 days after publication of the report described in paragraph two, the land corporation holds a public hearing with respect to the report, solicits public comment and considers the results of the public hearing and comments;*

*(4) no more than 20 days after the public hearing described in paragraph three, at least two thirds of the directors vote to approve the disposition; and*

*(5) no more than seven days after the disposition, the land corporation prepares and makes publicly available online the following information, in addition to the information required by section 1609(b) of the not-for-profit corporation law:*

*(A) the address of the property disposed of;*

*(B) the name, address and telephone number of the person to whom the property was conveyed, leased or otherwise disposed of; and*

*(C) the proposed use of the property.*

*c. When conveying, leasing as lessor or otherwise disposing of real property for a use that would result in the creation or preservation of affordable housing units, the land corporation shall prioritize disposition to a community land trust, as defined by section 12773(b) of title 42 of the United States code, a community housing development organization, as defined by section 12704(6) of title 42 of the United States code, or a nonprofit organization, as defined by section 12704(5) of title 42 of the United States code, and shall prioritize disposition for a proposed use that will maximize the number of affordable housing units at the zoning lot containing the property and the affordability of such units.*

*d. When conveying, leasing as lessor or otherwise disposing of real property, the land corporation shall prioritize disposition for a proposed use that will maximize the creation of living wage jobs pursuant to the bylaws of the land corporation.*

*§ 25-906 Review by urban development corporation; incorporation; adoption of initial bylaws. a. No later than 30 days after the effective date of this chapter, the mayor shall amend the certificate of incorporation for the land corporation, as set forth in appendix A, to include the names and addresses of the initial directors identified in section 25-904(a) and shall prepare and forward the following information to the urban development corporation for review and approval under section 1603(g) of the not-for-profit corporation law:*

*(1) a copy of the local law that added this chapter, amended as provided in this subdivision; and*

*(2) all other materials and information required by the urban development corporation.*

*b. No later than 30 days after approval of this chapter by the urban development corporation under section 1603(g) of the not-for-profit corporation law, the incorporators shall execute the certificate of incorporation for the land corporation, as set forth in appendix A and amended under subdivision a, and file the amended certificate with the department of state in accordance with article one of the not-for-profit corporation law.*

*c. No later than 30 days after filing the amended certificate under subdivision b, the directors shall adopt the bylaws set forth in appendix B of this chapter as the initial bylaws for the land corporation.*

*Appendix A Initial Certificate of Incorporation of New York City Land Corporation. The initial certificate of incorporation of the land corporation shall read as follows:*

***CERTIFICATE OF INCORPORATION***
***OF***
***NEW YORK CITY LAND CORPORATION***
*(Under section 402 of the Not-for-Profit Corporation Law)*

*1. Name. The name of the corporation is NEW YORK CITY LAND CORPORATION (hereafter referred to as the Corporation).*

*2. Type of Corporation. The Corporation is a "corporation" as defined by Section 102(a)(5) of the Not-for-Profit Corporation Law and is a Type C corporation under Section 201 of said law. The Corporation is also a "land bank" pursuant to Section 1602 of the Not-for-Profit Corporation Law.*

*3. Purposes. The Corporation is formed for the following purposes and to achieve the following lawful public or quasi-public objectives:*

*a. to perform the functions of a land bank as described in Article 16 of the Not-for-Profit Corporation Law;*

*b. to efficiently acquire and transfer properties to expedite the development, rehabilitation and preservation of affordable housing and to encourage property uses that best serve the interests of the community but which are not sufficiently provided for by the free market, which uses include industrial, manufacturing, and maritime activities; fresh food stores; public and open spaces; and wildlife conservation areas;*

*c. to conduct regular inventories of vacant properties and provide the public with efficient access to a listing of these inventories;*

*d. to aggregate and responsibly hold properties for future productive use;*

*e. to eliminate blight by the removal of barriers to returning vacant properties to productive use;*

*f. to effectively market and strategically convey, lease as lessor or otherwise dispose of properties of the Corporation; and*

*g. notwithstanding any other provision of this Certificate, the Corporation is organized exclusively for charitable, educational, and nonprofit purposes, and not for pecuniary or financial gain, as specified in Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future tax code.*

*4. Powers. In furtherance of the purposes and objectives set forth in Article 3, the Corporation shall have all of the powers now or hereafter set forth in Section 1607 of the Not-for-Profit Corporation Law.*

*5. Office. The office of the Corporation is to be located in the County of New York, State of New York.*

*6. Registered Agent. The Secretary of the State of New York is hereby designated the agent of the Corporation upon whom process against it may be served. The Secretary of State shall mail a copy of any process against the Corporation served upon the Secretary of State as agent of the Corporation to the Mayor of the City of New York at City Hall, New York City, New York 10007.*

*Appendix B Initial Bylaws of New York City Land Corporation. The initial bylaws of the land corporation shall read as follows:*

***BYLAWS***
***OF***
***NEW YORK CITY LAND CORPORATION***

*1. Members. a. The members of the New York City Land Corporation (hereafter referred to as the Corporation) shall be the Mayor of the City of New York (Mayor) and the Speaker of the Council of the City of New York (Speaker), pursuant to Section 25-703 of the Administrative Code of the City of New York.*

*b. Annual meeting. The first annual meeting of the members shall, pursuant to Section 25-704(b) of the Administrative Code of the City of New York, be held within three months of the date on which the Corporation's Certificate of Incorporation (hereafter referred to as the Certificate) is filed with the Department of State. Annual meetings shall be held each year thereafter on the anniversary date of such filing except that if such anniversary date falls on a Saturday, Sunday, or holiday, the annual meeting shall be held on the first business day occurring thereafter.*

*2. Directors. a. The powers of the Corporation shall be exercised by a board of directors.*

*b. Number of directors. The Corporation shall have five (5) initial directors and thereafter shall have eleven (11) directors.*

*c. Appointment. The directors, other than the initial directors, shall be appointed by the Mayor and the Speaker pursuant to Section 25-704(b) of the Administrative Code of the City of New York. Two of the directors appointed by the Mayor and two of the directors appointed by the Speaker shall be employees, members or directors of entities that are (i) not-for-profit corporations, advocacy organizations, civic associations, community-based organizations or other similar entities and (ii) working in the field of housing, planning or community development.*

*d. Term. Each director shall serve a term of two years.*

*e. Amendments to Certificate of Incorporation and Bylaws; Selling Substantially All Assets. The board of directors may amend the Certificate and these Bylaws without approval of the members, except that approval of all of the members shall be required for any proposed amendment to Article 1, 2 or 3 of these Bylaws. In the event that the Corporation undertakes to sell or otherwise dispose of substantially all of its assets, such action must be approved by the members in accordance with Section 510 of the Not-for-Profit Corporation Law.*

*3. Encouraging the creation of living wage jobs. a. Except as provided in Subdivision e of this Article, the Corporation may only convey, lease as lessor or otherwise dispose of real property for use as a living wage property.*

*b. For the purposes of this Article, the term "living wage property" means real property where, pursuant to a restrictive covenant, possibility of reverter or other similar deed restriction for the property or an agreement made with or approved and enforceable by the Corporation, all natural persons performing work of any kind, other than construction work, at the property for a covered owner or occupant of the property, including work of any kind, other than construction work, performed at the property pursuant to an agreement made between such covered owner or occupant and a third party, are paid no less than a living wage.*

*c. (i) For the purposes of this Article, a "covered owner or occupant" means an owner or occupant of real property, other than real property in which more than seventy-five percent (75%) of the floor area is comprised of affordable housing units, as such terms are defined by Section 25-701 of the Administrative Code of the City of New York; provided, however, that such affordable housing units may be permanently affordable to households whose incomes at the time of initial occupancy do not exceed one hundred twenty-five percent (125%) of the area median income, as such terms are defined by Section 25-701 of the Administrative Code of the City of New York.*

*(ii) Notwithstanding Paragraph i of this Subdivision, the term "covered owner or occupant" shall not include an owner or occupant that:*

*(A) Has annual gross revenues of less than five million dollars ($5,000,000.00) when such revenues are aggregated with the revenues of each parent entity of such owner or occupant, each subsidiary entity of such owner or occupant and each entity owned or controlled by a parent entity of such owner or occupant;*

*(B) Is a not-for-profit corporation, as defined by Section 102(a)(10) of the Not-For-Profit Corporation Law;*

*(C) Is using the property primarily for industrial, manufacturing or maritime activities; or*

*(D) Is using the property primarily to operate a FRESH food store, as defined by Section 63-01 of the New York City Zoning Resolution.*

*d. (i) The living wage shall be an hourly compensation package that is no less than the sum of the living wage rate and the health benefits supplement rate for each hour worked. As of the effective date of the local law that added Chapter 7 of Title 25 of the Administrative Code of the City of New York, the living wage rate shall be ten dollars and 20 cents ($10.20) per hour and the health benefits supplement rate, which may be provided in the form of cash wages, health benefits or any combination of the two, shall be one dollar and 55 cents ($1.55) per hour. The value of health benefits shall be determined based on the prorated hourly cost to the person paying for the health benefits.*

*(ii) In 2015 and each year thereafter:*

*(A) On January 1, the living wage rate and the health benefits supplement rate shall be adjusted based on the 12-month percentage increases, if any, in the Consumer Price Index for All Urban Consumers for All Items and the Consumer Price Index for All Urban Consumers for Medical Care, respectively, or their successor indexes, if any, as published by the Bureau of Labor Statistics of the United States Department of Labor, based on the most recent 12-month period for which data is available. The adjusted living wage rate and health benefits supplement rate shall each then be rounded to the nearest five cents.*

*(B) On April 1, the adjusted living wage rate and health benefits supplement rate shall become effective as the new living wage rate and health benefits supplement rate, respectively.*

*(iii) For persons who customarily and regularly receive tips, any tips received and retained by the person may be credited towards the living wage rate if, for each pay period that the sum of the person's cash wages and tips received is less than the living wage rate multiplied by the number of hours worked, the person receives the difference in additional cash wages.*

*e. The Corporation may convey, lease as lessor or otherwise dispose of real property for a use other than use as a living wage property only where the Corporation complies with Section 25-905(b) of the Administrative Code of the City of New York; provided further that, in the report required by Section 25-905(b)(2) of such code, the Corporation shall specify the reason that disposition of the property for use a living wage property is impracticable or undesirable.*

*4. Strategic Plan. The Corporation shall develop a strategic plan to address the purposes for which it has been formed and shall update such plan from time to time as needed. The Corporation shall provide a copy of such plan, and any updates thereto, to each member.*

*5. Nondiscrimination and Affirmative Action Policy. The Corporation shall have a nondiscrimination and affirmative action policy which shall read as follows:*

*"NEW YORK CITY LAND CORPORATION*
*NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY*

*The New York City Land Corporation (NYCLC) shall not discriminate against any person upon the basis of race, color, religion, national origin, sex, disability, sexual orientation, gender identity, age, familial status, marital status, partnership status, lawful occupation, lawful source of income, military status, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence, or stalking. This policy also prohibits retaliation.*

*NYCLC shall also ensure that any transferee or purchaser of any property from NYCLC, and any successor in interest thereto, abides by this policy in the sale, lease or rental, or in the use or occupancy of the property or improvements erected or to be erected thereon or any part thereof."*

§2. This local law shall take effect immediately. This local law shall expire one year after enactment unless the urban development corporation approves this local law under subdivision g of section sixteen hundred three of the not-for-profit corporation law within one year after enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 119

By Council Members Lander, Cumbo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the number of drinking fountains adjacent to public parks and greenstreets**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-154 to read as follows:

*§18-154 Drinking fountains and parks. a. For purposes of this section, "greenstreets" shall mean a location under the jurisdiction of the commissioner that is used as a pedestrian thoroughfare that is not inside of or adjacent to a park.*

*b. The commissioner shall on a regular basis, beginning on January 1, 2019 and no less than every five years thereafter, complete an evaluation of the need for drinking fountains on locations under the jurisdiction of the commissioner, that are adjacent to non-park land, including both greenstreets and the perimeters of public parks. Such evaluation shall consider both the proximity of existing sources of public drinking water and how heavily trafficked such locations are by pedestrians and bicyclists. At the conclusion of each evaluation, the commissioner shall report to the council on the seventy-five such locations, as identified by the commissioner, that would most benefit from the installation of drinking fountains for public use.*

*c. Prior to July 1, 2019, no less than twenty-five drinking fountains available for public use shall be installed and maintained at locations identified by the commissioner in the report issued pursuant to subdivision b of this section. Every five years hence, the department shall install and maintain no less than twenty-five additional drinking fountains for public use, at locations identified by the commissioner pursuant to subdivision b. Anytime after July 2, 2029, the commissioner may determine not to install any further drinking fountains under this section and shall inform the speaker of the council in writing of such determination and the reasons therefor.*

§2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 120

By Council Members Lander and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to waiving parks permit fees for schools and child day care centers and providing an online system for school permit applications**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-155 to read as follows:

*§18-155 Permit fee waiver for groups of children. a. Any school that provides educational instruction at or below the twelfth grade level or any child day care center that applies for a permit for the use of any park services under the jurisdiction of the commissioner shall not be required to pay any fee for such permit.*

*b. The commissioner shall provide for free permit applications for such schools and day care centers to be available on the department's website.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 121

By Council Member Lander

**A Local Law to amend the administrative code of the city of New York, in relation to serious collision victims' access to information and collision victims' resource**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-170 to read as follows:

*§14-170. Collision Victim Access to Information.*

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

*1. "Family representative" shall mean, upon written proof, the duly authorized executor of the serious collision victim's estate or any attorney retained by such victim or his or her next of kin;*

*2. "Next of kin" shall mean the closest living relative of the victim of a serious collision that has died or is rendered unconscious as a result of the injuries sustained in such serious collision. For the purposes of this section, the next of kin order of precedence shall be as follows: (i) spouse; (ii) issue; (iii) parent(s); (iv) other legal guardian(s); and (v) sibling(s);*

*3. "Serious collision" shall mean a motor vehicle collision involving one or more motor vehicles where the collision results in a serious physical injury as defined by article ten of the New York State Penal Law; and*

*4. "Victim" shall mean any person, including a motor vehicle operator, a motor vehicle passenger, a bicyclist, or a pedestrian, who as a result of a serious collision suffers a serious physical injury as defined by article ten of the New York State Penal Law.*

*b. Online access to serious collision information.*

*1. Within six months of the enactment of the law creating this section, the department shall create and maintain a secure website where the victim of a serious collision, the next of kin of such victim, attorney or other agent of such victim will be able to access certain information about such serious collision pursuant to rules set forth by the commissioner of the department. Such website shall include information such as: (i) date of the serious collision; (ii) location of the serious collision; (iii) investigation status; (iv) whether or not any summonses have been issued or arrests affected; and (iv) whether or not any witnesses have been identified and interviewed.*

*2. The department shall make the serious collision information available via the website created and maintained pursuant to this section within a reasonable timeframe after the occurrence of such serious collision(s) and shall update the serious collision information within a reasonable timeframe after such new or updated information becomes available to the department; except that the department may withhold the disclosure of any information which would: (i) interfere with the investigation or prosecution of a crime involved in or connected with the collision; or (ii) be exempt from disclosure pursuant to section eighty-seven of the New York State Public Officer's Law;*

*3. The commissioner of the department shall make and promulgate such rules and regulations as he or she deems necessary for the proper implementation of this section. The rules promulgated by the commissioner shall include, but not be limited to:*

*(i) the process by which a victim, next of kin of such victim, or other family representatives of such victim, shall request access to the website created pursuant to this section;*

*(ii) the documentation necessary to prove that the person requesting website access is in fact a serious collision victim, the next of kin of such victim, or an attorney or agent of such victim; and*

*(iii) the manner in which the department will provide a serious collision victim, next of kin of such victim, or an attorney or agent of such victim with online access to the serious collision information website created pursuant to this section.*

*§2. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-171 to read as follows:*

*§14-171. Collision Victim Resources.*

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

*1. "Collision" shall mean any incident where (i) one or more motor vehicles comes in physical contact with another motor vehicle, a pedestrian, or a bicyclist; or (ii) one or more motor vehicles is operated in a manner that causes a pedestrian or bicyclist to sustain a physical injury or injuries, as defined by article ten of the New York State Penal Law, without coming into physical contact with such pedestrian or bicyclist;*

*2. "Victim" shall mean any a person, including a motor vehicle operator, a motor vehicle passenger, a bicyclist, or a pedestrian, who suffers physical injury, as defined by article ten of the New York State Penal Law, as a result of a collision, as defined by this section.*

*b. Collision Victim Resources.*

*1. Every victim of a collision shall be provided with a copy of the collision victim resources at the scene of such collision by the responding officer of the department in a form and manner to be determined by the commissioner of the department.*

*2. The collision victim resources shall be posted in every police precinct house, in a publicly visible location, and in a form and manner to be determined by the commissioner of the department.*

*3. The department shall conspicuously post the collision victim resources on the department's website.*

*4. The collision victim resources shall state the following information:*

*(i) All victims of a collision who are injured or suffered property damage are entitled to have an official police report, known as an MV-104AN, completed by an officer responding to the scene of the collision, whether or not there was contact between the victim and the vehicle that caused the victim's injuries;*

*(ii) All victims can request that a responding police officer complete an MV-104AN at the scene of the collision and thereafter provide such victim with the report number;*

*(iii) All victims of a collision are entitled to receive a copy of an MV-104AN from the precinct in which the collision occurred, within a reasonable timeframe thereafter, for a non-refundable fee of ten dollars, payable by check or money order to the "City of New York, Police Department";*

*(iv) All victims of a collision are entitled to obtain the insurance information of all motor vehicles involved in such collision and this information is included in the official police report;*

*(v) All collision victims are entitled to no-fault insurance benefits from either the insurance carrier covering the vehicle in which such victim was passenger or operator, or the insurance carrier of another vehicle involved in the collision, even if the victim is a pedestrian or bicyclist without his or her own automobile insurance;*

*(vi) In the event that an officer was not called, or did not respond, to the scene of a collision, all victims of a collision should report the collision to the police within twenty-four hours of its occurrence or risk losing access to no-fault insurance benefits;*

*(vii) No-fault insurance benefits are available to victims of a collision regardless of whether or not the parties to a collision file a lawsuit. No-fault benefits cover, with no deductibles or co-payments, medical bills, ambulance transportation, a portion of lost wages, and any out-of-pocket expenses, if applicable and supported by medical documentation;*

*(viii) In order to be eligible for no-fault insurance benefits, a victim of a collision must complete, sign, and deliver a no-fault application to the no-fault insurance carrier within thirty days of the collision;*

*(ix) All victims of a collision are also entitled to file a lawsuit for pain and suffering, disability, and any economic loss not covered by no-fault insurance if a serious injury, as defined by New York State Insurance Law Section 5102(d), has been sustained;*

*c. Authority to promulgate rules. The commissioner shall have the authority to promulgate rules as he or she deems necessary and appropriate for the implementation of this section.*

§3. This local law take effect 120 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 122

By Council Member Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to the removal of motor vehicles to satisfy parking violations.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-212 of the administrative code of the city of New York is amended to read as follows:

§ 19-212 Limitation on removal of motor vehicles for purposes of satisfying parking violation judgments. Notwithstanding any other provision of law, a motor vehicle shall not be removed from any street or other public area solely for the purpose of satisfying an outstanding judgment or judgments for parking violations against the owner unless the total amount of such judgment or judgments, including interest, is greater than [three hundred fifty] *five hundred* dollars, *or such judgments exceed five parking violations*. The provisions of this section shall not be construed to prohibit the removal of a motor vehicle which is illegally parked, stopped or standing.

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

Referred to the Committee on Transportation.

Int. No. 123

By Council Member Lander.

**A Local Law to amend the New York city charter, in relation to requiring the department of information technology and telecommunications to create and maintain an interactive website detailing traffic crash data**

*Be it enacted by the Council as follows:*

Section 1. Subdivision r of section 1072 of the New York city charter is amended to read as follows:

r. to provide to the public, at no charge on the city's website, an interactive crime *and traffic crash* map that, for each segment of a street bounded by one or more intersections and/or a terminus, shall visually display the aggregate monthly, yearly and year-to-date totals for the current and the most recent prior calendar years for each class of crime that is reported to the New York city police department, or for which an arrest was made, including crimes that occurred in parks and subway stations, *and for each such segment of a street, the aggregate monthly, yearly and year-to-date totals of traffic crashes and the number of fatalities that resulted from all such traffic crashes*. Such map shall be searchable by address, zip code, and patrol precinct. All information required by this subdivision shall be available on the city's website as soon as practicable but in no case more than one month after a crime complaint has been filed *or a traffic crash has occurred.* The mayor shall ensure that all agencies provide the department with such assistance and information as the department requires to compile and update the interactive crime *and traffic crash* map.

§ 2. This law shall take effect 180 days after enactment into law.

Referred to the Committee on Transportation.

Int. No. 124

By Council Member Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to the issuance of temporary parking spaces for persons who are changing residences**

*Be it enacted by the Council as follows:*

Section 1. Section 19-162 of the administrative code of the city of New York is amended by adding a new subdivision 3 to read as follows:

*3. Notwithstanding any local law or regulation to the contrary, it shall be permissible for persons who are changing residences to obtain a temporary parking permit for a loading space as close as is practicable to such residences within the city of New York, provided such parking does not violate any provision of the vehicle and traffic law. An application for a permit issued pursuant to this paragraph, and such supporting documentation as may be required by the commissioner, shall be submitted by such person or on behalf of such person if accompanied by a notarized statement of such person requesting such permit.*

§ 2. This law shall take effect 30 days after enactment into law.

Referred to the Committee on Transportation.

Int. No. 125

By Council Members Lander and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a citywide wildlife management plan**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-154 to read as follows:

*§ 18-154 Wildlife management advisory board. a. There shall be a wildlife management advisory board to develop a citywide wildlife management plan.*

*b. Such advisory board shall consist of eleven members as follows:*

*1. Three members shall be appointed by the mayor, provided that at least one such member shall be from academia and have advanced specialized training in the management of wildlife in an urban setting;*

*2. Four members shall be appointed by the speaker of the council, provided that at least one such member shall have not less than five years' experience working with wildlife in urban settings;*

*3. The commissioner of parks and recreation, the commissioner of environmental protection, and the commissioner of health and mental hygiene, or the respective designees of such commissioners, shall serve ex officio;*

*4. The deputy mayor for operations, or his or her designee, shall serve as chairperson of the advisory board; and*

*5. The advisory board shall invite the New York state department of agriculture and markets, the New York state department of environmental conservation, the United States department of agriculture, the United States department of the interior, the United States environmental protection agency, the federal aviation administration and any other relevant state or federal agency, as identified by such board, to participate in the*

*development of the citywide wildlife management plan.*

*c. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment.*

*d. Members of the advisory board shall serve without compensation and shall meet as necessary.*

*e. At the first meeting of the advisory board, no later than one hundred eighty days after the enactment of the law that added this section, the advisory board shall set dates for public hearings and solicit testimony from the public and from relevant state and federal agencies on the development of a citywide wildlife management plan.*

*f. The advisory board shall issue a citywide wildlife management plan to the mayor and council no later than twelve months after the final member of the advisory board is appointed. Such plan shall, at a minimum, include:*

*1. An analysis of significant wildlife management problems;*

*2. Strategies to promote biological diversity and healthy wildlife distribution;*

*3. Proposed policies to ensure that wildlife management initiatives preserve and protect the public health and safety;*

*4. A description of proposed strategies to address wildlife management problems that use the most humane treatment of wildlife feasible;*

*5. An assessment of the need for additional wildlife management resources;*

*6. An analysis of historical, present and projected needs for the management of wildlife;*

*7. A description of particular actions proposed to be undertaken by each agency in furtherance of the wildlife management plan that use the most humane treatment of wildlife feasible;*

*8. An estimation of the cost of such proposed initiatives; and*

*9. Recommendations for further action regarding the management of wildlife.*

*g. The advisory board shall terminate sixty days after the publication of the citywide wildlife management plan.*

*h. Not later than one year after the termination of the wildlife management advisory board, and every one year thereafter, the department shall submit a report to the mayor and the speaker of the council concerning the current status of wildlife management problems and programs in the city. This report shall provide an update on the status of ongoing significant wildlife management problems, including but not limited to those identified in the citywide wildlife management plan and in prior years' reports. The report will provide an update on the impact and progress of any wildlife management proposals adopted by relevant agencies, including but not limited to proposals adopted from the citywide wildlife management plan and proposals adopted from the recommendations made in the reports of prior years. The report shall also provide recommendations for future action regarding the management of wildlife.*

*i. All agencies shall consider the effect that their initiatives, actions, policies and programs have on wildlife in the city of New York.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 126

By Council Members Lander, Chin and Brannan.

**A Local Law to create a senior housing task force**

*Be it enacted by the Council as follows:*

Section 1. a. There is hereby established a senior housing task force that shall develop and recommend changes to the laws, rules, regulations, and policies related to the building code, housing development, housing maintenance, taxation, and zoning in order to increase the availability and affordability of safe, appropriate housing for older New Yorkers both present and future.

b. The senior housing task force shall perform the following actions and propose changes to the laws, rules, regulations, and policies where appropriate:

(i) identify and evaluate the public and private financing sources available for the construction or rehabilitation of housing for older New Yorkers;

(ii) identify and evaluate options for converting, rehabilitating, or altering existing structures to better accommodate older New Yorkers;

(iii) identify and evaluate the public and private financing sources available to promote independent living, shared or communal housing, supportive housing, or assisted living among older New Yorkers;

(iv) identify and evaluate the policies related to encouraging healthy aging behaviors or aging in place;

(v) identify and evaluate the public and private financing sources available for the maintenance and repair of housing for older New Yorkers;

(vi) identify and evaluate the policies related to older New Yorkers' access to home improvement contractors and other means of maintenance and repair, including but not limited to weatherization programs;

(vii) identify and evaluate current tax exemptions, tax abatements, and other financial programs that would affect the rent, maintenance costs, or other housing costs for older New Yorkers;

(viii) identify and evaluate the legal assistance, social services, crisis intervention, and financial assistance options available for older New Yorkers facing eviction or at risk of eviction;

(ix) identify and evaluate the current parking requirements for affordable housing and determine whether such requirements create a bar to the construction of affordable housing for older New Yorkers;

(x) identify, evaluate, and encourage the coordination of and partnerships among housing unit managers, housing managers, residents, and providers of health and social services in naturally occurring retirement communities and other communities with significant populations of older New Yorkers;

(xi) identify and evaluate efforts in other jurisdictions to address the issues described in paragraphs (i) through (x) above in order to identify best practices; and

(xii) consult with senior housing advocacy groups.

c. The senior housing task force shall have nineteen members which shall be:

(i) the commissioner of buildings or their representative;

(ii) the commissioner of housing preservation and development or their representative;

(iii) the director of city planning or their representative;

(iv) the commissioner of aging or their representative;

(v) the commissioner of design and construction or their representative;

(vi) the commissioner of finance or their representative;

(vii) the chairperson of the New York city housing authority or their representative;

(viii) the commissioner of health and mental hygiene or their representative;

(ix) the commissioner of the mayor's office for people with disabilities or their representative;

(x) nine members appointed by the speaker of the council no later than thirty days after the effective date of this chapter; and

(xi) one additional member appointed by the mayor to serve as chairperson of the senior housing task force no later than 30 days after the effective date of this chapter.

d. The senior housing task force shall have a duration of three years and 30 days.

e. The senior housing task force shall meet at least quarterly and every six months shall issue a report to the mayor and the council detailing its activities and recommendations.

§ 2. This local law takes effect immediately.

Referred to the Committee on Aging.

Int. No. 127

By Council Members Lander and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of sick time earned by employees**

*Be it enacted by the Council as follows:*

Section 1. Section 20-924 of the administrative code of the city of New York, as added by local law 46 of 2013, is amended to read as follows:

§ 20-924 Enforcement,[and] penalties *and private right of action*. a. The department shall enforce the provisions of this chapter. In effectuating such enforcement, the department shall establish a system utilizing multiple means of communication to receive complaints regarding non-compliance with this chapter and investigate complaints received by the department in a timely manner.

b. Any person, *including any organization,* alleging a violation of this chapter shall have the right to file a complaint with the department [within two years of the date the person knew or should have known of the alleged violation]. The department shall maintain confidential the identity of any complainant unless disclosure of such complainant's identity is necessary for resolution of the investigation or otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing his or her identity prior to such disclosure.

c. Upon receiving a complaint alleging a violation of this chapter, the department shall investigate such complaint and attempt to resolve it through mediation. Within thirty days of written notification of a complaint by the department, the person or entity identified in the complaint shall provide the department with a written response and such other information as the department may request. The department shall keep complainants reasonably notified regarding the status of their complaint and any resultant investigation. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the department believes that a violation has occurred, it shall issue to the offending person or entity a notice of violation. The commissioner shall prescribe the form and wording of such notices of violation. The notice of violation shall be returnable to the administrative tribunal authorized to adjudicate violations of this chapter.

d. The department shall have the power to impose penalties provided for in this chapter and to grant an employee or former employee all appropriate relief. Such relief shall include: (i) for each instance of sick time taken by an employee but unlawfully not compensated by the employer: three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; (ii) for each instance of sick time requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker, or for each instance an employer requires an employee to work additional hours without the mutual consent of such employer and employee in violation of section 20-915 of this chapter to make up for the original hours during which such employee is absent pursuant to this chapter: five hundred dollars; (iii) for each instance of unlawful retaliation not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars and equitable relief as appropriate; and (iv) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, two thousand five hundred dollars and equitable relief, including reinstatement, as appropriate.

e. Any entity or person found to be in violation of the provisions of sections 20-913, 20-914, 20-915 or 20-918 of this chapter shall be liable for a civil penalty payable to the city not to exceed five hundred dollars for the first violation and, for subsequent violations that occur within two years of any previous violation, not to exceed seven hundred and fifty dollars for the second violation and not to exceed one thousand dollars for each succeeding violation.

*f. 1. Any person claiming to be aggrieved by a violation of this chapter shall have a cause of action in any court of competent jurisdiction for compensatory damages, injunctive and declaratory relief, attorney's fees and costs, and such other relief as such court deems appropriate, including the following remedies for violations of this chapter: (i) for each instance of sick time taken by an employee but unlawfully not compensated by the employer, three times the wages that should have been paid under this chapter or two*

*hundred fifty dollars, whichever is greater; (ii) for each instance of sick time requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker, or for each instance an employer requires an employee to work additional hours without the mutual consent of such employer and employee in violation of section 20-915 of this chapter to make up for the original hours during which such employee is absent pursuant to this chapter: five hundred dollars; (iii) for each instance of unlawful retaliation not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars and equitable relief as appropriate; and (iv) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, two thousand five hundred dollars and equitable relief, including reinstatement, as appropriate.*

*2. When determining compensatory damages for a violation of any provisions of this chapter, a court may consider: the goals of deterring future violations, encouraging employees to report violations, and protecting and improving the public health; the degree of good or bad faith of the employer; the gravity of the violation; any history of previous violations; and the compliance or noncompliance with recordkeeping, notice, and other requirements of this chapter.*

*g. Submitting a complaint to the department shall be neither a prerequisite nor a bar to bringing a private action.*

*h. A person must file a complaint with the department, or a court of competent jurisdiction, within two years of when that person knew or should have known of an alleged violation of this chapter, except that any person who filed a timely complaint with the department prior to the effective date of the local law that amended this subdivision whose complaint has not been finally resolved by the department shall have the right to file a complaint in a court of competent jurisdiction notwithstanding the requirement that such complaint be filed with a court of competent jurisdiction within two years of when that person knew or should have known of any alleged violation.*

[f.]*i.* The department shall annually report on its website the number and nature of the complaints received pursuant to this chapter, the results of investigations undertaken pursuant to this chapter, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this chapter, and the average time for a complaint to be resolved pursuant to this chapter.

§ 2. Chapter 8 of title 20 of the administrative code of the city of New York is amended to add a new section 20-925 to read as follows:

*§ 20-925 Enforcement by the corporation counsel. The corporation counsel or such other persons designated by the corporation counsel on behalf of the office may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation of this chapter, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter or such other relief as may be appropriate.*

§ 3. This local law shall take effect immediately upon enactment into law.

Referred to the Committee on Civil Service and Labor.

Int. No. 128

By Council Members Lander, Cumbo, Van Bramer and Brannan.

**A Local Law to amend the New York city charter, in relation to creating a historic and cultural marker program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-e to read as follows:

*§ 20-e. Historic and cultural marker program. a. For the purposes of this section, the term "marker" shall mean a visual indicator, such as a sign or plaque, to commemorate a person, place, or event.*

*b. Not later than December 1, 2018, the mayor shall create a historic and cultural marker program. The mayor shall determine which agency shall be responsible for developing, implementing, and overseeing the program. The program would:*

*1. Commemorate important people, places and events significant to New York City's history and identity through historic and cultural markers;*

*2. Provide interpretive, interactive, and online materials to educate New York City residents and visitors about a diverse range of cultural and historic sites; and*

*3. Provide a searchable online database on an official website of the city accessible to the public that shall include a list of all historic and cultural markers.*

*c. The mayor or, as designated by the mayor, an office of the mayor or any department the head of which is appointed by the mayor shall create a process by which a member of the public may submit a proposal for a historic or cultural marker.*

§2. This local law takes effect immediately after it becomes law.

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

Int. No. 129

By Council Members Lander, Gibson, Chin and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on crossing guard deployment.**

*Be it enacted by the Council as follows:*

Section 1. Section 14-118 is amended to add a new subdivision d to read as follows:

*d. The commissioner shall create a deployment map of the stationed crossing guard locations in New York City. Such map shall also be posted on the department website.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 130

By Council Members Lander, Kallos, The Public Advocate (Ms. James) and Brannan (by request of the Manhattan Borough President).

**A Local Law to amend the New York city charter, in relation to instant run-off voting**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 10 of subdivision c of section 10 of the New York city charter is REPEALED.

§2. Chapter 46 of the New York city charter is amended by adding a new section 1057-g to read as follows:

*§ 1057-g. Instant run-off voting for citywide primary elections.*

*a. The method of conducting primary elections for the offices of mayor, public advocate, and comptroller, and any election for mayor, public advocate, comptroller, borough president, or councilmember for which all candidates were nominated by independent nominating petition, shall be governed by applicable provisions of the New York state election law, except for provisions inconsistent with the procedures established by this*

*section. The procedures of this section shall apply exclusively to instant run-off candidates and instant run-off ballots.*

*b. For the purposes of this section:*

*(1) "instant run-off candidate" shall mean a candidate for nomination for the offices of mayor, public advocate, or comptroller in a primary election for which at least two other candidates for nomination to the same office are on the ballot, and a candidate for mayor, public advocate, comptroller, borough president, or councilmember for which all candidates were nominated by independent nominating petition and for which there are at least two other candidates for the same office on the ballot.*

*(2) "instant run-off ballot" shall mean a ballot allowing voters to rank up to three instant run-off candidates in order of preference as their first, second and third choices.*

*c. Elections with instant run-off candidates shall utilize instant run-off ballots.*

*d. If an instant run-off candidate receives at least fifty percent plus one vote of first choice votes, that candidate shall be declared the winner for that race.*

*e. If no instant run-off candidate in a race receives at least fifty percent plus one vote of first choice votes, the following tabulation procedure shall apply: the two candidates who received the highest and second highest number of first choice votes in each such race shall be continuing candidates, while all other candidates in each such race shall be eliminated. Ballots indicating a first choice vote for an eliminated candidate shall be counted as votes for the highest ranked continuing candidate in such race on such ballot. Ballots that do not rank a continuing candidate shall not be counted as votes for any candidate in that race. If both continuing candidates receive the same rank on a ballot, the ballot shall not be counted as a vote for any candidate in that race. The continuing candidate with the highest number of votes after the tabulation procedure set forth in this subdivision shall be declared the winner for that race.*

*f. An instant run-off ballot shall allow a voter to rank one write-in candidate for each race with instant run-off candidates.*

*g. Instant run-off ballots shall include instructions explaining how to mark a ballot, as well as any other information deemed necessary by the New York city board of elections.*

*h. The voter assistance advisory committee shall conduct a voter education campaign to familiarize voters with the instant run-off method of voting.*

§3. This local law takes effect immediately following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 131

By Council Members Lander, Koo and Brannan.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to curb cuts**

*Be it enacted by the Council as follows:*

Section 1. Section 3202.2.2.4.1 of the New York city building code is amended to read as follows:

3202.2.2.4.1 Curb cut removal. Vehicular access curb cuts that can no longer serve as vehicular access across a curb or sidewalk shall be removed and the curb and sidewalk shall be restored in accordant with standards of the Department of Transportation. The commissioner may order such removal and restoration. The commissioner shall limit the length of any curb cut for the purpose of providing a driveway across such curb or sidewalk, when in the opinion of the commissioner the actual use or intended use of such driveway would endanger the public. Where the vehicular use of such driveway, in the opinion of the commissioner is dangerous to the public, *or where a curb cut is inconsistent with any requirement of the building code or the New York City Zoning Resolution,* the commissioner shall order the owner to discontinue use of such driveway

and restore the curb and sidewalk in accordance with standards of the Department of Transportation. Upon the failure of the owner to comply with any of the orders provided for in Section 3202.2.2.4, in such cases where the restoration of such curb cuts are needed to facilitate department of transportation work, the commissioner may inform the commissioner of transportation of such failure to comply and may request the cooperation of the commissioner of transportation acting under his or her authority pursuant to section 2903(b)(7) of the New York City Charter in the enforcement of this section.

§ 2. Items 3 and 4 of section 28-104.8.1 of the administrative code of the city of New York are amended and new item 5 is added to read as follows:

3. A professional certification; [and]

4. A statement certifying compliance with the New York city energy conservation code[.]*; and*

*5. A statement certifying (i) that, where the proposed construction would cause any abutting curb cut to be in noncompliance with any requirement in the zoning resolution or in this code, construction documents include plans to restore the curb and sidewalk of such curb cuts as required by the department of transportation, or (ii) that the proposed construction would not render any curb cut abutting the property to be in noncompliance with the zoning resolution or this code.*

§ 3. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 132

By Council Members Lander, Koo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the temporary closing of sidewalks**

*Be it enacted by the Council as follows:*

Section 1. Section 19-103 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

*j. When a permit to temporarily close a sidewalk expires, and the permitee has not requested a new permit, the department shall communicate with the department of buildings in order to determine whether all construction permits issued by the department of buildings associated with the sidewalk obstruction have expired. If all such department of buildings construction permits associated with the sidewalk obstruction have expired and the removal of such obstruction would not create an unsafe condition, the department shall order the removal of the obstruction associated with the expired permit to temporarily close a sidewalk.*

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

Referred to the Committee on Transportation.

Int. No. 133

By Council Members Lander, Reynoso and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to creating an interagency task force on electric assisted bicycle safety**

*Be it enacted by the Council as follows:*

Section 1. Findings and Intent. The City of New York is a unique urban environment and factors such as limited parking, traffic congestion and the availability of public transportation discourage car use.

Consequently, many New Yorkers ride bicycles to work and other destinations. Bicyclists also ride for recreation and to improve health and fitness. Bicycling reduces road congestion and motor vehicle related pollution. The Council recognizes that the increase of bicycling in New York City creates health and environmental benefits. The Council also recognizes that there has been a recent increase in the use of electric assisted bicycles on the streets of the City of New York, especially by delivery personnel employed by commercial establishments like restaurants and messenger services. The Council recognizes that a safe environment for bicyclists and pedestrians can prevent injuries and fatalities. The Council finds that by establishing a mechanism for comprehensive review of the use of and the legal framework for electric assisted bicycles, we will better understand how to improve the safety of pedestrians and riders and also encourage safe bicycling practices with respect to electric assisted bicycles. Accordingly, the Council finds it necessary to examine the legal framework related to electric assisted bicycles.

§2. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-199 to read as follows:

*§19-199 Electric assisted bicycle safety task force. a. The department shall establish an electric assisted bicycle safety task force to examine the city's transportation needs and plans with respect to electric assisted bicycles. Such task force shall develop safety recommendations in light of the increased use of electric assisted bicycles. Such recommendations shall include, but not be limited to, the creation of rules and proposals for new legislation regarding electric assisted bicycles; infrastructure components for lanes and parking regarding electric assisted bicycles; and educational campaigns and other measures to promote lawful bicycling while ensuring the safety of bicyclists and pedestrians.*

*b. Such task force shall consist of the commissioner of transportation, the chair of city planning, and the commissioner of parks and recreation, or the respective designee of such commissioner or chair. The mayor shall appoint two additional members, including one transportation specialist and one bicycle use specialist. The speaker of the city council shall appoint four additional members, including one transportation specialist and one bicycle use specialist.*

*c. The task force shall invite representatives from the New York state department of motor vehicles, the New York state department of transportation, and representatives of any other relevant state agency or state elected official, as identified by the task force, to participate in the development of the task force report pursuant to subdivision f of this section.*

*d. Such task force shall serve for a term of one year. Any vacancy shall be filled in the same manner as the original appointment.*

*e. All members of such task force shall serve without compensation, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city expenses.*

*f. Such task force shall meet at least five times a year and shall convene a public hearing in each of the five boroughs. The commissioner of transportation shall serve as the chair of such task force and shall convene the first meeting of such task force within ninety days after the effective date of the local law that added this section. Such task force shall issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than twelve months after the effective date of the local law that added this section.*

*g. The task force shall terminate upon the issuance of its final report.*

§3. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 134

By Council Members Lander and Reynoso (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to establishing minimum neighborhood service standards and requiring environmental mitigation reports on certain large-scale developments**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 25 of the administrative code of the city of New York is amended by adding a new section 25-116 to read as follows:

*§ 25-116 Environmental mitigation report. a. Definitions. For the purposes of this section the following terms and phrases shall have the following meanings:*

*1. "Covered agencies" shall mean the department of education, department of environmental protection, department of parks and recreation, department of sanitation, department of transportation, fire department and police department.*

*2. "Covered development" shall mean any project resulting in the construction of a building or structure used for commercial, residential or mixed use occupancy where an environmental impact statement is required by law for an application subject to review pursuant to section 197-c of the New York city charter.*

*b. The department of city planning shall work with each covered agency and submit a report to each council member, the borough president and each community board for the districts and borough in which a covered development is located within sixty days of issuance of a notice of completion of a draft environmental impact statement on the covered development. In preparing such report, each covered agency shall review the draft environmental impact statement and any other relevant information and provide to the mayor's office of environmental coordination and the department of city planning an assessment of:*

*1. the current level of services (including infrastructure used to provide such services) in the impacted area identified by the environmental impact statement relating to the covered development; and*

*2. a detailed description of each covered agency's plans to address the differential between such current service levels and the minimum neighborhood services set forth for the respective covered agencies in subdivisions d through j of this section.*

*c. Each covered agency shall, within 180 days of the effective date of this section, establish minimum neighborhood service standards as set forth in subdivisions d through j of this section, which shall be reevaluated no less often than every two years thereafter and revised as appropriate. These minimum neighborhood service standards shall serve as a standard for measuring the impact of a covered development on neighborhood services.*

*d. The department of transportation shall establish minimum neighborhood service standards which shall include, but not be limited to, the acceptable average distance to the closest public transportation from a city resident's home to a bus stop or subway station, and the acceptable frequency of each such mode of transportation during peak and off-peak hours, and an acceptable flow of vehicular and pedestrian traffic based on an examination of vehicular and pedestrian traffic patterns in order to identify and alleviate vehicular and pedestrian congestion and access to alternative transportation methods, such as, but not limited to, authorized bicycle lanes. The department of transportation shall periodically review and, as necessary, revise such minimum neighborhood service standards.*

*e. The department of sanitation shall establish minimum neighborhood service standards for the frequency of the collection of solid waste and designated recyclable materials and street cleaning. The department of sanitation shall periodically review and, as necessary, revise such minimum neighborhood service standards.*

*f. The department of environmental protection shall establish minimum neighborhood service standards for air quality, ambient noise levels, the provision of potable water and wastewater treatment. The department of environmental protection shall periodically review and, as necessary, revise such minimum neighborhood service standards.*

*g. The department of education shall establish minimum service standards which shall include, but not be limited to, the number of school seats needed for elementary level, middle school level, and high school level students, respectively, in order to serve the current and expected future school populations. The department of education shall periodically review and, as necessary, revise such minimum neighborhood service standards.*

*h. The department of parks and recreation shall establish neighborhood service standards for access to parks and open space. Such neighborhood service standards shall include, but not be limited to, the acceptable distance an individual should reside from a park or other open space and the minimum amount of parkland appropriate for a given residential and commercial population. The department shall periodically review and, as necessary, revise such minimum neighborhood service standards.*

*i. The police department shall establish minimum neighborhood service standards for protection of New York city residents. Such neighborhood service standards shall include, but not be limited to, the appropriate response times for different categories of complaints or requests for assistance received by the police department, and precinct staffing levels and patrol schedules. The police department shall periodically review and, as necessary, revise such minimum neighborhood service standards.*

*j. The fire department shall establish minimum neighborhood service standards for fire protection, including, but not limited to, the response time necessary to achieve adequate protection against fire and other emergency response conditions within the jurisdiction of the fire department. The fire department shall periodically review and, as necessary, revise such minimum neighborhood service standards.*

*k. No later than February 28 of each year, the department of city planning shall submit to the city council a report describing for each project approved by the department of city planning any adverse environmental impacts of each such project that were identified in any environmental impact statement prepared in conjunction with such project, what measures are required to be taken to mitigate those impacts, when each such mitigation measure is required to be initiated and the duration of each such mitigation measure. Such report shall include for each such project for the first five years for which each mitigation measure is required to be implemented, what actions have been and will be undertaken with respect to each such mitigation measure.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 135

By Council Members Lander, Reynoso, Levin, Chin, Rosenthal, Perkins and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to certain expanded polystyrene items**

*Be it enacted by the Council as follows:*

Section 1. Section 16-329 of the administrative code of the city of New York, as added by local law number 142 for the year 2013, is amended to read as follows:

§ 16-329 Restrictions on the sale or use of certain expanded polystyrene items. a. Definitions. When used in this section:

["Chain] *Chain food service establishment. The term "chain* food service establishment" means five or more food service establishments located within the city that [(1)] *(i)* conduct business under the same business name or [(2)] *(ii)* operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

["Chain] *Chain store. The term "chain* store" means five or more stores located within the city that [(1)] (i) conduct business under the same business name or [(2)] *(ii)* operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

["Economically feasible" means cost effective based on consideration of factors including, but not limited to, direct and avoided costs such as whether the material is capable of being collected by the department in the same truck as source separated metal, glass and plastic recyclable material, and shall include consideration of markets for recycled material.]

["Environmentally effective" means not having negative environmental consequences including, but not limited to, having the capability to be recycled into new and marketable products without a significant amount of material accepted for recycling being delivered to landfills or incinerators.]

["Expanded] *Expanded polystyrene. The term "expanded* polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable

bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Such term shall not include rigid polystyrene.

["Food] *Food service establishment. The term "food* service establishment" means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle. Food service establishment shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.

["Manufacturer"] *Manufacturer. The term "manufacturer"* means every person, firm or corporation that:

1. [produces] *Produces* expanded polystyrene or polystyrene loose fill packaging that is sold or distributed in the city; or

2. [imports] *Imports* expanded polystyrene or polystyrene loose fill packaging that is sold or distributed in the city.

["Mobile] *Mobile food commissary. The term "mobile* food commissary" means any facility that:

1. [disposes] *Disposes* of solid waste generated by the operation of a food service establishment that is located in or is a pushcart, stand or vehicle; or

2. [supplies] *Supplies* potable water and food, whether pre-packaged or prepared at the mobile food commissary, and supplies non-food items.

["Polystyrene] *Polystyrene loose fill packaging. The term "polystyrene* loose fill packaging," commonly known as packing peanuts, means a void-filling packaging product made of expanded polystyrene that is used as a packaging fill.

["Safe for employees" means that, among other factors, the collection and sorting of any source separated material does not pose a greater risk to the health and safety of persons involved in such collection and sorting than the risk associated with the collection and sorting of any other source separated recyclable material in the metal, glass and plastic recycling stream.]

["Single] *Single service articles. The term "single* service articles" means cups, containers, lids, closures, trays, plates, knives, spoons, stoppers, paddles, straws, place mats, napkins, doilies, wrapping materials, toothpicks and all similar articles that are intended by the manufacturer to be used once for eating or drinking or that are generally recognized by the public as items to be discarded after one use.

["Store"] *Store. The term "store"* means a retail or wholesale establishment other than a food service establishment.

[b. No later than January first, two thousand fifteen, the commissioner shall determine, after consulting with the department's designated recycling contractor for metal, glass and plastic materials, manufacturers and recyclers of expanded polystyrene, and, in the commissioner's discretion, any other person or group having expertise on expanded polystyrene, whether expanded polystyrene single service articles can be recycled at the designated recycling processing facility at the South Brooklyn Marine Terminal in a manner that is environmentally effective, economically feasible, and safe for employees. At such time, the commissioner shall report to the mayor and the council on such determination. If the commissioner determines that expanded polystyrene single service articles can be recycled in such manner, the commissioner shall adopt and implement rules designating expanded polystyrene single service articles and, as appropriate, other expanded polystyrene products, as a recyclable material and require the source separation of such expanded polystyrene for department-managed recycling.]

[c. If expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, then, on and after July first, two thousand fifteen, no] b. No food service establishment, mobile food commissary, or store shall possess, sell, or offer for use single service articles that consist of expanded polystyrene including, but not limited to, providing food in single service articles that consist of expanded polystyrene. This subdivision shall not apply to [(1)] *(i)* expanded polystyrene containers used for prepackaged food that have been filled and sealed prior to receipt by the food service establishment, mobile food commissary, or store or [(2)] *(ii)* expanded polystyrene containers used to store raw meat, pork, fish, seafood or poultry sold from a butcher case or similar retail appliance.

[d. If expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, then, on and after July first, two thousand fifteen, no] *c. No* manufacturer or store shall sell or offer for sale polystyrene loose fill packaging in the city.

[e.] *d.* Any not-for-profit corporation, regardless of its income, and any food service establishment, mobile food commissary, or store that had a gross income under [five hundred thousand dollars] *$500,000* per location on their annual income tax filing for the most recent tax year and is not part of a chain food service establishment or a chain store may request from the commissioner of small business services, in a manner and form established by such commissioner, a financial hardship waiver of the requirements of this section. Such waiver request may apply to one or more single service articles possessed, sold, or offered for use by any such not-for-profit corporation, food service establishment, mobile food commissary, or store. The commissioner of small business services shall, after consultation with the commissioner, grant such waiver if such not-for-profit corporation, food service establishment, mobile food commissary, or store proves: [(1)] *(i)* that there is no comparable alternative product not composed of expanded polystyrene that would cost the same as or less than the single service article composed of expanded polystyrene, and [(2)] *(ii)* that the purchase or use of an alternative product not composed of expanded polystyrene would create an undue financial hardship. Such financial hardship waiver shall be valid for [twelve] *12* months and shall be renewable upon application to the commissioner of small business services. A pending application for such financial hardship waiver shall be a defense to any notice of violation issued pursuant to this section to which such pending application relates and such notice of violation shall be dismissed.

[f. On and after January first, two thousand fifteen, the department shall provide outreach and education as follows:

(1) if expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, the] *e. The* department, in consultation with the department of health and mental hygiene and the department of consumer affairs, shall conduct outreach and education to food service establishments, mobile food commissaries, and stores to inform them of the provisions of this section and provide assistance with identifying replacement material, and such outreach and education shall be offered in multiple languages[; and

(2) if expanded polystyrene single service articles are designated as a recyclable material pursuant to subdivision b of this section, the department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, for the purpose of improving compliance with such new recycling designation].

[g.] *f.* The department, the department of health and mental hygiene and the department of consumer affairs shall have the authority to enforce the provisions of this section.

§ 2. Subdivision f of section 16-324 of the administrative code of the city of New York, as added by local law number 142 for the year 2013, is amended to read as follows:

f. Any person who violates section 16-329 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer affairs, or in a proceeding before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of [two hundred fifty dollars] *$250* for the first violation, [five hundred dollars] *$500* for the second violation committed on a different day within a period of [twelve] *12* months, and [one thousand dollars] *$1,000* for the third and each subsequent violation committed on different days within a period of [twelve] *12* months, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs before [January first, two thousand sixteen] *January 1, 2019.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of sanitation, commissioner of health and mental hygiene, commissioner of consumer affairs and commissioner of small business services shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 136

By Council Members Lander, Rosenthal, Rose, Chin and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to protections for workers under the city's human rights law**

*Be it enacted by the Council as follows:*

Section 1. Section 8-102 of the administrative code of the city of New York, as amended by a local law voted on by the committee on civil rights on December 18, 2017, is amended to read as follows:

§ 8-102 Definitions. Except as otherwise expressly provided, when used in this chapter, the following terms have the following meanings:

Acts or threats of violence. The term "acts or threats of violence" includes, but is not limited to, acts, which would constitute violations of the penal law.

Alienage or citizenship status. The term "alienage or citizenship status" means:

1. The citizenship of any person, or

2. The immigration status of any person who is not a citizen or national of the United States.

Caregiver. The term "caregiver" means a person who provides direct and ongoing care for a minor child or a care recipient. As used in this definition:

1. Care recipient. The term "care recipient" means a person with a disability who: (i) is a covered relative, or a person who resides in the caregiver's household and (ii) relies on the caregiver for medical care or to meet the needs of daily living.

2. Covered relative. The term "covered relative" means a caregiver's child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of the caregiver's spouse or domestic partner, or any other individual in a familial relationship with the caregiver as designated by the rules of the commission.

3. Grandchild. The term "grandchild" means a child of a caregiver's child.

4. Grandparent. The term "grandparent" means a parent of a caregiver's parent.

5. Parent. The term "parent" means a biological, foster, step- or adoptive parent, or a legal guardian of a caregiver, or a person who stood in loco parentis when the caregiver was a minor child.

6. Sibling. The term "sibling" means a caregiver's brother or sister, including half-siblings, step-siblings and siblings related through adoption.

7. Spouse. The term "spouse" means a person to whom a caregiver is legally married under the laws of the state of New York.

8. Child. The term "child" means a biological, adopted or foster child, a legal ward or a child of a caregiver standing in loco parentis.

9. Minor child. The term "minor child" means a child under the age of 18.

Commercial space. The term "commercial space" means any space in a building, structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property; and any space which is used or occupied, or is intended, arranged or designed to be used or occupied as a business or professional unit or office in any building, structure or portion thereof.

Commission. The term "commission," unless a different meaning clearly appears from the text, means the city commission on human rights.

Consumer credit history. The term "consumer credit history" means an individual's credit worthiness, credit standing, credit capacity, or payment history, as indicated by: (i) a consumer credit report; (ii) credit score; or (iii) information an employer obtains directly from the individual regarding (1) details about credit accounts, including the individual's number of credit accounts, late or missed payments, charged-off debts, items in collections, credit limit, prior credit report inquiries, or (2) bankruptcies, judgments or liens. A consumer credit report shall include any written or other communication of any information by a consumer reporting agency that bears on a consumer's creditworthiness, credit standing, credit capacity or credit history.

Cooperative dialogue. The term "cooperative dialogue" means the process by which a covered entity and a person entitled to an accommodation, or who may be entitled to an accommodation under the law, engage in good faith in a written or oral dialogue concerning the person's accommodation needs; potential accommodations that may address the person's accommodation needs, including alternatives to a requested accommodation; and the difficulties that such potential accommodations may pose for the covered entity.

Covered entity. The term "covered entity" means a person required to comply with any provision of section 8-107.

Disability. The term "disability" means any physical, medical, mental or psychological impairment, or a history or record of such impairment. As used in this definition:

1. Physical, medical, mental, or psychological impairment. The term "physical, medical, mental, or psychological impairment" means:

(a) An impairment of any system of the body; including, but not limited to, the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or

(b) A mental or psychological impairment.

2. In the case of alcoholism, drug addiction or other substance abuse, the term "disability" only applies to a person who (i) is recovering or has recovered and (ii) currently is free of such abuse, and does not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

Domestic partner. The term "domestic partner" means any person who has a registered domestic partnership pursuant to section 3-240, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

Educational institution. The term "educational institution" includes kindergartens, primary and secondary schools, academies, colleges, universities, professional schools, extension courses, and all other educational facilities.

Employer. For purposes of subdivisions 1, 2, 3, 11-a, and 22, subparagraph 1 of paragraph a of subdivision 21, and paragraph e of subdivision 21 of section 8-107, the term "employer" does not include any employer [with] *that has* fewer than four persons in his or her employ *at all times during the period beginning six months before the start of an alleged unlawful discriminatory practice and continuing through and including six months after the end of such alleged unlawful discriminatory practice*. For purposes of this definition, *(i)* natural persons [employed as independent contractors to carry out work] *working as independent contractors* in furtherance of an employer's business enterprise [who are not themselves employers] shall be counted as persons in the employ of such employer *and (ii) the employer's parent, spouse, domestic partner or child if employed by the employer are included as in the employ of such employer*.

Employment agency. The term "employment agency" includes any person undertaking to procure employees or opportunities to work.

Family. The term "family," as used in subparagraph (4) of paragraph a of subdivision 5 of section 8-107, means either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. As used in this definition, a "boarder," "roomer" or "lodger" residing with a family means a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

*Franchisor. The term "franchisor" means one of the employers of all persons employed by a franchisee of such franchisor. The term "franchisor" does not include the city or any agency thereof.*

Gender. The term "gender" includes actual or perceived sex, gender identity and gender expression, including a person's actual or perceived gender-related self-image, appearance, behavior, expression or other gender-related characteristic, regardless of the sex assigned to that person at birth.

Housing accommodation. The term "housing accommodation" includes any building, structure or portion thereof that is used or occupied or is intended, arranged or designed to be used or occupied, as the home,

residence or sleeping place of one or more human beings. Except as otherwise specifically provided, such term includes a publicly-assisted housing accommodation.

Intelligence information. The term "intelligence information" means records and data compiled for the purpose of criminal investigation or counterterrorism, including records and data relating to the order or security of a correctional facility, reports of informants, investigators or other persons, or from any type of surveillance associated with an identifiable individual, or investigation or analysis of potential terrorist threats.

Intern. 1. The term "intern" means an individual who performs work for an employer on a temporary basis whose work:

(a) Provides training or supplements training given in an educational environment such that the employability of the individual performing the work may be enhanced;

(b) Provides experience for the benefit of the individual performing the work; and

(c) Is performed under the close supervision of existing staff.

2. The term includes such individuals without regard to whether the employer pays them a salary or wage.

Labor organization. The term "labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms and conditions of employment, or of other mutual aid or protection in connection with employment.

Lawful source of income. The term "lawful source of income" includes income derived from social security, or any form of federal, state or local public assistance or housing assistance including section 8 vouchers.

National origin. The term "national origin" includes "ancestry."

National security information. The term "national security information" means any knowledge relating to the national defense or foreign relations of the United States, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States government and is defined as such by the United States government and its agencies and departments.

Occupation. The term "occupation" means any lawful vocation, trade, profession or field of specialization.

*Parent entity. The term "parent entity" means one of the employers of all persons employed by a subsidiary entity of such parent entity. The term "parent entity" does not include the city or any agency thereof.*

Partnership status. The term "partnership status" means the status of being in a domestic partnership, as defined by subdivision a of section 3-240.

Person. The term "person" includes one or more natural persons, proprietorships, partnerships, associations, group associations, organizations, governmental bodies or agencies, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

Person aggrieved. 1. The term "person aggrieved," except as used in section 8-123, includes a person whose right created, granted or protected by this chapter is violated by a covered entity directly or through conduct of the covered entity to which the person's agent or employee is subjected while the agent or employee was acting, or as a result of the agent or employee having acted, within the scope of the agency or employment relationship. For purposes of this definition, an agent or employee's protected status is imputed to that person's principal or employer when the agent or employee acts within the scope of the agency or employment relationship. It is irrelevant whether or not the covered entity knows of the agency or employment relationship.

2. A person is aggrieved even if that person's only injury is the deprivation of a right granted or protected by this chapter.

3. This definition does not limit or exclude any other basis for a cause of action.

Place or provider of public accommodation. The term "place or provider of public accommodation" includes providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages or privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold, or otherwise made available. Such term does not include any club which proves that it is in its nature distinctly private. A club is not in its nature distinctly private if it has more than 400 members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of non-members for the furtherance of trade or business. For the purposes of this definition, a

corporation incorporated under the benevolent orders law or described in the benevolent orders law but formed under any other law of this state, or a religious corporation incorporated under the education law or the religious corporation law is deemed to be in its nature distinctly private. No club that sponsors or conducts any amateur athletic contest or sparring exhibition and advertises or bills such contest or exhibition as a New York state championship contest or uses the words "New York state" in its announcements is a private exhibition within the meaning of this definition.

Publicly-assisted housing accommodations. The term "publicly-assisted housing accommodations" includes:

1. Publicly-owned or operated housing accommodations;

2. Housing accommodations operated by housing companies under the supervision of the state commissioner of housing and community renewal, or the department of housing preservation and development;

3. Housing accommodations constructed after July 1, 1950, and housing accommodations sold after July 1, 1991:

(a) That are exempt in whole or in part from taxes levied by the state or any of its political subdivisions;

(b) That are constructed on land sold below cost by the state or any of its political subdivisions or any agency thereof, pursuant to the federal housing act of 1949;

(c) That are constructed in whole or in part on property acquired or assembled by the state or any of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction; or

(d) For the acquisition, construction, repair or maintenance for which the state or any of its political subdivisions or any agency thereof supplies funds or other financial assistance; and

4. Housing accommodations, the acquisition, construction, rehabilitation, repair or maintenance of which is, after July 1, 1955, financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions or any agency thereof.

Real estate broker. The term "real estate broker" means any person who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale at auction, or otherwise, exchange, purchase or rental of an estate or interest in real estate or collects or offers or attempts to collect rent for the use of real estate, or negotiates, or offers or attempts to negotiate, a loan secured or to be secured by a mortgage or other incumbrance upon or transfer of real estate. In the sale of lots pursuant to the provisions of article nine-a of the real property law, the term "real estate broker" shall also include any person employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon commission, or upon a salary and commission, or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange of any such lot or parcel of real estate.

Real estate salesperson. The term "real estate salesperson" means a person employed by or authorized by a licensed real estate broker to list for sale, sell or offer for sale at auction or otherwise to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate or to negotiate a loan on real estate or to lease or rent or offer to lease, rent or place for rent any real estate, or who collects or offers or attempts to collect rents for the use of real estate for or on behalf of such real estate broker.

Reasonable accommodation. 1. The term "reasonable accommodation" means such accommodation that can be made that does not cause undue hardship in the conduct of the covered entity's business. The covered entity has the burden of proving undue hardship. In making a determination of undue hardship with respect to claims filed under subdivisions 1, 2, 22 or 27 of section 8-107, the factors which may be considered include but are not limited to:

(a) The nature and cost of the accommodation;

(b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and

(d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.

2. In making a determination of undue hardship with respect to claims for reasonable accommodation to an employee's or prospective employee's religious observance filed under subdivision 3 of section 8-107, the definition of "undue hardship" set forth in paragraph b of such subdivision applies.

Sexual orientation. The term "sexual orientation" means an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. A continuum of sexual orientation exists and includes, but is not limited to, heterosexuality, homosexuality, bisexuality, asexuality and pansexuality.

Trade secrets. The term "trade secrets" means information that (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy; and (iii) can reasonably be said to be the end product of significant innovation. The term "trade secrets" does not include general proprietary company information such as handbooks and policies. The term "regular access to trade secrets" does not include access to or the use of client, customer or mailing lists.

Unemployed or unemployment. The term "unemployed" or "unemployment" means not having a job, being available for work, and seeking employment.

Uniformed service. The term "uniformed service" means:

1. Current or prior service in:

(a) The United States army, navy, air force, marine corps, coast guard, commissioned corps of the national oceanic and atmospheric administration, commissioned corps of the United States public health services, army national guard or air national guard;

(b) The organized militia of the state of New York, as described in section 2 of the military law, or the organized militia of any other state, territory or possession of the United States; or

(c) Any other service designated as part of the "uniformed services" pursuant to subsection (16) of section 4303 of title 38 of the United States code;

2. Membership in any reserve component of the United States army, navy, air force, marine corps, or coast guard; or

3. Being listed on the state reserve list or the state retired list as described in section 2 of the military law or comparable status for any other state, territory or possession of the United States.

Unlawful discriminatory practice. The term "unlawful discriminatory practice" includes only those practices specified in section 8-107.

Victim of domestic violence. The term "victim of domestic violence" means a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or by a person who is or has continually or at regular intervals lived in the same household as the victim.

Victim of sex offenses or stalking. The term "victim of sex offenses or stalking" means a victim of acts that would constitute violations of article 130 of the penal law or a victim of acts that would constitute violations of sections 120.45, 120.50, 120.55, or 120.60 of the penal law.

§ 2. Paragraph (f) of subdivision 1 of section 8-107 of the administrative code of the city of New York, as amended by a local law voted on by the committee on civil rights on December 18, 2017, is amended to read as follows:

(f) The provisions of this subdivision [shall] *do* not govern the employment by an employer of the employer's parents, spouse, domestic partner, or children; provided, however, that such family members shall be counted as persons employed by an employer for the purposes of the definition of employer set forth in section 8-102.

§ 3. Subdivision 1 of section 8-107 of the administrative code of the city of New York is amended by adding a new paragraph (g) to read as follows:

*(g) The protections and the duties provided by this subdivision extend to existing and prospective directors, officers, members and partners of business organizations, regardless of whether such individuals are considered employees of such business organizations.*

§ 4. Subdivision 23 of section 8-107 of the administrative code of the city of New York, as added by local law number 9 for the year 2014, is amended to read as follows:

23. *Additional provisions relating to employment. a.* The provisions of this chapter relating to employees [shall] apply to *all persons who perform work for an employer, whether paid or unpaid, including volunteers, interns and persons working in furtherance of an employer's business enterprise as independent contractors.*

*b. A person is deemed to be in the employ of any employer that maintains full or partial control over (i) the terms, conditions or privileges of the person's work, (ii) the conduct of the person's work or (iii) the right of the person to continue to work, regardless of whether there is any integration of operations between multiple employers and regardless of which, if any, employer compensates the person.*

§ 5. This local law takes effect 270 days after it becomes law.

Referred to the Committee on Civil and Human Rights.

Int. No. 137

By Council Member Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to the inclusion of accrued safe and sick time hours earned by employees in their wage statements**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 20 of the administrative code of the city of New York, as added by local law 46 of 2013, is amended to add a new section 20-925 as follows:

*§ 20-925 Wage statements. An employer shall provide an employee with written or electronic notice that sets forth the amount of paid safe/sick time accrued, or paid time off an employer provides in lieu of safe/sick time, for use on either the employee's itemized wage statement described in section 195 of the labor law, or in a separate writing or electronic notice provided on the pay date with the employee's payment of wages. If an employer provides unlimited paid safe/sick time or unlimited paid time off to an employee, the employer may satisfy the requirements of this section by indicating on the notice or the employee's itemized wage statement "unlimited."*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Civil Service and Labor.

Int. No. 138

By Council Members Levin and Brannan.

**A Local Law to amend the New York city charter, in relation to mandated reporting of PCB remediation in city public schools**

*Be it enacted by the Council as follows:*

Section 1. Section 530-d of the New York city charter, as added by local law number 68 for the year 2011, is amended to read as follows:

[§ 530-d] *§ 530-d.* Notification requirements, PCBs. a. For the purposes of this section, the following terms [shall] have the following meanings:

*Building materials. The term "building materials" means applied dried paints, varnishes, waxes or other similar coatings, sealants and caulking.*

[1. "Department" shall mean] *Department. The term "department" means* the New York city department of education.

*HVAC system. The term "HVAC system" means heating, air conditioning, ventilating and similar equipment, including but not limited to individual unit ventilators for classrooms.*

[2. "PCBs" shall mean] *PCBs. The term "PCBs" means* polychlorinated biphenyls.

[3. "PCB light ballast" shall mean] *PCB light ballast. The term "PCB light ballast" means* a device that electrically controls fluorescent light fixtures and that includes a PCB small capacitor containing dielectric.

[4. "PCB lighting removal plan" shall mean] *PCB management plan. The term "PCB management plan" means* the department's comprehensive plan to remove, replace, remediate *or manage in place* light fixtures that have used or are using PCB light ballasts or are presumed to have used or to be using PCB light ballasts, *building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs.*

[6."Public school" shall mean] *Public school. The term "public school" means* any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade [twelve] *12*.

[5."Reportable PCB levels" shall mean] *Reportable PCB levels. The term "reportable PCB levels" means* written test results of light fixtures, *building materials, soil, and HVAC systems* including, but not limited to, air, wipe or bulk sample analysis, performed by or at the request of the department, the New York city school construction authority or the United States environmental protection agency that show concentrations of PCBs [which]*that* exceed the amount allowable pursuant to the applicable regulations *and guidance* promulgated by the United States environmental protection agency, *including, but not limited to, written test results that show concentrations of PCBs that exceed recommendations regarding exposure levels for evaluation of PCBs in indoor school air,* and [shall also mean]*also means* the inspection results of light fixtures that are leaking and presumed to have used or to be using PCB light ballasts, *building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs.*

b. The department shall notify the parents of students and the employees in any public school that has been inspected or tested for reportable PCB levels of the results of such inspection or testing, and whether the results of such inspection or testing were negative or positive, within seven days of receiving such results; provided that if such results are received during a scheduled school vacation period exceeding five days and the area where such inspection or testing occurred is not being used by students during such period, such notification shall occur no later than seven days following the end of such period. The department shall also post such results on the department's website within seven days of receiving such results.

c. The notification required pursuant to subdivision b of this section shall include information setting forth the steps the department has taken and will take to address such reportable PCB levels, including the timeframe during which such reportable PCB levels were or will be addressed. If such steps are not completed within such timeframe then the department shall notify such parents and employees of the new timeframe for such steps. The department shall also notify such parents and employees within seven days of the date such steps to address reportable PCB levels are completed.

d. Not later than the [fifteenth] *15th* day of April of the year [2012] 2018 and annually thereafter not later than the [fifteenth] *15th* day of November, the department shall notify the parents of students and the employees in any public school identified as part of the department's PCB [lighting] *management* plan that such school has been identified as part of such plan and shall provide in such annual notice an explanation regarding the department's PCB [lighting] *management* plan including, but not limited to, the reasons for removal, replacement, or remediation, the fact that [certain] *some* light fixtures, *building materials, soil, and HVAC systems* are presumed to contain PCBs, and the schedule for such removal, replacement or remediation.

§ 2. Section 530-e of the New York city charter, as added by local law number 69 for the year 2011, is amended to read as follows:

[§ 530-e] *§ 530-e.* PCB reporting data. a. For the purposes of this section, the following terms [shall] have the following meanings:

*Building materials. The term "building materials" means applied dried paints, varnishes, waxes or other similar coatings, sealants and caulking.*

[1. "Department" shall mean] *Department. The term "department"* means the New York city department of education.

*HVAC system. The term "HVAC system" means heating, air conditioning, ventilating and similar equipment, including but not limited to individual unit ventilators for classrooms.*

[2. "PCBs" shall mean] *PCBs. The term "PCBs" means* polychlorinated biphenyls.

[3. "PCB light ballast" shall mean] *PCB light ballast. The term "PCB light ballast" means* a device that electrically controls fluorescent light fixtures and that includes a PCB small capacitor containing dielectric.

[4. "PCB lighting removal plan" shall mean] *PCB management plan. The term "PCB management plan" means* the department's comprehensive plan to remove, replace, remediate or manage in place light fixtures that have used or are using PCB light ballasts or are presumed to have used or to be using PCB light ballasts, *building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs.*

[6."Public school" shall mean] *Public school. The term "public school" means* any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade [twelve] *12.*

[5."Reportable PCB levels" shall mean] *Reportable PCB levels. The term "reportable PCB levels" means* written test results of light fixtures, *building materials, soil samples, and HVAC systems,* including, but not limited to, air, wipe or bulk sample analysis, performed by or at the request of the department, the New York city school construction authority or the United States environmental protection agency that show concentrations of PCBs [which] *that* exceed the amount allowable pursuant to the applicable regulations *and guidance* promulgated by the United States environmental protection agency, *including, but not limited to, written test results that show concentrations of PCBs that exceed recommendations regarding exposure levels for evaluation of PCBs in indoor school air,* and [shall also mean] *also means* the inspection results of light fixtures that are leaking and presumed to have used or to be using PCB light ballasts, *building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs.*

b. Not later than the [fifteenth] *15th* day of April of the year [2012] *2018* the department shall submit to the council a preliminary report, and annually thereafter not later than the [fifteenth] *15th* day of November the department shall submit to the council a report, regarding the progress of the department's PCB [lighting] management plan and the department's efforts to address [caulk] *PCB light ballasts, building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs* in public schools and shall post such report on the department's website. The report shall include, but not be limited to: information regarding the overall progress on such plan including, but not limited to, an updated list of public schools identified as part of such plan, the steps that will be taken to address reportable PCB levels at such schools, and the schedule for addressing such reportable PCB levels at such schools; a list of schools where reportable PCB levels have been addressed, the steps taken to address such reportable PCB levels including, but not limited to, information regarding whether light fixtures, *building materials, HVAC systems, window frames, door frames, soil* and floor tiles were removed, replaced, remediated *or are managed in place* and the timeframe during which such reportable PCB levels were addressed; a list of schools for which notification was sent to parents and employees pursuant to subdivision b of section 530-d of this chapter, the steps taken to address the presence and removal, replacement or remediation of PCB light ballasts, *building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs* at such schools, including the number of light fixtures, *HVAC systems, window frames, door frames, floor tiles and locations in individual schools where soil and building materials* [that] were removed, replaced, remediated *or are managed in place* and the reasons for which inspection or testing for reportable PCB levels occurred including, but not limited to, routine inspection and discovery [of a leaking ballast] or pursuant to a consent order or any existing agreement with the United States environmental protection agency; a summary of the test results for any routine testing for PCBs in

[caulk] *light ballasts, building materials, soil, and HVAC systems* performed by or at the direction of the department or the New York city school construction authority including, but not limited to, which schools were tested and for what reason, and information pertaining to the steps the department has taken and will take to address the presence and removal of PCBs in [caulking] *light ballasts, building materials, soil and HVAC systems*, but not limited to, the test results of any pilot study conducted pursuant to a consent order or any existing agreement with the United States environmental protection agency, an update on the status of such pilot study, and in the event that the department and New York City school construction authority reach agreement with the United States environmental protection agency at some future date on a final citywide PCB management plan, as described in and pursuant to all terms and conditions of the existing agreement with EPA, a description and update on PCB management activities, including the management of PCBs in [caulking] *light ballasts, building materials, soil and HVAC systems* implemented under such a final plan. All information required by this subdivision shall be aggregated citywide, as well as disaggregated by community school district, council district and borough.

c. The report shall include a link to information posted on the website of the department of health and mental hygiene that provides answers to frequently asked questions regarding PCBs.

d. The requirements of this section shall no longer be in effect following the department's submission to the council of a report documenting that the removal of all light fixtures, *building materials, soil, and HVAC systems* pursuant to the department's PCB [lighting] *management* plan has been completed.

§ 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Education.

Int. No. 139

By Council Member Levin.

**A local law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services in correlation with student housing status for students in kindergarten through grade eight**

*Be it enacted by the Council as follows:*

Section 1. Section 21-965 of the administrative code of the city of New York, as added by local law number 12 for the year 2016, is amended to read as follows:

§ 21-965 Student health services. a. Definitions. As used in this chapter, the following terms have the following meanings:

Automated student health record database. The term "automated student health record database" means a database maintained by the department of health and mental hygiene to record information about students' medical care.

NYC FITNESSGRAM. The term "NYC FITNESSGRAM" means an annual fitness assessment used to determine students' overall physical fitness.

*Reside in temporary housing. The term "reside in temporary housing" means satisfying the definition of "homeless child" as set forth in chancellor's regulation A-780.*

School based health center. The term "school based health center" means on-site health care services provided to students within the school building, which are operated by independent institutions including, but not limited to, hospitals and community based organizations.

Student. *The term* ["Student"]*"student"* [shall mean]*means* any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a district school or pre-kindergarten program in a district school within the city school district.

Student health encounter. The term "student health encounter" means any student visit to a school medical room recorded in the automated student health record database.

b. Not later than April 30, [2017]*2018,* and no later than April 30th annually thereafter, the department shall submit to the council a report regarding information on health services provided to students for the preceding school year. Such report shall include, but not be limited to:

1. The number of school buildings where full time nurses are employed by the office of school health and the number of school buildings where part time nurses are employed by such office; the ratio of students to nurses in such school buildings; and the average number of student health encounters per nurse in such school buildings;

2. The total number of student health encounters;

3. The total number of NYC FITNESSGRAMS performed, and the percentage of students assessed who had a body mass index: (i) below the 5th percentile; (ii) in the 5th to 84th percentile; (iii) in the 85th to 94th percentile; and (iv) equal to or above the 95th percentile;

4. The total number of medication orders reviewed by the office of school health and recorded in the automated student health record database;

5. The total number of students reported to the office of school health as having a diagnosis of allergies, asthma, diabetes type 1 or diabetes type 2; and

6. The total number of school based health centers disaggregated by the type of provider including, but not limited to, hospital and federally qualified health centers; and the total number of students enrolled in the school or schools served by each school based health center.

[d]c. All information required to be reported by this section shall be disaggregated by*:*

*1.* [community] *Community* school district[.]*; and*

*2. For students in kindergarten through grade eight, whether such students reside in temporary housing.*

[e]*d.* No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law or the New York city health code relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between 0 and 9 students, or allows another category to be narrowed to be between 0 and 9 students, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 140

By Council Members Levin and Constantinides.

**A Local Law in relation to a study and plan relating to community choice aggregation programs**

*Be it enacted by the Council as follows:*

Section 1. a. By March 1, 2019, the department of environmental protection, in consultation with any other relevant agencies or offices, shall conduct, submit electronically to the mayor and the speaker of the council and make publicly available online a study determining the feasibility of implementing in the city one or more community choice aggregation opt-out programs, as described in the order issued by the New York state public service commission on April 20, 2016, relating to such programs. Such study shall include, at a minimum, analyses of potential economic and environmental impacts of implementing one or more such programs in the city and regulatory barriers thereto and shall indicate whether such department recommends implementing such programs.

b. If such department determines that implementing one or more such programs would be feasible and such department recommends implementing such programs, then such department, in consultation with any other relevant agencies or offices, shall, by March 1, 2020, develop, electronically submit to the mayor and the speaker of the council and make publicly available online a plan for implementing one or more such programs in a manner consistent with the findings of such study.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 141

By Council Members Levin and Brannan.

**A Local Law to amend the New York city administrative code, in relation to requiring that the roofs of city-owned buildings be partially covered in source control measures**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-211 to read as follows:

*§ 4-211 Installation of source control measures. The commissioner shall cause to be installed on the roofs of all real property owned by the city, a green roof system, as defined in section BC 1502 of the building code, or a detention system, as defined in section PC 202 of the plumbing code, or a combination of both. Such green roof system or detention system, or combination thereof, shall cover at least 50 percent of available roof top space, excluding any space required to be kept open or unobstructed by the fire code or any space occupied by mechanical equipment, and shall be designed and installed in accordance with chapter 15 of the building code.*

§ 2. This local law takes effect 180 days after it becomes law; provided, however, that the commissioner of citywide administrative services may take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Int. No. 142

By Council Member Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to preventing certain types of dust from construction from becoming airborne**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 24-146 of the administrative code of the city of New York is amended to read as follows:

(c) No person shall cause or permit a building or its appurtenances or a road to be constructed, altered or repaired without taking such precautions as may be ordered by the commissioner or as established by the rules of the department to prevent dust, *including dust from any material, regardless of composition, designed and customarily used in construction, including, but not limited to, any rails, pillars, columns, beams, bricks, flooring, wall, ceiling, roofing material, insulation material, gravel, sand, cement or asphalt,* from becoming air-borne.

§ 2. Subdivision b of section 24-190 of the administrative code of the city of New York is amended to read as follows:

(b) Any person, other than a corporation, who violates any order of the commissioner or the board or any provision of section 24-120, 24-122 or 24-146 of this code or who illegally breaks a seal on equipment, upon

conviction shall be punished for each offense by a fine of not less than [fifty dollars] *$50* nor more than [five hundred dollars] *$500* or by imprisonment for not more than [thirty] *30* days or by both.

Any corporation which violates any order of the commissioner or the board or any provision of section 24-120[,] *or* 24-122 [or 24-146] of this code, or which illegally causes a seal to be broken, upon conviction shall be punished for each offense by a fine of not less than [one hundred dollars] *$100* nor more than [two thousand dollars] *$2,000.*

*Any corporation which violates any provision of section 24-146 of this code shall be punished for each offense by a fine of not less than $500 nor more than $2,000 or by imprisonment for not more than 30 days or by both.*

Every day during which such violation occurs constitutes a separate offense.

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

Referred to the Committee on Environmental Protection.

Int. No. 143

By Council Members Levin and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of an emergency ambient air quality monitoring program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

*§ 15-131 Interagency notification requirement for certain fires. The department shall notify the department of environmental protection immediately whenever units are dispatched to (i) any fire in the city that the department designates as a third-alarm or higher fire or (ii) any fire in the city that affects a group H high hazard occupancy as defined in the New York city building code and that the department designates as a second-alarm or higher fire.*

§ 2. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-145.1 to read as follows:

*§ 24-145.1 Emergency ambient air quality monitoring program. a. The commissioner, in consultation with the commissioner of health and mental hygiene, shall develop an emergency ambient air quality monitoring program pursuant to which the department shall deploy air contaminant recorders in the vicinity of major commercial and industrial fires as required by this section.*

*b. Immediately upon being notified of (i) any fire in the city that the fire department designates as a third-alarm or higher fire or (ii) any fire in the city that affects a group H high hazard occupancy as defined in the New York city building code and that the fire department designates as a second-alarm or higher fire, the commissioner shall deploy an air contaminant recorder to a sampling location as close to the fire as is safe and practicable and shall deploy air contaminant recorders to three or more sampling locations downwind from the fire. The fire commissioner, the police commissioner or any other city agency, after consultation with the commissioner, may deploy such recorders in lieu of the department where deployment by such other agency would be more efficient than deployment by the department.*

*c. The air contaminant recorders deployed pursuant to subdivision b of this section shall measure and record the levels of air pollutants that are hazardous to human health, including, but not limited to, particulate matter, volatile organic compounds, ozone, lead, carbon monoxide, carbon dioxide, nitrogen dioxide, sulfur dioxide and asbestos. Where, due to the nature of a material known to have been burned in the fire, the commissioner believes that other hazardous air pollutants may have been released into the air, the commissioner shall also monitor the air for such other pollutants.*

*d. The commissioner shall continue to monitor air quality near the fire and at downwind locations until the fire has been extinguished and, in the judgment of the commissioner, the site of the fire no longer emits significant levels of air pollutants attributable to the fire.*

*e. The commissioner shall make available on the department's website all data obtained pursuant to subdivision c of this section. Such data shall be in a non-proprietary format that permits automated processing.*

*f. The commissioner, in consultation with the fire commissioner and the commissioner of health and mental hygiene, shall promulgate rules necessary for the implementation of this section.*

§ 3. This local law takes effect 180 days after it becomes law; provided, however, that the commissioner of environmental protection, in consultation with the fire commissioner and the commissioner of health and mental hygiene, shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Int. No. 144

By Council Member Levin.

**A Local Law in relation to temporarily limiting the issuance of new for-hire vehicle licenses**

*Be it enacted by the Council as follows:*

Section 1. The taxi and limousine commission shall only issue new for-hire vehicle licenses in accordance with this local law through the completion of study on the impact of growth in the taxicab and for-hire vehicle industries, or August 31, 2019, whichever occurs first.

§ 2. The commission shall only issue new for-hire vehicle licenses if such vehicle will affiliate with a base station, black car base station, or luxury limousine base station that has not yet reached the maximum number of such newly licensed vehicles that may be affiliated with such base pursuant to this local law.

§ 3. If a base station, black car base station, or luxury limousine base station has 500 or more affiliated vehicles as of June 15, 2018, such base may affiliate with up to the number of vehicles newly licensed pursuant to this section that is equal to one percent of the number of vehicles affiliated with such base as of June 15, 2018, rounded to the nearest whole number.

§ 4. If a base station, black car base station, or luxury limousine base station has 499 to 20 affiliated vehicles as of June 15, 2018, such base may affiliate with up to the number of vehicles newly licensed pursuant to this section that is equal to five percent of the number of vehicles affiliated with such base as of June 15, 2018, rounded to the nearest whole number.

§ 5. If a base station, black car base station, or luxury limousine base station has 19 or fewer affiliated vehicles as of June 15, 2018, such base may affiliate with up to the number of vehicles newly licensed pursuant to this local law that is equal to 15 percent of the number of vehicles affiliated with such base as of June 15, 2018, rounded to the nearest whole number; provided, however, that each such base may affiliate with at least two vehicles newly licensed pursuant to this local law.

§ 6. For-hire vehicle licenses existing on the effective date of this local law shall continue to be renewed pursuant to rules of the commission.

§ 7. No provision of this local law shall be deemed to apply to or affect the issuance or renewal of street hail livery vehicle licenses or street hail livery base licenses or to the issuance or renewal of new for-hire vehicle licenses to which the street hail livery vehicle licenses are affiliated.

§ 8. Following the completion of study on the impact of growth in the taxicab and for-hire vehicle industries, the commission shall submit to the speaker of the council and the mayor recommendations for mitigating any impacts identified, including but not limited to, proposals to restrict the issuance of for-hire vehicle licenses and/or base station, black car base station, or luxury limousine base station licenses.

§ 9. This local law takes effect immediately.

Referred to the Committee on For-Hire Vehicles.

Int. No. 145

By Council Members Levin and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to childstat meetings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

*§ 21-919 Childstat. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Borough commissioner. The term "borough commissioner" means the individual who exercises oversight of ACS practices in each borough.*

*Deputy director of operations. The term "deputy director of operations" means the individual who reports directly to the director of operations, or the individual who exercises oversight over the work of a zone if no director of operations exists for such zone.*

*Director of operations. The term "director of operations" means the individual who exercises oversight over the work of a zone.*

*Zone. The term "zone" means a geographical area designated by ACS as one of the sections of its division of child protection.*

*b. The commissioner shall coordinate meetings to improve overall agency functioning with respect to child welfare practices. Such meetings shall be held at least once a week, and shall consist of a comprehensive review of the practices of one zone. Each zone shall be the subject of a separate meeting. At a minimum, the commissioner, at least one deputy commissioner, the borough commissioner for the borough where the zone under review is located, the director or deputy director of operations for the zone under review, and any other staff as determined by the commissioner shall attend such meetings. At each such meeting, at a minimum, the following information shall be reviewed:*

*1. Aggregate data analysis of indicators established by the commissioner, including but not limited to indicators addressing workload management, timeliness, and case practices. Such aggregate data shall be compiled to examine trends. The trends for the zone under review shall be compared with the trends of ACS as a whole.*

*2. An in-depth analysis of at least one randomly selected open case from the zone under review. Such analysis shall include, but not be limited to, an examination of the case history, the current status of the case, and any decision making related to the case.*

*c. The commissioner shall submit to the speaker and post on its website semiannual reports regarding the meetings required pursuant to this section. Each six-month period shall be deemed to end on June 30 and December 31 of each calendar year. Each report shall be submitted within 60 days after end of such period. The first such report shall be due 60 days after June 30, 2018. Such reports shall include the number of times each zone was under review during the period, examples of data trends that were examined, and any agency practices that were created, reformed or ended as a result of the meetings required pursuant to this section. The reports required pursuant to this section shall remain permanently accessible on ACS' website.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 146

By Council Members Levin, Brannan and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to rental assistance vouchers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the City of New York is amended by adding a new section 21-142 to read as follows:

*§ 21-142 Use of rental assistance vouchers. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Fair market rent. The term "fair market rent" means the rent levels for the New York metro area established by the United States department of housing and urban development.*

*Household. The term "household" means the individuals or families who are in receipt of any rental assistance vouchers.*

*Maximum rental allowances. The term "maximum rental allowances" means the maximum rent toward which rental assistance vouchers may be applied.*

*Rental assistance voucher. The term "rental assistance voucher" means any fully city-funded housing rental subsidy for homeless families and individuals.*

*b. Eligibility. There shall be no limit on the period of time during which an otherwise eligible household may receive a rental assistance voucher.*

*c. Maximum rental allowances. Maximum rental allowances shall be indexed to the fair market rent.*

*d. The requirements of this section shall be subject to appropriation.*

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

Referred to the Committee on General Welfare.

Int. No. 147

By Council Members Levin and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on supportive housing**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the City of New York is amended by adding a new section 21-142 to read as follows:

*§ 21-142 Annual reporting on supportive housing. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Interview. The term "interview" means a meeting between an individual applying for supportive housing and the housing provider for the purpose of placement.*

*Supportive housing. The term "supportive housing" means affordable, permanent housing with support services for residents.*

*Unsheltered homeless person. The term "unsheltered homeless person" means an individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.*

*b. Not later than March 1, 2018 and annually thereafter, the commissioner of social services shall post on the department's website and submit to the speaker of the council reports regarding supportive housing. Such reports shall include, but not be limited to the following information about applicants for supportive housing during the reporting period:*

*1. The number of unique individuals determined eligible for supportive housing by the department, disaggregated by the following information: (i) age; (ii) gender; (iii) population category, (iv) length of time the individual has been homeless; and (v) the individual's current shelter placement or if the individual is an unsheltered homeless person.*

*2. The number of unique individuals determined eligible by the department and referred for an interview for supportive housing, disaggregated by the following information: (i) age; (ii) gender (iii) population category, (iv) length of time the individual has been homeless; (v) the individual's current shelter placement or if the individual is an unsheltered homeless person; and (vi) the referring agency.*

*3. The number of unique individuals determined eligible by the department and not referred for an interview for supportive housing, disaggregated by the following information: (i) age; (ii) gender; (iii) population category, (iv) length of time the individual has been homeless; (v) the individual's current shelter placement or if the individual is an unsheltered homeless person; (vi) the agency choosing not to refer the individual; and (vii) the reason the agency did not make a referral, including but not limited to the individual not having an income.*

*4. The number of unique individuals who received an interview for supportive housing, disaggregated by the following information: (i) age; (ii) gender; (iii) population category, (iv) length of time the individual has been homeless; (v) the individual's current shelter placement or if the individual is an unsheltered homeless person; (vi) the referring agency; (vii) whether the unit for which the individual interviewed is part of the NY/NY I agreement, NY/NY II agreement, NY/NY III agreement or NY 15/15; and (viii) whether the unit for which the individual interviewed is an individual or family unit*

*5. The number of unique individuals who were referred, but did not receive an interview for supportive housing, disaggregated by the following information: (i) age; (ii) gender; (iii) population category, (iv) length of time the individual has been homeless; (v) the individual's current shelter placement or if the individual is an unsheltered homeless person; (vi) the referring agency; and (vii) the reason the individual was referred, but did not receive an interview.*

*6. The number of unique individuals accepted to supportive housing disaggregated by the following information: (i) age; (ii) gender; (iii) population category, (iv) length of time the individual has been homeless; (v) the individual's current shelter placement or if the individual is an unsheltered homeless person; (vi) the referring agency; (vii) the number of interviews the individual attended; (viii) whether the unit for which the individual was accepted is part of the NY/NY I agreement, NY/NY II agreement, NY/NY III agreement or NY 15/15; and (ix) whether the unit for which the individual was accepted is an individual or family unit.*

*7. The number of unique individuals rejected for supportive housing after an interview disaggregated by the following information: (i) age; (ii) gender; (iii) population category, (iv) length of time the individual has been homeless; (v) the individual's current shelter placement or if the individual is an unsheltered homeless person; (vi) the number of interviews the individual attended; (vii) whether the unit for which the individual interviewed is part of the NY/NY I agreement, NY/NY II agreement, NY/NY III agreement or NY 15/15; (viii) whether the unit for which the individual interviewed is an individual or family unit; and (ix) the reason the individual was rejected.*

*8. The number of referred unique individuals still awaiting placement in supportive housing at the end of the reporting period disaggregated by the following information: (i) age; (ii) gender; (iii) population category, (iv) length of time the individual has been homeless; (v) the individual's current shelter placement or if the individual is an unsheltered homeless person; and (vi) the number of interviews the individual attended.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 148

By Council Members Levin and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of homeless services recognize time spent in foster care as homelessness for the purpose of meeting rental voucher eligibility requirements**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142 to read as follows:

*§ 21-142 Rental assistance for foster care youth. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Foster care youth. The term "foster care youth" means a young person who was placed in an out-of-home placement with the administration for children's services after the filing of a petition in family court pursuant to article 3, 7, 10, 10-a, 10-b or 10-c of the family court act or section 358-a or 384-b of the social services law.*

*Rental assistance program. The term "rental assistance program" means any city rental assistance program that is designed to help homeless individuals by subsidizing rent in which the human resources administration or the department of homeless services determines eligibility including, but not limited, to the LINC Rental Assistance Programs for Families with Children as defined in section 7.01 of title 68 of the New York codes, rules and regulations, the LINC Rental Assistance Programs for Single Adults and Adult Families as defined in section 7.10 of title 68 of the New York codes, rules and regulations, the Living in Communities Family and Friend Rental Assistance Program as defined in section 7.18 of title 68 of the New York codes, rules and regulations, the CITYFEPS Programs as defined in section 8.01 8 of title 68 of the New York codes, rules and regulations and the Special Exit and Prevention Supplement Program as defined in section 8.1 of title 68 the New York codes, rules and regulations.*

*b. Rental assistance program eligibility. For any foster care youth or former foster care youth who is 24 years old or younger, including a foster care youth or former foster care youth adopted or under guardianship at or after the age of 16, the department shall consider the time such youth spent in foster care as homelessness when determining such youth's eligibility for rental assistance programs when such eligibility is dependent on having spent time residing in the city shelter system.*

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

Referred to the Committee on General Welfare.

Int. No. 149

By Council Member Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to updating the report on utilization of and applications for multi-agency emergency housing assistance**

*Be it enacted by the Council as follows:*

Section 1. Section 3-113 of the administrative code of the city of New York, as added by local law 37 of the year 2011, is renumbered section 3-120 and amended to read as follows:

[§ 3-113*] § 3-120 Multi-agency emergency housing assistance.* a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

[(1) "Adult" shall mean] *Adult. The term "adult" means* an individual 18 years of age or older;

[(2) "Adult families" shall mean] *Adult families. The term "adult families" means* families comprised of adults and no children under the age of 18;

[(3) "Children" shall mean] *Children. The term "children" means* individuals under the age of 18;

[(4) "City-administered facilities" shall mean] *City-administered facilities. The term "city-administered facilities" means* hotels, shelters and other accommodations or associated services, managed by or provided under contract or similar agreement with any city agency, provided to individuals or families who need temporary emergency housing or assistance finding or maintaining stable housing;

[(5) "DHS" shall mean] *DHS. The term "DHS" means* the department of homeless services;

[(6) "DHS-administered facilities" shall mean] *DHS-administered facilities. The term DHS-administered facilities" means* city-administered facilities managed directly by DHS or by a provider under contract or similar agreement with DHS;

[(7) "DHS drop-in centers" shall mean] *DHS drop-in centers. The term "DHS drop-in centers" means* city-administered facilities that provide single adults with hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals and/or housing placement services, but not overnight housing;

[(8) "DHS faith-based beds" shall mean] *DHS faith-based beds. The term "DHS faith-based beds" means* city-administered facilities that provide overnight housing to individuals, are affiliated with one or more religious groups and receive client referrals through organizations under contract with DHS;

[(9) "DHS safe havens" shall mean] *DHS safe havens. The term "DHS safe havens" means* city-administered facilities that provide low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a DHS outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barriers to temporary housing;

[(10) "DHS stabilization beds" shall mean] *DHS stabilization beds. The term "DHS stabilization beds" means* city-administered facilities that provide a short-term housing option for a chronic street homeless individual while such individual works with his/her outreach team to locate a more permanent housing option;

[(11) "DHS veterans shelters" shall mean] *DHS veterans shelters. The term "DHS veterans shelters" means* city-administered facilities that provide short-term housing for people who actively served in the United States military;

[(12) "DYCD" shall mean] *DYCD. The term "DYCD" means* the department of youth and community development;

[(13) "DYCD-administered crisis shelters" shall mean] *DYCD-administered crisis shelters. The term "DYCD-administered crisis shelters" means* city-administered facilities that provide short-term emergency housing for runaway and homeless youth and are managed by a provider under contract or similar agreement with DYCD;

[(14) "DYCD-administered drop-in centers" shall mean] *DYCD-administered drop-in centers. The term "DYCD-administered drop-in centers" means* city-administered facilities that provide runaway and homeless youth and their families with services, counseling and referrals from trained youth workers;

[(15) "DYCD-administered facilities" shall mean] *DYCD-administered facilities. The term "DYCD-administered facilities" means* city-administered facilities managed by a provider under contract or similar agreement with DYCD;

[(16) "DYCD-administered transitional independent living facilities" shall mean] DYCD-administered transitional independent living facilities. *DYCD-administered transitional independent living facilities. The term "DYCD-administered transitional independent living facilities" means* city-administered facilities that provide long-term residential services to runaway and homeless youth for up to 18 months and are managed by a provider under contract or similar agreement with DYCD;

[(17) "Families with children" shall mean] *Families with children. The term "families with children" means* families with children under the age of 18, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual;

[(18) "HPD" shall mean] *HPD. The term "HPD" means* the department of housing preservation and development;

[(19) "HPD-administered facilities" shall mean] *HPD-administered facilities. The term "HPD-administered facilities" means* city-administered facilities managed by a provider under contract or similar agreement with HPD;

[(20) "HPD emergency facilities" shall mean] *HPD emergency facilities. The term "HPD emergency facilities" means* shelters providing emergency shelter managed by a provider under contract or similar agreement with HPD;

[(21) "HPD emergency hotels" shall mean] *HPD emergency hotels. The term "HPD emergency hotels" means* hotels providing emergency shelter to individuals or families displaced from their homes managed by a provider under contract or similar agreement with HPD;

[(22) "HRA" shall mean] *HRA. The term "HRA" means* the human resources administration;

[(23) "HRA-administered facilities" shall mean] *HRA-administered facilities. The term "HRA-administered facilities" means* city-administered facilities managed directly by HRA or by a provider under contract or similar agreement with HRA, excluding non-emergency supportive housing;

[(24) "HRA domestic violence shelters" shall mean] *HRA domestic violence shelters. The term "HRA domestic violence shelters" means* shelters for victims of domestic violence managed directly by HRA or by a provider under contract or similar agreement with HRA;

[(25) "HRA HASA emergency housing" shall mean*] HRA HASA emergency housing. The term "HRA HASA emergency housing" means* single room occupancy hotels managed by a provider under contract or similar agreement with HRA to provide emergency shelter for recipients of services from the HIV/AIDS Services Administration;

[(26) "HRA HASA transitional housing" shall mean] *HRA HASA transitional housing. The term "HRA HASA transitional housing" means* congregate facilities managed by a provider under contract or similar agreement with HRA to provide emergency shelter for recipients of services from the HIV/AIDS Services Administration; [and;] and

[(27) "Unduplicated" shall mean] *Unduplicated. The term "unduplicated" means* counted only once within the reporting period.

b. Reports of citywide utilization data. [The mayor's office of operations shall create a portal on the NYCStat page of the city's website, or any successor pages of such website that are substantially similar in form and function, in order to publish citywide data regarding the utilization of city-administered facilities.] Commencing on November 1, 2011, and no later than the first day of each month thereafter, the mayor's office of operations shall for each month, calendar year and fiscal year [publish via such portal] *post on the homepage of its website the single web portal established pursuant to section 23-502* the:

(1) average daily overnight census for each of the following categories:

A. DHS drop-in centers, disaggregated by single men, single women and total single adults; and

B. DHS faith-based facilities, disaggregated by single men, single women and total single adults.

(2) average daily overnight census; and (3) number of unduplicated persons or families utilizing city-administered facilities for each of the following categories:

C. all DHS-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

D. DHS safe havens, disaggregated by single men, single women and total single adults;

E. DHS stabilization beds, disaggregated by single men, single women and total single adults;

F. DHS veterans shelters, disaggregated by single men, single women and total single adults;

G. HPD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

H. HPD emergency facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

I. HPD emergency hotels, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

J. HRA-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

K. HRA domestic violence shelters, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

L. HRA HASA emergency housing, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

M. HRA HASA transitional housing, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults; and

N. all city-administered facilities, excluding DYCD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults.

(4) average monthly utilization rates; and (5) number of unduplicated persons or families utilizing city-administered facilities for each of the following categories:

A. DYCD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

B. DYCD-administered crisis shelters, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

C. DYCD-administered drop-in centers, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults; and

D. DYCD-administered transitional independent living facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults.

(6) the number of individuals who are on wait-lists for DYCD-administered facilities, to the extent such wait-lists exist, disaggregated by:

A. type of DYCD-administered facility; and

B. families with children, adult families, total families, single men, single women, and total single adults.

(7) the average length of stay disaggregated by:

A. families with children, adult families, total families, single men, single women, and total single adults;

B. type of DHS-administered facility, excluding DHS drop-in centers and DHS faith-based beds;

C. type of DYCD-administered facility, excluding DYCD-administered drop-in centers;

D. type of HPD-administered facility; and

E. type of HRA-administered facility.

(8) the total number of facilities, disaggregated by DHS-administered facilities and facilities not administered by DHS.

c. Application and entrance data. Commencing on November 1, 2011, and no later than the first day of each month thereafter, the mayor's office of operations shall for each month, calendar year and fiscal year [publish in] *post on* the same location on [the NYCStat] *its* website as the data posted pursuant to subdivision b of this section, the following data for those seeking admission and entrance to DHS-administered facilities:

(1) the total number of:

A. applications;

B. unduplicated applicants;

C. applicants found eligible for shelter;

D. entrants to DHS administered facilities; and

E. unduplicated entrants to DHS-administered facilities. The data required by subparagraphs A, B, C, D and E of this paragraph shall be disaggregated by families with children, adult families, total families, single men, single women, and total single adults;

(2) the number of families with children found eligible for city-administered facilities;

(3) the percentage of eligible families with children who submitted one application;

(4) the percentage of eligible families with children who submitted two applications;

(5) the percentage of eligible families with children who submitted three applications;

(6) the percentage of eligible families with children who submitted four applications;

(7) the percentage of eligible families with children who submitted five applications;

(8) the percentage of eligible families with children who submitted six applications or more;

(9) the number of adult families found eligible for city-administered facilities;

(10) the percentage of eligible adult families who submitted one application;

(11) the percentage of eligible adult families who submitted two applications;

(12) the percentage of eligible adult families who submitted three applications;

(13) the percentage of eligible adult families who submitted four applications;

(14) the percentage of eligible adult families who submitted five applications; and

(15) the percentage of eligible adult families who submitted six applications or more.

d. The data required [to be published in] *pursuant to* subdivisions b and c above shall be [published] *posted* electronically on the portal specified in subdivision b in a [commonly available non-proprietary database format that is suitable for analysis] *machine-readable format.*

*e. For each month, the report required pursuant to this section shall include a cover page that lists the total number of persons utilizing all city-administered facilities listed in subdivision b of this section. The cover page shall additionally include such total number disaggregated by the number of families with children, adult families, single men and single women utilizing all city-administered facilities listed in subdivision b of this section.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 150

By Council Members Levin and Brannan.

**A Local Law in relation to a task force regarding the transportation of homeless students**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Family assistant. The term "family assistant" means department of education staff assigned to work with shelters and schools to assist homeless families with obtaining transportation assistance and other services for which they are eligible.

Shelter. The term "shelter" means temporary emergency housing provided to homeless individuals and families by the department of homeless services, the department of social services or a provider under contract or similar agreement with such departments.

b. There shall be a task force regarding the transportation of homeless students consisting of at least nine members. Members of the task force shall be appointed by the mayor after consultation with the speaker of the council. Such task force shall include the following members:

1. the commissioner of homeless services, or their designee, who shall serve as chair;

2. the commissioner of the department of social services, or their designee;

3. the deputy chancellor for operations of the city school district, or their designee;

4. at least two family assistants;

5. at least two representatives of organizations which provide shelter for families with children; and

6. at least two representatives of a companies which provide busing services to students.

c. All members of the task force shall serve without compensation and at the pleasure of the mayor. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. All members shall be appointed within 60 days of the enactment of this local law.

d. The task force shall meet at least quarterly and shall submit a report of its recommendations to the mayor and the speaker of the council no later than 12 months after the final member of the task force is appointed. Such report shall include an assessment of the barriers to arranging transportation for students living in shelter and recommendations for addressing such barriers.

e. The task force shall cease to exist upon the publication of the report required pursuant to subdivision d.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 151

By Council Members Levin and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the division of AIDS services**

*Be it enacted by the Council as follows:*

Section 1. Section 21-126 of the administrative code of the city of New York, as added by local law number 49 for the year 1997, is amended to read as follows:

§ 21-126 Division of AIDS services. There shall be a division of AIDS services within the New York city department of social services. Such division shall provide access to benefits and services as defined in section 21-128(a)(1) of this chapter to every person with clinical/symptomatic HIV illness, as determined by the New York state department of health AIDS institute, or with AIDS, as defined by the federal centers for disease control and prevention, who requests assistance, and shall ensure the provision of benefits and services to eligible persons as defined in section [21-128(a)(3)] *21-128(a)(4)* of this chapter with clinical/symptomatic HIV illness or with AIDS.

§ 2. Subdivision g of section 21-128 of the administrative code of the city of New York, as added by local law number 49 for the year 1997, is amended to read as follows:

g. Not later than sixty days from the effective date of the local law that added this section, the commissioner shall prepare a draft policy and procedures manual for division staff. Such policy and procedures manual shall include, but not be limited to, strict guidelines on maintaining the confidentiality of the identity of and information relating to all applicants and recipients, instructional materials relating to the medical and psychological needs of persons with clinical/symptomatic HIV illness or with AIDS, application procedures, eligibility standards, mandated time periods for the provision of each benefit and service available to applicants and recipients and advocacy resources available to persons with clinical/symptomatic HIV illness or with AIDS. Such list of advocacy resources shall be updated semi-annually. Within thirty days following the preparation of such draft policy and procedures manual and prior to the preparation of a final policy and procedures manual, the commissioner shall distribute such draft policy and procedure manual to all social service agencies and organizations that contract with the department to provide HIV-related services and to all others whom the commissioner deems appropriate, and hold no fewer than one noticed public hearing at a site accessible to [the disabled] *persons with disabilities*, at which advocates, service providers, persons [who have tested positive for] *with* HIV *infection*, and any other member of the public shall be given an opportunity to comment on such draft policy and procedures manual. The commissioner shall prepare a final policy and procedures manual within thirty days after the conclusion of such hearing and shall thereafter, *in consultation with the advisory board established pursuant to subdivision k of this section*, review[,] and, where appropriate, revise such policy and procedures manual on an annual basis. *Upon any proposed revision, and prior to the finalization of such revision, no fewer than one noticed public hearing shall be held at a site accessible to [the disabled] persons with disabilities at which advocates, service providers, persons [who have tested positive for] with HIV infection, and any other member of the public shall be given an opportunity to comment on such draft policy and procedures manual.* The commissioner shall provide for semi-annual training, using such policy and procedures manual, for all division staff.

§ 3. Subdivision h of section 21-128 of the administrative code of the city of New York, as added by local law number 49 for the year 1997, is amended to read as follows:

h. Not later than sixty days from the effective date of the local law that added this section, the commissioner shall publish a proposed rule establishing a bill of rights for persons with clinical/symptomatic HIV illness or with AIDS. Such draft bill of rights shall include, but not be limited to, an explanation of the benefits and services for which persons with clinical/symptomatic HIV illness or with AIDS may be eligible; timetables within which such benefits and services shall be provided to eligible persons; an explanation of an applicant's and recipient's right to examine his or her file and the procedure for disputing any information contained therein; an explanation of an applicant's and recipient's right to a home or hospital visit for the purpose of applying for or maintaining benefits or services; an explanation of the process for requesting a

division conference or New York state fair hearing; and a summary of the rights and remedies for the redress of discrimination as provided for in title eight of this code. Within sixty days following the publication of such proposed rule *or any revision thereto*, and prior to the publication of a final rule, the commissioner shall hold no fewer than one noticed public hearing *as required by subdivision e of section 1043 of the charter* at a site accessible to [the disabled] *persons with disabilities* at which advocates, service providers, persons [who have tested positive for] *with* HIV *infection*, and any other member of the public shall be given an opportunity to comment on such draft bill of rights. The commissioner shall publish a final rule within thirty days after the conclusion of such hearing and shall thereafter, *in consultation with the advisory board established pursuant to subdivision k of this section,* review[,] and, where appropriate, revise such bill of rights on an annual basis. Such bill of rights shall be conspicuously posted in all division offices that are open to the public [and*], posted on the department's website, and provided to clients upon their first meeting with a caseworker and annually or upon any revision. Caseworkers shall review the provisions of such bill of rights with clients upon such first meeting and at any time a client requests. Such bill of rights* shall be available [for distribution to the public] in English, Spanish and any other languages that the commissioner deems appropriate.

§ 4. Subdivision j of section 21-128 of the administrative code of the city of New York, as amended by local law number 32 for the year 2005, is amended to read as follows:

j. The commissioner shall submit [written, quarterly reports] to the mayor and the *speaker of the* council *and post on the department's website quarterly reports, with all tables and underlying data provided in a machine readable format,* that shall, at a minimum, provide the following information:

1. The number of persons with clinical/symptomatic HIV illness or with AIDS who requested benefits or services set forth in subdivision b of this section or any other benefits or services provided by the division.

2. The processing time for applications for benefits or services, disaggregated by field office, type of benefit and individual versus family case, specified as follows:

(i) for non-emergency applications for food stamps, medicaid and public assistance benefits, including separate determinations of eligibility for medicaid or food stamps:

(1) the number of days from completed application to the provision of the benefit or service; and

(2) in cases of denial, the number of days from the completed application to denial of the application.

(ii) for immediate needs grants and expedited food stamps:

(1) the number of days from the request date to the date of issuance of a grant; and

(2) in cases of denial, the number of days from the request date to the date of denial.

(iii) for all other non-emergency benefits or services provided by or through any division center or office, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances:

(1) (a) the number of days from initial request to completed application; and

(b) the number of days from completed application to the provision of the benefit or service; and

(2) in cases of denial, the number of days from completed application to denial of the application.

(iv) for all other benefits or services provided on an emergency basis, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances:

(1) the number of days from initial request to completed application;

(2) the number of days from completed application to approval or denial of the application; and

(3) the number of days from approval of an application to the provision of the benefit or service.

(v) for applications for non-emergency housing:

(1) the number of days from a request for housing to completed application;

(2) the number of days from completed application to approval or denial of the application;

(3) the number of days from approval of an application to the date on which the client takes occupancy of non-emergency housing; and

(4) with respect to applications that are approved, the number of days from completed application to the date on which the client takes occupancy of non-emergency housing.

3. The number of division staff, by job title, whose duties include providing benefits and services or access to benefits and services pursuant to this section, disaggregated by field office and family versus overall cases; the number of cases at each field office, disaggregated by family versus overall cases; and the ratio of case managers and supervisors to clients at each field office, disaggregated by family versus overall cases.

4. The number of cases closed, disaggregated by the reasons for closure.

5. The number of closed cases that were re-opened, the length of time required to re-open such closed cases, starting from the date on which the case was closed, and the total number of cases closed in error and the length of time required to reopen such closed cases, starting from the date on which the case was closed, disaggregated by field office and reported in the following categories: 0 to 15 days; 16 to 30 days; 31 to 45 days; 46 to 60 days; 61 to 75 days; 76 to 90 days; and more than 91 days.

6. The number of administrative fair hearings requested, the number of fair hearing decisions in favor of applicants and recipients and the length of time for compliance with such fair hearing decisions, disaggregated by decisions where there was compliance within 30 days of the decision date and decisions where there was compliance after 30 days of the decision date[;].

7. The number of proceedings initiated pursuant to article 78 of the civil practice law and rules challenging fair hearing decisions, and the number of article 78 decisions rendered in favor of applicants or recipients[;].

8. The number of clients in emergency housing and the average length of stay, disaggregated on a monthly basis[;].

9. The number of facilities used to provide emergency shelter for clients and the number of units per facility, disaggregated by the type of facility[;].

10. The number of facilities used to provide emergency shelter placed on non-referral status for each month in the reporting period and the number of facilities placed on non-referral status that remedied the situation that led to non-referral status.

11. The number of facilities used to provide emergency shelter placed on discontinuance of use status and the number of facilities placed on discontinuance of use status that remedied the situation that led to discontinuance of use status.

12. The number of requests for emergency housing assistance, the number of persons referred to the department of homeless services; the number of persons referred to commercial single room occupancy hotels, the average length of stay in commercial single room occupancy hotels, the number of applications for non-emergency housing each month; and the number of persons placed in non-emergency housing each month.

13. The number of [inspections of]emergency housing *facilities inspected and the number of* each such facility conducted by the division.

14. Quarterly reports required by this subdivision shall be delivered no later than 60 days after the last day of the time period covered by the report. The first quarterly report required by this subdivision shall be delivered no later than August 31, 2005.

§ 5. Subdivision k of section 21-128 of the administrative code of the city of New York, as added by local law number 49 for the year 1997, is amended to read as follows:

k. There shall be an advisory board to advise the commissioner on the provision of benefits and services and access to benefits and services to persons with clinical/symptomatic HIV illness or with AIDS as required by this section. This advisory board shall consist of eleven members to be appointed for two-year terms as follows: five members, at least three of whom shall be eligible for benefits and services pursuant to this section, who shall be appointed by the speaker of the council and six members, including the chairperson of the advisory board, at least three of whom shall be eligible for benefits and services pursuant to this section, who shall be appointed by the mayor. The advisory board shall meet at least quarterly. *Such meetings shall be convened at the call of the chairperson, or upon the call of a majority of the members.* [and m]*M*embers shall serve without compensation. Such advisory board [may] *shall* formulate *an annual report* and recommend to the commissioner [a policy or procedure] *policies or procedures* for overseeing, [and] monitoring, *and improving* the delivery of services to persons with clinical/symptomatic HIV illness or with AIDS which may include quality assurance measurements. Such advisory board shall submit [such recommended policy or procedure] *such report* to the mayor and the speaker of the council upon submission to the commissioner, *who shall post such report on the department's website.*

§ 6. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 152

By Council Members Levin and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to report on families with children in shelter.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-321 to read as follows:

*§ 21-321 Reporting on homeless families with children in shelter. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Families with children. The term "families with children" means families comprised of adults and children under the age of 21, a single pregnant woman, or families including at least one pregnant woman.*

*Cluster site. The term "cluster site" means individual apartments within private buildings or a group of private buildings in geographic proximity to each other, under the operation of a social services provider, and used by the department to shelter families with children.*

*Child care assistance voucher. The term "child care assistance voucher" means a subsidy provided by the administration for children's services to eligible low income families to help them pay for child care.*

*DYCD. The term "DYCD" means the department of youth and community development.*

*DYCD-administered crisis shelters. The term "DYCD-administered crisis shelters" means city-administered facilities that provide short term emergency housing for runaway and homeless youth and are managed by a provider under contract or similar agreement with DYCD.*

*Early Learn. The term "early learn" means affordable to no cost child care provided for eligible families, serving children from 6-weeks-old through 4-years-old.*

*Head Start. The term "head start" means federally funded affordable to no cost child care focused on providing free child development activities and educational programs in the community for eligible families.*

*Hotel. The term "hotel" means a building that historically operated as a hotel prior to its use as shelter and is currently used by the department as shelter or a building that continues to operate as a commercial hotel and also provides a number of units to the department to shelter residents.*

*Domestic violence shelter. The term "domestic violence shelter" means shelter directly managed by the department of social services or by a provider under contract or similar agreement with the department of social services, which provides temporary housing and supportive services to families with children who are victims of domestic violence.*

*HASA shelter. The term "HASA shelter" means congregate facilities managed by a provider under contract or similar agreement with the department of social services to provide emergency shelter for recipients of services from the HIV/AIDS administration.*

*Individualized education program (IEP). The term "individualized education program (IEP)" means a written statement, developed, reviewed and revised in accordance with section 200.4 of title 8 of the New York codes, rules, and regulations, provided to meet the unique educational needs of a student with a disability.*

*Prevention Assistance and Temporary Housing (PATH). The term "prevention assistance and temporary housing (PATH)" means the intake facility where families with children must apply for shelter.*

*Preventative services. The term "preventative services" means services provided to families by the administration for children services that are designed to help families keep their children safely at home.*

*Shelter. The term "shelter" means a building, or individual units within a building, being utilized by the department or a provider under contract or similar agreement with the department to provide temporary emergency housing.*

*Tier II facility. The term "tier II facility" means a shelter facility subject to the provisions of part 900 of title 18 of the New York codes, rules, and regulations which provides shelter and services to 10 or more homeless families including, at a minimum, private rooms, access to three nutritional meals a day, supervision, assessment services, permanent housing preparation services, recreational services, information and referral services, health services, and child-care services.*

*b. Not later than July 1, 2018, and monthly thereafter, the department shall submit to the speaker of the council and post online a report regarding information on homeless families in shelter. Such report shall include, but is not limited to, the following information:*

*1. The total number of homeless families currently living in shelter disaggregated by shelter placement including but not limited to: (a) tier II facility; (b) domestic violence shelter; (c) HASA shelter; (d) DYCD-administered crisis shelter; (e) cluster site; and (f) hotels.*

*2. The total number of families with children who are new entries to the shelter system disaggregated by the total number of applications submitted prior to being found eligible.*

*3. The average length of stay for families with children in shelter.*

*4. The total number of families with children leaving shelter to permanent housing disaggregated by shelter placement including: (a) tier II facility; (b) domestic violence shelter; (c) HASA shelter; (d) DYCD-administered crisis shelter; (e) cluster site; and (f) hotels.*

*5. The percentage of families with children living in shelter in the same zip code where the family receives community based preventative services.*

*6. The percentage of families with children living in shelter in the same zip code as the head-of-household's job.*

*7. The percentage of families with children placed in the school district where their youngest child attends school.*

*8. The percentage of families with children placed in the district where a child has an IEP.*

*9. The school transfer rate for children living in shelter.*

*10. The average school attendance rate for children in shelter.*

*11. The average number of days from PATH intake to a child's enrollment in a new school.*

*12. The average number of school days missed after PATH intake, before a child's return to their school of origin.*

*13. The average number of days from entry into a domestic violence shelter until a child is enrolled in a new school.*

*14. The average number of days from entry into the shelter system until school transportation is arranged for a child.*

*15. The number of children, ages 0-3, in child care, disaggregated by type including: (a) early learn; (b) head start; and (c) child care assistance voucher.*

*16. The number of children in the shelter system enrolled in pre-kindergarten,*

*17. The number of children, ages 0-3, in the shelter system screened for early intervention disaggregated by (a) number found eligible; and (b) number receiving services.*

*c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If any category requested contains between 1 and 5 youth in foster care, or allows another category to be narrowed to between 1 and 5 students, the number shall be replaced with a symbol.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 153

By Council Members Levin and Brannan.

**A Local Law to amend the administrative code of the city of New York in relation to a three-quarter housing task force**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the City of New York is amended by adding a new section 21-139 to read as follows:

*§ 21-139 Three-quarter housing task force. a. Definitions. For the purposes of this section, the term "rental subsidy" means financial assistance provided by the department for the purpose of paying a recipient's rent on an ongoing basis. The term "rental subsidy" includes but is not limited to the public assistance shelter allowance provided by the department as established by section 131-a of the social services law and defined in paragraph (1) of subdivision (a) of section 352.3 of title 18 of the New York codes, rules and regulations, as well as subsidies provided through the living in communities rental assistance program, the city family eviction prevention supplement program and the city family exit plan supplement, the city special exit and prevention supplement, the home tenant-based rental assistance program, and any successor program to the foregoing programs.*

*b. There shall be a three-quarter housing task force comprised of representatives from the department, the department of buildings, the fire department, and the department of housing preservation and development. Each such department shall assign representatives to such task force as needed. The department shall identify dwellings where ten or more unrelated adults are residing and such task force shall inspect, as necessary, such dwellings and issues violations where appropriate. Representatives of such task force from the department shall offer individuals residing in the inspected dwellings assistance as appropriate, including but not limited to rental subsidies, to relocate to permanent housing.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 154

By Council Member Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to the availability of gender neutral water closets in city owned or operated buildings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-211 to read as follows:

*§ 4-211 Water closets in city owned or operated buildings. a. For the purposes of this section, the term "covered public space" means any building, or part thereof, classified as an assembly, business or educational occupancy and under lease by the city for a term of no less than ten years or owned by the city.*

*b. Every covered public space shall make no less than one single-occupant toilet room available within such space for use by persons of any sex for every six water closets required by section 403.1 of the New York city plumbing code or where applicable by chapter 1 of title 27 of the code, except that a covered public space that is in existence on the effective date of the local law that added this section or that is included in construction documents submitted before such date to the department of buildings for approval need not comply with this subdivision until (i) January 1, 2024, (ii) such space or the building containing such space undergoes a substantial improvement as defined in section G201 of the New York city building code or (iii) such space undergoes work that involves adding a room with at least one water closet, whichever occurs earliest.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 155

By Council Member Levin

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that all new and substantially renovated buildings conduct blower door testing**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of Title 28 of the administrative code of the city of New York is amended by adding a new article 319 to read as follows:

*ARTICLE 319*
*BLOWER DOOR TESTING*

*§ 28-319.1 Required blower door testing. For any building undergoing new construction or substantial improvement, as such term is defined in appendix G of the New York city building code, to determine building envelope air leakage the owner shall conduct a blower door test that is verified by an independent third-party approved by the department. Such owner shall report, in a form developed and approved by the department, the results of each blower door test to the department no later than 90 days after the completion of such test. The department shall adopt rules and/or reference standards governing such blower door tests.*

*§ 28-319.2 Reporting on blower door testing. The department shall make available on its website, in a non-proprietary format that permits automated processing, information on each blower door test result received by the department, including but not limited to:*

*1. The date of such test;*

*2. The borough, block and lot number, and street address, of the building where such test was conducted;*

*3. The envelope air leakage of such building, as indicated by the results of such test;*

*4. The floor area of such building; and*

*5. The main use or dominant occupancy of such building.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 156

By Council Member Levin.

**A Local Law to amend the New York city charter, in relation to creating an online posting requirement for statements outlining consistency or inconsistency with criteria established for the siting of city facilities**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 195 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

a. The agency proposing any such acquisition shall file with the department of city planning a notice of intent to acquire *that shall include a statement describing (i) how the proposed acquisition satisfies or does not satisfy the criteria for the location of city facilities established pursuant to section 203, (ii) whether the proposed action is consistent with the most recent statement of needs, and (iii) whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs. Such notice of intent to acquire, including the statement, shall be posted*

*prominently (i) on the publicly accessible website maintained by the filing agency as soon as it submits the application and (ii) within five business days of submission on the publicly accessible website maintained by the department of city planning. This posting requirement does not replace any other disclosure and notice requirements.* The department of city planning shall send such notice to the community board in which the proposed acquisition is located and to all borough presidents.

§ 2. Subdivision b of section 197-c of the New York city charter, as amended by local law number 59 for the year 1996, is amended to read as follows:

b. The following documents shall be filed with the department of city planning: (1) applications under this section, (2) any amendments thereto that are made prior to approval of such applications pursuant to this chapter, (3) any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law, and (4) documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law. *No application shall be certified as complete under subdivision c without the online posting required by subdivision g of section 204.* The department of city planning shall forward a copy of any materials it receives pursuant to this subdivision (whether or not such materials have been certified as complete) within five days to each affected borough president, community board or borough board.

§ 3. Subdivision g of section 204 of the New York city charter, as amended by vote of the electors on November 2, 2010, is amended to read as follows:

g. *New city facilities 1. Application, statement and additional description.* Whenever an application involving a new city facility is submitted to the department of city planning pursuant to paragraph [five, ten or eleven] *(5), (10) or (11)* of subdivision a of section [one hundred ninety-seven-c] *197-c*, the applicant shall include as part of the application a statement of *consistency describing* (1) how the proposed action satisfies the criteria for the location of city facilities established pursuant to section [two hundred three] *203*, (2) whether the proposed action is consistent with the most recent statement of needs, and (3) whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs. If the proposed action is not consistent with the criteria for location of city facilities, the statement of needs, or any such written statements or comments submitted in response to the statement of needs, the agency shall include as part of its application a statement of the reasons for any such inconsistencies. If the proposed new facility is not referred to in the statement of needs, the applicant shall submit to the affected borough president a description of the public purpose to be served by the city facility, its proposed location, the appropriation (if any) that the agency intends to use in connection with the facility, the size and nature of the facility and the specific criteria for the location of the facility. The affected borough president shall have the right, within [thirty] *30* days of the submission of such description, to propose an alternative location in his or her borough for the proposed city facility, provided that the borough president shall certify that the alternative location satisfies the criteria for location of city facilities under section [two hundred three] *203* and the specific criteria for locating the facility in the statement of needs. The application for the proposed site selection, disposition or acquisition shall not be certified and shall not be reviewed pursuant to section [one hundred ninety-seven-c] *197-c* until at least [thirty] *30* days after the submission of such information to the affected borough president. A borough president may elect to waive the right to such [thirty]*30*-day review period.

*2. Posting requirements. The statements of consistency or inconsistency and the additional details to be provided to the borough presidents in accordance with paragraph 1 shall be posted prominently (a) on a publicly accessible website maintained by the submitting agency as soon as it submits the application and (b) within five business days of submission on the publicly accessible website maintained by the department of city planning. These posting requirements do not replace any other disclosure and notice requirements.*

§ 4. Chapter 13 of the New York city charter is amended by adding a new section 336 to read as follows:

*§ 336. Contracts subject to criteria for the location of city facilities. Any statement prepared in connection with a contract that outlines an agency's consideration and application of the criteria that are established pursuant to section 203 shall be posted prominently on publicly accessible websites maintained by the procuring agency and by the department of city planning. Such statements shall be posted online before or concurrently with any public notice regarding the contract under this chapter.*

§ 5. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Land Use.

Int. No. 157

By Council Member Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing permitted capacity at putrescible and non-putrescible solid waste transfer stations in overburdened districts**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-H to read as follows:

*CHAPTER 4-H - REDUCED PERMITTED CAPACITY AT SOLID WASTE TRANSFER STATIONS*



*§ 16-497.1 Definitions. When used in this chapter, terms defined in subdivision a of section 16-130 shall have the meanings given therein and the following terms shall have the following meanings:*

*Designated community districts. The term "designated community districts" means community district one in the borough of Brooklyn, community districts one and two in the borough of the Bronx, and community district 12 in the borough of Queens, as identified on the effective date of the local law that added this section on the map of community districts established pursuant to section 2702 of the New York city charter.*

*Emergency. The term "emergency" means the same as "emergency conditions and potential incidents" as described in subdivision a of section 497 of the New York city charter regardless of whether a multi-agency response is needed.*

*Exempted day. The term "exempted day" means each of the following days: January second; the day after the third Monday in January; February thirteenth; the day after the third Monday in February; the day after the last Monday in May; July fifth; the day after the first Monday in September; the day after the second Monday in October; the Wednesday following the first Monday in November; November twelfth; the day after the fourth Thursday in November; and December twenty-sixth, except that if any such day falls on a Sunday, the exempted day shall be the next following business day.*

*Organic waste. The term "organic waste" has the meaning ascribed to such term in section 16-303.*

*Overconcentrated district. The term "overconcentrated district" means a community district that contains 10 percent or more of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations, including transfer stations operated by or on behalf of the department.*

*Permitted capacity. The term "permitted capacity" means, for a putrescible solid waste transfer station, the total amount of solid waste that is permitted by the department to be delivered to such solid waste transfer station as measured in tons per day, and for a non-putrescible solid waste transfer station, the average tons per day permitted to be delivered to such solid waste transfer station over the quarter year. For purposes of this chapter, a non-putrescible transfer station shall not include a facility permitted as a fill material transfer station by the department pursuant to sections 16-130 and 16-131.*

*Quarter year. The term "quarter year" means any of the four three-month periods of a year that begin with the first day in the months of January, April, July and October.*

*Total quarterly capacity. The term "total quarterly capacity" means, for a non-putrescible solid waste transfer station, the total amount of solid waste allowed to be delivered to such transfer station within any quarter year.*

*§ 16-497.2 Reduction of permitted capacity. a. By October 1, 2018, the commissioner shall, for each designated community district, set the permitted capacity for each putrescible and non-putrescible solid waste transfer station operating in such designated community district. The permitted capacity of each putrescible and non-putrescible solid waste transfer station in community district one in the borough of Brooklyn shall be reduced by 50 percent below the permitted capacity for such transfer station on the effective date of the local law that added this section. The permitted capacity of each non-putrescible solid waste transfer station in community districts one and two in the borough of the Bronx and community district 12 in the borough of Queens shall be reduced by 50 percent below the permitted capacity for such transfer station on the effective date of the local law that added this section. The permitted capacity of each putrescible solid waste transfer station in community districts one and two in the borough of the Bronx and community district 12 in the borough of Queens shall be reduced by 33 percent, with the exception of any putrescible solid waste transfer station located in a Special Hunts Point District designated as "M 1-2" by the New York City Zoning Resolution, which shall be exempt from such reductions.*

*b. Notwithstanding subdivision a of this section, any reductions in permitted capacity required pursuant to this section for a transfer station in a designated community district shall be implemented upon the first renewal of the permit of such transfer station that occurs after October 1, 2018.*

*c. On exempted days occurring after the date a reduction pursuant to this section is implemented, a putrescible solid waste transfer station subject to such a reduction may process waste in an amount equivalent to its permitted capacity prior to any such reduction.*

*§ 16-497.3 Allocating reductions of permitted capacity. a. The commissioner shall determine the average daily amount of solid waste transported by rail or barge for the three years preceding October 1, 2018 by each putrescible solid waste transfer station within a designated community district. In calculating any required reduction in permitted capacity for a putrescible solid waste transfer station pursuant to section 16-497.2, the commissioner shall not include, in any amount required to be reduced, the greater of either such average daily amount of solid waste transported by rail or barge or the amount of solid waste transported by rail or barge on the effective date of the local law that added this section, provided that:*

*1. On or before April 1, 2018, the owner of such transfer station submits an application to the commissioner to modify its permit to restrict the use of its permitted capacity, or a portion thereof, exclusively to putrescible solid waste that is transported out of the city from such transfer station by rail or barge, and that application is approved by the commissioner; and*

*2. By October 1, 2018, any such transfer station restricts the use of its permitted capacity, or such portion thereof, exclusively to putrescible solid waste that is transported from such transfer station by rail or barge.*

*b. A putrescible solid waste transfer station within a designated community district may reserve up to 20 percent of its permitted capacity exclusively for source separated organic waste to be recycled. In calculating any required reduction in permitted capacity for such putrescible solid waste transfer station pursuant to section 16-497.2, the commissioner shall not include, in any amount required to be reduced, such reserved amount, provided that:*

*1. On or before April 1, 2018, the owner of such transfer station submits an application to the commissioner to modify its permit to restrict the use of its permitted capacity, or a portion thereof, exclusively to source separated organic waste, and that application is approved by the commissioner; and*

*2. By October 1, 2018, any such transfer station restricts the use of its permitted capacity, or such portion thereof, exclusively to source separated organic waste.*

*c. The commissioner shall determine the average daily amount of metal, glass, plastic, paper and corrugated cardboard recycled for the three years preceding October 1, 2018 by each transfer station within a designated community district. In calculating any required reduction in permitted capacity pursuant to section 16-497.2, the commissioner shall not include, in any amount required to be reduced, the lesser of (i) such average daily amount of recycled metal, glass, plastic, paper and corrugated cardboard or (ii) 20 percent of the transfer station's permitted capacity.*

*d. The commissioner shall determine the average daily amount of recycled construction and demolition debris recycled for the three years preceding October 1, 2018, by each non-putrescible solid waste transfer station within a designated community district. In calculating any required reduction in permitted capacity pursuant to section 16-497.2, the commissioner shall not include, in any amount required to be reduced, 50 percent of such average daily amount of recycled construction and demolition debris.*

*e. After a reduction in permitted capacity required by section 16-497.2 in a designated community district, each non-putrescible solid waste transfer station within such community district shall have a total quarterly capacity equal to the daily permitted capacity allocated to such transfer station multiplied by 78. The amount of non-putrescible waste that may be delivered to a non-putrescible transfer station on any single day may not exceed the daily permitted capacity in effect at such transfer station before such reduction.*

*§ 16-497.4 Waiver. a. The commissioner may waive the reductions to permitted capacity and the limits to total quarterly capacity required by this chapter for the duration of any emergency.*

*b. After the reductions in permitted capacity required by section 16-497.2 have been implemented at a transfer station in a designated community district, the commissioner may, on a one-time basis, increase the permitted capacity of any such transfer station that seeks a modification to its permit solely to increase the amount of organic waste or metal, glass, plastic, paper or corrugated cardboard that is separated for recycling, provided that such increase shall be no greater than 20 percent of the transfer station's then-existing permitted capacity.*

*§ 16-497.5 Overconcentrated districts. After October 1, 2018, the commissioner shall not increase permitted capacity for any putrescible or non-putrescible solid waste transfer station in an overconcentrated district or increase permitted capacity for any community district where such increase would result in such district becoming an overconcentrated district, except in accordance with section 16-497.4 and except that the commissioner may authorize the transfer of permitted capacity from a putrescible solid waste transfer station within a designated community district to another putrescible solid waste transfer station, within the same community district, for which the commissioner has set a reduced permitted capacity in accordance with subdivision a of section 16-497.2, or from a non-putrescible solid waste transfer station within a designated community district to another non-putrescible solid waste transfer station, within the same community district, for which the commissioner has set a reduced permitted capacity in accordance with subdivision a of section 16-497.2, provided that a transfer station receiving a transfer of permitted capacity may use such transferred permitted capacity only after the implementation, in accordance with subdivision b of section 16-497.2, of such reduction, and provided further that the permitted capacity of any transfer station receiving a transfer of permitted capacity may not exceed the permitted capacity of such transfer station that was in effect before the commissioner set a reduced permitted capacity for such transfer station in accordance with subdivision a of section 16-497.2, and provided further that the transfer station that is transferring its permitted capacity will no longer be operating as a waste transfer station after the transfer.*

*§ 16-497.6 Reporting. On or before October 1, 2018, and annually thereafter, the commissioner shall report to the mayor and the speaker of the council the following information:*

*a. A list of permitted solid waste transfer stations and for each such station, organized by community district:*

*1. The community district in which such transfer station is located;*

*2. The type of material permitted for acceptance at such transfer station;*

*3. The permitted capacity of such transfer station;*

*4. The average amount of waste accepted daily at such transfer station for each quarter year of the previous calendar year; and*

*5. Any change to such transfer station's permitted capacity during the previous calendar year, specifying which changes were required pursuant to this chapter.*

*b. The feasibility and impact of attracting commercial waste to marine transfer stations through options such as lowered tip fees; and*

*c. The feasibility of reducing truck traffic traveling through residential neighborhoods by means other than reductions to permitted capacity for transfer stations.*

*§ 16-497.7 Notification. No later than 120 days after the end of each quarter year, the commissioner shall notify the mayor and the speaker of the council if the amount of waste delivered to permitted solid waste transfer stations located within any community district is in excess of 90 percent of the total permitted capacity*

*for such transfer stations. Such notification shall include the percentage of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations, including transfer stations operated by or on behalf of the department, in such community district for the quarter year and the percentage of the total citywide putrescible and non-putrescible solid waste delivered to such community district for the quarter year.*

*§ 16-497.8 Displaced employee list. The commissioner shall maintain a list containing the names and contact addresses or telephone numbers of persons formerly employed by a transfer station in a designated community district whose employment ended as a result of a reduction in permitted capacity required pursuant to section 16-497.2, provided that the inclusion, addition or deletion of information on such list relating to any such person shall be made only upon the request of such person. A copy of such list shall be made available upon request by an owner or operator of a transfer facility and shall be sent to all transfer stations on an annual basis. The provision of such list shall in no way be construed as a recommendation by the city regarding the employment of any person on such list, nor shall the city be responsible for the accuracy of the information set forth therein.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 158

By Council Member Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to updating the fees for permits to film on city property**

*Be it enacted by the Council as follows:*

Section 1. Section 22-205 of the administrative code of the city of New York is amended to read as follows:

a. The[ executive director of the office for economic development] *commissioner of small business services or any other person or entity designated by the mayor to issue film and television production permits pursuant to paragraph r of subdivision 1 of section 1301 of the New York city charter* shall not issue to any applicant any permit for any activity subject to the provisions of *that section*[subdivision thirteen of section thirteen hundred of the charter], unless and until*:*

(1) all other permits, approvals and sanctions required by any other provision of law for the conduct of such activities by the applicant have been obtained by the *commissioner or mayor's designee*[executive director], in the name and in behalf of the applicant, from the agency or agencies having jurisdiction*;* [and]

(2) all fees required to be paid by, or imposed pursuant to, any provision of law for the issuance of such other permits, approvals and sanctions have been paid by the applicant[.]*; and*

*(3) for any project for which a permit is required under the rules promulgated by the commissioner or mayor's designee, the applicant has paid an application fee that shall be equal to the estimated average cost of processing an application. The commissioner or mayor's designee shall establish by rule a schedule for reducing or limiting the application fee according to the applicant's ability to pay, which schedule shall be applied without regard to any viewpoint or opinion expressed by the applicant or as part of the activity for which the permit is sought, or the subject matter of such activity.*

b. It shall be unlawful for any person to conduct, without a permit from *the commissioner or mayor's designee*[such executive director], any activity with respect to which *the commissioner or mayor's designee*[such executive director] is authorized to issue a permit under the provisions of the charter referred to in subdivision a of this section. Any violation of the provisions of this subdivision b shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days, or both.

§ 2. This local law takes effect 120 days after it becomes a law, except that the commissioner of small business services or any other person or entity designated by the mayor to issue film and television production permits pursuant to paragraph r of section 1301 of the New York city charter may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Int. No. 159

By Council Members Levin and Brannan.

**A Local Law in relation to requiring the department of transportation to conduct a pilot project on the use of cool pavement**

*Be it enacted by the Council as follows:*

Section 1. Cool pavement pilot project. a. Definitions. For purposes of this section, the term "cool pavement" means porous, permeable, light-colored or other pavement and pavement coatings designed to reduce pavement temperatures and ambient air temperatures.

b. The department of transportation shall conduct a one-year pilot project for the use of cool pavement on city streets in one or more locations. As part of such pilot project, the department shall assess the range of options for cool pavement and the technical feasibility, temperature and other environmental impacts and all anticipated costs of such options. The department shall post on its website and submit to the mayor and the council a report on the results of the pilot project no later than 180 days after the pilot concludes.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Res. No. 61

**Resolution acknowledging January 15-19 as No Name-Calling Week in New York City schools.**

By Council Members Levin and Brannan.

**Whereas,** Bullying, name-calling and harassment are serious issues in schools and impact millions of students nationwide; and

**Whereas,** The National Center for Education Statistics reported that 13 million students are impacted by bullying each year, and according to the New York City Department of Education (DOE) 2016-17 School Survey, 43% of DOE students reported that students harass, bully or intimidate other students at their school some or most of the time; and

**Whereas,** Being a victim of bullying can hinder a student's academic achievement, and according to the National Voices for Education and Enlightenment approximately 160,000 children do not go to school every day because of bullying; and

**Whereas**, A National Institute of Child Health and Human Development (NICHD) study of private, public, and parochial school students in grades 6 through 10 found that almost a third of these students, 5.7 million children nationwide, have experienced some sort of bullying; and

**Whereas**, Numerous researchers have indicated that victims of bullying have an increased risk of experiencing difficulties with depression, anxiety and sleep; and

**Whereas**, In addition, students who bully others are more likely to drink alcohol, smoke and carry a weapon; and

**Whereas,** While any student can be victimized by bullying and name-calling, students of marginalized groups are disproportionally victimized; and

**Whereas,** A parent survey by the Interactive Autism Network found that 63 percent of 1,167 children with autism spectrum disorder, aged 6 to 15, had been bullied; and

**Whereas**, Research published by the Journal of Developmental and Physical Disabilities discovered that students with disabilities worried about their safety in schools more often than their peers; and

**Whereas,** Additionally, there has been a recent increase of reported bullying and name-calling directed toward Muslim students in the United States; and

**Whereas,** According to the California chapter of the Council on American-Islamic Relations, 55 percent of Muslim students were victimized by at least one form of religious-based bullying, which is double the national average of students who report bullying; and

**Whereas,** Lesbian, gay, bisexual, transgender, and queer (LGBTQ) students are also disproportionately victims of bullying; and

**Whereas,** According to a national report released by the Gay Lesbian Straight Education Network (GLSEN), 70.8 percent of LGBTQ students reported that they were verbally harassed at school because of their sexual orientation and 54.5 percent reported being verbally harassed because of their gender expression; and

**Whereas,** In 2015, 27 percent of LGBTQ students reported being physically harassed because of their sexual orientation and 20.3 percent reported being physically harassed because of their gender expression; and

**Whereas**, Bullying and name-calling disrupts tolerance, inclusion and respect, which are important values stressed by the DOE; and

**Whereas,** School is supposed to be a safe place, and no student should be subjected to bullying and name-calling while trying to pursue an education; and

**Whereas,** GLSEN's No Name-Calling Week, scheduled for January 15-19, 2018, is an important project that many coalitions of education and youth services organizations that work to end bullying in schools participate in; and

**Whereas,** No Name-Calling Week is a week in which thousands of schools celebrate kindness and help counteract bullying; and

**Whereas,** It is imperative that schools continue to promote kindness throughout the school year given the high prevalence of bullying and name-calling in schools and the negative impact such actions have on students; now, therefore, be it

**Resolved,** That the Council of the City of New York acknowledges January 15-19 as No Name-Calling Week in New York City schools.

Referred to the Committee on Education.

Res. No. 62

**Resolution calling upon the New York City Department of Education to institute a moratorium on the opening of all new charter schools in New York City until the Department of Education produces a detailed report of how the funding levels for charter schools will grow over the next five years.**

By Council Member Levin.

**Whereas,** At the close of the 2012-2013 school year there were 159 charter schools operating in New York City; and

**Whereas**, The number of charter schools has since increased by 43 percent to 227 schools in the 2017-2018 school year; and

**Whereas**, Spending on charter schools in the City will now exceed $1.9 billion in FY18, an increase of 14% over the adopted FY17 budget; and

**Whereas**, Similarly, spending on charter schools increased 14% from FY15 to FY16 and increased 15% from FY16 to FY17; and

**Whereas**, There were also changes at the State level that will impact charter school costs in the upcoming school year; and

**Whereas**, The Adopted State Budget included a $500 increase in the supplemental basic tuition rate for the upcoming school year, making the total per pupil rate $14,527; and

**Whereas**, Additionally, the State approved an increase in the Charter Facilities Rental Aid for privately leased space from 20 percent to 30 percent; and

**Whereas,** The increase in the supplemental per pupil tuition rate is reflected in the Executive Budget with an adjustment of $57.3 million in State Aid; and

**Whereas,** However, the Executive Budget does not reflect an increase in funding to cover facilities payments for charter schools; and

**Whereas**, Costs associated with charter schools will continue to rise annually due to State mandates, charter school growth and increases in enrollment; and

**Whereas**, Before continuing the current pace of opening charter schools, the DOE should be required to provide a detailed report of how the funding levels for charter schools will grow over the next five years; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to institute a moratorium on the opening of all new charter schools in New York City until the Department of Education produces a detailed report of how the funding levels for charter schools will grow over the next five years.

Referred to the Committee on Education.

Res. No. 63

**Resolution calling upon the School Construction Authority (SCA) to immediately cease using and procuring any polyvinyl chloride (PVC) laden products, especially vinyl flooring, for any use in New York City (NYC) public schools; and set a timetable for the removal of all PVC laden vinyl flooring from all NYC public schools within a time frame of five years.**

By Council Member Levin.

**Whereas**, Polyvinyl chloride (PVC), commonly known as vinyl, is one of the most widely used plastics; and

**Whereas**, Over 14 billion pounds of PVC are produced every year in North America for products such as packaging, cling film, bottles, credit cards, audio records, imitation leathers, window frames, cable and wire insulation, window blinds, shower curtains, cables, pipes, panelling, flooring, pipes, gutters, furniture, binders, folders, pens, wallpaper, toys, car interiors, and medical disposables; and

**Whereas,** PVC can only be used once it has been plasticized and stabilized with the addition of other toxic chemicals including lead, cadmium, organotins, and phthalate plasticizers; and

**Whereas,** These additives can constitute approximately 40 to 60 percent of finished PVC products; and

**Whereas**, Such additives are capable of leaching, flaking or outgassing over time, thus increasing the risks of causing asthma, poisoning, learning and developmental disabilities, reproductive disorders, altered liver function, altered kidney function, respiratory complications, neurodevelopmental problems, central nervous system complications, immune system complications, skin complications, cancer, and more; and

**Whereas,** Ethylene dichloride (dioxin) and vinyl chloride are byproducts in the creation of PVC and can cause severe health problems; and

**Whereas**, According to the Centers for Disease Control and Prevention, severe health problems caused by byproducts of PVC include liver damage, lung damage, kidney damage, heart damage, nerve damage, blood clotting inhibition, development of immune reaction, circulation complications, skin damage, sperm and testes damage, irregular menstrual periods, high blood pressure, liver cancer, brain cancer, lung cancer, variety of blood cancers, mammary gland cancer, birth defects, delayed development in fetuses, decreases weight in fetuses, miscarriages, and negatively affected growth and development; and

**Whereas**, Alternatives to PVC, including linoleum, polyolefin, synthetic rubber, and cork, are readily available, considerably safer, more cost effective, and have higher life-cycles; and

**Whereas,** New York City and State governments have already instituted several policies in order to promote "green" city and state schools, including PlaNYC, the Green Schools Guide, Local Laws 118 and 120 of 2005, and state procurement guidelines; and

**Whereas,** Immediately ceasing the use and procurement of any PVC laden product in New York City public schools is consistent with these policies; and

**Whereas,** Healthy schools that are free from toxic chemicals are critical to a child's health and well-being especially since children are at a higher risk from even low-level exposure to many toxic chemicals; and

**Whereas,** Since much of a child's life is spent at school, measures should be taken to reduce exposure; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the School Construction Authority (SCA) to immediately cease using and procuring any polyvinyl chloride (PVC) laden products, especially vinyl flooring, for any use in New York City (NYC) public schools; and set a timetable for the removal of all PVC laden vinyl flooring from all NYC public schools within a time frame of five years.

Referred to the Committee on Education.

Res. No. 64

**Resolution calling upon the state legislature to reintroduce and pass and Governor to sign the 2017-18 Assembly bill A. 4118 that relate to the protection of public health from radon in natural gas.**

By Council Member Levin.

**Whereas**, Radon is a colorless and odorless naturally-occurring radioactive gas, the long-term exposure to which is known to cause lung cancer in humans; and

**Whereas,** The United States Environmental Protection Agency estimates that radon is the leading cause of lung cancer among people who do not smoke, and is the second leading cause of lung cancer overall; and

**Whereas**, Radon is estimated to cause approximately 21,000 lung cancer-related deaths each year, with 2,900 of those deaths among non-smokers; and

**Whereas,** Radon can enter homes through cracks in and between concrete slab and blocks, slab-footing joints, exposed soil, loose fitting pipes, water, and natural gas that contains radon; and

**Whereas**, Radon has a half-life of 3.8 days, decaying through a series of steps during which alpha radiation is released; and

**Whereas**, Historically, natural gas coming to New York City has travelled from distant locations such as the Gulf Coast, allowing additional time for any radon in the gas to decay prior to entering homes; and

**Whereas,** Although New York State banned hydraulic fracturing, there is hydraulic fracturing occurring in the Northeastern United States and the resulting natural gas, and any radon it contains, may travel shorter distances to get to New York City, which would allow less time for the radon to decay; and

**Whereas,** Radon, if present in natural gas, could enter homes via stoves that burn such natural gas; and

**Whereas,** If radon did enter homes in sufficiently high amounts, and if it didn't disperse through ventilation or other means, it could accumulate and expose people to health risks; and

**Whereas,** Radon levels in natural gas can be monitored in natural gas pipes prior to distribution to homes; and

**Whereas,** Assembly bill A. 4118, sponsored by Assembly Member Linda Rosenthal (D-NYC), requires local distribution entities to undertake continuous monitoring of natural gas for radon and disclose monitoring results to the public, and take mitigation measures if radon or radon progeny levels crossed any of several different thresholds in order to reduce those levels to below such thresholds, and further establishes a State compliance assurance system to include periodic physical inspection and measurement and an enforcement program for gas corporations that fail to comply; and

**Whereas,** Such actions would be sufficient to protect the public health from any potential impacts from radon in natural gas; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the state legislature to reintroduce and pass and Governor to sign the 2017-18 Assembly bill A. 4118 that relate to the protection of public health from radon in natural gas

Referred to the Committee on Environmental Protection.

Res. No. 65

**Resolution calling upon the Environmental Protection Agency and President Trump to fully enforce the Clean Air Act by regulating greenhouse gases in order to avert the potentially catastrophic effects of climate change.**

By Council Members Levin and Brannan

**Whereas,** 2017 was the hottest year on record, and 2001 to 2010 was the warmest decade on record; and

**Whereas,** Extreme weather events, most notably heat waves and precipitation extremes, are striking with increased frequency, with deadly consequences for people and wildlife; and

**Whereas,** According to a 2009 Global Humanitarian Forum study, climate change already seriously affects 325 million people, and is responsible for 300,000 deaths and $125 billion in economic losses worldwide each year; and

**Whereas**, Climate change is affecting food security by negatively impacting the growth and yields of important crops, and droughts, floods, and changes in snowpack are altering water supplies; and

**Whereas,** The world's land-based ice is rapidly melting, threatening water supplies in many regions and raising sea levels; and

**Whereas,** According to the National Snow and Ice Data Center, in November 2017 the Arctic summer sea ice extent averaged 3.65 million square miles, the third lowest in the 1979 to 2017 satellite record, and with an accompanying drastic reduction in sea ice thickness and volume, is severely jeopardizing ice-dependent animals; and

**Whereas,** Scientists have concluded that by the year 2100 as many as one in ten species may be on the verge of extinction due to climate change; and

**Whereas**, Sea level is rising along the East Coast of the United States faster than it has risen for the least 2,000 years, is accelerating in pace, and could rise by one to two meters this century, threatening millions of Americans with severe flooding; and

**Whereas,** For four decades, the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution controls that saves lives and creates economic benefits exceeding its costs by many times; and

**Whereas,** With the Clean Air Act, air quality in this country has improved significantly since 1970, despite major growth in our economy, population, motor vehicle travel, and industrial production; and

**Whereas,** Between 1970 and 1990, the six main pollutants covered by the Clean Air Act-particulate matter and ground-level ozone (both of which contribute to smog and asthma), carbon monoxide, lead, sulfur dioxide, and nitrogen oxides (the pollutants that cause acid rain)-were reduced by between 47% and 93%, and airborne lead was virtually eliminated; and

**Whereas**, The Clean Air Act has produced economic benefits valued at $2 trillion, or over 30 times the $60 billion in cost of regulations; and

**Whereas**, The United States Supreme Court ruled in Massachusetts v. EPA (2007) that greenhouse gases are "air pollutants" as defined by the Clean Air Act and that, therefore, the Environmental Protection Agency has authority to regulate them; and

**Whereas,** Using authorities embodied in Section 111 of the Clean Air Act, the Environmental Protection Agency can develop regulations to reduce greenhouse gas pollution from new and existing power plants; and

**Whereas**, The City of New York prides itself on being a leader in the fight against climate change and for clean air; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Environmental Protection Agency and President Trump to fully enforce the Clean Air Act by regulating greenhouse gases in order to avert the potentially catastrophic effects of climate change.

Referred to the Committee on Environmental Protection.

Res. No. 66

**Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would increase the real property tax abatement for the installation of a green roof to $15 per square foot.**

By Council Members Levin and Brannan.

**Whereas**, New York State law provides a one-time real property tax abatement for the installation of green roofs within New York City; and

**Whereas,** Section 499-bbb of the State Real Property Tax Law provides a real property tax abatement to the owners of class one, two, or four properties who install or have installed green roofs on such properties; and

**Whereas**, To be eligible for the tax abatement, the green roof must cover at least 50 percent of the eligible rooftop space and can include a weatherproof and waterproof roofing membrane layer; a root barrier layer; an insulation layer; a drainage layer that is designed so the drains can be inspected and cleaned; a growth medium with a depth of at least two inches; an independent water holding layer, for growth mediums less than three inches, that is designed to prevent the rapid drying of the growth medium; or certain vegetation layers; and

**Whereas**, The law currently provides for a tax abatement at varying levels depending on the year that the tax abatement is claimed; and

**Whereas**, According to the United States Environmental Protection Agency, the cost of installing a green roof could be $25 per square foot; and

**Whereas**, However, the existing tax abatement is far less than this cost; and

**Whereas**, For tax abatements claimed between July 1, 2009 and June 30, 2014, the amount of the tax abatement is $4.50 per square foot of green roof, but not more than the lesser of $100,000 or the amount of taxes owed that year for the eligible building; and

**Whereas,** For tax abatements claimed between July 1, 2014 and June 30, 2019, the amount of the tax abatement is $5.23 per square foot of green roof, but not more than the lesser of $200,000 or the amount of taxes owed that year for the eligible building; and

**Whereas**, While the existing tax abatement is helpful, because of the disparity between the cost to install a green roof and the amount of the tax abatement, it does not provide a meaningful incentive for people to build green roofs; and

**Whereas**, An increased tax abatement amount would provide a greater incentive for property owners to build green roofs and contribute to the greening of the City; and

**Whereas**, The City also recognizes the benefits of green roof installation and encourages their use; and

**Whereas,** For example, the City's Department of Environmental Protection offers a Green Infrastructure Grant Program which funds the design and construction of certain green infrastructure projects, including green roofs, on private property in certain areas of the City; and

**Whereas**, In 2014, the grant program awarded more than $3,000,000 to fund six projects, five of which included a green roof component; and

**Whereas**, The State and the City both understand the importance of promoting green infrastructure and, therefore, the tax abatement to incentivize green roof installation should be deepened to reflect the actual cost of installing a green roof; 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, legislation that would increase the real property tax abatement for the installation of a green roof to $15 per square foot.

Referred to the Committee on Finance.

Res. No. 67

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.2851, which would create the Empire State Music Production Credit.**

By Council Members Levin and Brannan.

**Whereas**, New York City has been the epicenter of the American music industry for over a century; and

**Whereas,** New York City is the birthplace of many genres of music, such as hip-hop, salsa, and disco, and other genres, such as jazz, rock, and musical theatre have also thrived here; and

**Whereas,** According to a 2014 article in the New York Times titled "Music Industry Pushes for New York Tax Credits Like Film Industry's," some music industry figures worry that New York City's prominence in the music industry is beginning to fade as other states are creating incentives for musicians to produce their music in their home state; and

**Whereas,** Tennessee, Georgia, Louisiana, California, and Texas, as well as certain cities in Canada, have all begun to offer some sort of tax benefit or other financial incentive to increase music production in their localities; and

**Whereas,** According to the article, it might cost $10,000 to produce an album in New York City whereas in other cities and states it could cost as low as $4,500; and

**Whereas,** In 2005, the Council passed legislation to provide a film and television industry tax credit to help lure film productions back to the City and counter the flight of production jobs to more affordable and profitable locales and municipalities; and

**Whereas,** According to the NYC Mayor's Office of Film, Theatre and Broadcasting, production days in the City increased from 23,321 in 2004, the year before the credit was enacted, to 34,718 in 2006, the first year the credit was enacted; and

**Whereas,** The film tax credit was so successful in bringing film production back to the City that the maximum allocation of credits were expended by mid-2009; and

**Whereas**, The City's music artists deserve the same type of incentive to produce their music locally rather than being forced to travel outside the State to find affordable production services; and

**Whereas,** The Empire State Music Production Credit would provide companies and individuals who record and produce music in New York State with a tax credit of up to 25 percent of the qualified production costs; and

**Whereas,** The program's initial maximum allocation of credits would be $25 million dollars per year $1,250,000 per week; and

**Whereas**, Establishing such a tax credit will allow for more music recording and production to occur in New York City, thereby generating tax revenue, economic activity and good jobs for New York; 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, S.2851, which would create the Empire State Music Production Credit.

Referred to the Committee on Finance.

Res. No. 68

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.8178, in relation to creating a Home Stability Support program, which would create a new statewide rent supplement for families and individuals who are eligible for public assistance benefits and who are facing eviction, homelessness, or the loss of housing due to situations such as domestic violence or hazardous living conditions**

By Council Members Levin and Brannan.

**Whereas,** New York City (N.Y.C. or the City) is in the midst of an affordable housing crisis due to the fact that over the past 20 years wages for the City's renters have failed to increase at a fast enough rate to keep pace with rent increases; and

**Whereas,** According to the Coalition for the Homeless, between 2010 and 2014 the median household income in the City rose by 2 percent, while median rents rose by 14 percent; and

**Whereas**, In the lowest-income neighborhoods, the median income decreased by 7 percent, while rents rose by 26 percent; and

**Whereas**, One-third of N.Y.C. residents are housing insecure, meaning they are spending more than 50 percent of their income on rent and were they to miss a paycheck they would be unable to pay their rent; and

**Whereas,** In recent years homelessness in the City reached the highest levels since the great depression of the 1930s; and

**Whereas,** According to the N.Y.C. Department of Homeless Services' (DHS) Daily Report as of December 2017, more than 60,000 individuals live homeless shelters including 23,738 children; and

**Whereas,** Legislative action has been taken at the Federal, State and local level to create and fund cash assistance and rent supplement programs to help people make ends meet and remain in their homes, but these programs are not providing enough assistance to keep pace with the increasingly high cost of living in the City; and

**Whereas,** Cash assistance programs, administered locally through the Human Resources Administration (HRA), are designed to enable households, with limited incomes, meet the basic needs of living, shelter, food, utility, and other daily living expenses; and

**Whereas,** Eligibility for a cash assistance grant is based on household size, income, and other factors; and

**Whereas,** Cash assistance is divided into three specific need areas: basic allowance, home energy allowance and shelter allowance; and

**Whereas**, The shelter allowance schedule is a series of state regulatory limits on rent assistance based on district, family size, and whether heat is included in the rent; and

**Whereas,** According to the Community Service Society, the current shelter allowance for a 3 person household with children is $400 per month, while the 2016 U.S. Department of Housing and Urban Development (HUD) fair market rent for a two bedroom unit was $1,571 per month; and

**Whereas,** According to the Coalition for the Homeless, two-thirds of households on public assistance who live in private housing statewide are grappling with rents that exceed their shelter allowances; and

**Whereas,** According to data compiled by the Coalition for the Homeless, the Legal Aid Society, and the Empire Justice Center, in the City there are 54,013 households receiving shelter allowances that do not cover the cost of their rent; and

**Whereas,** In New York City, 41,628 households that receive shelter allowances many pay rent that is one and a half times the shelter allowance and are on the brink of becoming homeless; and

**Whereas**, Rental supplements were created by New York State in 2003, authorizing localities to administer rent supplements to supplement cash assistance; and

**Whereas,** Rent supplements, including Living In Communities (LINC), the City Family Eviction Prevention Supplement (CITYFEPS), and the Special Exit and Prevention Supplement (SEPS), provide additional monetary grants to individuals and families struggling to pay their rent; and

**Whereas,** Increasing rent supplements would cost far less than it currently costs to house a family in a New York City shelter; and

**Whereas,** In June of 2017, New York State Assembly Member Andrew Hevesi introduced A.8179, the Home Stability Support (HSS) plan to ensure people are not forced into shelter and are instead able to remain in their rental unit; and

**Whereas**, HSS would be funded entirely by State dollars and would provide relief by replacing all existing rent supplements; and

**Whereas**, The goal of HSS is to bridge the difference between the shelter allowance and 85 percent of the local Fair Market Rent (FMR), determined by HUD; and

**Whereas,** HSS would allow localities to raise the supplement up to 100 percent of the FMR should they choose to subsidize the remainder; and

**Whereas,** Furthermore, as proposed, HSS would also include a differential for housing that does not include heat in the monthly rent; and

**Whereas,** As proposed, HSS would also encourage employment by including a one-year transitional benefit for households that increase their earnings enough to leave public assistance; now, therefore be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.8178, in relation to creating a Home Stability Support program, which would create a new statewide rent supplement for families and individuals who are eligible for public assistance benefits and who are facing eviction, homelessness, or the loss of housing due to situations such as domestic violence or hazardous living conditions.

Referred to the Committee on General Welfare.

Res. No. 69

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would establish a hospitality gift fund for the homeless.**

By Council Members Levin and Brannan.

**Whereas,** Homelessness in New York City has increased dramatically in recent years, while our nation has continued to face challenging economic conditions; and

**Whereas**, In New York City it is particularly difficult for people of modest means to secure reasonably affordable housing; and

**Whereas,** As of December 2017, there were over 60,000 homeless people sleeping each night in the New York City shelter system; and

**Whereas**, Over the course of Fiscal Year 2013, more than 111,000 different individuals slept in the shelter system, including more than 40,000 different children; and

**Whereas**, A.3495-2015, sponsored by Assembly Member Keith L.T. Wright, would have established a voluntary hotel unit fee of two dollars per day that would have funded a "Hospitality Gift Fund for the Homeless"; and

**Whereas**, The fund would have helped not-for profit tax-exempt entities deliver services to the homeless and those at risk of becoming homeless, with the goal of reducing homelessness in New York State; and

**Whereas,** Every New Yorker deserves a decent place to live and more should be done to eliminate homelessness in New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign legislation that would establish a hospitality gift fund for the homeless.

Referred to the Committee on General Welfare.

Res. No. 70

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.528, which would amend the New York State insurance law to include the coverage of in vitro fertilization treatments**

By Council Members Levin and Brannan.

**Whereas**, In vitro fertilization (IVF) is a series of medical procedures, or one treatment cycle, used to assist with the conception of a child; and

**Whereas**, In IVF mature eggs are collected from a woman's ovaries and fertilized by a sperm in a lab and implanted in the woman's uterus; and

**Whereas**, While the number of babies born in the United States since 2007 has decreased, the number of women seeking IVF treatments has steadily increased since 2003; and

**Whereas,** The New York State legislature amended the insurance law in 2002, to require that all private group health insurance plans issued or delivered by the state provide coverage for hospital, surgical, and medical care for the diagnosis and treatment of infertility for patients between the ages of 21 to 44, as long as they were covered by the policy for 12 months; and

**Whereas,** While New York State has expanded fertility coverage in respect to certain medical needs, the New York State insurance law excludes coverage for costly IVF treatments; and

**Whereas**, According to the Society for Assisted Reproductive Technology (SART) 175,000 cycles of IVF were conducted in 2013, which was a 6% increase from 2012 and a 65% increase since 2003; and

**Whereas,** According to the Centers for Disease Control (CDC), infertility can have many different causes and is not exclusive to one gender; and

**Whereas**, Infertility is usually determined by the inability to conceive after 12 consecutive months of unprotected intercourse; and

**Whereas,** According to the CDC, 12% of women in the United States between the ages of 15 and 44 have difficulty getting pregnant or carrying a pregnancy to term; and

**Whereas**, According to a survey conducted by the Reproductive Medicine Associates of New Jersey (RMANJ) in 2015, the ability to conceive becomes increasingly more difficult as a woman gets older; and

**Whereas,** According to the American Society for Reproductive Medicine (ASRM), fertility in women declines after a woman turns 30, and particularly declines further after a woman turns 35; and

**Whereas**, According to the survey conducted by RMANJ, in the United States, many women are choosing to wait until they are over the age of 30 to start a family; and

**Whereas,** In the United States the live birth rate for each IVF cycle is roughly 41-43% for women under the age of 35; and

**Whereas**, According to Advanced Fertility Services (AFS), a New York based fertility clinic, IVF has a 33% success rate of live birth after the first round of treatment, but a 70% success rate after the third round, many couples should prepare for multiple rounds of treatment; and

**Whereas**, One IVF cycle can cost roughly $12,000 to $17,000, which does not include additional hormonal medications a woman may need to take and IVF coverage is not mandatory under New York State law; and

**Whereas,** Currently, eight states require IVF health insurance coverage by law, with only certain limitations on either the maximum amount covered or the number of treatment cycles covered; and

**Whereas,** Many couples choose to travel out of their home state to seek treatment from a state that includes IVF treatment in their insurance law, this forces couples to factor in travel expenses in addition to the overall treatment cost; and

**Whereas**, According to a 2014 study released by the CDC, there is a disparity in the use of fertilization assistance; and

**Whereas,** Many women who use IVF services are married, non-Hispanic white, with a higher level of education, and more affluent than non-users; and

**Whereas,** Public misconceptions about infertility make IVF appear to be an unnecessary procedure, rather than a necessary medical treatment; and

**Whereas**, IVF is not only used to help heterosexual couples conceive, but also assist same sex-female couples conceive; and

**Whereas,** 15% of heterosexual couples and 15% of same sex couples seek out and use IVF; and

**Whereas,** According to a 2016 survey conducted by the International Foundation of Employee Benefit Plans (IFEBP), 19% of large employers cover IVF treatments; and

**Whereas,** Employers who offer a greater amount of fertility coverage are more likely to recruit and retain younger employees, who are preparing for the future; and

**Whereas,** In January 2017, New York State Assembly Member Linda Rosenthal introduced A.528, which relates to insurance coverage of in vitro fertilization treatments; and

**Whereas**, Including IVF treatment in the health insurance law, will allow families struggling to conceive, to receive the necessary treatment without worrying about the cost of service; 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.528, which would amend the New York State insurance law to include the coverage of in vitro fertilization treatments.

Referred to the Committee on Health.

Res. No. 71

**Resolution calling upon the New York State legislature to pass and the governor to sign legislation that would define honey and provide standards for honey sold in the State.**

By Council Member Levin.

**Whereas,** New York State ranked 10th in the country in honey production in 2015 and is the largest beekeeping state in the Northeast, according to the United States Department of Agriculture; and

**Whereas**, However, the Empire State Honey Producers Association asserts that "honey from other countries comes into the United States with labels calling it 'pure honey' but in fact much of it is not pure with items such as high fructose corn syrup, rice syrup and antibiotics added to it;" and

**Whereas,** According to Food Safety News, millions of pounds of honey that were banned and determined unsafe in other countries are being imported and sold in the United States; and

**Whereas**, Specifically, impurities such as lead and chloramphenicol have been found in honey from India and China resulting in the European Union banning honey from these countries; and

**Whereas,** In 2001, the Federal Trade Commission imposed strict import taxes on Chinese producers to stop the influx of altered, harmful honey into the Unites States; and

**Whereas,** According to news reports, to avoid the tariff Chinese producers began shipping their honey to other countries, such as India where it was repackaged and then sent to the United States; and

**Whereas**, In 2010, The Food and Drug Administration (FDA) seized 64 drums of imported Chinese honey because it contained an antibiotic that could lead to serious illness or death; and

**Whereas,** The Trade Facilitation and Trade Enforcement Act (TFTEA) of 2015, requires U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) to collaborate to enhance trade enforcement, with specific emphasis on honey illegally imported into the United States in violation of U.S. customs and trade laws; and

**Whereas,** Since the passage of TFTEA, special agents with ICE's Homeland Security Investigations (HSI) in Chicago seized nearly 60 tons of illegally imported Chinese honey in June 2016; and

**Whereas,** Despite the evidence of unsafe honey importation, Food Safety News states that the FDA tests only 5 percent of imported honey; and

**Whereas,** In 2014, the FDA released "Draft Guidance for Industry: Proper Labeling of Honey and Honey Products," which is still in draft form and has not been finalized; and

**Whereas,** Advocates believe that the FDA devotes little time and effort to inspecting imported honey because of a lack of interest and resources; and

**Whereas**, Advocates are in favor of legislation that would impose a "standard of identification" to assure the public that honey being sold is pure and unadulterated; and

**Whereas,** States such as Florida, California, Wisconsin, and North Carolina have already adopted legislation that provides a standard for honey and identified a state agency to enforce the standard; and

**Whereas**, Establishing honey standards in New York would help protect consumers from being misled and protect local beekeepers from competing with cheaper inferior products; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State legislature to pass and the governor to sign legislation that would define honey and provide standards for honey sold in the State.

Referred to the Committee on Health.

Res. No. 72

**Resolution calling upon the United States Congress to reintroduce and pass the Recovery Enhancement for Addiction Treatment Act, which would expand treatment for opioid addiction.**

By Council Members Levin, Brannan and Salamanca.

**Whereas**, Opioid drugs include prescription medication such as oxycodone, morphine and codeine, as well as the illicit drug heroin; and

**Whereas,** According to the Centers for Disease Control and Prevention (CDC), drug overdoses have been increasing dramatically since 1980 and surpassed motor vehicle death rates by 2009; and

**Whereas**, In 2016, more than 46 people died every day from overdoses involving prescription opioids, according to the CDC; and

**Whereas,** Between 2010 and 2016, the rate of heroin-related overdose deaths increased by a factor of 5; and

**Whereas,** According to the CDC, over 1,000 people are treated in emergency departments for misusing prescription opioids every day, and emergency department visits, substance treatment admissions and economic costs associated with opioid abuse have all increased in recent years; and

**Whereas,** Expanding access to addiction-treatment services is an essential component of a comprehensive response; and

**Whereas,** Medication-assisted treatment (MAT) combines behavioral therapy and medications to treat substance use disorders and the three types of medication for treating patients with opioid addiction are methadone, buprenorphine, and naltrexone; and

**Whereas**, While MAT has proved effective in helping patients recover and reducing the risk of overdose, these medications are markedly underutilized; and

**Whereas,** According to a May 29, 2014 article in the New England Journal of Medicine, of the 2.5 million Americans 12 years of age or older who abused or were dependent on opioids in 2012, fewer than 1 million received MAT; and

W**hereas,** This article further states that MAT has been adopted in less than half of private-sector treatment programs, and within those programs, only 34 percent of patients receive them; and

**Whereas**, The Recovery Enhancement for Addiction Treatment Act (S.1455/H.R.2536, TREAT Act) was introduced in 2015 by Senator Edward J. Markey [D-MA] and Representative Brian Higgins [D-NY]; and

**Whereas,** The TREAT Act would amend the Controlled Substances Act to increase the number of patients that a qualifying practitioner dispensing narcotic drugs for maintenance or detoxification treatment is initially allowed to treat from 30 to 100 patients per year; and

**Whereas,** The TREAT Act would allow a qualifying physician who has received 24 hours of training specifically related to treating opiate-dependent patients to request approval to treat up to 500 patients under specified conditions after one year; and

**Whereas,** The legislation would expand the definition of "qualifying practitioner" to include nurse practitioners or physicians assistants and specify that all qualifying practitioners must participate in the Prescription Drug Monitoring Program of the state in which the practitioner is licensed; and

**Whereas,** The TREAT Act would direct the Comptroller General to initiate an evaluation of the effectiveness of the Act, including changes in the availability and use of MAT for opioid addiction and the quality of MAT programs; and

**Whereas,** This legislation would expand the ability of trained medical professionals to provide life-saving medication-assisted therapies for patients suffering from opioid addictions; and

**Whereas,** The 2015-16 federal legislative session ended without passage of the TREAT Act; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to reintroduce and pass the Recovery Enhancement for Addiction Treatment Act, which would expand treatment for opioid addiction.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 73

**Resolution calling upon the New York City Housing Authority to conduct a survey of its entire portfolio to determine how much leasable property is owned throughout the city.**

By Council Members Levin and Brannan.

**Whereas**, The New York City Housing Authority ("NYCHA") is a public housing authority with 326 developments, 2,462 buildings, and 176,066 public housing units, making it the largest public housing provider in North America; and

**Whereas,** The majority of NYCHA's housing stock is over fifty years old and have over $16.5 billion dollars in unfunded capital needs; and

**Whereas,** The bulk of NYCHA's capital funds come from federal grants and these grants have declined substantially in recent years, falling from $420 million annually in 2001 to $318 million annually in 2016; and

**Whereas,** Since 2001, NYCHA has experienced a cumulative federal grant funding loss of approximately $1.375 billion; and

**Whereas**, According to an August 2008 report by former Manhattan Borough President Scott Stringer entitled "Land Rich, Pocket Poor ("the Report")," there are 30.5 million square feet of unused development rights in NYCHA developments throughout Manhattan alone; and Whereas, In order to generate revenue and address its funding gap, in 2013, NYCHA identified land on the grounds of eight housing developments in Manhattan which could be leased for development; and

**Whereas**, NYCHA should conduct a thorough survey to determine exactly how much leasable property it owns throughout the city; and

**Whereas,** The data should be identified by block and lot, lot area, lot frontage, lot depth, potential gross floor area, square footage, buildable square footage and existing zoning and floor area ratio potential; and

**Whereas**, Additionally, NYCHA should estimate the number of buildings, floors and units that can be built on each site and what number and percentage of those units might be used for residential purposes including affordable housing; and

**Whereas,** NYCHA should also estimate the market value of each lot they identify; and

**Whereas**, These survey results should be posted on NYCHA's website and made searchable in an open data format by borough, block, development, community district, council, senate, assembly and congressional districts; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Housing Authority to conduct a survey of its entire portfolio to determine how much leasable property is owned throughout the city.

Referred to the Committee on Public Housing.

Res. No. 74

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A6834/S5955, relating to human trafficking awareness and training in hotels.**

By Council Members Levin, Brannan and Koslowitz.

**Whereas,** According to the United Nations, trafficking of persons, or human trafficking, is the "recruitment, transport, transfer, harbouring or receipt of a person by such means as threat or use of force or other forms of coercion, abduction, fraud or deception for the purpose of exploitation"; and

**Whereas,** Human trafficking is a form of modern slavery that exists throughout the United States and globally; and

**Whereas,** According to the International Labour Organization, there are approximately 20.9 million victims of human trafficking globally, more than half of which are women and girls; and

**Whereas,** From 2007 to 2016, the National Human Trafficking Hotline received more than 120,000 phone calls where 31,659 cases of trafficking were identified; and

**Whereas,** Additionally, over 60,000 victims were discovered based on hotline data, and in reviewing these cases, instances of force, fraud, and coercion were found to affect at least half of the victims; and

**Whereas**, According to Polaris, an anti-trafficking advocacy organization, the venues and businesses where sex trafficking is most common are hotels and motels; and

**Whereas,** New York City has the third-largest hotel market in the nation, following Las Vega and Orlando; and

**Whereas,** In 2016, New York was among states that received the most reported human trafficking cases, ranking fifth out of every state behind California, Texas, Florida, and Ohio; and

**Whereas,** In April 2017, Assemblywoman Amy Paulin introduced A6834, and in May 2017, Senator Jesse Hamilton introduced S5955 which amend the general business law, in relation to human trafficking awareness training; and

**Whereas**, A6834/S5955 would require all employees of lodging facilities, such as hotels, motels, motor courts, apartment hotels, resorts, inns, and boarding houses, rooming houses or lodging houses, to undergo a human trafficking recognition training program, which would enable employees to recognize signs of trafficking; and

**Whereas,** Pursuant to A6834/S5955, human trafficking recognition programs would address the nature of human trafficking, how it is defined by law, relief and recovery options for survivors, and social and legal services available to victims; and

**Whereas,** A6834/S5955 mandate that human trafficking recognition training programs be approved by the New York State Division of Criminal Justice Services and the Office of Temporary Disability Assistance in consultation with the New York State Interagency Taskforce on Human Trafficking; and

**Whereas**, A6834/S5955 also mandate that lodging facilities post a notice concerning services for human trafficking victims, including the National Human Trafficking Hotline telephone number, "in plain view and in a conspicuous place" in public restrooms and lobbies; and

**Whereas,** Pursuant to A6834/S5955, such notices would be developed by the Office of Temporary Disability Assistance in consultation with the New York State Interagency Taskforce on Human Trafficking; and

**Whereas,** Training employees of hotels and lodging facilities how to recognize warning signs of human trafficking can have a major impact on our ability to help victims and survivors receive the help and support they need; and

**Whereas,** Of the 26,727 calls the National Human Trafficking Hotline received in 2016, most were made by community members who observed suspicious activity or who had direct contact with a potential victim; and

**Whereas**, This highlights the critical role community members, including hotel employees might play in identifying potential trafficking victims; 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 A6834/S5955, relating to human trafficking awareness and training in hotels.

Referred to the Committee on Public Safety.

Res. No. 75

**Resolution calling on the New York State Legislature to pass the Marihuana Regulation and Taxation Act and the Governor to sign such legislation into law, which would legalize, regulate, and tax the sale of marijuana in New York State.**

By Council Members Levin and Brannan.

**Whereas,** According to a report released in June of 2013 by the American Civil Liberties Union, "marijuana arrests have increased between 2001 and 2010 and now account for 52 percent of all drug arrests in the United States and marijuana possession arrests account for 46 percent of all drug arrests"; and

**Whereas** States across the country spent over $3.6 billion enforcing marihuana or "marijuana" possession laws in 2010; and

**Whereas**, In 2016, the New York City Police Department made 18,136 marijuana related arrests; and

**Whereas**, According to various sources, enforcement of New York State marijuana laws have disproportionately affected African-American and Latino communities; and

**Whereas,** Recently, the states of Colorado, Washington, California, Alaska, and Massachusetts have legalized the recreational use of marijuana; and

**Whereas,** Legalizing the recreational use of marijuana in New York State would help generate millions of dollars annually in tax revenue; and

**Whereas,** A.3506-B, introduced by New York State Assembly Member Crystal D. Peoples-Stokes and pending in the New York State Assembly, and companion bill S.3040-B, introduced by New York State Senator Liz Krueger and pending in the New York State Senate, seek to legalize, regulate, and tax the sale of marijuana in New York State; and

**Whereas,** A.3506-B/S.3040-B is also known as the "Marihuana Regulation and Taxation Act"; and

**Whereas**, The Marihuana Regulation and Taxation Act would amend several statutes pertaining to the sale, enforcement, and taxation of marijuana including, but not limited to: (i) removing penalties for possession of certain amounts of marijuana; (ii) establishing 21 as the minimum legal age for marijuana possession and consumption; (iii) allowing for home cultivation of up to 6 marijuana plants; (iv) empowering the New York State Liquor Authority to grant licenses for marijuana production, transport, and retail sale; (v) prohibiting the sale of marijuana to individuals under 21 years-of-age; (vi) establishing a tax of marijuana and authorizing localities to charge a sales tax on retail sales; and (vii) directing a portion of the state tax revenue collected to be directed to re-entry programs, substance abuse programs, and job training programs in low-income, high-unemployment communities; and

**Whereas,** The Marihuana Regulation and Taxation Act would help generate much needed state tax revenue, help to greatly reduce the racially disparate marijuana related arrests, and providing funding for community programs to better assist New York State residents; now therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass the Marihuana Regulation and Taxation Act and the Governor to sign such legislation into law, which would legalize, regulate, and tax the sale of marijuana in New York State.

Referred to the Committee on Public Safety.

Res. No. 76

**Resolution calling on Congress to pass, and the President to sign, S.2095, also known as the Assault Weapons Ban of 2017.**

By Council Members Levin, Brannan and Salamanca.

**Whereas,** According to Mother Jones' *A Guide to Mass Shootings in America*, there have been at least 95 mass shootings in this country since 1982, defined as an indiscriminate attack in a public place in which four or more victims were killed; and

**Whereas,** Mother Jones' database shows that mass shootings have been on the rise in recent years, with 60 of the 95 incidents taking place since 2005, eleven of which occurred in 2017 alone; and

**Whereas,** The same database reveals that more than two thirds of the guns used in mass shootings between 1982 and 2017 were obtained legally, and more than half of all the shooters possessed assault weapons, high-capacity magazines, or both; and

**Whereas,** In 1994, Congress passed the Federal Assault Weapons Ban, which prohibited the manufacturing of certain semiautomatic firearms defined as assault weapons, as well as large-capacity magazines; and

**Whereas**, The ban was in effect from 1994 to 2004, due to its 10-year sunset provision; and

**Whereas,** The law was criticized by some as having significant loopholes, including a "grandfather clause" allowing the possession or transfer of existing semiautomatic assault weapons, as well as the ease with which manufacturers could slightly modify banned models and still legally sell the new models; and

**Whereas,** Nevertheless, analysis from Professor Sam Wang of Princeton University reveals that there were 1.6 mass shootings per year during the time the ban was in effect, compared to 3.4 per year between 2005 and 2012, after the ban expired; and

**Whereas,** Moreover, Professor Wang's analysis shows that 20.9 people were shot per year by mass shooters during the 10-year ban, while the number of victims increased to 54.8 people per year after the ban expired; and

**Whereas,** Since 2003, there have been numerous attempts to reauthorize the ban or to pass bills to create a similar ban, but all efforts have failed; and

**Whereas,** 2017 saw a number of high-profile mass shootings, including the Las Vegas Strip massacre which resulted in a total of 58 deaths; and

**Whereas**, U.S. Senator Dianne Feinstein of California introduced S.2095, the Assault Weapons Ban of 2017; and

**Whereas**, Similar to the original 1994 ban, the Assault Weapons Ban of 2017 would prohibit the manufacturing of specified semiautomatic assault weapons and large-capacity magazines, while exempting the possession, sale, or transfer of grandfathered firearms; and

**Whereas**, Reinstating a federal ban on assault weapons would be an important step toward reducing mass shootings and saving lives; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon Congress to pass, and the President to sign, S.2095, also known as the Assault Weapons Ban of 2017.

Referred to the Committee on Public Safety.

Res. No. 77

**Resolution to amend rule 7.60 of the rules of the council in relation to allowing the submission of written and video testimony to public hearings through the council's website**

By Council Member Levin.

Section 1. Subdivision a of rule 7.60 of the rules of the council of the city of New York is amended to read as follows:

a. A committee chairperson may call public hearings on any matter referred to such committee, and at such public hearing shall maintain decorum. The chairperson shall have general control over the Chamber, lobbies, rooms and corridors in that part of the building assigned to the committee. The chairperson may allow public testimony on any item being considered by the committee at that hearing. *Once a hearing has been called on a proposed local law or resolution, the chairperson may permit the public to submit written or video testimony through the Council's website, which the chairperson may have distributed or played at, and which the chairperson may include as part of the public record for, such hearing.*

Referred to the Committee on Rules, Privileges and Elections.

Int. No. 160

By Council Members Levine and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the acceptance of bitcoins for the payment of fines and fees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-141 to read as follows:

*§ 11-141 Agreements with financing agencies; payment of fines, civil penalties, fees or charges by bitcoin. 1. As used in this section, the following terms shall have the following meanings:*

*a. "Bitcoin" means the software and internet based digital unit of exchange, recorded in a public ledger block chain based on the bitcoin protocol.*

*b. "Financing agency" means a money service business registered with the United States department of treasury.*

*2. The city may enter into agreements with one or more financing agencies to provide for the acceptance by the city of bitcoins, via the internet, as an alternate means of payment of fines, civil penalties, fees or charges owed by a person to the city. Any such agreement shall govern the terms and conditions upon which a bitcoin denominated payment proffered as a means of payment of a fine, civil penalty, fee or charge shall be accepted or declined and the manner in and conditions upon which the financing agency shall pay to the city the dollar equivalent amount of fines, civil penalties, fees, or charges pursuant to such agreement. Any such agreement may provide for the payment by the city to such financing agency of fees for the services rendered by such financing agency pursuant to such agreement, which fees may consist of a discount deducted from or payable in respect of the amount of each such fine, civil penalty, fee or charge as the agreement may provide.*

*3. Notwithstanding any other provision of law to the contrary, any agency or department of the city which, pursuant to an agreement entered into under this section, accepts bitcoins, via the internet, as a means of payment of fines, civil penalties, fees or charges to the city shall be authorized to charge and collect a reasonable and uniform fee as a condition of accepting such bitcoins in payment of a fine, civil penalty, fee or charge. Such fee shall not exceed the cost incurred by the agency or department in connection with such bitcoin transaction, which cost shall include any fees payable by the city to the financing agencies.*

§ 2. This local law takes effect 180 days after becoming law, except that the commissioner of finance shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Finance.

Int. No. 161

By Council Members Levine, Brannan, Yeger, Espinal, Koslowitz, Rosenthal, Cabrera, Williams, Kallos, Deutsch, Gibson, Ampry-Samuel, Koo, Torres, Salamanca, Richards, Van Bramer, Rivera, Cohen, Holden and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures**

*Be it enacted by the Council as follows:*

Section 1. Section 18-145 of the administrative code of the city of New York is amended to read as follows:

§ 18-145 Reporting on capital project expenditures in parks. The department shall post on the city's website, in a non-proprietary format that permits automated processing, the status of each capital project, as defined in section 5-101 of the administrative code of the city of New York, on property under the jurisdiction of the commissioner. Such information shall *be updated no less than quarterly and shall* include *the following:*

*1. For each such project,* (i) the actual or estimated starting date and actual or estimated completion date of [the current] *each* phase of such project, *and if any phase is delayed, a description of such delay and the cause thereof;* (ii) the total amount of funds allocated to such project or, when applicable, a range of the funds available; (iii) the identification of each separate source of funding allocated to such project; (iv) a description of such project; (v) the location of such project, *specified by borough, council district and community district; [and] (vi) [a quarterly update] the date when funding for such project was fully allocated; (vii) any addition or subtraction made to the funding allocation for such project after such date and the reasons for such addition or subtraction; (viii) the date such project is first assigned to an employee of the department; and (ix) a description of any projected or actual cost overrun for each phase of such project; and*

*2. The total number of capital projects that were completed during the most recent fiscal year and the average amount of time taken to complete such projects, measured from the date when each project was fully funded to the date construction was completed; and*

*3. The total number of capital projects currently under the jurisdiction of the department.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 162

By Council Members Levine, Brannan and Salamanca (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to make available on its website biographical information pertaining to all street and park name changes**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York, is amended by adding a new section 25-102.2, to read as follows:

*§25-102.2 Posting certain information related to street and park names. Whenever a street, park, playground, facility or structure, or portion thereof is renamed or co-named pursuant to section 25-102.1 of this chapter, the department of transportation shall make, biographical and/or background information about the person or entity for whom the naming is on behalf of, available on its website within ninety days of the enactment of the local law which named the street, park, playground, facility or structure, or portion thereof.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 163

By Council Members Levine, Brannan, Yeger, Espinal, Koslowitz, Rosenthal, Vallone, Cabrera, Williams, Kallos, Deutsch, Gibson, Ampry-Samuel, Koo, Torres, Van Bramer, Rivera, Perkins, Cohen, Rose, Constantinides, Grodenchik, Dromm and Treyger.

**A Local Law in relation to requiring the Department of Transportation to implement transit signal priority on at least 10 bus routes per year for the next 4 years**

*Be it enacted by the Council as follows:*

Section 1. Transit signal priority. a. The department of transportation shall identify those city intersections that can provide riders with the greatest benefits through implementation of transit signal priority, and shall to the extent practicable, in cooperation with relevant city and state agencies including the metropolitan transportation authority, implement transit signal priority on at least ten bus routes per year in each of the next four calendar years following the passage of this local law.

b. The department shall post on its website the intersections identified pursuant to this local law and bus routes that receive transit signal priority.

c. If the department is not able to meet the implementation deadlines created by this local law in any given year, it shall promptly submit to the mayor and speaker of the council a memorandum detailing why the target will not be met and identifying remedial steps the department has the authority to take to achieve the implementation timeframe in subsequent years.

§ 2. This local law takes effect immediately and is deemed repealed at the conclusion of the final calendar year during which the requirements of section 1 of this local law are in effect.

Referred to the Committee on Transportation.

Int. No. 164

By Council Members Maisel and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to conducting a study on the decline of the number of gas service stations in the city and exploring methods to prevent their further decline**

*Be it enacted by the Council as follows:*

Section 1. Report. a. Definitions. For the purposes of this section, the term “gas service station” means a retail facility or outlet that sells gasoline as fuel for motor vehicles.

b. No later than September 30, 2019, the department of consumer affairs shall submit to the council a report on the state of gas service stations in the city. Such report shall include, but need not be limited to:

1. The number and location of all gas service stations currently operating in the city; the number and location of gas service stations operating in the city 10 years before the enactment of this local law; an analysis of any notable trends or changes in the growth or decline of the number of gas service stations during that timeframe; and an analysis of any notable trends or changes in the location of gas service stations during that timeframe;

2. If a decline in the number of gas service stations is identified, the factors that currently contribute or have contributed to such a decline; which areas of the city are most affected by the decline and how they are affected; why particular areas are more affected than others; and which groups of city residents or workers are affected by the decline and how they are affected; and

3. Recommendations for the preservation of the gas service station industry and for actions that the city might take to counteract and prevent the decline of the number of gas service stations in the city.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 165

By Council Member Maisel.

**A Local Law to amend the administrative code of the city of New York, in relation to consumer protections and home repair work.**

*Be it enacted by the Council as follows:*

Section 1. Section 20-397 of the administrative code of the city of New York is amended by adding a new subdivision six to read as follows:

§ 20-397 Exceptions. No contractor's license shall be required in the following instances:

1. An individual who performs labor or services for a contractor for wages or salary.

2. A plumber, electrician, architect, professional engineer, or any other such person who is required by state or city law to attain standards of competency or experience as a prerequisite to engaging in such craft or profession, or any person required to be licensed pursuant to article six-D of the general business law to engage in the business of installing, servicing, or maintaining security or fire alarm systems, and who is acting exclusively within the scope of the craft, profession or business for which he or she is currently licensed pursuant to such other law.

3. Any retail clerk, clerical, administrative, or other employee of a licensed contractor, as to a transaction on the premises of the contractor.

4. This subchapter shall not apply to or affect the validity of a home improvement contract otherwise within the purview of this subchapter which is made prior to October first, nineteen hundred sixty-eight.

5. Any home improvement, where the aggregate contract price for all labor materials and other items is less than two hundred dollars. This exemption does not apply where the work is only part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than two hundred dollars for the purpose of evasion of this provision or otherwise.

*6. Notwithstanding the aforementioned, nothing in this section shall prevent the department from enforcing any of the provisions of this title that are not contained in this subchapter against any person, firm, partnership, joint venture, corporation or association that is: (i) employed for the purposes of doing home improvement work; and (ii) not required to obtain a department issued contractor's license pursuant to this section. The department shall notify the commissioner of buildings of any violation of this title committed by a person, firm, partnership, joint venture, corporation or association that is licensed or certified pursuant to chapter four of title 28 of this code.*

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 166

By Council Members Maisel and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to resource and training assistance to New York City's community based volunteer ambulance companies.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new paragraph (3) to subdivision a of section 15-101 to read as follows:

*(3) "Voluntary ambulance service" shall mean a voluntary ambulance service as such term is defined in section three thousand one of the public health law that is registered or certified in compliance with section three thousand five of the public health law.*

§2. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

*§ 15-132 Volunteer ambulance service resources.*

*a. The department shall provide vehicle insurance and access to medical supplies for any volunteer ambulance service operating within the city of New York.*

*b. The department shall provide ambulance driver training for any person who meets criteria established by the commissioner and wishes to become a driver for any volunteer ambulance service operating within the city of New York.*

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

Referred to the Committee on Fire and Emergency Management.

Int. No. 167

By Council Member Maisel.

**A Local Law to amend the New York city charter, in relation to requiring certain agencies to be capable of issuing warnings**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (1) of subdivision a of section 556 of the New York city charter is amended to read as follows:

(1) Enforce all provisions of law applicable in the area under the jurisdiction of the department for the preservation of human life, for the care, promotion and protection of health and relative to the necessary health supervision of the purity and wholesomeness of the water supply and the sources thereof. *Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (a) to determine if such violation is a first-time violation of the applicable provision of law, and (b) if permitted by law, to issue a warning for such violation, for which no appearance before the department's tribunal is required, but for which the department shall be capable of recording the infraction as a violation;*

§ 2. The text in section 643 of the New York city charter prior to subdivision (1) is amended to read as follows:

The department shall enforce, with respect to buildings and structures, such provisions of the building code, zoning resolution, multiple dwelling law, labor law and other laws, rules and regulations as may govern the construction, alteration, maintenance, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of buildings or structures in the city*[,]*. *Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing*

*such person: (i) to determine if such violation is a first-time violation of the applicable provisions of law, and (ii) if permitted by law, to issue a warning for such violation, for which no appearance before a tribunal is required, but for which the department shall be capable of recording the infraction as a violation. The department* [and] shall perform the functions of the city of New York relating to:

§ 3. Section 753 of the New York city charter is amended by adding a new subdivision e to read as follows:

*e. Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation, for which no appearance before a tribunal is required, but for which the department shall be capable of recording the infraction as a violation.*

§ 4. The text in section 1403 of the New York city charter prior to subdivision a is amended to read as follows:

Except as otherwise provided by law, the commissioner shall have charge and control of and be responsible for all those functions and operations of the city relating to the provision of a pure, wholesome and adequate supply of water, the disposal of sewage and the prevention of air, water and noise pollution, and shall be authorized to respond to emergencies caused by releases or threatened releases of hazardous substances and to collect and manage information concerning the amount, location and nature of hazardous substances. *Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation, for which no appearance before a tribunal is required, but for which the department shall be capable of recording the infraction as a violation.* The powers and duties of the commissioner shall include, without limitation, the following:

§ 5. Subdivision (e) of section 2203 of the New York city charter is amended to read as follows:

(e) The commissioner, in the performance of said functions, shall be authorized to hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, and to receive, administer, pay over and distribute monies collected in and as a result of actions brought for violations of laws relating to deceptive or unconscionable trade practices, or of related laws, and to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the department. *Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation, for which no appearance before the department's tribunal is required, but for which the department shall be capable of recording the infraction as a violation.*

§ 6. This local law takes effect 6 months after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 168

By Council Member Maisel.

**A Local Law to amend the administrative code of the city of New York, in relation to transferring the parking violations bureau from the department of finance to the office of administrative trials and hearings**

*Be it enacted by the Council as follows:*

Section 1. Section 19-200 of the administrative code of the city of New York is amended to read as follows:

§ 19-200 Definitions. Whenever used in this chapter, the following terms shall have the following meanings:

a. *"Chief administrative law judge" means the director of the office of administrative trials and hearings pursuant to section 1048 of the New York city charter.*

*b.* "Commissioner" means the commissioner of finance.

[b] *c.* "Department means the department of finance.

§ 2. Section 19-201 of the administrative code of the city of New York is amended to read as follows:

§ 19-201 Parking violations bureau created. There is hereby created in the [department] *office of administrative trials and hearings* a parking violations bureau which shall have the jurisdiction of allegations of traffic infractions which constitute a parking violation. For the purpose of this chapter, a parking violation is the violation of any local law, rule or regulation provided for or regulating the parking, stopping or standing of a motor vehicle.

§ 3. Section 19-202 of the administrative code of the city of New York is amended to read as follows:

§ 19-202 Personnel of the bureau. a. The head of such bureau shall be the director, who shall be appointed by the [commissioner] *chief administrative law judge.* The director may delegate any of the powers and duties conferred upon him or her by this chapter.

b. The [commissioner] *chief administrative law judge* may appoint a deputy director and may employ such officers and employees as may be required to perform the work of the bureau, within the amounts available therefor by appropriation.

c. The [commissioner] *chief administrative law judge* shall appoint senior hearing examiners, not to exceed ten in number. The duties of each senior hearing examiner shall include, but not be limited to: (1) presiding at hearings for the adjudication of charges of parking violations; (2) the supervision and administration of the work of the bureau; and (3) membership on the appeals board of the bureau, as herein provided.

d. The [commissioner] *chief administrative law judge* shall appoint hearing examiners who shall preside at hearings for the adjudication of charges of parking violations. The [commissioner] *chief administrative law judge* may also designate non-compensated hearing examiners as he or she may deem necessary. Every hearing examiner shall have been admitted to the practice of law in this state for a period of at least five years.

§ 4. Subdivision g of section 19-203 of the administrative code of the city of New York is amended to read as follows:

g. To remit to the [commissioner] *department* of finance *or any such agency as the mayor shall designate*, on or before the fifteenth day of each month, all monetary penalties or fees received by the bureau during the prior calendar month, along with a statement thereof, and, at the same time, to file a duplicate copy of such statement with the comptroller;

§ 5. Subdivision c of section 19-215 of the administrative code of the city of New York is amended to read as follows:

c. The [department] *parking violations bureau* shall keep a record of all notices of violation canceled pursuant to subdivision b of this section. On or before March 31, 2013 and annually thereafter on or before March 31, the [commissioner] *director of the parking violations bureau* shall send a report to the city council detailing the number of notices of violation canceled pursuant to subdivision b of this section in the prior calendar year.

§ 6. Any agency or officer which are assigned any functions, powers and duties by or pursuant to this local law shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by or pursuant to this local law.

§ 7. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule or regulation is assigned by or pursuant to this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or officer to

whom such power is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§ 8. If any of the functions, powers or duties of any agency or part thereof is by or pursuant to this local law assigned to another agency, all records, property and equipment relating to such transferred function, power or duty shall be transferred and delivered to the agency to which such function, power or duty is so assigned.

§ 9 No existing right or remedy of any character accruing to the city shall be lost or impaired or affected by reason of the adoption of this local law.

§ 10. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by or pursuant to this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by or pursuant to this local law.

§ 11. Whenever by or pursuant to any provision of this local law, functions, powers or duties may be assigned to any agency or officer which have been heretofore exercised by any other agency or officer, officers and employees in the classified city civil service who are engaged in the performance of such functions, powers or duties may be transferred to the agency to which such functions, powers or duties may be assigned by or pursuant to this local law.

§ 12. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city or of any agency existing at the time when this local law shall take effect, or any provision of law in force at the time when this local law shall take effect and not inconsistent with the provisions of this local law, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city generally or officers or employees of any agency.

§ 13. Officers and employees in the classified municipal services who are transferred pursuant to the enactment of this local law shall be transferred without further examination or qualification and shall retain their respective civil service classification and status; and shall be transferred without affecting existing compensation or pension or retirement rights, or other privileges or obligations of such officers and employees.

§ 14. It is the intent of this local law to protect those rights enumerated herein as they apply to officers and employees in the classified municipal services who are affected by the enactment of this local law. In the event of a reduction in force or the elimination of a job title at the parking violations bureau, all affected employees, including employees who were transferred as a result of the enactment of this local law, shall be entitled to all the protections afforded under applicable provisions of the civil service law and collective bargaining agreements.

§ 15. Any license, permit or other authorization in force on the effective date of this local law, and issued by an agency, where the power of such agency to issue such license, permit or authorization is assigned by or pursuant to this local law to another agency or officer, shall continue in force as the license, permit or authorization of such other agency, or officer, except as such license, permit or authorization may expire or be altered, suspended or revoked by the appropriate agency or office pursuant to law. Such license, permit or authorization shall be renewable in accordance with the applicable law by the agency or officer with such power pursuant to law, including this local law.

§ 16. The provisions of this local law shall be severable and if any phrase, clause, sentence, paragraph, subdivision or section of this local law, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this local law and the application thereof shall not be affected thereby.

§ 17. This local law takes effect 90 days after it becomes law, or as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to section 70 of the civil service law.

Referred to the Committee on Governmental Operations.

Int. No. 169

By Council Member Maisel.

**A Local Law to amend the administrative code of the city of New York, in relation to the circumstances under which a permit may not be withdrawn**

*Be it enacted by the Council as follows:*

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.13 to read as follows:

***§ 28-105.13 Permit withdrawal.*** *Upon department receipt of a request, from a contractor, to withdraw a permit, the department shall notify the owner of the property that is subject to such permit and shall inquire as to whether such owner consents to such permit withdrawal and the payment status of the permitted work, in addition to any other notices that the department may send to such owner.*

***§ 28-105.13.1 Permit withdrawal denial****. Where a property owner has submitted documentation showing that such permitted work was paid for in full and that they have not consented to the withdrawal of such permit, such request for permit withdrawal shall be denied, and all applicable permits for such work shall be automatically renewed. Such contractor shall be responsible for all fees associated with such renewals until such work is completed, the contractor submits proof of return of such payment, the property owner consents to the withdrawal of such permit or a court of competent jurisdiction orders the withdrawal of such permit .*

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

Referred to the Committee on Housing and Buildings.

Int. No. 170

By Council Member Maisel.

**A Local Law to amend the administrative code of the city of New York, in relation to certificates of occupancy**

*Be it enacted by the Council as follows:*

Section 1. Section 28-118.5 of the administrative code of the city of New York is amended to read as follows:

§**28-118.5 Review of applications for certificates of occupancy.** All applications for certificates of occupancy and accompanying submittal documents shall be examined promptly after their submission. If the building [is entitled to the certificate of occupancy applied for,] *conforms substantially to the approved plans and the provisions of the building code and other applicable laws and regulations,* the application shall be approved and the certificate of occupancy issued by the commissioner within 10 calendar days after submission of a complete application. Otherwise, the application shall be rejected and written notice of rejection, stating the grounds of rejection, shall be given to the applicant within 10 calendar days of the submission of the application. Wherever an application has been rejected and proof is thereafter submitted establishing that the grounds of rejection have been met and that the building is entitled to the certificate of occupancy applied for, the application shall be approved and the certificate of occupancy issued within 10 calendar days after submission of such proof. *For the purposes of this section, the term "conforms*

*substantially" shall mean completed to such a point that the premises are habitable and safe for occupancy and there has been reasonable compliance with all applicable laws and regulations. Cosmetic and aesthetic matters of non-completion or installation of items not required by applicable laws and regulations may not serve as the basis for any finding or decision of non-conformance.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 171

By Council Members Maisel and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that law enforcement officers responding to noise complaints carry sound level meters**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§ 14-175 Sound level meters. a. Definitions. For the purposes of this section the following terms have the following meanings:*

*Dwelling. The term "dwelling" means any building lawfully occupied in whole or in part as the temporary or permanent residence of one or more natural persons.*

*Law enforcement officer. The term "law enforcement officer" a peace officer or police officer as defined in the Criminal Procedure Law who is employed by the city of New York or a special patrolman appointed by the police commissioner pursuant to section 14-106 of the administrative code.*

*Sound level meter. The term "sound level meter" means any instrument, including but not limited to a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of noise and sound levels in a specified manner and which complies with standards established by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended or S1.4-1983, as amended.*

*b. Law enforcement officers responding to noise complaints pursuant to chapter 2 of title 24, where the noise originates from a dwelling and enforcement of the applicable law may require the measurement of sound, shall be equipped with sound level meters and shall use such sound level meters where appropriate.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 172

By Council Members Maisel and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to towing of motor vehicles**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-171 to read as follows:

*§ 14-171 Towing of motor vehicles. No later than 30 days after receiving a complaint about a motor vehicle parked on a public street without a license plate or a registration sticker, the police department shall tow or cause to be towed such motor vehicle.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 173

By Council Members Maisel and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the issuance of multiple bus lane violation tickets for the same infraction within a one hour period**

*Be it enacted by the Council as follows:*

Section 1. Title nineteen of the administrative code of the city of New York is amended by adding new section 17-175.6 to read as follows:

*§ 19-175.6 Bus lanes violations. a. For the purposes of this section, the following terms shall have the following meanings:*

*1. "Bus lane restrictions" means restrictions on the use of designated traffic lanes by vehicles other than buses imposed on routes within a bus rapid transit demonstration program by local law and signs erected by the department of transportation of a city that establishes such a demonstration program pursuant to section 1111-c of the vehicle and traffic law.*

*2. "Designated bus lane" means a lane dedicated for the exclusive use of buses with the exceptions allowed under 4-08(a)(3) and 4-12(m) of title 34 of the rules of the city of New York.*

*b. Notwithstanding any other law, rule or regulation, when bus lane restrictions are in effect on a street, a vehicle in a designated bus lane shall be issued no more than one summons or notice of violation within a one hour period.*

§ 2. This local law takes effect 120 days after its enactment.

Referred to the Committee on Transportation.

Int. No. 174

By Council Members Maisel, Brannan and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to notification of changes to parking and traffic restrictions**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-175.2 of the administrative code of the city of New York is amended to read as follows:

§ 19-175.2 Notification of changes in parking restrictions. a. Following any permanent change in parking restrictions posted by the department, the department shall post notice, in the affected areas, indicating the effective date of such change. *Such notice shall contain the word "new" in capital letters, shall be on conventional signage and shall remain in place for at least 30 days. For purposes of this section, conventional signage is defined as a mounted metal sign.* An owner of a motor vehicle parked in the affected areas who

receives a notice of a parking violation that occurred within [five] *seven* days of posting of the notice of the parking restriction change shall have an affirmative defense that the vehicle of the owner was parked in compliance with the applicable parking restriction that was in effect prior to such change. Within one business day of making a permanent change in parking restrictions, such change will be reflected on the website containing parking restrictions as required by section 19-175.1 [of the code]. *The department shall provide an option to receive email updates related to new parking restrictions on the email updates webpage on the department's website.*

§ 2. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.6 to read as follows:

*§ 19-175.6 Notification of changes in traffic restrictions. a. Following any permanent change in traffic restrictions adopted by the department, the department shall post notice in the affected areas. Such notice shall contain the word "new" in capital letters, shall be on conventional signage and shall remain in place for at least 30 days. For purposes of this section, conventional signage is defined as a mounted metal sign.*

*b. The commissioner shall reflect new traffic restrictions on the departmental website containing parking restrictions as required by section 19-175.1.*

*c. The department shall provide an option to receive email updates related to new traffic restrictions on the email updates webpage on the department's website.*

§ 3. This local law takes effect 90 days after it becomes law; provided, however, the commissioner of transportation shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Int. No. 175

By Council Members Maisel and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to painting speed humps on city streets yellow.**

*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 19-183.1 to read as follows:

*§ 19-183.1 Increasing visibility. a. For the purposes of this section, "speed hump" shall have the same meaning as in section 19-189 of this chapter.*

*b. Notwithstanding any other law, rule, or regulation, when speed humps are on a roadway, the department shall be required to paint such speed humps with yellow or high intensity reflective paint. Speed humps shall be repainted with yellow or high intensity reflective paint no less than once annually.*

§ 2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 176

By Council Members Maisel and Holden.

**A Local Law in relation to creating an interagency task force on removing parked vehicles from public streets**

*Be it enacted by the Council as follows:*

Section 1. Vehicle removal task force. a. The department shall establish an interagency task force to examine the city's current system of removing from city streets vehicles that are abandoned or parked without license plates or proper registration. Such task force shall develop recommendations to improve existing removal practices in response to complaints from local residents. Such recommendations shall include, but not be limited to, the creation of rules and proposals for new legislation regarding removing vehicles from public streets.

b. Such task force shall consist of the commissioner of transportation, the director of city planning, the commissioner of sanitation, and the police commissioner, or the respective designee of such commissioner or chair. The mayor shall appoint at least two additional members.

c. The task force shall invite representatives from the New York state department of motor vehicles, the New York state department of transportation, and representatives of any other relevant state agency or state elected official, as identified by the task force, to participate in the development of the task force report pursuant to subdivision f of this section.

d. Such task force shall serve for a term of one year. Any vacancy shall be filled in the same manner as the original appointment.

e. All members of such task force shall serve without compensation, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city expenses.

f. Such task force shall meet at least five times and shall convene a public hearing in each of the five boroughs. The commissioner of transportation shall serve as the chair of such task force and shall convene the first meeting of such task force within 90 days after the effective date of the local law that added this section. Such task force shall issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than 12 months after the effective date of the local law that added this section.

g. The task force shall terminate upon the issuance of its final report.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Res. No. 78

**Resolution calling upon the New York State Legislature to pass legislation requiring the Education Department/Board of Education in cities of one million people or more, where there is a Specialized High School Admission test policy requiring the taking of a ranked order test, to have a test preparation program available for all middle school students whose math and reading scores are level 4.**

By Council Member Maisel.

**Whereas,** There are currently nine Specialized High Schools in New York City that serve the needs of academically and artistically gifted students; and

**Whereas,** These schools are Fiorello H. LaGuardia High School of Music & Art and Performing Arts, Stuyvesant High School, The Bronx High School of Science, Brooklyn Technical High School, The Brooklyn Latin School, High School for Mathematics, Science and Engineering at the City College, High School of American Studies at Lehman College, Queens High School for the Sciences at York College and Staten Island Technical High School; and

**Whereas,** For eight of these schools, admission is based solely on the score attained on the Specialized High Schools Admissions Test (SHSAT), while for Fiorello H. LaGuardia High School of Music & Art and Performing Arts (LaGuardia), acceptance is based on an audition and a review of a student's academic records; and

**Whereas,** A 1971 State law, known as the Hecht-Calandra Act, makes the SHSAT exam the only measure that can be used to admit students to Stuyvesant High School, the Bronx High School of Science and Brooklyn Technical High School; and

**Whereas,** According to the Department of Education (DOE), all 8th graders and first-time 9th graders who are New York City residents are eligible to take the SHSAT; and

**Whereas,** The results of the SHSAT are ordered from the highest score to the lowest score, with students offered admission to schools based on their score's rank order as well as their stated school preference; and

**Whereas**, Approximately 27,000 students took the SHSAT for September 2016 admission; and

**Whereas,** Of those students who took the SHSAT for September 2016 admission, just over 5,100 or approximately 19%, were offered admission to one of the Specialized High Schools; and

**Whereas,** Students who participate in a test preparation program for the SHSAT have a definite advantage over students who do not participate in such programs, especially since some SHSAT content is not found in the regular K-12 curriculum; and

**Whereas,** Private test preparation programs for the SHSAT can be costly; for example, on December 14, 2017 Kaplan, one of the leading private test preparation companies, advertised various SHSAT preparation programs from $999 for an 8 session prep course to $5,699 for 36 hours of tutoring in person; and

**Whereas,** In 2012, the DOE created the DREAM - Specialized High School Institute (SHSI), a 22-month extracurricular tutoring program designed to help eligible economically disadvantaged students prepare for the SHSAT; and

**Whereas,** To be eligible for the DREAM–SHSI program, a student must meet income requirements based on federal guidelines, and have scored a minimum of 3.0 on the 2017 NY State grade five English Language Arts (ELA) and Math exams; and

**Whereas,** Eligible students who submit an application are randomly selected for participation in the DREAM program and those not selected are placed on a waitlist; and

**Whereas,** According to DOE, in the 2017 admissions cycle, students who participated in DREAM programs comprised just 6% of the Black and Hispanic students who took the SHSAT in 2016, but made up 26% of the Black and Hispanic students who received offers to specialized high schools; and

**Whereas,** However, despite DOE's efforts to expand the DREAM program, the number of seats available is much smaller than the number of students who qualify; and

**Whereas,** All middle school students who score at level 4, the highest achievable level, on the New York State ELA and math exams, should have an equal opportunity to receive tutoring and preparation for the SHSAT; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass legislation requiring the Education Department/Board of Education in cities of one million people or more, where there is a Specialized High School Admission test policy requiring the taking of a ranked order test, to have a test preparation program available for all middle school students whose math and reading scores are level 4.

Referred to the Committee on Education.

Res. No. 79

**Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would grant a property tax deferment for persons sixty-five years of age or older with an income below $58,400**

By Council Members Maisel, Brannan and Borelli.

**Whereas**, New York City homeowners have seen an increase in their property tax bills in recent years as the value of their properties has risen; and

**Whereas**, Senior citizens who own their homes in New York City find it difficult to afford these increases, especially when living on fixed incomes;

**Whereas,** Existing programs for property tax relief such as the Senior Citizen Homeowner Exemption (SCHE) are underutilized; and

**Whereas,** Even for those senior homeowners receiving SCHE or other property tax exemptions, property tax payments can represent a meaningful financial burden; and

**Whereas,** The Council has recently enacted legislation raising the maximum income for SCHE eligibility to $58,400; and

**Whereas,** According to the AARP, twenty-eight states and the District of Columbia currently offer property tax deferral programs; and

**Whereas,** Legislation has previously been introduced in the New York State Assembly that would allow seniors to defer their annual property tax increase, making them responsible solely for the amount paid at the time of the legislation's enactment;

**Whereas**, Such legislation would allow the City to receive the difference in the annual increase, without interest, once the home is sold or when the senior resident passes away;

**Whereas,** Adopting such legislation would provide senior homeowners protection against rising property assessments and make it easier for them to afford to stay in their homes and communities; 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, legislation that would grant a property tax deferment for persons sixty-five years of age or older with an annual income below $58,400.

Referred to the Committee on Finance.

Res. No. 80

**Resolution calling on New York State to increase the penalty for inciting to riot to a Class E felony when it has been determined that social media and/or mass electronic communication has been used.**

By Council Member Maisel.

**Whereas,** New York City has over eight million residents and is one of the most densely populated cities in the world; and

**Whereas,** Social media can be a great medium to promote rapid dissemination of information to the general public, especially in large, dense urban areas such as New York City; and

**Whereas,** Social media sites, such as Facebook and Twitter, have been used by individuals to network, voice ideas, and organize political movements; and

**Whereas,** Although social media sites often circulate constructive ideas and information, social media can also be used for negative purposes; and

**Whereas**, This is a growing national and international problem that continues to impact society; and

**Whereas,** In December of 2013, reports indicated that a flash mob of hundreds of out-of-control teens stormed the Kings Plaza Shopping Center in Mill Basin, Brooklyn, trashing stores, attacking security guards, and assaulting innocent individuals; and

**Whereas,** According to numerous news reports, gangs were accused of inciting violence over social media in Baltimore, Maryland during the 2015 protests of Freddie Gray's death; and

**Whereas,** Section 240.08 of the New York State Penal Code ("Penal Code") states that "a person is guilty of inciting to riot when he urges ten or more persons to engage in tumultuous and violent conduct of a kind likely to create public alarm," which carries a penalty of a Class A misdemeanor; and

**Whereas,** Social media and mass electronic communication has the capability to incite thousands of individuals to riot, therefore potentially compounding the number of individuals injured and amount of property damaged; and

**Whereas,** New York State should increase the penalty for individuals who use social media as a means to incite to riot to a Class E Felony, which would carry a penalty of up to four years in prison and a fine not exceeding five thousand dollars; and

**Whereas,** Increasing penalties when there is evidence that social media or mass electronic communication has been used to incite to riot would help further safeguard the public safety of all New Yorkers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on New York State to increase the penalty for inciting to riot to a Class E felony when it has been determined that social media and/or mass electronic communication has been used.

Referred to the Committee on Public Safety.

Int. No. 177

By Council Members Matteo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to city contracts with not-for-profit organizations in the amount of $250,000 or more**

*Be it enacted by the Council as follows:*

Section 1. Paragraph i of subdivision b of section 6-116.2 of the administrative code of the city of New York, as added by local law 5 for the year 1991, the opening paragraph as amended by local law 44 for the year 1992, subparagraph 1 as amended by local law number 21 for the year 1992, subparagraph 22 as amended and subparagraph 23 as added by local law number 49 for the year 1992, is hereby amended to read as follows:

b. (i) The mayor and comptroller shall be responsible for the maintenance of a computerized data system which shall contain information for every contract, in the following manner: the mayor shall be responsible for operation of the system; the mayor and the comptroller shall be jointly responsible for all policy decisions relating to the system. In addition, the mayor and the comptroller shall jointly review the operation of the system to ensure that the information required by this subdivision is maintained in a form that will enable each of them, and agencies, New York city affiliated agencies, elected officials and the council, to utilize the information in the performance of their duties. This system shall have access to information stored on other computerized data systems maintained by agencies, which information shall collectively include, but not be limited to:

(1) the current addresses and telephone numbers of:

A. the contractor's principal executive offices and the contractor's primary place of business in the New York city metropolitan area, if different,

B. the addresses of the three largest sites at which it is anticipated that work would occur in connection with the proposed contract, based on the number of persons to be employed at each site,

C. any other names under which the contractor has conducted business within the prior five years, and

D. the addresses and telephone numbers of all principal places of business and primary places of business in the New York city metropolitan area, if different, where the contractor has conducted business within the prior five years;

(2) the dun & bradstreet number of the contractor, if any;

(3) the taxpayer identification numbers, employer identification numbers or social security numbers of the contractor or the division or branch of the contractor which is actually entering into the contract;

(4) the type of business entity of the contractor including, but not limited to, sole proprietorship, partnership, joint venture or corporation;

(5) the date such business entity was formed, the state, county and country, if not within the United States, in which it was formed and the other counties within New York State in which a certificate of incorporation, certificate of doing business, or the equivalent, has been filed within the prior five years;

(6) the principal owners and officers of the contractor, their dates of birth, taxpayer identification numbers, social security numbers and their current business addresses and telephone numbers;

(7) the names, current business addresses and telephone numbers, taxpayer identification numbers and employer identification numbers of affiliates of the contractors;

(8) the principal owners and officers of affiliates of the contractor and their current business addresses and telephone numbers;

(9) the principal owners and officers of every subcontractor;

(10) the type, amount and contract registration number of all other contracts awarded to the contractor, as reflected in the database maintained pursuant to subdivision a of this section;

(11) the contract sanction history of the contractor for the prior five years, including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon the contractor's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(12) the contract sanction history for the prior five years of affiliates of the contractor including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon such entity's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(13) the name and telephone number of the chief contracting officer or other employee of the agency, elected official or the council responsible for supervision of those charged with day-to-day management of the contract;

(14) judgments or injunctions obtained within the prior five years in any judicial actions or proceedings initiated by any agency, any elected official or the council against the contractor with respect to a contract and any such judicial actions or proceedings that are pending;

(15) record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the contractor, or a principal owner or officer of the contractor;

(16) whether city of New York income tax returns, where required, have been filed for the past five years;

(17) outstanding tax warrants and unsatisfied tax liens, as reflected in the records of the city;

(18) information from public reports of the organized crime control bureau and the New York state organized crime task force which indicates involvement in criminal activity;

(19) criminal proceedings pending against the contractor and any principal owner or officer of such contractor;

(20) record of all criminal convictions of the contractor, any current principal owner or officer for any crime related to truthfulness or business conduct and for any other felony committed within the prior ten years, and of any former principal owner or officer, within the prior ten years, for any crime related to truthfulness or business conduct and for any other felony committed while he or she held such position or status;

(21) all pending bankruptcy proceedings and all bankruptcy proceedings initiated within the past seven years by or against the contractor and its affiliates;

(22) whether the contractor has certified that it was not founded or established or is not operated in a manner to evade the application or defeat the purpose of this section and is not the successor, assignee or affiliate of an entity which is ineligible to bid or propose on contracts or against which a proceeding to determine eligibility to bid or propose on contracts is pending;

(23) the name and main business address of anyone who the contractor retained, employed or designated influence the preparation of contract specifications or the solicitation or award of this contract[.]*;*

*(24) if the contractor is a not-for-profit organization, the compensation, including salary, bonuses, and any other type of remuneration for services to the organizations, of each officer of such not-for-profit organization and the compensation of the three highest paid employees;*

*(25) if the contractor is a not-for-profit organization, the most recent completed Federal 990 form with regard to the organization*.

§ 2. Subdivision i of section 6-116.2 of the administrative code of the city of New York, as amended by local law 72 for the year 2017, is hereby amended to read as follows:

i. Except as otherwise provided, for the purposes of subdivision b of this section,

[(1)] "affiliate" shall mean an entity in which the parent of the contractor owns more than fifty percent of the voting stock, or an entity in which a group of principal owners which owns more than fifty percent of the contractor also owns more than fifty per cent of the voting stock;

[(2)] "cautionary information" shall mean, in regard to a contractor, any adverse action by any New York city affiliated agency, including but not limited to poor performance evaluation, default, non-responsibility determination, debarment, suspension, withdrawal of prequalified status, or denial of prequalified status;

[(3)] "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which (a) is for the provision of goods, services or construction and has a value that when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period is valued at $250,000 or more; or (b) is for the provision of goods, services or construction, is awarded to a sole source and is valued at $10,000 or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts held by the same concessionaire is valued at $100,000 or more; or (d) is a franchise. However, the amount provided for in clause a herein may be varied by rule of the procurement policy board, where applicable, or rule of the council relating to procurement, or, for franchises and concessions, rule of the franchise and concession review committee, as that amount applies to the information required by paragraphs 7, 8, 9 and 12 of subdivision b of this section, and the procurement policy board, where applicable, or the council, or, for franchises and concessions, the franchise and concession review committee, may by rule define specifically identified and limited circumstances in which contractors may be exempt from the requirement to submit information otherwise required by subdivision b of this section, but the rulemaking procedure required by chapter forty-five of the charter may not be initiated for such rule of the procurement policy board or franchise and concession review committee less than forty-five days after the submission by the procurement policy board or, for franchises and concessions, the franchise and concession review committee, to the council of a report stating the intention to promulgate such rule, the proposed text of such rule and the reasons therefor;

[(4)] "contractor" shall mean and include all individuals, sole proprietorships, partnerships, joint ventures or corporations who enter into a contract, as defined in paragraph three herein, with an agency, New York city affiliated agency, elected official or the council;

[(5) "officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known;]

[(6)] "New York city affiliated agency" shall mean any entity the expenses of which are paid in whole or in part from the city treasury and the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials, but shall not include any entity established under the New York city charter, this code or by executive order, any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility;

*"not-for-profit organization" shall mean any entity that is either incorporated as a not-for-profit corporation under the laws of the state of its incorporation or exempt from federal income tax pursuant to subdivision c of section five hundred one of the United States internal revenue code;*

*"officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known;*

[(7)] "parent" shall mean an individual, partnership, joint venture or corporation which owns more than fifty percent of the voting stock of a contractor;

[(8)] "principal owner" shall mean an individual, partnership, joint venture or corporation which holds a ten percent or greater ownership interest in a contractor or subcontractor;

[(9)] "subcontract" shall mean any contract[, as defined in paragraph three herein,] between a subcontractor and a contractor; and

[(10)] "subcontractor" shall mean an individual, sole proprietorship, partnership, joint venture or corporation which is engaged by a contractor pursuant to a contract[, as defined in paragraph three herein].

§ 3. Title 6 of the administrative code of the city of New York is hereby amended to add a new section 6-116.3 to read as follows:

*§ 6-116.3 Not-for-profit organizations compensation report. a. Not later than October first of each year, the mayor and the comptroller shall submit to the speaker of the city council a report detailing the one hundred most highly compensated officers or employees of not-for-profit organizations for which information was collected pursuant to subparagraph 24 of paragraph i of subdivision b of section 6-116.2. Such report shall include:*

*(1) the name of the officer or employee;*

*(2) the name of the not-for-profit organization in which such officer or employee serves;*

*(3) total number of contracts registered to such organization in the preceding fiscal year;*

*(4) the total value of such contracts;*

*(5) the agency, elected official and/or council that awarded such contracts; and*

*(6) the goods or services procured pursuant to such contracts.*

§ 4. This law takes effect 45 days after it becomes law and applies to contracts for which a request for bids or proposals is issued on or after the effective date.

Referred to the Committee on Contracts.

Int. No. 178

By Council Members Matteo and Brannan.

**A Local Law to amend the New York city charter, in relation to the review of patterns of contractual spending by the city agencies with not-for-profit organizations**

*Be it enacted by the Council as follows:*

Section 1. Section 30 of the New York city charter is amended to read as follows:

§ 30. Council review of city procurement policies and procedures. The council shall periodically review all city procurement policies and procedures, including:

1. the rules and procedures adopted by the procurement policy board, all rules relating to the participation of minority and women owned business enterprises in the city's procurement process and the implementation of those rules and procedures by city agencies;

2. patterns of contractual spending by city agencies, including determinations of the need to contract made by agencies in accordance with rules of the procurement policy board;

3. *patterns of contractual spending by city agencies with not-for-profit organizations and patterns of spending by not-for-profit organizations that receive city funding comprising $100,000 or more of the budget of such organization;*

*4.* access to and fairness in city procurement opportunities, the fair distribution of contract awards, and the fair employment practices of city contractors;

[4]*5.* procedures for evaluating contractor performance; and

[5]*6.* procedures for declaring bidders not responsible and for debarring contractors.

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 179

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to implement a brief period of silent meditation in all schools on September 11th to commemorate those who perished as a result of the attack on the World Trade Center which occurred on September 11, 2001.**

*Be it enacted by the Council as follows:*

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

***Title 21-A Education.***
***Chapter 13 Silent meditation to commemorate those who perished on September 11, 2001.***

*Chapter 13. Silent Meditation to Commemorate those who perished on September 11, 2011*

*§21-975 Silent meditation. a. For the purposes of this section the following terms shall have the following meanings:*

*1. "Schools" shall mean any school under the jurisdiction of the department including, but not limited to, charter schools.*

*2. "Silent meditation" shall mean a period of silence during which students have an opportunity for individual reflection.*

*b. Each school shall implement a brief period of silent meditation annually on the morning of September 11th in order to commemorate the events that took place on September 11, 2001. Such silent meditation shall occur only on days during which September 11th falls on a calendar day in which such school is in session.*

*c. Pursuant to subdivision b of this section, the chancellor shall determine the actual time of day during which silent meditation will occur. The chancellor shall also determine a reasonable length of time during which students will participate in the silent meditation.*

*d. In accordance with state education law section 3029-a, silent meditation is not intended to be and shall not be conducted as a religious service or exercise.*

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

Referred to the Committee on Education.

Int. No. 180

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of information related to polychlorinated biphenyls (pcbs).**

*Be it enacted by the Council as follows:*

Section 1. Section 17-187 of the administrative code of the city of New York, as added by local law 57 for the year 2004, is amended to by adding a new subdivision g to read as follows:

*g. The department shall designate at least one nurse, public health advisor or school health service aide for each public school to answer inquiries from parents and staff concerning polychlorinated biphenyls (pcbs). For the purposes of this subdivision "public school" shall mean a school under the jurisdiction of the New York city department of education that contains any combination of grades from and including kindergarten through grade twelve. Nurses, public health advisors and school health service aides provided under this subdivision shall be trained in accordance with the rules of the commissioner.*

§ 2. This local law shall take effect 90 days after its enactment into law.

Referred to the Committee on Education.

Int. No. 181

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to operators of private pumping stations**

*Be it enacted by the Council as follows:*

Section 1. Chapter five of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

*§ 24-531 Private pumping stations. a. For the purposes of this section:*

*Private Pumping Station. The term "private pumping station" means a privately owned, operated and maintained wastewater collection facility used for the pumping of sewage, storm water runoff or combined sewage and storm water.*

*Owner. The term "owner" means any individual, firm, corporation, company, association, society, institution or any other legal entity that owns in whole or in part a private pumping station and the property, appurtenances, and sewer easements on which a private pumping station is located.*

*b. The owner of a private pumping station shall on the first day of every month provide to the department written proof that all charges for utility services related to the operation of such private pumping station are not overdue.*

*c. By December thirty-first of each year, the owner of a private pumping station shall provide in writing, the contact information of such private pumping station's owners and operators including, but not limited, to their business addresses, phone numbers and email addresses, to the department, the council member in whose district the private pumping station is located and the community board for the community district in which the private pumping station is located.*

*d. The owner of a private pumping station shall post a sign on the main entrance of such private pumping station that indicates the current contact information of such private pumping station's owners and operators including, but not limited to, their business addresses, phone numbers and email addresses.*

*e. By December thirty-first of each year, the owner of a private pumping station shall provide to the department, the council member in whose district the private pumping station is located and the community board for the community district in which the private pumping station is located an affidavit that such private pumping station is in good working order. Such affidavit shall include documentation of any inspections that were performed by any individual or entity during the year and the results of such inspections.*

*f. An owner of a private pumping station who violates any provision of this section shall be liable for a civil penalty of not less than two hundred fifty dollars for the first violation and five hundred dollars for each subsequent violation.*

§ 2. This local law takes effect 90 after it becomes law, except that the department shall take such actions as are necessary for the implementation of this local law, including promulgating rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 182

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to post information online regarding scheduled and requested infrastructure services**

*Be it enacted by the Council as follows:*

Section 1. Section 24-503 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

*g. The department of environmental protection shall post on its website certain information relating to scheduled and requested infrastructure services. The department shall update such information at least monthly and shall, at a minimum, include the following:*

*1. Scheduled and requested services relating to infrastructure under the department's jurisdiction, including inspection, maintenance, repair, installation and removal of catch basins and fire hydrants; water quality testing; sinkhole repair; and ponding condition remediation;*

*2. The date and location of each upcoming service by the department; and*

*3. The status of requests relating to such services. Such status information shall include the date of the request, the location of the requested service, the type of service requested, any determination made by the department regarding such request and any completed or scheduled service that addresses the request.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Environmental Protection.

Int. No. 183

By Council Members Matteo, Brannan and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring monthly reports on scheduled construction work on capital projects**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 5 of the administrative code of the city of New York is amended to add a new section 5-108 to read as follows:

*§5-108. Monthly reports on capital projects. a. Definitions. As used in this section, the following terms have the following meanings:*

*Budget agency. The term "budget agency" means the agency from whose budget the funds for a capital project have been appropriated.*

*Construction phase. The term "construction phase" means the period of time between the commencement of the performance of work by the contractor as defined in the contract and when such work has reached substantial completion.*

*Managing agency. The term "managing agency" means the agency that is responsible for the functions and operations related to a capital project.*

*b. Every managing agency shall prepare a monthly report on the status of all capital projects that are or will be in the construction phase within the reporting period. Such report shall be disaggregated by project identification number and budget agency and shall include:*

*1. a schedule of work for the ensuing three months including the location of planned work by borough, community district and intersection; a description of the planned work; and the date or dates on which the work is scheduled; and*

*2. the status of all work included in the prior six reports required by paragraph one of this subdivision including the location of completed work; a description of the work completed; the date or dates on which the work was conducted; and, where applicable, an explanation why any work was not conducted or completed as scheduled.*

*c. The head of each managing agency shall submit the report required by subdivision b to the mayor, or an office or agency designated by the mayor. The mayor, or the office or agency designated by the mayor, shall compile the reports of the managing agencies into a citywide report. The citywide report shall be reviewed to promote coordination between managing agencies and to ensure that work on capital projects is being scheduled and conducted in an efficient and effective manner.*

*d. The citywide report prepared by the mayor, or the office or agency designated by the mayor, shall be submitted to the speaker of the council, any utility providing electrical or gas service within the city and any entity with a franchise from the city to build and maintain subsurface electrical conduit and manhole infrastructure, and shall also be posted on the city's website, in a non-proprietary format that permits automated processing capable of being downloaded in bulk.*

§2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Finance.

Int. No. 184

By Council Members Matteo and Koslowitz.

**A Local Law to amend the New York city charter, in relation to permitting the appeal of decisions by the board of standards and appeals to the city council**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions e and f of Section 668 of the New York city charter are amended to read as follows:

e. (i) Copies of a decision of the board of standards and appeals and copies of any recommendation of the affected community board or borough board shall be filed with the city planning commission. Copies of the decision shall also be filed with the affected community or borough boards *within three days of the date on which such decision is rendered.*

*(ii) A decision of the board of standards and appeals to approve or approve with modifications an application for a variance pursuant to subdivision five of section 666 of this chapter shall be subject to review and action by the council if an affected community board or affected borough board: (a) recommends in writing against such approval within the time periods allotted by paragraphs two and three of subdivision a of this section, and (b) files with the board of standards and appeals and the council a written objection to such board's grant of such variance within thirty days of the date on which such variance is issued. Notwithstanding any provision of law to the contrary, if an affected community board or affected borough board recommended, pursuant to paragraphs two and three of subdivision a of this section, against approval of a variance, any such approval shall have no force or effect until thirty days after the date on which such variance was issued.*

*(iii) Within fifty days of the date of a written objection to a decision of the board of standards and appeals made pursuant to subparagraph (b) of paragraph (ii) of this subdivision, a committee of the council shall conduct a public hearing on such decision and make a recommendation to the full council, which shall approve, approve with modifications, or disapprove such decision. Public notice of the committee hearing shall be given not less than five days in advance of such hearing. The affirmative vote of a majority of all the council members shall be required to approve, approve with modifications, or disapprove a decision from the board of standards and appeals. If the council does not act with respect to a decision of the board of standards and appeals made pursuant to subparagraph (b) of paragraph (ii) of this subdivision within the time frame established by this paragraph, the decision shall be deemed to be approved. Notwithstanding any provision of law to the contrary, an applicant for a variance who receives a decision from the board of standards and appeals that is under review by the council pursuant to this paragraph shall take no action with respect to the proposed use or development of the zoning lot at issue until after the council approves, approves with modifications, or disapproves such decision.*

*(iv) For purposes of this subdivision, the term "affected community board" shall mean the community board for the community district in which land included in an application for a variance or special permit pursuant to subdivision five of section 666 of this chapter is located; and the term "affected borough board" shall mean the borough board for the borough in which land included in an application for a variance or special permit pursuant to subdivision five of section 666 of this chapter is located, if such application includes land within two or more community districts within such borough.*

f. Any decision of the board of standards and appeals pursuant to this section *that is not subject to review and action by the council pursuant to subdivision c of this section,* may be reviewed as *otherwise* provided by law.

§ 2. This local law shall become effective 90 days after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Int. No. 185

By Council Members Matteo and Holden.

**A Local Law to amend the New York city charter, in relation to requiring an affirmative vote of at least two-thirds of all council members for the passage of any local law or resolution that raises taxes**

*Be it enacted by the Council as follows:*

Section 1. Section 34 of chapter two of the New York city charter is amended to read as follows:

§34. Vote required for local law or resolution. a. Except as otherwise provided by law, no local law or resolution shall be passed except by at least the majority affirmative vote of all the council members.

*b. A local law or resolution shall not be passed except by an affirmative vote of at least two-thirds of all the council members if such local law, as determined by the council's director of finance or his or her designee, provides for a net increase in city revenues in the form of:*

*1. the imposition of any new tax;*

*2. an increase in a tax rate or rates;*

*3. a reduction or elimination of a tax deduction, exemption, exclusion, credit or other tax exemption feature in computing tax liability;*

*4. an increase in a statutorily prescribed city fee or assessment or an increase in a statutorily prescribed maximum limit for an administratively set fee;*

*5. the imposition of any new city fee or assessment or the authorization of any new administratively set fee; or*

*6. the elimination of an exemption from a statutorily prescribed city fee or assessment.*

*c. The requirements contained in subdivision b shall not apply to:*

*1. the effects of inflation, increasing assessed valuation or any other similar effect that increases city revenue but is not caused by an affirmative act of the council; or*

*2. fees and assessments that are authorized by law, but are not prescribed by formula, amount or limit, and are set by a city officer or agency.*

§ 2. This local law takes effect immediately upon approval by the electorate at the next general election succeeding its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 186

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the minimum thresholds for eligibility for public funding for candidates for city council**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (iv) of paragraph (a) of subdivision 2 of section 3-703 of the administrative code of the city of New York, as amended by local law 67 for the year 2007, is amended to read as follows:

(iv) member of the city council, not less than [five] *ten* thousand dollars in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least [seventy-five] *one hundred fifty* matchable contributions of ten dollars or more from residents of the district in which the seat is to be filled.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 187

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to decreasing the Campaign Finance Board's public funding matching funds rate during times of fiscal emergency**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (a) of subdivision two of section 3-705 of the administrative code of the city of New York , as amended by local law number 192 for the year 2016, is amended to read as follows:

(a) If the threshold for eligibility is met, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of six dollars for each one dollar of matchable contributions, up to one thousand fifty dollars in public funds per contributor, obtained and reported to the campaign finance board in accordance with the provisions of this chapter*[.]; except that, if, in the year of a primary or general election, and prior to the deadline for filing a certification as set by the board pursuant to paragraph (c) of subdivision (1) of section 3-703, the mayor's office of management and budget projects, in a financial plan issued pursuant to section 258 of the charter, that the city's budget gap will equal or exceed two billion dollars, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of two dollars for each one dollar of matchable contributions, up to three hundred fifty dollars in public funds per contributor, obtained and reported to the campaign finance board in accordance with the provisions of this chapter.*

§2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 188

By Council Members Matteo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to procedures to be adopted by the 311 call center for responding to certain repeat anonymous complaints against the same property**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 23-304 to read as follows:

*§ 23-304 Repeated anonymous unfounded complaints. a. The 311 customer service center, upon receipt of any non-emergency anonymous complaint relating solely to a property classified as harassed, shall document such call but shall not refer such call to any agency.*

*b. For the purposes of this section:*

*1. a property shall be classified as "harassed": (i) if it is a privately-owned property that, within a six month period, is the sole subject of three or more anonymous complaints made to the 311 customer service center and referred to an agency; and (ii) such agency is unable to substantiate the condition or circumstance complained of, despite reasonable efforts; or (iii) such agency substantiates such condition or circumstance, but the condition or circumstance is not a violation of any applicable law. Such classification shall last for three months from the date of the third such complaint; and*

*2. "anonymous complaint" means a complaint made to the 311 customer service center where the complaining individual does not give his or her name and address, whether or not such information is requested.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 189

By Council Members Matteo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring defibrillators at softball fields where youth leagues play**

*Be it enacted by the Council as follows:*

Section 1. Section 4-209 of the administrative code of the city of New York, as amended by local law number 57 of 2016, is amended to read as follows:

§ 4-209 Automated external defibrillators at youth baseball *and youth softball* games and practices on city land leased to youth leagues. a. Definitions. As used in this section, the following terms have the following meanings:

Automated external defibrillator. 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.

Department. The term "department" means the department of citywide administrative services or any successor of such department.

Training course. The term "training course" means a course approved by a nationally-recognized organization or the state emergency medical services council in the operation of automated external defibrillators.

Youth baseball league. The term "youth baseball league" means baseball leagues with participants who are all 17 years old or younger, but includes grade school through high school athletic programs regardless of the age of the participants, other than the public school leagues, including school leagues, little leagues, community based organization leagues, and unaffiliated leagues.

*Youth softball league. The term "youth softball league" means softball leagues with participants who are all 17 years old or younger, but includes grade school through high school athletic programs regardless of the age of the participants, other than the public school leagues, including school leagues, little leagues, community based organization leagues, and unaffiliated leagues.*

b. Subject to the provision of a sufficient number of automated external defibrillators and training courses by the department pursuant to subdivision c, a youth baseball league *or youth softball league* using a [baseball] field for which the department is the lessor shall:

1. make available an automated external defibrillator at every baseball *or softball* game and practice occurring at such field in which a team of such league participates; and

2. where practicable, ensure that there is at least one coach, umpire or other qualified adult who is present at each such game and practice who has successfully completed a training course within 24 months of each such game and practice.

c. The department shall provide to youth baseball leagues *and youth softball leagues* subject to the requirements of subdivision b a sufficient number of automated external defibrillators and training courses at no cost to such leagues. Any defibrillator provided by the department to such a league shall be returned in satisfactory condition at the end of the lease or upon request of such department.

d. The department shall not lease a ballfield to a youth baseball league *or a youth softball league* unless such lease requires that the lessee comply with subdivision b.

e. Any person who voluntarily and without expectation of monetary compensation renders first aid or emergency treatment using an automated external defibrillator that has been made available pursuant to this section, to a person who is unconscious, ill or injured, and any individual or entity that purchases or makes available an automated external defibrillator as required by this section, is entitled to the limitation of liability provided in section 3000-a of the New York state public health law.

f. 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.

g. Nothing contained in this section affects the obligations or liability of emergency health providers pursuant to section 3000-b of the New York state public health law.

h. Any youth baseball league *or youth softball league* that violates the provisions of subdivision b shall receive a warning for a first violation, and shall be liable for a civil penalty of $500 for each subsequent violation, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings. Any youth baseball league *or softball league* that violates the provisions of subdivision c shall be liable for a civil penalty of no more than $2,500 for each automated external defibrillator that is not returned in satisfactory condition, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.

i. The provision of automat**e**d external defibrillators and training courses authorized by this section shall be limited to the appropriation of funds available for this program. To the extent the department anticipates that the number of automated external defibrillators and training courses requested by youth baseball leagues and *youth softball leagues* will exceed the funds available, the department shall provide such defibrillators and training courses authorized by subdivision c on an equitable basis until such funds are exhausted.

j. The commissioner of the department shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this section.

§ 2. Section 18-150 of the administrative code of the city of New York, as added by local law number 57 of 2016, is amended to read as follows:

§ 18-150 Defibrillators at youth baseball games *and youth softball games* and practices in parks. a. Definitions. As used in this section, the following terms have the following meanings:

Automated external defibrillator. 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.

Department. The term "department" means the department of parks and recreation or any successor of such department.

Training course. The term "training course" means a course approved by a nationally-recognized organization or the state emergency medical services council in the operation of automated external defibrillators.

Youth league. The term "youth league" means youth recreation sports leagues other than the public school leagues, including school leagues, little leagues, community based organization leagues, and unaffiliated leagues.

Youth recreation. The term "youth recreation" means athletic activity with participants who are all 17 years old or younger, but includes grade school through high school athletic programs regardless of the age of the participants.

b. Subject to the provision of a sufficient number of automated external defibrillators and training courses by the department pursuant to subdivision c, a youth league using a ballfield under the jurisdiction and management of the department to play or practice baseball *or softball* shall:

1. make available an automated external defibrillator at every baseball *or softball* game and practice in which any team in such league participates; and

2. where practicable, ensure that there is at least one coach, umpire or other qualified adult who is present at each such game and practice who has successfully completed a training course within 24 months of every such game and practice.

c. The department shall provide to youth leagues subject to the requirements of subdivision b a sufficient number of automated external defibrillators and training courses at no cost to such leagues. Any defibrillator provided by the department to such a league shall be returned in satisfactory condition upon request of the department.

d. The department shall not issue a permit to a youth league for the use of a ballfield under its jurisdiction and management to play baseball *or softball* unless, for the duration of the season for which the permit is sought, such league certifies that it will comply with subdivision b.

e. Each league shall maintain records that it possesses a sufficient number of automated external defibrillators to meet the requirements of subdivision b for three years from the date such league receives the permit that was the subject of the application.

f. Any person who voluntarily and without expectation of monetary compensation renders first aid or emergency treatment using an automated external defibrillator that has been made available pursuant to this section, to a person who is unconscious, ill or injured, and any individual or entity that purchases or makes available an automated external defibrillator as required by this section, is entitled to the limitation of liability provided in section 3000-a of the New York state public health law.

g. 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.

h. Nothing contained in this section affects the obligations or liability of emergency health providers pursuant to section 3000-b of the New York state public health law.

i. 1. The ballfield permit holder of any league that violates the provisions of subdivisions b or e shall receive a warning for a first violation, and shall be liable for a civil penalty of $500 for each subsequent violation, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.

2. The ballfield permit holder of any league that violates the provisions of subdivision c shall be liable for a civil penalty of no more than $2,500 for each automated external defibrillator that is not returned in satisfactory condition to the department, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.

j. No ballfield permit shall be issued to any youth league that has a past due outstanding penalty for a violation issued pursuant to paragraph 2 of subdivision i.

k. The provision of automated external defibrillators and training courses authorized by this section shall be limited to the appropriation of funds available for this program. To the extent the department anticipates that the number of automated external defibrillators and training courses requested by youth leagues will exceed the funds available, the department shall provide such defibrillators and training courses authorized by subdivision c on an equitable basis until such funds are exhausted.

l. The commissioner of the department shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this section.

§ 3. This local law takes effect on January 1, 2019.

Referred to the Committee on Health.

Int. No. 190

By Council Members Matteo and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a pilot program for the use of body-worn video cameras during certain sanitary inspections of food service establishments**

*Be it enacted by the Council as follows:*

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1506 to read as follows:

*§ 17-1506 Pilot Program for the Use of Body-Worn Cameras in Sanitary Inspections. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Body-worn camera. The term "body-worn camera" means a video recording device that can be attached or affixed to a person's body, apparel or clothing.*

*Food service establishment. The term "food service establishment" has the same meaning as such term is defined in section 17-1501 of this chapter.*

*Food service establishment inspector. The term "food service establishment inspector" has the same meaning as such term is defined in section 17-1501 of this chapter.*

*Notice of violation. The term "notice of violation" has the same meaning as such term is defined in section 17-1501 of this chapter.*

*Sanitary inspection. The term "sanitary inspection" has the same meaning as such term is defined in section 17-1501 of this chapter.*

*b. The department shall establish a pilot program requiring at least 10 percent of all sanitary inspections to be conducted for one year by food service establishment inspectors who wear body-worn cameras. At least 10 percent of all sanitary inspections in each borough shall be conducted pursuant to such program.*

*c. Prior to commencement of a sanitary inspection pursuant to such program, the food service establishment inspector shall notify the food service establishment that a body-worn camera will be used to record such inspection, and that the video footage from such inspection may be admitted by either the department or by the food service establishment in a proceeding to adjudicate the liability for an alleged violation issued as a result of such inspection.*

*d. The department shall upload all video footage recorded during a sanitary inspection conducted pursuant to such program to a secure computer system, accessible only to the department, the health tribunal at the office of administrative trials and hearings, and the respondent who is issued a notice of violation as a result of a sanitary inspection pursuant to such program. All such notices of violation shall provide respondents with information on how to access and view such video footage. Such video footage shall be admissible in any proceeding to adjudicate the liability for an alleged violation issued as a result of a sanitary inspection pursuant to such program. A copy of all such video footage shall be retained by the department and shall be deemed a record kept in the ordinary course of business.*

*e. Following the disposition of a proceeding to adjudicate the liability for an alleged violation issued as a result of a sanitary inspection pursuant to such program, the department shall develop and conduct a survey to offer food service establishment owners the opportunity to provide feedback on the pilot program.*

*f. Upon completion of the pilot program, the department shall, as soon as practicable thereafter, submit to the mayor and the speaker of the council a report which shall include, but not be limited to:*

*1. The number of all sanitary inspections that were conducted pursuant to such program as compared to the total number of all sanitary inspections of food service establishments conducted by the department;*

*2. The total number of notices of violation arising from sanitary inspections conducted pursuant to such program as compared to the total number of all sanitary inspections of food service establishments conducted by the department;*

*3. The number of proceedings to adjudicate the liability for alleged violations issued as a result of sanitary inspections pursuant to such program in which video footage was admitted as evidence pursuant to subdivision d of this section as compared to the total number of proceedings to adjudicate the liability for alleged violations issued as a result of all sanitary inspections of food service establishments conducted by the department;*

*4. Results of any surveys conducted pursuant to subdivision e of this section; and*

*5. Recommendations by the department regarding such program, including, but not limited, to whether to implement, continue or expand such program, and any changes that should be made to such program.*

*g. Such program shall continue to exist for one year after the enactment of this local law.*

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

Referred to the Committee on Health.

Int. No. 191

By Council Members Matteo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to make automated external defibrillators available to primary, intermediate and high schools that do not already receive such devices under any other provision of law**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.9 to read as follows:

*§17-199.9 Automated external defibrillators in schools. a. For purposes of this section, the term "automated external defibrillator" shall mean 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.*

*b. The department shall provide automated external defibrillators to schools upon request in quantities deemed adequate in accordance with rules promulgated pursuant to subdivision c of this section and in accordance with section 3000-b of the New York state public health law to each primary, intermediate and high school located within the city of New York that is not eligible to receive automated external defibrillators under section 917 of the New York state education law or any other provision of law and that submits a written request to the department. Any school receiving automated external defibrillators pursuant to this subdivision shall ensure that such devices are readily accessible for use during medical emergencies. Any information regarding use of automated external defibrillators deemed necessary by the department in accordance with rules promulgated pursuant to subdivision c of this section shall accompany and be kept with each automated external defibrillator. Any automated external defibrillator provided pursuant to this subdivision shall be acquired, possessed and operated in accordance with the requirements of section 3000-b of the New York state public health law.*

*c. The commissioner shall promulgate such rules as may be necessary for the purposes of implementing the provisions of this section, including, but not limited to, rules regarding the quantity of automated external*

*defibrillators to be provided to schools that request such devices, and any information on the use of automated external defibrillators that must accompany and be kept with each automated external defibrillator.*

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

*e. Any person who, in accordance with the provisions of this section, voluntarily and without expectation of monetary compensation renders first aid or emergency treatment using an automated external defibrillator that has been made available pursuant to this section, to a person who is unconscious, ill or injured, and any person, agency, school or other entity that acquires or makes available an automated external defibrillator pursuant to this section, shall be entitled to the limitation of liability provided in section 3000-a of the New York state public health law.*

*f. Standard of care. Nothing contained in this section shall be deemed to affect the obligations or liability of emergency health providers pursuant to section 3000-b of the New York state public health law.*

§2. Severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect 180 days after it has been enacted, except that the commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules prior to its effective date.

Referred to the Committee on Health.

Int. No. 192

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to certain fees for residential properties in the acquisition for redevelopment program**

*Be it enacted by the Council as follows:*

Section 1. Article 112 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-112.13 to read as follows:

***§ 28-112.13 Waiver of application, permit and inspection fees for certain work on residential properties under the "Acquisition for Redevelopment" program.*** *The commissioner shall establish an acquisition for development fee waiver program for eligible residential buildings in accordance with this section.*

***§ 28-112.13.1 Eligible residential buildings.*** *For the purposes of this section, the term "eligible residential building" means a one- or two-family dwelling situated on premises acquired by the owner through the acquisition for redevelopment program, as described in the community development block grant disaster recovery action plan for allocating funds granted under public law 113-2, if such building and premises meet the following criteria, as applicable:*

*1. The design or shape of the building is different from the design or shape of the adjoining buildings, provided that a similar façade design may be differentiated by incorporating different roof and fenestration designs.*

*2. The design of any arbors, pergolas or trelliswork on such premises is different from the design of any corresponding features on adjoining premises and includes scalloped ends for all joists and runners and post skirts to cover anchor mechanisms.*

*3. The design of windows includes surrounds or crowns.*

*4. The front door of such building is a mulled door and window unit, including at least one window to the left and right of the door.*

*5. The primary color of the building is different from the primary color of the adjoining buildings.*

*6. The primary color of the building façade and roof shingles is different from the color of the corresponding features on adjoining buildings.*

*7. The color of porch floor decking contrasts the roof support and railing colors.*

*8. The color of arbors, pergolas and trelliswork contrasts the color of stair and porch finishes.*

*9. The color of decorative window crowns or surrounds, and decorative door surrounds, contrasts the primary color of the building.*

*10. Stairs leading to the building entrance are constructed of fade and stain resistant composite materials, masonry or metal.*

*11. Wetproofed trellises or lattices are placed below the lowest occupiable floor so as to obscure any open area from view except to the extent necessary to allow access for parking of vehicles, building access, storage or crawlspace uses.*

*12. Porches and column supports are mold-resistant.*

*13. Porch ceilings are finished with (i) an exterior grade plywood incorporating decorative strips in a 24-inch pattern, (ii) painted or stained wood or (iii) vinyl beadboard.*

*14. Porch floor boards are plank-style composite decking, fade and stain resistant and mold-resistant.*

*15. Lattices under the porch of such building are constructed of wood, fiberglass or other composite materials.*

*16. Raised planters are constructed of brick masonry, fibrous cement, composite materials or similar materials resistant to decay and termite damage.*

*17. All finishes used for exterior structures shall be mold-resistant.*

*18. The building includes a roofed street frontage porch that satisfies each of the following conditions:*

*18.1. Such porch is open on three sides, exclusive of railing.*

*18.2. The length of such porch is less than the length of the street frontage of such building.*

*18.3. The distance between the finished porch floor and finished porch ceiling of a clear porch is nine feet.*

*18.4. No fewer than two columns or similar supports are placed along the street frontage facing side of the porch.*

*19. Any guardrails or handrails for a porch for such building are designed in a style that is*

*similar to that employed for vertical supports and such railings are not made of a masonry material.*

*20. Any columns or supports below the entablature of a porch for such building are segmented into a design including a base, shaft and capital.*

*21. All plantings are able to withstand prevailing winds, tolerate salt and be capable of setting roots in dry or porous sand.*

***Exception:*** *Where any requirement set forth in this section conflicts with a local law or the zoning resolution with respect to a building, and such building satisfies all other requirements set forth in this section that do not conflict with a local law or the zoning resolution, such building shall be deemed to be an eligible residential building.*

***§ 28-112.13.2 Application.*** *Before submission of construction documents to the department for work relating to a one- or two-family dwelling that is situated on premises acquired by the owner through the acquisition for redevelopment program, as described in the community development block grant disaster recovery action plan for allocating funds granted under public law 113-2, the owner may apply, in a form and manner established by department rule, for inclusion of such dwelling in the acquisition for redevelopment fee waiver program, provided that such work relates to storm or flood resiliency or the rehabilitation of storm or flood damage.*

***§ 28-112.13.3 Fee waiver.*** *If a building is accepted into the acquisition for redevelopment fee waiver program, the commissioner shall waive all fees that would otherwise be imposed on or before September 30, 2022, pursuant to this code for work relating to storm or flood resiliency or the rehabilitation of storm or flood damage for such building.*

***§ 28-112.13.4 Confirmation of eligibility.*** *Upon completion of work for which fees have been waived pursuant to the acquisition redevelopment fee waiver program for a building, the commissioner shall determine whether such building is an eligible residential building. If the commissioner determines that such building is not an eligible residential building, the commissioner shall order the owner to undertake any corrections necessary to make such building an eligible residential building and shall provide notice of such order to the owner. Such order shall specify the date by which such corrections must be completed, which date shall not be earlier than three months or later than six months after the date such notice is issued. If the commissioner determines that such corrections have not been made within the time specified, such building shall be removed from such program and the full amount of all waived fees shall be billed to the owner, together with interest at a rate established by department rule.*

§ 2. This local law takes effect 120 days after it becomes law and is deemed repealed on September.

Referred to the Committee on Housing and Buildings.

Int. No. 193

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a remediation of unsafe flooded homes program**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. Hurricane Sandy hit New York City on October 29, 2012, causing heavy flooding, severe winds, power outages, and widespread damage to buildings and homes across the City. The Council finds that homes that were affected by Hurricane Sandy but which have been vacant with no evidence of pursuit of remediation by the owner may be unsafe and unsound due to conditions including, but not limited to, scour and erosion undermining foundations and/or floor slabs, breakage or collapse of parts of foundation piers or walls, corroded electrical gear posing a fire risk, destabilization in connectors or retaining walls and foundations, and problems arising from sitting salty water and mold. Failing to remedy such conditions can have impact on the long-term structural integrity and habitability of a building and pose serious danger to the health and safety of residents.

The Remediation of Unsafe Flooded Homes Program is designed to address the risks posed by homes that may be structurally unsafe or unsound due to flooding and other damage inflicted by Hurricane Sandy. The Program focuses on homes which may be vacant, abandoned or in foreclosure proceedings, and in which there is indicia of structural damage and/or lack of remediation since the storm.

The goals of the Program are to make these homes livable, habitable and safe and to give the Department of Housing Preservation and Development and the Department of Buildings the power to take appropriate action to remediate and to correct the conditions of these homes.

§ 2. Subchapter 5 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 11 to read as follows:

*Article 11*
*Remediation of Unsafe Flooded Homes Program*

*§ 27-2143 Remediation of Unsafe Flooded Homes Program. a. For the purposes of this section, "Private dwelling shall have the same meaning as it does in paragraph 6 of subdivision a of section 27-2004 of this code.*

*b. The department, in consultation with the department of buildings, shall within 60 days of the effective date of this article, identify no fewer than 100 private dwellings for participation in the remediation of unsafe flooded homes program, including private dwellings identified pursuant to subdivision c of this section, provided however that a private dwelling shall not be included in the program if it is undergoing or has undergone repair work performed or funded by the build it back program. The criteria used to identify such dwelling shall be:*

*1. Evidence that the private dwelling experienced flooding due to Hurricane Sandy. Such evidence may include, but is not limited to, maps or other materials provided by the office of emergency management, the federal emergency management agency or other government agencies which indicate that such private dwelling is within the geographic areas exposed to flooding during Hurricane Sandy; and*

*2. Evidence, visible or demonstrable from the exterior of the private dwelling, indicating one or more of the following:*

*(i) damage related to Hurricane Sandy, including, but not limited to, erosion or scour at the foundation and/or floor slabs, cracks in the façade or foundation, breakage or collapse of parts of foundation piers or walls, or any other damage to the foundation, partial collapse of brick siding or loss of walls and floors, the presence of one or more sinkholes on the property, visible signs of mold and/or flooding or water damage, evidence of disrepair, or the presence of debris;*

*(ii) a condition or conditions constituting a public nuisance pursuant to section 27-2114 of this title or section 28-207.3 of title 28 of the administrative code of the city of New York;*

*(iii) a condition or conditions constituting an unsafe building or structure, pursuant to article 216 of chapter 2 of title 28 of the administrative code of the city of New York;*

*(iv) a hazardous or immediately hazardous violation relating to articles 2, 4, 5 or 7 of subchapter 2 of chapter 2 of this title; or*

*(v) a major or immediately hazardous violation, as such terms are used in title 28 of the administrative code of the city of New York, relating to articles 302 or 305 of chapter 3 of title 28 of the administrative code of the city of New York, or chapters 14, 15 or 18 of the New York city building code; and*

*3. Evidence that the private dwelling is vacant or abandoned.*

*c. The borough presidents and members of the council of the city of New York are authorized to provide the department with information in writing concerning one or more private dwellings within their respective borough or district for participation in the remediation of unsafe flooded homes program. The department, in consultation with the department of buildings, shall include such private dwelling in this program if such private dwelling identified satisfies the criteria provided pursuant to subdivision b of this section.*

*d. The department shall within 30 days of identifying private dwellings pursuant to subdivisions b and c of this section provide written notification to the owner and mortgagee of record of any such private dwelling identified for participation in the remediation of unsafe flooded homes program, the occupants of such private dwelling and the council member in whose district such private dwelling is located, and the borough president in whose borough such private dwelling is located, that such private dwelling is subject to the requirements of this article. The department shall simultaneously provide to such owner information about programs that may be available to such private dwelling for the purpose of remediating damage caused by flooding. The department shall provide such owner an opportunity to contest inclusion of such private dwelling in such program at a hearing held pursuant to section 27-2092 of this title within 30 days of such written notification. Upon receiving sufficient evidence that (i) the private dwelling does not satisfy one or more of the criteria set forth in subdivision b of this section, (ii) the conditions alleged to satisfy the criteria set forth in paragraph 2 of subdivision b are not related to or caused by Hurricane Sandy, (iii) the private dwelling is currently undergoing repair work performed or funded by a government program or service providing remediation or assistance to private dwellings affected by Hurricane Sandy, or is undergoing or has undergone repair work performed or funded by the build it back program, or (iv) that the owner has applied or is in the process of applying for assistance or remediation from the build it back program for such dwelling, the department shall remove such dwelling from the remediation of unsafe flooded homes program.*

*e. 1. Notwithstanding any other provision of law, the department, together with the department of buildings, shall perform a building-wide inspection of any private dwelling that is identified pursuant to subdivisions b and c of this section. Such building-wide inspection shall be commenced no later than 30 days after the period to contest inclusion in the remediation of unsafe flooded homes program pursuant to subdivision d of this section or, if contested, 30 days from the date of a final determination by the department that such private dwelling shall be included in such program pursuant to subdivision d of this section. After such building-wide inspection is completed, the department, in consultation with the department of buildings, shall issue an order to such owner and mortgagee of record to correct violations of this title, title 28 of the administrative code of the city of New York, the multiple dwelling law, and any other law, rule or regulation which relates to the maintenance, use, occupancy, safety or sanitary condition of any building or portion thereof which is occupied, arranged or intended to be occupied as a home, residence or dwelling place, and repair the related underlying conditions as shall be specified in such order. Such building-wide inspection shall be completed and such order issued within 90 days of commencement of the building-wide inspection. Such order shall be filed in the office of the county clerk in the county in which the private dwelling is located. For purposes of this article, a "related underlying condition" shall mean a physical defect or failure of a building system that is causing or has caused a violation, such as, but not limited to, a structural defect, or failure of a heating or plumbing system.*

*2. The department, in consultation with the department of buildings, shall: (i) within 30 days of the filing of such order prepare a scope of work necessary to correct the violations and repair the related underlying conditions as are specified in such order; (ii) cause repair work to be commenced and expeditiously completed unless there are circumstances beyond the control of the department or the department of buildings to commence such repair work, such as the inability to obtain access to the building or any part thereof necessary for the making of such repairs, in which case the repairs related to the portion of the building to which access could not be obtained may be delayed until access is obtained; or the inability to obtain necessary legal approvals, materials or labor; or where there is ongoing litigation with respect to the building that prevents such work from being performed by the department or the department of buildings; or where the owner or the mortgagee of record undertakes the repair work in a manner that is satisfactory to the department; or where commencement or completion of the work is not practicable because a vacate or similar order has been issued by the department or any city agency and/or the cost of performing work necessary for restoring the building pursuant to the order is economically infeasible; and (iii) monitor repair work as it is performed. For the purposes of this section, "economically infeasible" shall mean a determination by the*

*department or department of buildings that the cost of repairing a particular building would exceed the anticipated market value of such building after all repairs have been completed. However, any determination by the department or the department of buildings that, for the purposes of this section, repairs to a particular building would be economically infeasible for the department or any city agency to undertake, shall not take into consideration the owner's conduct with respect to the building.*

*3. If the department or the department of buildings determines that the cost of performing work necessary for restoring the building pursuant to the order is economically infeasible, the department, in consultation with the department of buildings, shall make a determination as to the disposition of the building, which may include, but not be limited to, issuing and enforcing a vacate order pursuant to the authority and procedural requirements set forth in article 207 of chapter 2 of title 28 of the administrative code of the city of New York or pursuant to the authority and procedural requirements set forth in article 7 of subchapter 5 of chapter 2 of title 27 of the administrative code of the city of New York, demolishing or removing an unsafe building or structure pursuant to the authority and procedural requirements set forth in article 216 of chapter 2 of title 28 of the administrative code of the city of New York, or causing the city of New York to acquire the property according to law by purchase.*

*f. The department, in consultation with the department of buildings, may discharge from the remediation of unsafe flooded homes program a building for which an order to correct has been issued pursuant to subdivision e of this section upon: (1) substantial compliance, (2) payment of fees provided for in subdivision i of this section, (3) payment to the department of all outstanding emergency repair charges, including liens, or entry into an agreement with the department of finance to pay such charges and liens, provided however that the terms of such discharge have been satisfied within 30 days of the filing of an order pursuant to subdivision e, and (4) registration of such building in accordance with article 2 of subchapter 4 of chapter 2 of this title where applicable. Where the department determines to discharge a building from such program, it shall provide a written determination to the owner, the mortgagee of record, the occupants of such building, the council member in whose district such building is located, and the borough president in whose borough such building is located, and shall file in the office of the county clerk in the county in which such building is located, a rescission of the order issued pursuant to subdivision e of this section, where such order has been issued. For the purposes of this section, "substantial compliance" shall mean that at the time of reinspection by the department, all violations relating directly to the underlying conditions that make the building unsafe, dangerous to human life or safety or detrimental to health, have been determined by the department to have been corrected.*

*g. The department and the department of buildings shall enforce the provisions of this section.*

*h. In the event the owner, mortgagee of record or occupant of such private dwelling does not permit access for inspection pursuant to subdivision c of this section, the department shall apply for an order of access in accordance with the provisions of section 27-2123 of this code. For purposes of satisfying the requirement to submit an application by the department to a judge of a civil court of competent jurisdiction pursuant to subdivision a of section 27-2123 of this code, the application shall be accompanied by an affidavit affirming that the criteria provided in subdivision b of this section are satisfied. If the court grants an order of access, but the person to whom the order is directed does not provide or refuses access, the department and the department of buildings shall have recourse to remedies provided by law to secure entry. Any time period set forth in this section within which the department is required to act shall be tolled during the period in which the department is making such efforts to obtain access or is seeking an order of access.*

*i. An owner of a private dwelling who has been notified of participation in the remediation of unsafe flooded homes program pursuant to subdivision d of this section shall be subject to fees for any inspection, reinspection or any other action taken by the department or department of buildings in relation to such private dwelling during the time period that the private dwelling is in such program, provided, however, that such dwelling has not been removed from such program pursuant to such subdivision. A schedule of fees for this purpose shall be prescribed in rules promulgated by the department.*

*j. All amounts for expenses incurred and fees imposed by the department or the department of buildings pursuant to this article that remain unpaid by an owner, shall constitute a debt recoverable from the owner or mortgagee of record and a lien upon the private dwelling and lot, and upon the rents and other income thereof. The provisions of article 8 of this subchapter shall govern the effect and enforcement of such debt and*

*lien. The department in consultation with the department of buildings may serve a statement of account upon an owner for such amounts pursuant to section 27-2129 of this subchapter.*

*k. Any failure by the department or the department of buildings to provide notification to occupants of a building that is participating in the remediation of unsafe flooded homes program or borough presidents or council members as required by this article shall not prevent the department or department of buildings from taking any actions under or enforcing the provisions of this article, except that the department in consultation with the department of buildings shall attempt to remedy any such failure immediately upon its discovery.*

*l. On or before March 1 of each year, the department together with the department of buildings shall prepare and submit to the council a report on the results of the remediation of unsafe flooded homes program. Such report shall be cumulative and shall include the following: (i) the address and owner of each private dwelling that has been or is currently in the program; (ii) the council member in whose district such private dwelling is located; (iii) for each such private dwelling, the number of open hazardous and immediately hazardous violations, and open major or immediately hazardous violations as such terms are used in title 28 of the administrative code of the city of New York at the time the remediation of unsafe flooded homes program was used as an enforcement mechanism, whether or not the department or the department of buildings has sought a remedy under paragraph 3 of subdivision e of this section, and the remedial course taken, whether or not such private dwelling has been discharged from the program and the reason for such status; and (iv) the number of private dwellings for which substantial compliance has not been achieved within twelve months from the start of their participation in the program. Such report shall be posted on the department's website within ten days of its submission to the council.*

*m. Nothing in this section shall prevent the department or the department of buildings from enforcing the provisions of this code, title 28 of the administrative code of the city of New York, the multiple dwelling law or any other law or rule. Nothing in this article shall be deemed to affect the duties of an owner, a tenant or the department or department of buildings under any other article of this code, title 28 of the administrative code of the city of New York, the multiple dwelling law or other law or rule.*

*n. Any notifications or information required by this section to be provided to an owner or occupant of a private dwelling shall be in English, the languages set forth in subdivision j of section 8-1002 of the administrative code of the city of New York and in such other languages as the department deems appropriate.*

*o. No later than July 31, 2019 and every two years thereafter the department shall conduct a study to evaluate the effectiveness of the remediation of unsafe flooded homes program. Such study shall examine, but shall not be limited to examining, the following:*

*1. the program's cost effectiveness, including the amount of fees collected;*

*2. whether the criteria established pursuant to subdivisions b of this section are appropriate and if not, how they should be adjusted;*

*3. whether the monitoring undertaken by the department or department of buildings is appropriate and if not, what modifications should be made; and*

*4. recommendations as to whether the program should be continued or modified in any way and the reasons therefore.*

§ 3. This local law takes effect 120 days after it becomes law except that the commissioner of the department and the commissioner of the department of buildings shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 194

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to verification of asbestos abatement**

*Be it enacted by the Council as follows:*

Section 1. Section 28-106.1 of the administrative code of the city of New York, as added by local law number 37 for the year 2009, is amended to read as follows:

**§ 28-106.1 Asbestos certification required.** The commissioner shall not issue a permit for the demolition or alteration of a building constructed pursuant to plans submitted for approval on or before April 1, 1987, unless (i) the applicant submits such certification relating to asbestos as may be required by the rules of the department of environmental protection[.], *and (ii) the department of environmental protection inspects such site for asbestos abatement, pursuant to section 28-106.5.*

§ 2. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-106.5 to read as follows:

***§ 28-106.5 Inspection of asbestos abatement sites****. For all construction projects which require asbestos abatement as determined by the rules of the department of environmental protection, an inspector from the department of environmental protection shall inspect such site following submission of an asbestos certification by the applicant to verify successful abatement, and shall certify the results of such inspection with the department.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 195

By Council Members Matteo and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to the issuance of building permits for areas in which a certified rezoning application is pending**

*Be it enacted by the Council as follows:*

Section 1. Section 28-103.11 of the administrative code of the city of New York, as amended by local law number 10 for the year 2016, is amended to read as follows:

§28-103.11 Applications and permits. The department shall receive and review applications, construction documents, and other related documents and shall issue permits, in accordance with the provisions of this code. The department shall, on a weekly basis, send council members and community boards, by electronic mail, a copy of all completed applications for a new building or an alteration that will require a new certificate of occupancy for a building, received during the prior week, disaggregated by community board. In addition, the department shall post such information on its website on a weekly basis. *Notwithstanding the foregoing, upon certification by the city planning commission of an application for rezoning any area of the city, the department shall not issue any permits for construction on a site located in such area that would not be in compliance with the zoning for such area provided for in the certified rezoning application.*

§2. This local law takes effect on October 1, 2018.

Referred to the Committee on Housing and Buildings.

Int. No. 196

By Council Members Matteo, Brannan, Koslowitz and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to post information online regarding a queue for street tree maintenance and sidewalk repairs and regarding street tree removals**

*Be it enacted by the Council as follows:*

Section 1. Section 18-151 of the administrative code of the city of New York, as amended by local law 133 for the year 2017, is amended to read as follows:

§ 18-151 Street tree maintenance information posted online. The department shall post on its website certain information relating to street tree maintenance and sidewalk repair. Such information shall be updated not less frequently than quarterly and shall, at a minimum, include the following:

1. The approximate date and location of each upcoming, regularly scheduled street tree pruning, *street tree removal,* street tree stump removal and street tree planting;

2. The date, location and status of each street tree pruning, *street tree removal,* street tree stump removal and street tree planting that occurred within the previous six months;

3. For each planned sidewalk repair to address sidewalk damage that was (i) reported through a 311 citizen service center request or reported by other means of notification and (ii) caused by a street tree under the jurisdiction of the department:

(a) The approximate date and location of such repair; [and]

(b) The date of the initial request for repair[.]*; and*

*(c) The numbered position of such repair in a queue of street tree maintenance and sidewalk repairs.*

4. For work to address sidewalk damage (i) that was caused by a street tree under the jurisdiction of the department and (ii) where such repair or inspection commenced in the previous six months:

(a) For each sidewalk repair or inspection, the date, location and status of such repair or inspection, including the sidewalk rating that resulted from such inspection; and

(b) For each sidewalk inspection, the number of notifications concerning such damage received through the 311 citizen service center request or reported by other means of notification in the 90 day-period preceding commencement of such work.

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 197

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to exempting certain cultural institutions located on property owned by the City from tree replacement requirements**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 18-107 of the administrative code of the city of New York is amended to read as follows:

f. The provisions of this section shall apply to all city agencies, including the department, provided, however, that (i) no city agency or city contractor or subcontractor shall be required to pay a fee to the department, (ii) a tree site plan shall be developed by the department in consultation with the responsible city agency or agencies regarding the location of replacement trees prior to issuance of the permit, [and] (iii) replacement of trees by any city agency or city contractor or subcontractor shall be made not more than

eighteen months from the date the project is completed, *and (iv) the replacement of trees shall not apply to any privately-owned botanical garden, museum or zoo that is located on property owned or leased by the city.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 198

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to exempting the Department of Environmental Protection from tree replacement requirements when it performs construction work on Bluebelts**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 18-107 of the administrative code of the city of New York is amended to read as follows:

f. The provisions of this section shall apply to all city agencies, including the department, provided, however, that (i) no city agency or city contractor or subcontractor shall be required to pay a fee to the department, (ii) a tree site plan shall be developed by the department in consultation with the responsible city agency or agencies regarding the location of replacement trees prior to issuance of the permit, [and] (iii) replacement of trees by any city agency or city contractor or subcontractor shall be made not more than eighteen months from the date the project is completed, *and (iv) the provisions of this section shall not apply to the department of environmental protection when it removes a tree while engaging in the design and construction of a bluebelt as defined in section 24-526.1(3) of the code.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 199

By Council Members Matteo and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to the undertaking of surveys before planting trees**

*Be it enacted by the Council as follows:*

Section 1. Section 18-103 of the administrative code of the city of New York is amended to read as follows:

§ 18-103 Trees and vegetation; definitions. Whenever the word "street" or the plural thereof occurs in sections 18-104, 18-105*,*[ and] 18-106 *and 18-155* of this title, it shall be deemed to include all that is included by the terms street, avenue, road, alley, lane, highway, boulevard, concourse, public square, and public place, or the plurals thereof respectively; the word "tree" or the plural thereof shall be deemed to include all forms of plants having permanent woody self-supporting trunks; the word "vegetation" shall be deemed to include plants collectively of whatever name or nature not included under the term "tree".

§ 2. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-155 to read as follows:

*§ 18-155 Tree planting survey. Before the commencement of planting a tree on any street or sidewalk under the jurisdiction of the department, the department shall conduct a survey of the area within a 10-foot*

*radius of the proposed tree planting site to determine whether planting the tree would interfere with the ordinary usage of the street or sidewalk, or injure or impair any sewer, drain, water pipe or other infrastructure. If the results of such survey show that planting a tree at a particular site would cause substantial interference with, injury to or impairment of a street, sidewalk or infrastructure, the department shall not plant a tree at such site. The results of any such survey shall be posted on the department's website.*

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner 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 Parks and Recreation.

Int. No. 200

By Council Members Matteo and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to delayed repairs to sidewalks damaged by city-owned trees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-155 to read as follows:

*§ 18-155 Notice regarding delayed sidewalk repairs. For any repair work scheduled to be performed by or on behalf of the department on a sidewalk damaged by a tree under the jurisdiction of the department that is delayed or canceled, the department shall provide electronic notice of such delay or cancellation to the community board for the community district where such sidewalk is located, the council member in whose district the sidewalk is located and the borough president for the borough where such sidewalk is located. Such notice shall be provided no later than 3 days after the department makes a decision to delay or cancel such repair work.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 201

By Council Member Matteo (by the request of the Staten Island Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the sale of aerosol spray paint cans and broad tipped indelible markers**

*Be it enacted by the Council as follows:*

Section 1. Section 20-611 of the administrative code of the city of New York is amended to read as follows:

§20-611 Definitions. Whenever used in this subchapter, the following terms shall have the following meanings:

1. "Dealer of etching acid" shall mean any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid.

2. "Dispense" shall mean to dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.

3. "Etching acid" shall have the same meaning set forth in subdivision e of section 10-117.

*4. "Broad tipped indelible marker" shall have the same meaning set forth in subdivision e of section 10-117.*

*5. "Dealer of graffiti instruments" shall mean any person, firm, partnership, corporation or company that engages in the business of dispensing one or several of the following products: etching acid, aerosol spray paint can(s), or broad tipped indelible marker(s).*

[4]*6.* "Personal information" shall mean data pertaining to the purchaser of etching acid that may be used to identify such purchaser. Such information shall be limited to the purchaser's name, address, type of identification used in the purchase, identification number, if applicable, the date of purchase and amount of acid dispensed to the purchaser.

[5]*7.* "Purchasing records" shall mean all written or electronically recorded personal information about a purchaser of etching acid gathered at the time of purchase by a dealer of etching acid as required by this subchapter.

§2. Subdivision 1 of section 20-612 of the administrative code of the city of New York is amended to read as follows:

1. Every dealer of [etching acid]*graffiti instruments* shall request valid photo identification from each purchaser of etching acid, *aerosol spray paint can(s), or broad tipped indelible marker(s)* at the time of such purchase and, *if the item purchased is etching acid, shall* contemporaneously record in writing or electronically such purchaser's personal information.

§3. Section 20-613 of the administrative code of the city of New York is amended to read as follows:

§20-613 Posting notice. Every dealer of [etching acid]*graffiti instruments* shall conspicuously post at every table, desk or counter where orders are placed and/or payment is made a notice, the form and manner of which are to be provided by rule of the commissioner, indicating that all purchasers of etching acid, *aerosol spray paint can(s), or broad tipped indelible marker(s)* shall be required to provide valid photo identification and, *if the purchase is of etching acid,* their personal information and such information shall be recorded by the dealer of etching acid prior to purchase.

§4. This local law shall become effective ninety days after its enactment.

Referred to the Committee on Public Safety.

Int. No. 202

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting damage to houses of religious worship**

*Be it enacted by the Council as follows:*

Section 1. Section 10-116 of the administrative code of the city of New York is amended to read as follows:

§ 10-116. Damaging houses of religious worship or religious articles therein prohibited.

*a. Definitions. For the purposes of this section the term "house of religious worship" shall mean (i) a church, temple, synagogue, mosque, or other building primarily used for religious services; or (ii) a convent, monastery, rectory, parsonage, or any other building used as the permanent dwelling of a group of people devoted to religious life.*

*b. Prohibition.* Any person who [wilfully] *willfully* and without authority breaks, defaces or otherwise damages any house of religious worship or any portion thereof, or any appurtenances thereto, including religious figures or religious monuments, or any book, scroll, ark, furniture, ornaments, musical instrument, article of silver or plated ware, or any other chattel contained therein for use in connection with religious

worship, or any person who knowingly aids, abets, conceals or in any way assists any such person shall be guilty of a misdemeanor punishable by imprisonment of not more than one year or by a fine of not more than two thousand five hundred nor less than five hundred dollars, or both. In addition, any person violating this section shall be subject to a civil penalty of not less than ten thousand dollars and not more than twenty-five thousand dollars. Such civil penalty shall be in addition to any criminal penalty or sanction that may be imposed, and such civil penalty shall not limit or preclude any cause of action available to any person or entity aggrieved by any of the acts prohibited by this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 203

By Council Members Matteo and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for littering and repealing subdivision 9 of section 16-118 of the administrative code of the city of New York**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 9 of section 16-118 of the administrative code of the city of New York is REPEALED and a new subdivision 9 is added to read as follows:

*9. Any person violating the provisions of this section shall be liable for a civil penalty of 250 dollars for a first violation, 350 dollars for a second violation and 450 dollars for a third or subsequent violation within any 12 month period, provided that for the purposes of this subdivision, the term "first violation" means any number of violations issued for a single incident.*

§ 2. Subdivision 11 of section 16-118 of the administrative code of the city of New York, as amended by local law number 75 for the year 2016, is amended to read as follows:

11. In the event that a violator fails to answer such notice of violation within the time provided therefor by the rules and regulations of the environmental control board, a tribunal of the office of administrative trials and hearings, pursuant to section 1049-a of the charter, [he or she] *such violator* shall become liable for additional penalties. The additional penalties shall not exceed [four hundred fifty] *six hundred seventy-five* dollars for each violation[, provided that such penalties imposed for a violation of this section for the act of public urination shall not exceed 150 percent of the penalties enumerated in paragraph b of subdivision 9 of this section, and further provided that such penalties imposed for violations of subdivision 1 of this section shall not exceed 150 percent of the penalties enumerated in paragraph c of subdivision 9 of this section].

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 204

By Council Member Matteo.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing the department of sanitation to purchase appropriate vehicles to utilize during a snowfall**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 24-163.1 of the administrative code of the city of New York is amended to read as follows:

a. Definitions. When used in this section or in section 24-163.2 of this chapter: "Alternative fuel" means natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least eighty-five percent, singly or in combination, methanol, ethanol, any other alcohol or ether. "Alternative fuel motor vehicle" means a motor vehicle that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles. "Average fuel economy" means the sum of the fuel economies of all motor vehicles in a defined group divided by the number of motor vehicles in such group. "Bi-fuel motor vehicle" means a motor vehicle that is capable of being operated by both an alternative fuel and gasoline or diesel fuel, but may be operated exclusively by any one of such fuels. "Equivalent carbon dioxide" means the metric measure used to compare the emissions from various greenhouse gases emitted by motor vehicles based upon their global warming potential according to the California air resources board or the United States environmental protection agency. "Fuel economy" means the United States environmental protection agency city mileage published label value for a particular motor vehicle, pursuant to section 32908(b) of title 49 of the United States code. "Gross vehicle weight rating" means the value specified by the manufacturer of a motor vehicle model as the maximum design loaded weight of a single vehicle of that model. "Light-duty vehicle" means any motor vehicle having a gross vehicle weight rating of 8,500 pounds or less. "Medium-duty vehicle" means any motor vehicle having a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds. "Motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, department of correction, [or] office of the chief medical examiner*, or vehicles for the department of sanitation that can be used in response to snowfall or other emergencies*. "Purchase" means purchase, lease, borrow, obtain by gift or otherwise acquire. "Use-based fuel economy" means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 205

By Council Member Matteo.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to allowing community service as a civil penalty for dumping**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 4 of section 1049 of the New York city charter, as added by local law number 73 for the year 2016, is amended to read as follows:

4. Notwithstanding any other provision of law, in the conduct of an adjudication relating to a natural person accused of committing a specified violation, as defined in paragraph (b) of this subdivision, *or any other adjudication where such alternative is specifically provided by this charter or the administrative code*, an administrative law judge or a hearing officer shall offer the respondent the option to perform community service in lieu of a monetary civil penalty.

§ 2. Paragraph 3 of subdivision a of section 3-121 of the administrative code of the city of New York, as added by local law number 55 for the year 2011, is amended to read as follows:

3. "Waterfront dumping" shall mean any violation of subdivision [a] *b* of section 16-119 of this code that occurs in or upon any wharf, pier, dock, bulkhead, slip or waterway or other area, whether publicly or privately owned, that is adjacent to any wharf, pier, dock, bulkhead, slip or waterway, and any violation of section 22-112 of this code.

§ 3. Section 16-119 of the administrative code of the city of New York, as amended by local law number 4 for the year 2010, is amended to read as follows:

§ 16-119 Dumping prohibited. *a. Definitions. For purposes of this section, the term "community service" means performing services for a public or not-for-profit corporation, association, institution or agency in lieu of payment of a monetary civil penalty. Such services may include, but are not limited to, attendance at programs, either in person or web-based, designed to benefit, improve or educate either the community or the respondent.*

[a.] *b.* It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place, wharf, pier, dock, bulkhead, slip, navigable waterway or other area whether publicly or privately owned.

[b.] *c.* Any person who violates the provisions of this section shall be liable to arrest and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than [one thousand five hundred dollars] *$1,500* nor more than [ten thousand dollars] *$10,000* or by imprisonment not to exceed [ninety] *90* days or by both such fine and imprisonment.

[c.] *d.* (1) Any person who violates the provisions of subdivision [a] *b* of this section shall also be liable for a civil penalty of not less than [one thousand five hundred dollars] *$1,500* nor more than [ten thousand dollars] *$10,000* for the first offense, and not less than [five thousand dollars] *$5,000* nor more than [twenty thousand dollars] *$20,000* for each subsequent offense. In addition, every owner of a dump truck or other vehicle shall be liable for a civil penalty of not less than [one thousand five hundred dollars] *$1,500* nor more than [ten thousand dollars] *$10,000* for the first offense and not less than [five thousand dollars] *$5,000* nor more than [twenty thousand dollars] *$20,000* for each subsequent offense of unlawful dumping described in subdivision [a] *b* of this section by any person using or operating the same, in the business of such owner or otherwise, with the permission, express or implied, of such owner.

*(2) Notwithstanding paragraph 1 of this subdivision, any person who violates the provisions of subdivision b of this section shall be offered the option to perform community service in lieu of a monetary penalty by an administrative law judge or a hearing officer pursuant to the procedures established in section subdivision 4 of section 1049 of the charter.*

*(A) The option to perform community service shall not require the payment of any fee by any person who violates the provisions of subdivision b of this section.*

*(B) The performance of community service offered pursuant to this subdivision shall not displace employed workers or impair existing contracts for services, nor shall the performance of any such services be required or permitted in any establishment involved in any labor strike or lockout.*

*(C) An administrative law judge or a hearing officer shall offer up to 70 hours of community service in lieu of payment of a civil penalty in an amount up to $3,000. Fewer hours of service shall be offered in proportion to civil penalties that are less than $3,000.*

*(D) If a respondent accepts the option to perform community service and an administrative law judge or hearing officer finds that the respondent has failed to perform such services within the time prescribed, an administrative law judge or hearing officer shall issue an order reinstating the applicable civil penalty and, if otherwise authorized by law, such order shall constitute a judgment that may be entered and enforced.*

*(E) The office of administrative trials and hearings shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this subdivision, which shall include, but not be limited to, rules specifying the correspondence between the amount of service offered and the amount of civil penalties imposed.*

[(2)] *(3)* Any owner, owner-operator or operator who is found in violation of this section in a proceeding before the environmental control board and who shall fail to pay the civil penalty imposed by such environmental control board shall be subject to the suspension of his or her driver's license, privilege to operate

or vehicle registration or renewal thereof imposed pursuant to section [twelve hundred twenty-a] *1220-a* of the vehicle and traffic law, in addition to any other civil and criminal fines and penalties set forth in this section.

[(3)] *(4)* As used in this subdivision, the terms "owner", "owner-operator" and "operator" shall have the meaning set forth in subdivision [one] 1 of section [twelve hundred twenty-a] *1220-a* of the vehicle and traffic law.

[(4)] *(5)* The provisions of this section may also be enforced by the commissioner of small business services and the commissioner of environmental protection with respect to wharfs, piers, docks, bulkheads and slips located on waterfront property, and navigable waterways.

[d.] *e.* In the instance where the notice of violation, appearance ticket or summons is issued for a breach of the provisions of subdivision [a] *b* of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which board shall have the power to impose the civil penalties hereinabove provided in subdivision [c] *d* of this section, provided further, that, notwithstanding any other provision of law, the environmental control board shall have such powers and duties as are set forth under section [twelve hundred twenty-a] *1220-a* of the vehicle and traffic law.

[e.] *f.* (1) Any dump truck or other vehicle that has been used or is being used to violate the provisions of this section shall be impounded by the department and shall not be released until either all removal charges and storage fees and the applicable fine have been paid or a bond has been posted in an amount satisfactory to the commissioner or as otherwise provided in paragraph (2) of this subdivision. The commissioner shall have the power to establish regulations concerning the impoundment and release of vehicles and the payment of removal charges and storage fees for such vehicles, including the amounts and rate thereof.

(2) In addition to any other penalties provided in this section, the interest of an owner as defined in subdivision [c] *d* of this section in any vehicle impounded pursuant to paragraph (1) of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such owner (i) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board three or more times, all of which violations were committed within an [eighteen] *18* month period or (ii) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board if the material unlawfully dumped is a material identified as a hazardous waste or an acute hazardous waste in regulations promulgated pursuant to section 27-0903 of the environmental conservation law.

(3) Except as hereinafter provided, the city agency having custody of a vehicle, after judicial determination of forfeiture, shall no sooner than [thirty] *30* days after such determination upon a notice of at least five days, sell such forfeited vehicle at public sale. Any person, other than an owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in a vehicle, including a part ownership or security interest, shall be entitled to delivery of the vehicle if such person:

(i) redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof; and

(ii) pays the reasonable expenses of the safekeeping of the vehicle between the time of seizure and such redemption; and

(iii) asserts a claim within [thirty] *30* days after judicial determination of forfeiture. Notwithstanding the foregoing provisions establishment of a claim shall not entitle such person to delivery of the vehicle if the city establishes that the unlawful dumping for which the vehicle was seized was expressly or impliedly permitted by such person.

[f.] *g.* Rewards. (1) Where a notice of violation, appearance ticket or summons is issued for a violation of subdivision [a] *b* of this section based upon a sworn statement by one or more individuals and where the commissioner determines, in the exercise of his or her discretion, that such sworn statement, either alone or in conjunction with testimony at a civil or criminal proceeding or in a proceeding before the environmental control board, results in the conviction of or the imposition of a civil penalty upon any person for a violation of subdivision [a] *b* of this section, the commissioner shall offer as a reward to such individual or individuals an amount that, in the aggregate, is equal to:

(i) [fifty] *50* percent of any fine or civil penalty collected; or

(ii) [five hundred dollars] *$500* when a conviction is obtained, but no fine or civil penalty is imposed.

(2) Where a notice of violation, appearance ticket or summons is issued for a violation of subdivision [a] *b* of this section based upon information furnished by an individual or individuals and where the commissioner

determines, in the exercise of his or her discretion, that such information, in conjunction with enforcement activity conducted by the department or another governmental entity, results in the conviction of or the imposition of a civil penalty upon any person for a violation of subdivision [a] *b* of this section, the commissioner shall offer as a reward to such individual or individuals an amount that, in the aggregate, is:

(i) up to [fifty] *50* percent of any fine or civil penalty collected; or

(ii) up to [five hundred dollars] *$500* when a conviction is obtained, but no fine or civil penalty is imposed.

In determining the amount of the reward, the commissioner shall consider factors that include, but are not limited to: (a) the quantity and type of the material dumped, deposited or otherwise disposed of; (b) the specificity of the information provided, including, but not limited to, the license plate number, make or model or other description of the dump truck or other vehicle alleged to have been used and the location, date or time of the alleged violation; (c) whether the information provided by the individual or individuals identified one or more violations of subdivision [a] *b* of this section; and (d) whether the department has knowledge that violations of subdivision [a] *b* of this section have previously occurred at that location.

(3) No peace officer, employee of the department or of the environmental control board, or employee of any governmental entity that, in conjunction with the department, conducts enforcement activity relating to a violation of subdivision [a] b of this section shall be entitled to obtain the benefit of any such reward or obtain the benefit of such reward when acting in the discharge of his or her official duties.

[g.] *h.* In addition to the foregoing penalties the offender shall be required to clear and clean the area upon which the offender dumped unlawfully within [ten] *10* days after conviction thereof. In the event the offender fails to clear and clean the area within such time such clearing and cleaning may be done by the department or under the direction of the department by a private contractor and the cost of same shall be billed to the offender. In the event that the department has cleaned or cleared the area, or has caused the area to be cleaned or cleared by a private contractor prior to the offender's conviction, the offender shall be responsible for the cost of such clearing and or cleaning. Payment by such offender when required by this subdivision shall be made within [ten] *10* days of demand by the department.

[h.] *i.* The commissioner shall post a sign in any area where the commissioner deems appropriate because of instances of illegal dumping. Such sign shall state the penalties for illegal dumping and the reward provisions therein.

§ 3. This local law takes effect September 1, 2018.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 206

By Council Members Matteo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to pedestrian countdown displays**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-198 to read as follows:

*§ 19-198 Pedestrian countdown displays. a. Definitions. As used in this section, the following terms have the following meanings:*

*Pedestrian countdown display. The term "pedestrian countdown display" means any automated digital reading used in a crosswalk that displays, at the beginning of the flashing upraised hand signal, the number of seconds remaining until the termination of such signal.*

*Traffic-control signal photo violation-monitoring system. The term "traffic-control signal photo violation-monitoring system" has the same meaning as in section 19-210.*

*b. The department shall install a pedestrian countdown display at any such location where a traffic-control signal photo violation-monitoring system is installed.*

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

Referred to the Committee on Transportation.

Int. No. 207

By Council Members Matteo, Brannan and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to post signs at intersections where speed cameras are located**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York section is amended by adding new section 19-216:

*§19-216 Photo Speed Camera Signage. For purposes of this section, "photo speed violation monitoring system" shall mean a vehicle sensor installed to work in conjunction with a speed measuring device which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of any vehicle at the time it is used or operated in a school speed zone. At any location where one or more photo speed violation monitoring system is in effect, the department shall place one or more signs, visible to traffic approaching from all directions, to warn drivers that such a system is in operation at such location.*

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

Referred to the Committee on Transportation.

Int. No. 208

By Council Members Matteo, Brannan and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to the posting of a sign indicating that a traffic-control signal photo violation-monitoring system is in operation**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (d) of section 19-210 of title nineteen of the administrative code of the city of New York is amended to read as follows:

(d) For purposes of this section, "traffic-control signal photo violation-monitoring system" shall mean a device installed to work in conjunction with a traffic-control signal which, during operation, automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law. *Such "traffic-control signal photo violation-monitoring system" shall include signs, visible to traffic approaching from all directions, to warn drivers that such a system is in operation at an intersection.*

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

Referred to the Committee on Transportation.

Int. No. 209

By Council Members Matteo, Brannan and Holden

**A Local Law to amend the administrative code of the city of New York, in relation to driving in bus lanes on snow days**.

*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 19-175.6 to read as follows:

*§19-175.6 Driving in bus lanes permitted on snow days. Notwithstanding any other provision of law, any person operating a vehicle shall be permitted to drive in a lane with bus lane restrictions at any time when snowfall has caused the department of sanitation to suspend its street sweeping operations, and no notice of violation or summons may be issued solely for driving in a lane with bus lane restrictions.*

§ 2. This local law shall take effect 60 days after its enactment.

Referred to the Committee on Transportation.

Int. No. 210

By Council Members Matteo and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to certain sidewalk repairs**

*Be it enacted by the Council as follows:*

Section 1. Section 19-152 of the administrative code of the city of New York, as amended by local law number 64 for the year 1995, is amended by amending subdivisions c and e to read as follows:

c. Whenever the department shall determine that a sidewalk flag should be installed, constructed, reconstructed, or repaved, or that a vacant lot should be fenced, or a sunken lot filled or a raised lot cut down, it may order the owner of the property abutting on such sidewalk flag or the owner of such vacant, sunken or raised lot by issuing a violation order to perform such work. Such order shall provide a detailed explanation of the inspection and the sidewalk defects according to sidewalk flags including a detailed diagram of the property and defects by type. The order shall also inform the owner of the existence of the borough offices within the department together with an explanation of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter as well as a complaint and appeal process, including the right to request a reinspection and then the right to appeal by filing a notice of claim with the office of the comptroller of the city of New York and thereafter a petition for appeal and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided herein and the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed as provided herein and the location where the forms may be obtained. Such order shall specify the work to be performed, an estimate of the cost of the work to repair the defects and the order shall also specify a reasonable time for compliance, provided that the time for compliance shall be a minimum of [forty-five] <u>120</u> days. The department shall, by appropriate regulations, provide for a reinspection by a different departmental inspector than the inspector that conducted the first or original inspection upon request of the property owner to the appropriate borough office. Where appropriate,

the department shall notify the property owner of the date of reinspection at least five days prior to the reinspection date. Such inspector conducting the reinspection shall conduct an independent inspection of the property without access to the reports from the first inspection. The inspector conducting the reinspection shall file a new report and the department shall issue a new order to the owner specifying the results of the reinspection with a detailed diagram of the property and defects by type. Such order shall also advise the owner of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter and also of the right to challenge the notice of account and/or the quality of the work performed by filing a notice of claim with the office of the comptroller and thereafter a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided in sections 19-152.2 and 19-152.3 of the code and specify the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed and the location where the forms may be obtained.

e. Upon the owner's failure to comply with such order or notice within [forty-five] *120* days of service and filing thereof, or within ten days if such period is fixed by the department pursuant to subdivision d of this section, the department may perform work or cause same to be performed under the supervision of the department, the cost of which, together with administrative expenses, as determined by the commissioner, but not to exceed twenty percent of the cost of performance, shall constitute a debt recoverable from the owner by lien on the property affected or otherwise. Upon entry by the city collector, in the book in which such charges are to be entered, of the amount definitely computed as a statement of account by the department, such debt shall become a lien prior to all liens or encumbrances on such property, other than taxes. An owner shall be deemed to have complied with this subdivision if he or she obtains a permit from the department to perform such work as specified in the order within the time set forth therein and completes such work within ten days thereafter.

§ 2. This law shall take effect immediately upon enactment.

Referred to the Committee on Transportation.

Int. No. 211

By Council Members Matteo, Brannan and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to post information online regarding scheduled and requested street maintenance and traffic control changes**

*Be it enacted by the Council as follows:*

Section 1. Section 19-154 of the administrative code of the city of New York, as added by local law number 1 for the year 2012, is amended to read as follows:

§ 19-154 Publication of street [resurfacing] *maintenance and traffic control* information. [a. The commissioner shall make available online through the department's website information regarding the resurfacing and capital improvement of city blocks. Such information shall include but not be limited to: (i) what year city blocks were last resurfaced or received capital improvement; (ii) the current rating for city blocks pursuant to the department's street rating system as one of the following: good, fair, or poor.

b. On or before January 31, 2013, the information required by subdivision a of this section shall be searchable by city block.] *The department shall post on its website certain information relating to street maintenance and traffic controls under the department's jurisdiction. The department shall update such information at least monthly and shall, at a minimum, include the following:*

*1. The year of each city block's last resurfacing;*

*2. The current rating for each city block's street condition pursuant to the department's street rating system as one of the following: good, fair or poor;*

*3. The date and location of each upcoming street maintenance project, including but not limited to milling, resurfacing, street cuts and repairs of potholes, cave-ins, hummocks and ponding conditions;*

*4. The status of requests relating to resurfacing or other street maintenance. Such status information shall include the date of the request, the location of the requested maintenance, the type of maintenance requested, any determination made by the department regarding such request and any completed or scheduled resurfacing or other street maintenance that addresses the request; and*

*5. The status of requests relating to changes in traffic flow, speed limits and other traffic control measures. Such status information shall include the date of the request, the location of the requested change, the change requested, any determination made by the department regarding such request and any completed or scheduled changes that address the request.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Transportation.

Res. No. 81

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.4136 which would authorize New York City to provide a $400 real property tax rebate to residential homeowners in Fiscal 2019.**

By Council Members Matteo, Vallone, Brannan, Grodenchik, Holden, Rose, Yeger, Cornegy, Richards, Borelli and Ulrich.

**Whereas,** For the last four fiscal years, the amount of property tax revenue collected by the City of New York has been on the rise with $20 billion collected in Fiscal 2014, $21.3 billion collected in Fiscal 2015, $22.9 billion collected in Fiscal 2016, and $24.7 billion collected in Fiscal 2017; and

**Whereas,** The City's projections for property tax revenue collection for the next four years continues this trend, with $25.8 billion projected in Fiscal 2018, $27.5 billion projected in Fiscal 2019, $28.8 billion projected in Fiscal 2020, $29.9 billion projected in Fiscal 2021, $30.3 billion projected in Fiscal 2022; and

**Whereas,** At the same time that the City has been collecting record high property tax revenues, it has seen higher-than-projected savings above operating expenditures in each year, specifically $212 million in Fiscal 2014, $2.5 billion in Fiscal 2015, and $897 million in Fiscal 2016; and

**Whereas,** As homeowners' property tax bills have grown, they have not seen a commensurate rise in income; and

**Whereas,** Average household income has only begun to show strong signs of growth while property tax bills in the last fiscal year alone have grown by 7.8 percent for owners of one- to three-family homes, 5.7 percent for owners of cooperatives, and nine percent for owners of condominiums; and

**Whereas**, The homeowners throughout the City who have contributed to these rising revenues and shouldered the burden of their mounting property tax bills should now benefit from the thriving economy in the form of a property tax rebate; and

**Whereas**, Senator Andrew Lanza introduced S.4136 which would authorize the City to adopt a local law providing homeowners of one- to six-family residences and residential cooperative and condominium apartments with a one-time, property tax rebate of up to $400 in Fiscal 2019; and

**Whereas,** There is precedent for providing relief to homeowners in such a manner during times of prosperity; and

**Whereas**, Before the 2008 recession, a $400 rebate was authorized by the State, approved by the Council, and distributed to homeowners in Fiscal 2004, Fiscal 2005, Fiscal 2006, and Fiscal 2007; and

**Whereas,** Now that the City has recovered from the 2008 recession and City coffers have swelled, homeowners, many of whom are senior citizens, middle-class families, or otherwise living on a fixed income, should be provided with some financial relief; and

**Whereas**, Even such modest relief as a $400 property tax rebate could alleviate their burden of the rising cost of living and help them pay their bills; and

**Whereas**, The City may not always be in the financial position to be able to provide a property tax rebate to homeowners, but when it is fortunate enough to be able to do so the City should share that good fortune with the hard-working residents who helped create it; 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, S.4136 which would authorize New York City to provide a $400 real property tax rebate to residential homeowners in Fiscal 2019.

Referred to the Committee on Finance.

Int. No. 212

By Council Member Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to approval of cemetery uses on land acquired in Queens before 1964**

*Be it enacted by the Council as follows:*

Section 1. Section 25-112 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. The provisions of subdivision a of this section shall not in any manner prevent a cemetery corporation organized under the laws of the state of New York prior to the year nineteen hundred nine, now owning cemetery land in Queens county, from using additional land lawfully taken by recorded deed or devise prior to December 31, 1963, provided such additional land consists of not more than two acres on one or more contiguous lots across a street and opposite said cemetery land, and its use for cemetery purposes has been approved by the city council after a public hearing. Notice of such public hearing shall be published pursuant to the requirements of section 1506 of the not-for-profit corporation law, or successor provision of law, in a newspaper of general circulation. The applicant shall submit to the council proof of publication in the form of a signed certificate of publication, with the affidavits of publication of such newspaper annexed thereto. The applicant shall pay the costs of such publication.*

§ 2. This local law becomes effective immediately.

Referred to the Committee on Land Use.

Int. No. 213

By The Public Advocate (Ms. James).

**A Local Law in relation to the establishment of a retirement security review board**

*Be it enacted by the Council as follows:*

Section 1. Declaration of Legislative Findings and Intent. In February of 2015, the New York City Comptroller appointed a Retirement Security Study Group to assess the feasibility of establishing a retirement security program and fund for private sector workers in New York City. This Study Group was comprised of several leading academics and thought-leaders who studied the issue of retirement security. The Study Group issued a plan in October of 2016, which relied on proposed federal regulations, since canceled, for establishing a retirement security program and fund for private sector workers.

The Council will work with the mayor, public advocate, comptroller, and borough presidents to build consensus to find an appropriate solution that does not rely on federal regulations to create a retirement security program for private sector workers.

§ 2. a. There shall be a retirement security review board that shall consist of eleven members to be appointed in the following manner:

1. three members shall be appointed by the mayor;

2. one member shall be appointed by the speaker of the city council;

3. one member shall be appointed by the comptroller;

4. one member shall be appointed by the public advocate; and

5. one member shall be appointed by each of the five borough presidents.

The review board's members shall include representatives from organized labor, the business and non-profit sectors. At least one member shall have expertise in demographics and one member each shall have expertise in matters pertaining to municipal finance, pension funds and financial advisement. Members shall be appointed within thirty days of the enactment of this local law. Any vacancies in the membership of the board shall be filled in the same manner as the original appointment.

b. The review board shall review any reports or recommendations issued by any reputable source such board deems appropriate, including, but not limited to, the New York city comptroller or any other agency or office of the city of New York, with respect to establishing a retirement security fund and program for private-sector employees and identify the recommendations that best serve the interests of city residents. The review board may also make other suggestions that it believes best serve the interests of city residents. The review board shall consider the following criteria in evaluating any reports or recommendations reviewed pursuant to this subdivision:

1. maximization of participation and ease of enrollment;

2. limitation of risk and fees;

3. portability of benefits;

4. conformity with the provisions of the federal employee retirement income security act and any other applicable federal or New York State law;

5. prohibition of the possibility of incurring debt or financial liabilities both to the city of New York and businesses that enroll their workers in the program; and

6. input provided by members of the public at the meetings established by subdivision c of this section.

c. Within six months of the effective date of this local law, the office of the public advocate shall organize and hold no fewer than one public meeting in each borough to solicit input from members of the public, including small business owners, regarding retirement security. Such public meetings shall be organized in conjunction with relevant members of the city council as well as the speaker and the borough president for the borough in which each such meeting is held. The public advocate shall provide adequate notice to the public of such meetings and shall provide a transcript of all such meetings to the retirement security review board established by subdivision a of this section no later than one month after each such meeting is held.

d. The review board shall make public and present its findings and recommendations in a report to the mayor, council, comptroller, public advocate and borough presidents and, if relevant, state elected officials and shall recommend a process and time-frame by which a program or fund may be established. Such report shall be issued within one year of the time the last appointment to the board is made.

e. The advisory board shall continue to exist from the effective date of this local law, until the board issues the report required by subdivision d of this section, after which it shall cease to exist.

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 214

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

**A Local Law to amend the administrative code of the city of New York, in relation to establishing an anonymous wage theft hotline, a wage theft advocacy office and an annual wage theft hotline report**

*Be it enacted by the Council as follows:*

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

*Subchapter 20*
*Wage Theft*

*§ 20-828 Office of wage theft advocacy. The commissioner, or such other person as the mayor designates, shall work with the office of the public advocate to establish an office of wage theft advocacy within the office of the public advocate. Subject to the provisions of subdivision k of section 24 of the charter, the office of wage theft advocacy shall assist prospective complainants with reporting incidents and filing complaints regarding wage theft with the New York state department of labor and the New York state attorney general.*

*§ 20-829 Wage theft hotline. a. Hotline. The commissioner, or such other person as the mayor designates, shall establish a wage theft hotline. Information received by such hotline shall be anonymous and confidential except to the extent required by any federal, state or other local law. The wage theft hotline shall assist callers by:*

*1. Providing callers with general information about:*

*(a) New York state law regarding minimum wages, the payment of wages and the prevention of wage theft;*

*(b) How to file complaints regarding wage theft with the New York state department of labor and the New York state attorney general; and*

*(c) Other available resources relating to alleged wage theft or violations of state wage laws, including the wage theft advocacy office established pursuant to section 20-824; and*

*2. Sending general information, when a caller so requests, about New York state law regarding minimum wages, the payment of wages and the prevention of wage theft to an employer or business.*

*b. Annual report. The department, or such other person as the mayor designates, shall issue a report on or before August 1 of each year that includes:*

*1. The number of calls made to the hotline established under subdivision a, broken down by the industry of the business or employer to the extent such information is available without compromising the caller's anonymity;*

*2. The number of businesses given information about New York state law pursuant to paragraph 2 of subdivision a of this section; and*

*3. Recommendations for the New York state department of labor about potential amendments to the state wage theft law or changes to policy or rules related to the enforcement of such law.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of the department of consumer affairs, or such other person as the mayor may designate, 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 and Business Licensing.

Int. No. 215

By the Public Advocate (Ms. James) and Council Member Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to the maximum fee allowed when transferring money to a city inmate**

*Be it enacted by the Council as follows:*

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-153 to read as follows:

*§ 9-153 Inmate accounts. The commissioner of correction shall ensure that members of the public depositing funds into a city inmate's institutional fund account established pursuant to subdivision 7 of section 500-c of the correction law are not charged a service fee that is more than 1 percent of the deposit amount. Such service fee shall not exceed $5. This fee cap applies to all devices or systems capable of allowing members of the public to deposit funds into an inmate's institutional fund account, including wire transfers.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 216

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

**A Local Law to amend the administrative code of the city of New York, in relation to conducting audits of asbestos and lead inspections**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.9 to read as follows:

*§ 17-199.9 Audit of final lead inspection reports. The commissioner shall audit for accuracy no less than 40 percent of the final lead inspection reports received by or filed with the department pursuant to an order to abate issued by the commissioner pursuant to New York city health code § 173.13.*

§ 2. Section 24-136 of the administrative code of the city of New York is amended by adding a new subdivision (o) to read as follows:

*(o) The commissioner shall audit for accuracy no less than 40 percent of the asbestos inspection reports received by or filed with the department.*

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

Referred to the Committee on Environmental Protection.

Int. No. 217

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

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a comprehensive program to respond to air quality alert days**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 19 to read as follows:

CHAPTER 19
AIR QUALITY ALERT RESPONSE PROGRAM

*§17-1901 Definitions.*
*§17-1902 Air Quality Alert Response Program.*

*§17-1901 Definitions. For purposes of this section the following terms shall have the following meanings:*

*Air quality alert day. "Air quality alert day" means a day when the air quality index rises into the unhealthy range pursuant to the federal national ambient air quality standards for ozone and particulate matter and is specifically forecast to be unhealthy for susceptible persons.*

*Susceptible person. "Susceptible person" means any person who has a current diagnosis of a breathing problem or a lung disease, such as chronic obstructive pulmonary disease or asthma.*

*Telework or teleworking. "Telework" or "teleworking" means a flexible work arrangement through which an employee performs the duties and responsibilities of his or her employment, and other authorized activities, from a worksite approved by the employer other than the location at which the employee would normally work.*

*§17-1902 Air quality alert response program. a. The department shall establish an air quality alert response program which shall operate between March 15 and September 15 of each year. This program shall include, at a minimum:*

*1. The creation of a notification registry that allows city residents to sign up to receive notification of air quality alerts by telephone, electronic mail or text message. Such alerts shall provide current and forecasted ozone concentrations and recommendations on whether susceptible persons should stay home or avoid exertion out of doors. These alerts shall also contain the following language: "If you have been diagnosed with a breathing problem or a lung disease such as chronic obstructive pulmonary disease or asthma you may be entitled to a reasonable accommodation from your employer, such as, where feasible, teleworking on days identified as air quality alert days by this notification system.";*

*2. A telework tool kit, to be published on the department's website and available in hardcopy upon request, with recommendations for employers and employees to promote teleworking or other accommodations for employees who are susceptible persons throughout the program period and especially on air quality alert days, which shall include, at a minimum, (i) advice on selecting a telework coordinator and a team dedicated to monitoring and promoting telework initiatives; (ii) advice on how to implement technology that makes more employment positions compatible with teleworking; and (iii) a list of resources available to incentivize teleworking and make it accessible to more employees; and*

*3. Outreach to city residents and city employers to increase awareness of the air quality alert response system by such means as the commissioner shall determine by rule.*

*b. Not later than 3:00 p.m. the day prior to a forecasted air quality alert day, the commissioner shall send air quality notifications to persons who have signed up with the notification registry.*

*c. No city vehicles, other than those used for emergency response purposes, shall be refueled from 12:30 p.m. until 6:00 p.m. on air quality alert days. On the fourth or subsequent consecutive air quality alert day, all city non-emergency vehicle use will be reduced by the maximum extent practicable. Every city agency will designate a person to receive air quality alerts from the commissioner for purposes of determining whether city vehicles will be subject to this restriction on the following day.*

*d. The department shall encourage the reduction of vehicle use by private vehicles and businesses and teleworking on air quality alert days, and shall conduct an annual survey sampling of public and private entities and, based on such survey, estimate the citywide reduction, attributable to teleworking or other measures implemented on air quality alert days, to (i) net business expenses, (ii) vehicle miles traveled, and (iii) vehicular emissions.*

*e. The department shall initiate measures designed to protect the health of susceptible persons and public health, including the health of individuals younger than sixteen years of age and older than sixty-two years of age whether or not they meet the definition of susceptible person set forth herein, in neighborhoods with the highest morbidity and mortality rates due to lung or chronic obstructive pulmonary disease, asthma and other respiratory diseases. Such measures, shall include, but shall not be limited to, a telephone tree to alert susceptible persons who do not have access to the Internet, and a cooling system distribution program aimed at lowering the number of hospitalizations and fatalities in these neighborhoods.*

§ 2. This local law takes effect 180 days after its enactment, except that the commissioner of health and mental hygiene shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Int. No. 218

By the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a preservation trust program with respect to certain tax liens**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 2 of subdivision b of section 11-319 of the administrative code of the city of New York is amended by adding a new subparagraph iv to read as follows:

*(iv) Within three months of the effective date of the local law that added this subparagraph, the commissioner of the department of housing preservation and development, in conjunction with the commissioner of finance, shall promulgate rules establishing a preservation trust program to govern the eligibility of a trust or other entity in which the city has an ownership or residual interest which has been created for the purpose of rehabilitating and preserving affordable housing to purchase a tax lien or tax liens on a property that is distressed, as defined by subdivision 4 of section 11-401, through a negotiated sale. Any trust or other entity deemed eligible to purchase tax liens for purposes of the preservation trust program must also meet the criteria for eligibility and satisfy all requirements to purchase tax liens through a negotiated sale set forth in this chapter. Pursuant to such program, the commissioner of finance may, in his or her discretion, sell a tax lien or tax liens on a distressed property to any eligible entity through a negotiated sale.*

§2. Subdivision 4 of section 11-401 of the administrative code of the city of New York, as amended by local law number 37 for the year 1996, is amended to read as follows:

4. "Distressed property." Any parcel of class one or class two real property that is subject to a tax lien or liens with a lien or liens to value ratio, as determined by the commissioner of finance, equal to or greater than [fifteen] *ten* percent and that meets one of the following [two] criteria:

i. such parcel has an average of [five] <u>three</u> or more hazardous or immediately hazardous violations of record of the housing maintenance code per dwelling unit; [or]

ii. such parcel is subject to a lien or liens for any expenses incurred by the department of housing preservation and development for the repair or the elimination of any dangerous or unlawful conditions therein, pursuant to section 27-2144 [of this code], in an amount equal to or greater than one thousand dollars[.] <u>;</u>

*iii. such parcel consists of vacant land;*

*iv. such parcel has been noticed for a lien sale pursuant to section 11-320 at least two times in a period of forty-eight months and is a class two property that is not a residential condominium or residential cooperative, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law;*

*v. such parcel is a class two residential property, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, owned by a company organized pursuant to article XI of the state private housing finance law;*

*vi. such parcel is subject to a lien or liens for any alternative enforcement expenses and fees incurred by the department of housing preservation and development pursuant to section 27-2153; or*

*vii. the owner of such parcel has been found in violation of subdivision of section 27-2005 pursuant to subdivision h of section 27-2115 or section 27-2120.*

§3. Section 11-401.1 of the administrative code of the city of New York, as added by local law number 37 for the year 1996, is amended to read as follows:

§ 11-401.1 Procedures for distressed property. a. The commissioner of finance shall, not less than sixty days preceding the date of the sale of a tax lien or tax liens, submit to the commissioner of housing preservation and development a description by block and lot, or by such other identification as the commissioner of finance may deem appropriate, of any parcel of class one or class two real property on which

there is a tax lien that may be foreclosed by the city. The commissioner of housing preservation and development shall determine, and direct the commissioner of finance, not less than ten days preceding the date of the sale of a tax lien or tax liens, whether any such parcel is a distressed property as defined in subdivision four of section 11-401 [of this chapter]. Any tax lien on a parcel so determined to be a distressed property shall not be included in such sale, *except through a sale subject to the provisions of subparagraph iv of paragraph 2 of subdivision b of section 11-319*. In connection with a subsequent sale of a tax lien or tax liens, the commissioner of finance may, not less than sixty days preceding the date of the sale, resubmit to the commissioner of housing preservation and development a description by block and lot, or by such other identification as the commissioner of finance may deem appropriate, of any parcel of class one or class two real property that was previously determined to be a distressed property pursuant to this paragraph and on which there is a tax lien that may be included in such sale. The commissioner of housing preservation and development shall determine, and direct the commissioner of finance, not less than ten days preceding the date of the sale, whether such parcel remains a distressed property. If the commissioner of housing preservation and development determines that the parcel is not a distressed property, then the tax lien on the parcel may be included in the sale.

b. The commissioner of housing preservation and development may periodically review whether a parcel of class one or class two real property that is subject to subdivision c of this section or subdivision j of section 11-412.1 [of this chapter] remains a distressed property. If the commissioner determines that the parcel is not a distressed property as defined in subdivision four of section 11-401 [of this chapter], then the parcel shall not be subject to such subdivisions.

c. Any parcel so determined to be a distressed property, *unless such parcel has had a tax lien or tax liens sold in a sale subject to the provisions of subparagraph iv of paragraph 2 of subdivision b of section 11-319*, shall be subject to an in rem foreclosure action, or in the case where the commissioner of finance does not commence such action the commissioner of housing preservation and development shall evaluate such parcel and take such action as he or she deems appropriate under the programs, existing at the time of such evaluation, that are designed to encourage the rehabilitation and preservation of existing housing, and shall monitor or cause to be monitored the status of the property. The commissioner of housing preservation and development, in his or her discretion, shall cause an inspection to be conducted on any parcel so determined to be a distressed property. In addition, the commissioner of housing preservation and development shall submit to the council a list of all parcels so determined to be a distressed property within thirty days from the date such parcels are identified as a distressed property.

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

Referred to the Committee on Finance.

Int. No. 219

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

**A Local Law to amend the New York City charter, in relation to public notice prior to the permanent removal of any emergency medical service station.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 487 of the New York City Charter is amended to read as follows:

§487. Powers. a. The commissioner shall have sole and exclusive power and perform all duties for the government, discipline, management, maintenance and direction of the fire department and the premises and property in the custody thereof, however, the commissioner shall provide written notice with supporting documentation at least forty-five days prior to the permanent closing of any firehouse or the permanent removal or relocation of any fire fighting unit *or emergency medical service station* to the council members, community boards and borough presidents whose districts are served by such facility or unit and the chairperson of the council's [public safety] *fire and criminal justice services* committee. For the purposes of

this section, the term "permanent" shall mean a time period in excess of six months. In the event that the permanent closing of any firehouse or the permanent removal or relocation of any firefighting unit *or emergency medical service station* does not occur within four months of the date of the written notice, the commissioner shall issue another written notice with supporting documentation prior to such permanent removal or relocation. The four months during which the written notice is effective shall be tolled for any period in which a restraining order or injunction prohibiting the closing of such noticed facility or unit shall be in effect.

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Fire and Emergency Management.

Int. No. 220

By The Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to a child care report and plan to address the need for expanded child care capacity**

*Be it enacted by the Council as follows*:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

*§ 21-919 Child care report and plan. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Area of economic transition. The term "area of economic transition" means a zip code in the bottom 40 percent of zip codes with respect to median household income in the city in 2000 that experienced an increase of over 20 percent in median household rent between 2000 and 2014, according to data from the United States census bureau.*

*Child care. The term "child care" means care for a child on a regular basis provided away from the child's residence for less than 24 hours per day by a person other than the parent, step-parent, guardian or relative within the third degree of consanguinity of the parents or step-parents of such child.*

*Child care center. The term "child care center" means a program or facility permitted by the department of health and mental hygiene that is not a residence and that provides child care to three or more children ages six weeks through five years old.*

*Child care gap ratio. The term "child care gap ratio" means the total of the number of children enrolled in child care centers and family child care programs, the number of vacant slots in child care centers and family child care programs, and the number of children receiving informal care with a mandated voucher or non-mandated voucher, divided by the number of children in the city under 13 years old.*

*Family child care program. The term "family child care program" means a program registered or licensed by the department of health and mental hygiene that provides child care in a residence to three or more children ages six weeks through 12 years old.*

*Higher-income area. The term "higher-income area" means a zip code in the top 60 percent of zip codes with respect to median household income in the city in 2014.*

*Income eligible child. The term "income eligible child" means a child under 13 years old with a family income up to 200 percent of the federal poverty level as updated annually by the federal department of health and human services.*

*Informal child care. The term "informal child care" means child care for one or two children provided in a residence by a person not required to be registered or licensed by the department of health and mental hygiene, or care for a child provided in the child's own residence by a person not required to be registered or licensed by the department of health and mental hygiene.*

*Mandated voucher. The term "mandated voucher" means child care assistance funds that ACS is required to provide to certain families pursuant to section 410-w of the social services law.*

*Non-mandated voucher. The term "non-mandated voucher" means child care assistance funds that ACS may provide to certain families pursuant to section 410-w of the social services law.*

*Subsidized child care center. The term "subsidized child care center" means a program or facility directly funded by ACS and permitted by the department of health and mental hygiene that is not a residence and that provides free or low cost child care to three or more children ages six weeks through four years old.*

*Subsidized child care gap ratio. The term "subsidized child care gap ratio" means the total of the number of children enrolled in subsidized child care centers and subsidized family child care programs, the number of vacant slots in subsidized child care centers and subsidized family child care programs, and the number of children receiving informal care with a mandated voucher or non-mandated voucher, divided by the number of eligible children.*

*Subsidized family child care program. The term "subsidized family child care program" means a program directly funded by ACS and registered or licensed by the department of health and mental hygiene that provides free or low cost child care in a residence to three or more children ages six weeks through four years old.*

*b. Beginning April 1, 2019, and quarterly thereafter, ACS, in consultation with the department of health and mental hygiene, shall submit to the mayor and speaker of the council and post on its website, no later than 30 days after the end of each quarter, a report regarding child care capacity in the city. Such report shall include, but need not be limited to:*

*1. The number of children under 13 years old, disaggregated by total citywide, borough, community district and zip code, and by the age ranges of 0 to 23 months, 24 to 35 months, 36 to 47 months, 48 to 59 months, and 60 months to 12 years old;*

*2. The number of income eligible children, disaggregated by total citywide, borough, community district and zip code, and by the age ranges of 0 to 23 months, 24 to 35 months, 36 to 47 months, 48 to 59 months, and 60 months to 12 years old;*

*3. The number of children enrolled in child care centers, disaggregated by total citywide, borough, community district and zip code, and by the age ranges of 0 to 23 months, 24 to 35 months, 36 to 47 months, and 48 to 59 months;*

*4. The number of children enrolled in family child care programs, disaggregated by total citywide, borough, community district and zip code, and by the age ranges of 0 to 23 months, 24 to 35 months, 36 to 47 months, 48 to 59 months, and 60 months to 12 years old;*

*5. The number of vacant slots in child care centers and family child care programs, disaggregated by total citywide, borough, community district and zip code;*

*6. The number of children enrolled in subsidized child care centers, disaggregated by total citywide, borough, community district and zip code, and by the age ranges of 0 to 23 months, 24 to 35 months, and 36 to 47 months;*

*7. The number of children enrolled in subsidized family child care programs, disaggregated by total citywide, borough, community district and zip code, and by the age ranges of 0 to 23 months, 24 to 35 months, and 36 to 47 months;*

*8. The number of vacant slots in subsidized child care centers and subsidized family child care programs, disaggregated by total citywide, borough, community district and zip code;*

*9. The number of children receiving care with a mandated voucher, disaggregated by total citywide, borough, community district and zip code, by enrollment in child care centers, family child care programs and informal child care, and by the age ranges of 0 to 23 months, 24 to 35 months, 36 to 47 months, 48 to 59 months, and 60 months to 12 years old; and*

*10. The number of children receiving care with a non-mandated voucher, disaggregated by total citywide, borough, community district and zip code, by enrollment in child care centers, family child care programs and informal child care, and by the age ranges of 0 to 23 months, 24 to 35 months, 36 to 47 months, 48 to 59 months, and 60 months to 12 years old.*

*c. No later than April 1, 2019, ACS shall submit to the mayor and speaker of the council and post on its website a plan to address the need for expanded child care capacity in the city. Such plan shall address, but need not be limited to:*

*1. How to assist with the creation of additional slots in child care centers and family child care programs in zip codes in which the child care gap ratio is less than 1.0;*

*2. How to assist with the creation of additional slots in subsidized child care centers and subsidized family child care programs in zip codes in which the subsidized child care gap ratio is less than 1.0;*

*3. How to assist with the creation and maintenance of adequate slots in subsidized child care centers and subsidized family child care programs in areas of economic transition;*

*4. How to assist with the creation and maintenance of adequate slots in subsidized child care centers and subsidized family child care programs in higher-income areas in which over 20 percent of households have incomes below the federal poverty level as updated annually by the federal department of health and human services; and*

*5. Any other issues related to child care capacity in the city that ACS deems appropriate, including any projected population growth and dispersal due to the creation of affordable housing pursuant to section 23-90 of the zoning resolution.*

*d. Beginning one year following the submission of the plan required by subdivision c of this section and every year thereafter, ACS shall submit to the mayor and speaker of the council and post on its website a report detailing progress made on the recommendations, initiatives and priorities that result from such plan.*

*e. ACS shall review and update the plan required by subdivision c of this section as appropriate every four years and shall submit to the mayor and speaker of the council and post on its website the updated plan not later than six months before the last day of each such fourth year.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 221

By The Public Advocate (Ms. James)

**A Local Law to amend the administrative code of the city of New York in relation to requiring signage regarding application processing and fair hearings at job centers, SNAP centers, and Medicaid offices.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-139 to read as follows:

*§21-139. Signs regarding application processing and fair hearings. a. Definitions. For the purposes of this section the following terms shall have the following meanings:*

*1."Fair hearing" shall mean a hearing before an administrative law judge from the New York state office of temporary and disability assistance where individuals may contest a decision regarding their application for public assistance, food stamps, medical assistance, and home energy assistance program benefits and services;*

*2. "Job center" shall mean any New York city department of social services/human resources administration facility located within the five boroughs where individuals can apply for public assistance;*

*4. "Medicaid office" shall mean any New York city department of social services/human resources administration authorized facility located within the five boroughs where individuals can apply for Medicaid, family health plus or the Medicare savings program; and*

*3. "SNAP center" shall mean any New York city department of social services/human resources administration authorized facility located within the five boroughs where individuals can apply for the supplemental nutrition assistance program.*

*b. The department shall post a sign, in a form and manner as prescribed by the rules of the commissioner, in one or more conspicuous locations inside every job center, Medicaid office, and SNAP center. Such sign shall include (i) the standard processing time for approval or denial of applications; and (ii) information*

*regarding an applicant's right to a fair hearing and how to request one as prescribed by the rules of the commissioner.*

§2. This local law shall take effect one hundred and twenty days after its enactment, except that the commissioner shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on General Welfare.

Int. No. 222

By the Public Advocate (Ms James).

**A Local Law to amend the administrative code of the city of New York, in relation to enforcement of the nuisance abatement law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (a) of section 7-706 of the administrative code of the city of New York is amended to read as follows:

(a) Generally. Upon the direction of the mayor, or at the request of the head of a department or agency of the city, or at the request of a district attorney of any county within the city, or at the request of a member of the city council, *including the public advocate*, with respect to the public nuisances defined in subdivisions (a), (b), (c), *(e),* (g), and (h) [and] *of* section 7-703 of this chapter, or upon his or her own initiative, the corporation counsel may bring and maintain a civil proceeding in the name of the city in the supreme court to permanently enjoin a public nuisance within the scope of this subchapter, and the person or persons conducting, maintaining or permitting the public nuisance from further conducting, maintaining or permitting the public nuisance. The owner, lessor and lessee of a building, erection or place wherein the public nuisance as being conducted, maintained or permitted shall be made defendants in the action. The venue of such action shall be in the county where the public nuisance is being conducted, maintained or permitted. The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this subchapter.

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

Referred to the Committee on Governmental Operations.

Int. No. 223

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

**A Local Law to amend the administrative code of the city of New York, in relation to the promotion of health and safety at nail salons**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.7 to read as follows:

*§ 17-199.7 Healthy nail salons a. Definitions. For the purposes of this section, the following terms shall mean:*

*1. "Dilution ventilation system" means any system which brings in clean air in order to dilute contaminated air, and which exhausts diluted air outside via exhaust fans.*

*2. "Exhaust ventilation system" means any system that captures and removes airborne contaminants at their source before they contaminate the breathing zones of salon customers and workers, including, but not limited to, downdraft ventilated tables or portable source capture exhaust ventilation systems.*

*3. "Mechanical ventilation unit" means either a dilution ventilation system or local exhaust ventilation system in operation during business hours.*

*4. "Nail salon" means any business in the practice of providing services for a fee or any consideration or exchange to cut, shape or enhance the appearance of the nails of the hands or feet, including the application and removal of sculptured or artificial nails.*

*5. "Nail salon employee" means individuals employed by a nail salon, including, but not limited to, technicians, and shall also include independent contractors.*

*6. "Nail salon product" means any chemical product used in a nail salon to enhance the appearance of the nails of the hands or feet, including the application and removal of sculptured or artificial nails.*

*b. Health and Safety Guidelines. The department shall develop guidelines relating to the health and safety of nail salons. Such guidelines shall cover topics including, but not limited to:*

*1. the danger of certain nail salon products and recommendations for the substitution of hazardous products with less hazardous alternatives, including, but not limited to, refraining from the use of nail polish thinners and using safer nail polish removers such as acetone;*

*2. prohibiting the use of nail polishes that contain dibutyl phthalate, toluene or formaldehyde;*

*3. methods and recommendations to improve air quality in nail salons and reduce the level of chemical vapors, pollutants, mist or dust within the salon. Such methods may include, but not be limited to, utilizing a mechanical ventilation unit, methods to reconfigure workstations and fans to reduce vapors, pollutants, mist, dust and odors, use of metal bin or garbage cans with lids to dispose of products used at workstations, and regularly opening windows and doors throughout the day;*

*4. procedures to (i) limit the spread of communicable diseases by, among other practices, washing hands, cleaning and disinfecting tools after each use, and (ii) limit the risk of harm to nail salon employees through, among other practices, taking meal and rest breaks, ensuring that such employees have regular access to fresh air and ensuring that food or beverages are not ingested where chemicals are used or stored; and*

*5. use of personal protective equipment for nail salon staff, including, but not limited to, respirators approved by the national institute for occupational safety and health, goggles and disposable nitrile gloves.*

*The department shall amend such guidelines within one year following the release of the report pursuant to subdivision k of section 17-199.8 of this chapter and based on such report's findings and recommendations.*

*c. Certification. The department shall establish a certification program to encourage nail salons to promote healthy standards for nail salon employees and customers; to reduce or eliminate the use of products with potentially harmful chemicals and air pollutants; to support and promote nail salons that place a high priority on customer and employee health and safety; and to help the public make more informed decisions about nail salon services. Such certification shall be for a period of two years and may be renewed upon satisfaction of the requirements enumerated in this subdivision. The department shall provide a seal to any nail salon granted a healthy nail salon certification stating such salon's status as a healthy nail salon. The department shall grant a certification to any nail salon that satisfies the following requirements:*

*1. submission to the department of an attestation that the nail salon is in compliance with article 27 of the New York state general business law or any regulations promulgated pursuant thereto;*

*2. completion of a course, provided by the department or such other entity as approved by the department, that educates nail salon owners and managers on how to protect nail salon owners, employees, customers and occupants of adjacent businesses and residences from any adverse health and safety impacts caused by nail salons, including, but not limited to, by educating on the guidelines as developed pursuant to subdivision b of this section;*

*3. submission to the department of a statement, signed by the owner of the nail salon, that the nail salon shall comply with the guidelines developed by the department pursuant to subdivision b of this section and train all nail salon staff on such guidelines;*

*4. installation of a mechanical ventilation unit;*

*5. posting of such sign as provided in subdivision h of this section;*

*6. submitting to inspection by the department, including, but not limited to, at initial certification and certification renewal; and*

*7. the nail salon has registered pursuant to subdivision i of this section.*

*d. Revocation. The department may revoke a nail salon's certification upon a finding that such salon has failed to comply with the certification program.*

*e. Reimbursement. The department shall develop a program to provide a reimbursement to any nail salon for expenses related to the purchase and installation of mechanical ventilation units within one year of such purchase or installation, provided, however, that such nail salon has been certified pursuant to subdivision c of this section, and applies for such funds on a form, to be approved by the department, and in accordance with rules or guidelines as developed by the department. Such reimbursement may only be given to a nail salon that is in full compliance with such certification program, and which has not had any substantiated claims or judgments against it for wage theft or violations of regulations of the United States office of occupational health and safety or violations of New York state general business law or any regulations promulgated thereto at or since the time of designation in the certification program. The department shall establish amounts and rates for such reimbursement, provided that reimbursements to individual nail salons shall not exceed five hundred dollars.*

*f. Website. The department shall post on its website a description of the department's guidelines developed pursuant to subdivision b, the certification program created pursuant to subdivision c, and the reimbursement program created pursuant to subdivision e of this section. In addition to the description of such certification program, the website shall also list the names and addresses of all nail salons participating in such certification program. The department of consumer affairs and the department of small business services shall also post on their website such list or shall provide links on their respective websites to the department's website accompanied by a conspicuous description of such certification program.*

*g. Education and outreach. The department shall educate nail salon owners, employees, customers, product suppliers or distributors, community and immigrant organizations, health and safety advocates and the general public about potential health hazards present in nail salons and methods to control, eliminate or reduce such potential hazards, including, but not limited to, information regarding the (i) potentially harmful effects of exposure to pregnant women from the chemicals found in nail salon products and (ii) symptoms and/or illnesses, including, but not limited to, allergic and irritant dermatitis, occupational asthma, eye, skin or mucous membrane irritation, fatigue, and nausea that may be experienced by nail salon employees and customers. Such education efforts shall include, but not be limited to, distribution of educational materials, technical assistance, education workshops or forums, and public service advertisements.*

*h. Signs. Nail salon owners shall post signs, to be developed and provided by the department, in such owner's nail salon that detail procedures and information for nail salon employees and customers to increase safety and reduce harmful health effects from exposure to communicable diseases, nail care cosmetics and airborne dust particles. Such sign shall be based upon guidelines developed by the department pursuant to subdivision b of this section. Such signs shall be posted conspicuously in public areas in accordance with the rules of the department and shall be printed in English, Spanish, Korean, Vietnamese, Nepali, Chinese and any other languages the department deems necessary in order to communicate to nail salon employees and customers. Such sign shall include information on how to make anonymous complaints to appropriate state authorities regarding businesses suspected of violating regulations promulgated pursuant to article 27 of the New York state general business law.*

*i. Registration. 1. It shall be unlawful for any individual to operate a nail salon without having registered with the department. Registration shall include registrant's name, address, corporate structure and ownership, and other information as the department may require and shall be filed on forms to be prescribed by the department.*

*2. Any individual, partnership, corporation, limited liability company, joint venture, association, or other business entity that operates a nail salon without registering shall be subject to a civil penalty of not more than one hundred dollars per month such nail salon operates without registering.*

*3. Notwithstanding paragraph 2 of this subdivision, a first-time violation of paragraph one of this subdivision or any rules promulgated pursuant thereto by any individual, partnership, corporation, limited liability company, joint venture, association, or other business entity that operates a nail salon shall be mitigated to half the amount if, within thirty days of the date of the issuance of the notice of violation, or at the hearing of such notice of violation, such individual, partnership, corporation, limited liability company, joint venture, association, or other business entity submits adequate proof of having cured the violation.*

*§ 2. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.7.1 to read as follows:*

*§ 17-199.8 Nail salon task force a. Definitions. For the purposes of this section, the following terms shall mean:*

*1. "Nail salon" means any business in the practice of providing services for a fee or any consideration or exchange to cut, shape or enhance the appearance of the nails of the hands or feet, including the application and removal of sculptured or artificial nails.*

*2. "Nail salon product" means any chemical product used in a nail salon to enhance the appearance of the nails of the hands or feet, including the application and removal of sculptured or artificial nails.*

*b. There shall be a task force to study and provide recommendations for nail salon health and safety. Such task force shall examine issues including, but not limited to, facility requirements, standards of practice, prohibitions of particular products, ways to improve enforcement and/or issuance of violations, and ways to encourage and address complaints concerning nail salon health and safety from nail salon employees and customers. Such task force shall also request from the New York state department of state data for the preceding three calendar years of all inspections of nail salons located within the city of New York and any enforcement actions undertaken by the New York state department of state, including, but not limited to, notices of violation, warnings, or fines against any such nail salons.*

*c. Such task force shall consist of seven members as follows:*

*1. Four members shall be appointed by the mayor, provided that such members are representatives of advocacy groups involved in nail salon health and safety, have experience in the field of nail salon health and safety or advocate for the interests of nail salon employees and the communities they represent, provided further that at least two such members have experience in the field of nail salon health and safety;*

*2. Two members shall be appointed by the speaker of the council, provided such members are representatives of advocacy groups involved in nail salon health and safety or have experience in the field of nail salon health and safety or advocate for the interests of nail salon employees and the communities they represent; and*

*3. One member shall be appointed by the public advocate, provided that such member is a representative of an advocacy group involved in nail salon health and safety, has experience in the field of nail salon health and safety or advocates for the interests of nail salon employees and the communities they represent.*

*d. The commissioners of the department of health and mental hygiene and the department of consumer affairs, or their designees, shall serve ex officio.*

*e. The members shall be appointed within sixty days of the enactment of this local law.*

*f. At its first meeting, the task force shall select a chairperson from among its members by majority vote of the task force.*

*g. Each member shall serve for a term of twelve months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.*

*h. The department and the department of consumer affairs may provide staff to assist the task force.*

*i. No member of the task force shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.*

*j. Members of the task force shall serve without compensation and shall meet no less than once a month.*

*k. No later than twelve months from the date all seven members of the task force are appointed, the task force shall submit to the mayor, the speaker of the council and the public advocate a report that shall include the findings and recommendations of the task force and all data made available to the task force by the New York state department of state concerning inspections of and enforcement against nail salons located in the city of New York. Such report shall examine the health and safety conditions present in nail salons in the city, including but not limited to, the health problems experienced by nail salon employees that could be attributed to such employees' work and work environment in a nail salon, the prevalence of the use of nail salon products that are unsafe or unhealthy, and the use of personal protective equipment by nail salon employees and customers. Such report shall be based on anonymous surveys, onsite observations, data from health care professionals and any other methods deemed appropriate by the task force in consultation with the department. Such report shall also include demographic data on the age, race, ethnicity, gender and national*

*origin of nail salon owners and employees. The report shall provide recommendations, if any, for improving the health and safety in nail salons.*

*l. The task force shall dissolve upon submission of the report required by subdivision k of this section.*

§ 3. This local law shall take effect 180 days after its enactment into law, provided, however, that the commissioner of the department of health and mental hygiene shall take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law, prior to such effective date, provided further that paragraph 3 of subdivision i of section 17-199.7 of the administrative code of the city of New York, as added by section one of this local law, shall be deemed repealed one year after such effective date, and provided further that subdivision e of section 17-199.7 of the administrative code of the city of New York, as added by section one of this local law, shall be deemed repealed four years after such effective date.

Referred to the Committee on Health.

Int. No. 224

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

**A Local Law to amend the administrative code of the city of New York, in relation to information and city services to reduce college sexual assault.**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 19 to read as follows:

***Chapter 19***
***Sexual Assault Services***

***§17-1901 Provision of information and services regarding sexual assault.***

*§ 17-1901 Provision of information and services regarding sexual assault. a. The commissioner shall establish and make available to all students attending a college or university in New York city the following:*

*i. a list of all rape crisis centers within the city of New York including address and contact information for such centers;*

*ii. a list of all hospitals with sexual assault forensic examiner programs approved by the New York state department of health;*

*iii. the telephone number for helplines to assist victims of sexual assault; and*

*iv. an online tool or mobile application that enables students to report incidents of sexual assault to the appropriate authorities and gives guidance regarding when and how that should be done. Such application shall provide (1) referral information and reviews of local resources; (2) a mapping function to identify where sexual assaults have occurred; (3) tools for student engagement and leadership; and (4) resources on bystander engagement for preventing sexual assault.*

*b. The department shall work in conjunction with the mayor's office to combat domestic violence and local rape crisis centers to establish an education program for sexual assault prevention and response for students, faculty, campus safety officers and administrators of New York city colleges and universities. Such education program shall include, but not be limited to, affirmative consent education, bystander intervention, disclosure training, offender education, and material to educate individuals adjudicating or otherwise making determinations of internal college or university proceedings to address claims of sexual assault. The department shall make all material for such educational program available to New York city colleges and universities.*

*c. The commissioner shall establish a task force that shall include, but not be limited to, representatives from the mayor's office to combat domestic violence, health and hospitals corporation, police department and*

*department of education. Such task force shall work with students and representatives of the faculty and administration from colleges and universities in New York city to identify ways to improve city services and agency response to college sexual assault.*

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

Referred to the Committee on Higher Education.

Int. No. 225

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

**A Local Law to amend the administrative code of the city of New York, in relation to the installation of protective devices for seniors and persons with a disability who reside in multiple dwellings, and the provision of a tax abatement for certain related installations**

*Be it enacted by the Council as follows:*

Section 1. Article 11 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is hereby amended by adding a new section 27-2046.4 to read as follows:

*§ 27-2046.4 Protective devices for senior citizens and persons with a disability; notification to tenants. a. It shall be the duty of the owner, lessee, agent or other person who manages or controls a multiple dwelling to:*

*1. provide, install and maintain in a safe manner grab bars on the walls of shower and bathtub stalls and adjacent to each toilet or water closet in each residential unit when requested by a senior citizen or tenant residing therein who is a person with a disability, or by a tenant residing therein with a senior citizen or person with a disability;*

*2. provide, install and maintain in a safe manner treads on the floors of showers and bathtub stalls in each residential unit when requested by a senior citizen or tenant residing therein who is a person with a disability, or by a tenant residing therein with a senior citizen or person with a disability; and*

*3. cause to be delivered to each residential unit a notice advising occupants of the obligation of such owner, lessee, agent or other person who manages or controls a multiple dwelling to install the protective devices referred to in paragraphs 1 and 2 of this subdivision at no cost to the tenants. Such notice shall be provided on an annual basis in a form and manner approved by the department.*

*b. The department shall promulgate such rules as it deems necessary to comply with the provisions of this section with regard to the annual notice to tenants, and the safety standards and maintenance of the protective devices required by this section.*

*c. Any person who violates the provisions of this section, or the rules promulgated pursuant to this section, shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars or imprisonment for up to six months or both. In addition, such a person shall also be subject to a civil penalty of not more than five hundred dollars per violation.*

*d. As used in this section, the following terms have the following meanings:*

*1. "Senior citizen" means a person who is at least sixty years of age.*

*2. "Person with a disability" means an individual who provides documentation indicating that he or she is recognized by any city, state or federal authority or agency as having a disability which impedes vision or mobility, or who provides medical evidence indicating that he or she has a disability impeding vision or mobility.*

*§2. Part 1 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-245.11 to read as follows:*

*§ 11-245.11 Tax abatement for the installation of grab bars. a. For the purposes of this section, the following terms have the following meanings:*

*1. "Eligible owner" means a person who does not reside in a residential unit and installed grab bars on the walls of shower and bathtub stalls and adjacent to each toilet or water closet in each residential unit upon*

*a request by a senior citizen or person with a disability residing therein or by a tenant residing therein with a senior citizen or person with a disability.*

*2. "Multiple dwelling unit" means a dwelling unit in a building in which there is either rented, leased, let or hired out to be occupied, or is occupied as the residence or home of two or more occupants living independently of each other.*

*3. "Person with a disability" means an individual who provides documentation indicating that he or she is recognized by any city, state or federal authority or agency as having a disability which impedes vision or mobility, or who provides medical evidence indicating that he or she has a disability impeding vision or mobility which would entitle him or her to receive the protective devices referred to in paragraphs 1 and 2 of subdivision a of section § 27-2046.3 of this code.*

*4. "Senior citizen" shall mean a person who is at least sixty years of age.*

*b. For fiscal years beginning on and after the first of July, two thousand fourteen, an eligible owner of a multiple dwelling unit shall be eligible to receive an abatement of taxes imposed on such multiple dwelling unit for each grab bar installed in such multiple dwelling unit in one of the following amounts:*

*(i) where the eligible owner purchases and installs a grab bar within the tub area requiring anchoring by screws or toggles where there is no removal of surface tiles or surrounding facade, an amount not to exceed two hundred fifty dollars; or*

*(ii) where the eligible owner purchases and installs a grab bar requiring anchoring that entails the removal and replacement of surrounding surface tiles or facade, an amount not to exceed four hundred dollars; or*

*(iii) where such owner purchases and installs a grab bar requiring anchoring that entails the removal and replacement of surface lines and underlayment behind the removed tiles, an amount not to exceed eight hundred dollars.*

*c. Notwithstanding the provisions of subdivision b of this section, no abatement of real property taxes in accordance with this section shall exceed the actual cost to the eligible owner of the purchase and installation of a grab bar.*

*d. Any application for the real property tax abatement provided for in this section shall be submitted in such manner and in such form as shall be established by the commissioner by rule.*

§3. This local law takes effect 90 days after enactment except that the commissioner of housing preservation and development and the commissioner of finance shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 226

By the Public Advocate (Ms. James) and Council Members Rose, Rosenthal, Koo, Kallos, Cornegy and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the registration of owners of vacant property**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York, is amended by adding a new chapter 21 to read as follows:

*CHAPTER 21*
*REPORTING REQUIREMENTS FOR OWNERS OF VACANT PROPERTY*

*§26-2101 Reporting. a. As used in this chapter:*

*Department. The term "department" means the department of housing preservation and development.*

*Commissioner. The term "commissioner" means the commissioner of housing preservation and development.*

*b. The owner of any real property within the city shall register with the department upon such property being vacant for one year. Such registration shall be in a manner to be determined by the commissioner but shall, at a minimum, include the name of the owner of such property, along with the electronic mail address and phone number of an individual who shall be the contact person for such property. Such registration shall be renewed annually thereafter with such additional information as the department may require. The department may impose a fee necessary for administering the provisions of this section. The owner of any property that has been vacant for one year or more on the effective date of this section shall file such registration not more than 60 days following the effective date of this section. When real property that has been vacant for one year or more is sold, the new owner of such real property shall register in accordance with this section within 30 days of taking ownership of such property.*

*c. A person who fails to register as required by subdivision b of this section shall be subject to a civil penalty of not less than $100 nor more than $500 for every week or portion thereof that there is a failure to register.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 227

By The Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of housing preservation and development to report on the number of dwellings and dwelling units created or preserved through department programs**

*Be it enacted by the Council as follows:*

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

***Article 3***

***Reporting***

***§ 27-2109.2 Reporting****. The commissioner shall provide to the mayor and the speaker of the council on a bi-annual basis a report identifying the type and number of all dwellings and dwelling units created, sponsored or preserved by the department or through programs administered by the department during the preceding six months which shall include, but shall not be limited to, rental dwelling units; dwellings or dwelling units available for ownership; dwellings or dwelling units rehabilitated or maintained as affordable housing through a preservation program; dwellings or dwelling units created, preserved or sponsored through the use of federal funding and any other dwellings or dwelling units created, sponsored or preserved through other programs or initiatives. For each such dwelling or dwelling unit, the report shall identify its funding source and the area median income for the community district in which the dwelling or dwelling unit is located. The report shall also be disaggregated by community board and must identify all dwellings or dwelling units that are anticipated or under consideration for development for the next year.*

§ 2. This local law takes effect on June 1, 2018, except that the commissioner of housing preservation and development shall take such actions, including the promulgations of rules, as are necessary for implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 228

By the Public Advocate (Ms. James).

**A Local Law to amend the New York city building code, in relation to posting the number of workers present at a construction site**

*Be it enacted by the Council as follows:*

Section 1. Section BC 3310 of the New York city building code, as amended by local law number 141 for the year 2013, is amended by adding a new section 3310.12 to read as follows:

***3310.12 Required Signs.*** *At the site of construction of a major building, a sign shall be posted indicating the number of workers present at the worksite, and shall be updated regularly to accurately reflect such number. Such sign shall be posted on each perimeter fronting a public thoroughfare at a height of no more than 12 feet (3658 mm) above the ground, with such distance measured from the ground to the top of the sign.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 229

By the Public Advocate (Ms. James) and Council Member Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the maintenance of vacant buildings**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The city council finds that inadequately secured vacant properties can be the cause of numerous problems affecting neighborhoods across the city of New York, such as fire and public safety hazards, urban blight and depressed local property values. Currently rules promulgated by the department of buildings allow the use of concrete block or plywood to seal and secure doors and windows in vacant buildings. Rules promulgated by the department of housing preservation and development allow for the use of concrete block, sheet metal or plywood to seal and secure buildings. Over time, doors and windows secured with concrete blocks, sheet metal or plywood can become vulnerable to the elements or torn off by vandals or criminals wishing to gain access to the building. Cities such as Boston and Chicago have addressed the issue of inadequately secured vacant properties by strengthening their ordinances to require the installation of internal metal security panels on windows and doors in buildings that have remained vacant for longer than a prescribed period of time. Amending the administrative code of the city of New York to require the installation of internal metal security panels on buildings that have remained vacant and insufficiently secured for more than six months will increase the likelihood that such buildings will be protected from unauthorized entry, which will serve to stabilize and protect neighborhoods.

§ 2. Section 28-216.1.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-216.1.2 Vacant buildings.** *a.* Any vacant building not continuously guarded or not sealed and kept

secure against unauthorized entry shall *for the first six months it is vacant* have all openings sealed in a manner approved by the commissioner, and it shall be the duty of the owner thereof promptly to make any repairs that may be necessary for the purpose of keeping such building sealed and secure.

*b. For any building that has been vacant for more than six months, the owner must implement and provide proof to the department that said building either (i) is secured as described in section 28-216.1.2.1 of this article or (ii) contains all of the security features set forth in section 28-216.1.2.2 of this article.*

***§ 28-216.1.2.1 Secured buildings.*** *For purposes of this chapter the term "secured" refers to a building that has a permanent door or window, as applicable, in each appropriate building opening; has each such door or window maintained in a manner so as to prevent unauthorized entry; and has all of its door and window components including, but not limited to, frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes, intact and unbroken.*

***§ 28-216.1.2.2 Steel security panels****. Any building found not to be secured as set forth in section 28-216.1.2.1 of this article that has been vacant for six months or more must have every exterior opening larger than one square foot, including door openings, which are in the cellar, basement, first story, or on the course of a fire escape, less than six feet measured horizontally from an opening in an adjoining building or less than 10 feet from grade closed and secured with a commercial-quality 14-gauge, rust-proof steel security panel or door. Such panel or door shall have an exterior finish that allows for easy graffiti removal and shall be secured from the interior of the building to prevent unauthorized removal.*

***§ 28-216.1.2.3 Penalty.*** *In addition to any other penalty provided by law, it shall be a violation of this article for a vacant building not to be secured in accordance with the provisions of this section. Where the owner has presented proof to the department of compliance with section 28-216.1.2.1 or section 28-216.1.2.2 but the commissioner determines, based on an inspection by the department or a report prepared by another city agency and provided to the department, that the owner is not in compliance, the commissioner shall send by certified mail a written notice of violation to the owner of record. Within 30 days of the mailing of such notice of violation, the owner shall be required to comply with the provisions of section 28-216.1.2.2 of this article.*

§ 3. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings and the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 230

By The Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports on enforcement of right of way violations**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§14-175. Right of way violations. a. The commissioner shall post on the department website, beginning October 15, 2015 and within 15 days of each quarter thereafter, quarterly reports regarding violations of administrative code section 19-190. Such reports shall include: (i) the total number of violations issued; (ii) the number of violations issued for violation of section 19-190(a); (iii) the number of violations issued for violation of section 19-190(b); (iv) whether the vehicle involved in the incident was turning right or left; (v) the type of vehicle or vehicles involved in the incident; and (vi) the outcome of the adjudication of any such violations.*

§2. This local law takes effect immediately upon enactment.

Referred to the Committee on Public Safety.

Int. No. 231

By the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report information gathered by ShotSpotter technology**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§14-175. ShotSpotter. a. For the purposes of this section, the term "ShotSpotter" shall mean a tool that instantly notifies the department of gunshots with real-time data.*

*b. The commissioner shall post to the department's website on a quarterly basis the information detected by ShotSpotter technology, including: (i) where gunshots are fired; (ii) when gun shots are fired; (iii) intelligence detailing the number of shooters and the number of shots fired; (iv) any other data detected by ShotSpotter technology.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 232

By The Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report on arrests of individuals under eighteen years of age.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 14-150 of the administrative code of the city of New York is amended by adding a new paragraph 9 to read as follows:

*9. A report of the total number of individuals under eighteen years of age arrested by Department personnel, and for each arrest (i) the charge, whether penal law or other section of law; (ii) the age of the individual arrested; (iii) the race of the individual arrested; (iv) the precinct of the arrest; and (v) whether or not the location of the arrest corresponds to the address of a school run by the Department of Education.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 233

By the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to waste collection from nursing homes**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-114.2 as follows:

*§ 16-114.2 Solid waste collection from nursing homes. The department shall provide collection service for solid waste generated by occupants of all nursing homes located in the city in accordance with regulations promulgated by the commissioner. The commissioner may not charge any nursing home a fee for waste collection service. For purposes of this section, "nursing home" has the meaning ascribed to such term in section 2801 of the public health law.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner 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 Sanitation and Solid Waste Management.

Int. No. 234

By the Public Advocate (Ms. James) and Council Member Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to exempting or partially exempting seniors and certain persons with disabilities from penalties for failing to remove snow or ice from sidewalks, crosswalks, curbs and other locations**

*Be it enacted by the Council as follows:*

Section 1. Subdivision h of section 16-123 of the administrative code of the city of New York is amended to read as follows:

h. Any person violating the provisions of subdivisions [(a)] *a* or [(b)] *b* of this section shall be liable and responsible for a civil penalty of not less than [ten dollars] *$10* nor more than [one hundred fifty dollars]*$150* for the first violation, except that for a second violation of subdivision [(a)] *a* or [(b)] *b* within any [twelve-]*12* month period such person shall be liable for a civil penalty of not less than [one hundred fifty dollars]*$150* nor more than [two hundred fifty dollars]*$250* and for a third or subsequent violation of subdivision [(a)] *a* or [(b)] *b* within any [twelve-]*12* month period such person shall be liable for a civil penalty of not less than [two hundred fifty dollars]*$250* nor more than [three hundred fifty dollars]*$350; provided that where such person can establish to the satisfaction of the environmental control board or court, as applicable, that (1) they are at least 65 years old or have a disability that substantially interferes with their ability to comply with subdivision a of this section, and (2) the building or lot for which the notice of violation was issued is their primary residence, the minimum and maximum civil penalties set forth in this subdivision shall be mitigated by 50 percent.*

§ 2. Chapter 1 of title 16 of the administrative code of the city of New York is amended to add a new section 16-124.2 to read as follows:

*§ 16-124.2 Program for assisting seniors and certain persons with disabilities with snow removal. No later than November 1, 2015, the commissioner shall establish a program, which may include contracting with not-for-profit organizations, for the removal of snow or ice from crosswalks, curb cuts, bus stops and other city property, and from sidewalks and gutters abutting residential buildings where the owner, lessee, tenant, occupant, or other person having charge of such building or lot is 65 years or older, or has a disability that substantially interferes with such person's ability to comply with subdivision a of section 16-123, as such disability is defined by rules that the department shall promulgate in conjunction with the department of health and mental hygiene and the mayor's office for people with disabilities, and registers with the department. The procedure for registering for such program shall be developed by the department in conjunction with the department for the aging, the department of health and mental hygiene and the mayor's office for people with disabilities. Where snow is removed from curb cuts pursuant to such program, such removal shall provide for a cleared path of at least forty inches in width to accommodate safe access, by wheel chair or other mobility device, between streets and sidewalks.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 235

By the Public Advocate (Ms. James) and Council Member Brannan

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the registration and insurance of unmanned aerial vehicles**

*Be it enacted by the Council as follows:*

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

*CHAPTER 9*
*UNMANNED AERIAL VEHICLES*
*Subchapter 1*
*General Provisions*

*§ 19-9101 Definitions. As used in this chapter, the following terms have the following meanings unless otherwise expressly provided:*

*City airspace. The term "city airspace" means the airspace above the water, waterways and land within the jurisdiction of the city.*

*Lessee. The term "lessee" means a person that is entitled to possess a UAV pursuant to a lease agreement, conditional sales agreement or any similar agreement.*

*Operate. The term "operate" means to pilot, steer, direct, fly or manage a UAV in or through the air, whether from within the UAV or remotely. The term "operate" includes initiating or managing a computer system that pilots, steers, directs, flies or manages a UAV.*

*Owner. The term "owner" means a person that holds legal title to a UAV.*

*Toy aircraft. The term "toy aircraft" means (a) a glider or hand-tossed UAV that is not designed for and is incapable of sustained flight or (b) a UAV that is capable of sustained flight and is controlled by means of a physical attachment such as a string or wire. The term "toy aircraft" does not include a radio-controlled UAV.*

*UAV. The term "UAV" is an acronym that means unmanned aerial vehicle.*

*UAV-related incident. The term "UAV-related incident" means a collision, accident or near miss involving one or more UAVs.*

*Unmanned aerial vehicle. The term "unmanned aerial vehicle" means a vehicle capable of flight without a human pilot on board that is operated either autonomously by computers or by an individual from outside the vehicle.*

*Subchapter 2*
*Registration and Insurance*

*§ 19-9201 Definitions.*
*§ 19-9202 Registration.*
*§ 19-9203 Fee.*
*§ 19-9204 Term.*
*§ 19-9205 Insurance.*
*§ 19-9206 Identification tag.*
*§ 19-9207 Exemptions.*
*§ 19-9208 Penalties.*
*§ 19-9209 Seizure.*
*§ 19-9210 Enforcement.*

*§ 19-9211 Rules.*

*§ 19-9212 Reporting.*

*§ 19-9201 Definitions. As used in this subchapter, the following term has the following meaning:*

*False identification tag. The term "false identification tag" means an identification tag that was not issued by the department or that was issued by the department for a UAV other than the UAV to which it is affixed.*

*§ 19-9202 Registration. a. It is unlawful to operate a UAV in city airspace unless such UAV is registered with the department.*

*b. Each owner shall register, in the manner prescribed by the commissioner, each UAV belonging to such owner that will be operated in city airspace. Each owner shall provide the name, address and telephone* number *of the owner and, if applicable, the lessee of the UAV being registered and the make, model and serial number of such UAV. Each owner shall furnish proof of insurance as required by section 19-9205. Each owner also shall indicate whether such UAV has previously been registered with the department, including by a prior owner or lessee, and if so shall provide the unique number or other identifier assigned to such UAV by the commissioner pursuant to the previous registration. Where an owner is unable to provide the serial number of a UAV, the commissioner shall specify alternative identifying information that the owner shall provide to satisfy the requirements of this subdivision.*

*c. Within fourteen days of any change in the information provided to the department pursuant to this section, the owner of the UAV for which such information has changed shall report such change to the department in a manner prescribed by the commissioner.*

*d. Each owner seeking to renew a registration pursuant to this section shall submit a new registration form under subdivision b of this section and shall meet all other requirements for a new UAV registration, except that the commissioner may specify a renewal fee that is different from the fee for a new registration and may permit an owner that renews a UAV registration to use the same identification tag that was issued with the original registration pursuant to section 19-9206 where such identification tag is in good condition.*

*§ 19-9203 Fee. An owner registering a UAV shall pay a fee, as prescribed by the commissioner. The commissioner may prescribe a renewal fee that is different from the fee for a new registration.*

*§ 19-9204 Term. A registration pursuant to this subchapter is valid for two years.*

*§ 19-9205 Insurance. a. It is unlawful to operate a UAV in city airspace unless such UAV is insured under a policy of liability insurance that insures the owner, any lessee and any operator of the UAV and provides, at minimum, the following protection:*

*1. For personal injury or death of one person, one hundred thousand dollars ($100,000);*

*2. For personal injury or death to more than one person in one accident, three hundred thousand dollars ($300,000), with a maximum of one hundred thousand dollars ($100,000) for each person; and*

*3. For property damage, fifty thousand dollars ($50,000).*

*b. Each policy of liability insurance maintained pursuant to this section shall name the city as an insured party.*

*c. Each UAV owner or lessee shall notify the commissioner of any modification, amendment, cancelation or substitution of an insurance policy required by this section within fourteen days of the date of the notice to the UAV owner or lessee of such modification, amendment, cancelation or substitution.*

*§ 19-9206 Identification tag. a. It is unlawful to operate a UAV in city airspace unless a valid identification tag issued by the department is duly affixed to such UAV.*

*b. Within fifteen days after receiving a completed UAV registration form, the commissioner shall issue an identification tag containing a unique number or other identifier for the registered UAV, which the commissioner shall record on such UAV's registration form. Each such tag shall be made of a lightweight, tamper-proof and weatherproof material and shall be proportional in size to the UAV for which it is issued. The commissioner shall prescribe further specifications regarding the material, form, design and dimensions for each such tag.*

*c. The identification tag shall be affixed securely to a conspicuous and permanent part of the UAV for which it is issued.*

*d. A person may not transfer an identification tag to another person unless:*

*1. The identification tag is transferred with the corresponding UAV as part of a transfer of ownership or lease of the UAV;*

*2. The subsequent owner or lessee duly updates the UAV registration; and*

*3. The commissioner approves the use of the same identification tag for the UAV.*

*e. It is unlawful to affix a false identification tag to a UAV.*

*§ 19-9207 Exemptions. The following are exempt from the requirements of this subchapter:*

*a. Toy aircraft.*

*b. UAVs that are transported within the city but are not operated in city airspace.*

*c. UAVs that are air carriers pursuant to section 40102 of title 49 of the United States code.*

*§ 19-9208 Penalties. a. A person who operates a UAV that is required to be registered pursuant to this subchapter and is not so registered shall be liable for a civil penalty of two hundred fifty dollars ($250) for a first violation and seven hundred fifty dollars ($750) for each subsequent violation.*

*b. A person who operates a UAV without a registration tag affixed, if such a tag is required by this subchapter to be affixed to such UAV, shall be liable for a civil penalty of one hundred dollars ($100) for a first violation and three hundred dollars ($300) for each subsequent violation.*

*c. A person who knowingly affixes a false identification tag to a UAV shall be liable for a civil penalty of between three hundred dollars ($300) and five hundred dollars ($500) for a first violation, between five hundred dollars ($500) and one thousand dollars ($1,000) for a second violation, and between one thousand dollars ($1,000) and five thousand dollars ($5,000) for each subsequent violation.*

*d. A person who knowingly submits false information to the department as part of a registration under this subchapter shall be liable for a civil penalty of between three hundred dollars ($300) and one thousand dollars ($1,000) for each form submitted by the person that contains false information.*

*e. A person who operates a UAV that is required to be insured pursuant to this subchapter and is not so insured shall be liable for a civil penalty of two hundred fifty dollars ($250) for a first violation and seven hundred fifty dollars ($750) for each subsequent violation.*

*f. The penalties set forth in this section shall be in addition to any other penalty imposed by law. Where this section provides a range of penalties for a violation, the commissioner shall determine the penalty to be imposed within such range.*

*§ 19-9209 Seizure. a. Any person authorized to enforce this subchapter may seize a UAV that is in violation of this subchapter. A UAV seized pursuant to this section shall be delivered into the custody of the department or another agency specified by the commissioner by rule. The commissioner shall hold a hearing to adjudicate the violation within five business days after the date of the seizure and shall render a decision within five business days after the conclusion of the hearing.*

*b. Where pursuant to such adjudication the commissioner finds no violation, the department shall release the UAV promptly upon written demand by the owner or lessee of the UAV.*

*c. Where pursuant to such adjudication the commissioner finds a violation of this subchapter, the department shall release the UAV upon payment by the owner of all applicable civil penalties and all reasonable costs of removal and storage.*

*d. The commissioner shall establish by rule the time within which UAVs that are not redeemed may be deemed abandoned and the procedures for their disposal.*

*e. Seizure of a UAV under this section, and any costs imposed incidentally to such seizure, shall be in addition to any other penalty or sanction provided for in section 19-8208.*

*§ 19-9210 Enforcement. The provisions of this subchapter and of rules and regulations promulgated pursuant to this subchapter may be enforced by any authorized officer or employee of the department, of the police department or of any other agency designated by the commissioner, or by any police or peace officer.*

*§ 19-9211 Rules. The commissioner may promulgate any rules and prescribe any forms necessary to carry out the provisions of this subchapter.*

*§ 19-9212 Reporting. a. The commissioner, in consultation with the police commissioner, shall submit one preliminary report and one final report to the mayor and the speaker of the council regarding the effectiveness of this subchapter and the rules promulgated thereunder at ensuring the safety of the public. The preliminary report shall be submitted no later than eight months after the effective date of the local law that added this subchapter and shall report information for the six-month period following the effective date of such local law. The final report shall be submitted no later than fourteen months after the effective date of the local law that added this subchapter and shall report information for the one-year period following the effective date of such local law.*

*b. Both the preliminary and final reports shall include the following information:*

*1. the number of UAV registrations;*

*2. the estimated rate of compliance with this subchapter;*

*3. the number of adjudications and seizures conducted pursuant to this subchapter;*

*4. the dollar amount of penalties imposed pursuant to this subchapter, disaggregated by violation;*

*5. the dollar amount of penalties imposed pursuant to this subchapter that were collected;*

*6. the number of UAV-related incidents occurring after the effective date of the local law that added this section;*

*7. whether such incidents involved fatalities, personal injuries or property damage; and*

*8. whether or not UAVs involved in such incidents were registered as required by this subchapter.*

§ 2. The commissioner of transportation shall take measures to make the public aware of the requirements of this this local law before it takes effect.

§ 3. This local law takes effect 120 days after it becomes law, except that before such date the commissioner of transportation may take any actions necessary for its implementation, including the promulgation of rules and processing of applications. Section 19-9212 of the administrative code of the city of New York, as added by section one of this local law, shall be deemed repealed fourteen months after such effective date.

Referred to the Committee on Transportation.

Int. No. 236

By The Public Advocate (Ms. James).

**A Local Law in relation to implementing a pilot project to reduce the number of crashes involving city owned motor vehicles**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. For the purposes of this section, the term "collision avoidance technology" means any system in vehicles intended to alert drivers of pedestrians, cyclists, or other vehicles, including but not limited to autonomous emergency braking, forward collision warning, and camera systems intended to warn drivers of oncoming pedestrians and cyclists.

b. Collision avoidance technology pilot program. The department of citywide administrative services shall implement a pilot program requiring the use of collision avoidance technology in vehicles owned by a city agency. No more than six months following the effective date of the local law that added this section, the department of citywide administrative services shall ensure that no less than 100 vehicles owned by a city agency shall be utilizing collision avoidance technology. Such vehicles may include existing vehicles owned by city agencies that have been retrofitted with such technology or new vehicles purchased with such technology. The pilot program shall last for one year. No later than six months following the conclusion of the pilot program, the department of citywide administrative services shall submit a report to the mayor, public advocate, comptroller, and the speaker of the city council which shall include but not be limited to the cost of collision avoidance technology, the impact of such technology on the incidence of vehicle accidents, including a comparison to the incidence of vehicle accidents among city owned vehicles without such technology, and recommendations for expanding the use of any such technology.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 237

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

**A Local Law to amend the administrative code of the city of New York, in relation to a study on materials used to repair street defects**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159 to read as follows:

*§19-159 Study of alternative materials to repair street defects. The department and the department of environmental protection shall conduct a study on the possible use of technologies for repair of street defects that are more environmentally sustainable. Such study shall include the following: (i) various types of environmentally sustainable materials that may be used to repair street defects, including but not limited to those with recycled content; (ii) the expected costs of such materials and the projected feasibility of using such materials, including but not limited to availability, durability, operational function and performance; (iii) the volume of such materials anticipated to be used for such repair as compared to the volume of materials currently used to repair such defects; (iv) recommendations and limitations regarding the use of such materials on roadways under the jurisdiction of the department; (v) the effect on utilities and other entities that will need to make cuts in roadways; and (vi) a determination on whether a uniform standard on the use of environmentally sustainable materials in roadways within the city of New York is appropriate, based on the results of the study required pursuant to this section. If such uniform standards are deemed appropriate, the department, in consultation with other agencies including but not limited to the department of design and construction, shall make recommendations and exceptions to such uniform standard. Such study shall be completed and delivered to the speaker of the council and posted on the department's website not more than twelve months following the effective date of the local law that added this section.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Transportation.

Int. No. 238

By the Public Advocate (Ms. James) and Council Member Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a pilot program for the installation of dedicated left-turn arrow traffic signals at no fewer than 50 intersections in the city**

*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 19-175.6 to read as follows:

*§ 19-175.6 Left-turn arrow pilot program. a. The commissioner shall establish a pilot program to install dedicated left-turn arrow traffic signals at intersections of city streets as described in this section.*

*b. No later than 90 days after the effective date of the local law that added this section, the commissioner shall select no fewer than 50 intersections of city streets for the installation of dedicated left-turn arrow traffic signals that prohibit pedestrian crossing at the corresponding pedestrian crosswalk, in locations where the installation of such traffic signals is likely to improve traffic flow.*

*1. In determining the locations of such traffic signals, the commissioner, using all relevant data including information collected from the study conducted pursuant to subdivision c of section 19-182, shall prioritize (i)*

*intersections that the department has identified as priority intersections based on the number of collisions involving road users and the severity of injuries to road users and (ii) intersections where New York city transit bus routes require buses to make left turns.*

*2. In selecting modes for dedicated left-turn arrow traffic signals and corresponding pedestrian crossing signals pursuant to this subdivision, the commissioner shall prioritize pedestrian safety.*

*3. In selecting both locations and modes for dedicated left-turn arrow traffic signals, the commissioner shall consult with groups that advocate on traffic-related issues and groups that represent employees who will be directly affected by the installation of such signals.*

*c. The commissioner shall post on the department's website the locations of all intersections at which dedicated left-turn arrow traffic signals will be installed pursuant to this section and the mode of each such signal and shall disaggregate such locations by community board district and by council district.*

*d. No later than 90 days after the effective date of the local law that added this section, the commissioner shall begin installing dedicated left-turn arrow traffic signals at the intersections selected pursuant to subdivision b of this section. The commissioner shall complete installation of all 50 signals no later than one year and 90 days after the effective date of the local law that added this section.*

*e. After installing a signal pursuant to this section, the commissioner shall monitor the intersection where it is installed for changes, including:*

*1. Changes in the number of fatalities and injuries occurring at such intersection;*

*2. Changes in traffic and congestion at such intersection; and*

*3. Other changes deemed relevant by the commissioner.*

*f. On or before February 1 of each year until the expiration of this section, the commissioner shall post on the department's website a report analyzing the status of the program. This report shall provide a detailed assessment of the program, including, as applicable:*

*1. The cost of the program and all funding sources;*

*2. Recommendations for improvements to the program;*

*3. Availability of any new technology that could be employed by the department for use in the program;*

*4. A comparison of pedestrian safety data at the intersections affected by this section and pedestrian safety data at similar intersections that do not have dedicated left-turn arrow traffic signals;*

*5. Safety data specific to (i) all intersections affected by this section that have pedestrian islands and (ii) all intersections affected by this section that are located along fixed bus routes;*

*6. An enumeration of any additional intersections in the city that might warrant inclusion in the program or any similar future program; and*

*7. Any conclusions drawn based on the monitoring undertaken pursuant to subdivision e of this section.*

*g. This section expires and is deemed repealed five years after the effective date of the local law that added this section.*

§ 2. This local law takes effect immediately and expires and is deemed repealed 5 years after its effective date.

Referred to the Committee on Transportation.

Int. No. 239

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

**A Local Law to amend the administrative code of the city of New York, in relation to requiring optional HIV/AIDS tests when anyone is released from a department of juvenile justice facility or a corrections facility**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-104.1 to read as follows:

*§ 17-104.1 HIV/AIDS testing. a. For the purposes of this section, the following term shall be defined as follows: "HIV/AIDS test" shall mean any one of the seven FDA-approved rapid HIV tests.*

*b. The department shall also offer a free HIV/AIDS test to anyone released from a department of juvenile justice facility or a corrections facility after serving more than six months time. The department shall provide a waiver form for signature to any person refusing such a test acknowledging that they have chosen to opt-out of such test.*

*c. If the offer to test pursuant to subdivision b of this section is accepted the department must make every reasonable attempt to contact the individual with results and counseling as to any needed health care services.*

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

Referred to the Committee on Youth Services.

Int. No. 240

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

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a division of LGBT youth services within the department of health and mental hygiene**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.9 to read as follows:

*§ 17-199.9 Division of LGBT Youth Services. There shall be a division within the department tailored to the unique needs of lesbian, gay, bisexual and transgender (LGBT) youth up to age 24. This division shall address the physical and mental health needs of the LGBT youth community. The division shall also research and develop programs and initiatives including, but not limited to, the prevention of suicide, depression, violence, and the*

§ 2. This local law shall take effect 90 days after its enactment into law.

Referred to the Committee on Youth Services.

Int. No. 241

By the Public Advocate (Ms. James) (by request of the Manhattan Borough President).

**A Local Law in relation to establishing a charter revision commission to draft a new or revised city charter**

*Be it enacted by the Council as follows:*

Section 1. There is hereby established a commission to draft a new or revised charter for the city of New York to be known as the New York City charter revision commission.

§ 2 Composition of the commission. a. The commission shall consist of 15 members to be appointed as follows:

1. four members appointed by the mayor;
2. four members appointed by the speaker of the city council;
3. one member appointed by each borough president;
4. one member appointed by the public advocate; and

5. one member appointed by the comptroller.

b. The commission members shall elect from among the membership a chairperson and vice chairperson.

c. No commission member shall be a registered lobbyist as that term is defined in subdivision (a) of section 3-211 of the code. Any person who has business dealings with the city, as that term is defined in subdivision 18 of section 3-702 of the code, may serve as a commission member only after approval by the city's conflicts of interest board and only subject to such restrictions or limitations on their duties and responsibilities for the commission as the conflicts of interest board may require.

d. No person shall be disqualified to serve as a commission member by reason of holding any other public office or employment, nor shall they forfeit any such office or employment by reason of their appointment hereunder, notwithstanding the provisions of any law.

e. Any vacancy in the membership of the commission or of its officers shall be filled by appointment made by the appointing authority of the original appointee creating the vacancy. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and eight members thereof shall constitute a quorum.

f. Commission members shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

g. The terms of office of the commission members shall expire on the day of the election at which the proposed new or revised charter prepared by the commission is submitted to the qualified electors of the city, or on the day of the second general election following the date of the enactment of this local law if no such questions have been submitted by that time.

§ 3. Commission mandate and powers. a. The commission shall review the entire charter and prepare a draft of a proposed new or revised charter.

b. The city shall make appropriations for the support of the commission and the commission may accept any services, facilities, or funds and use or expend the same for its purposes from the city. In addition, the city shall have the power, on the request of the commission, to appropriate to such commission such sum or sums as shall be necessary to defray its expenses.

c. The commission shall appoint and may at pleasure remove such employees and consultants as it shall require and fix their compensation.

d. No commission employee or consultant shall be a registered lobbyist as that term is defined in subdivision (a) of section 3-211(a) of the administrative code. Any person who is a person doing business with the city, as that term is defined in subdivision 18 of section 3-702.18 of the administrative code, may serve as a commission employee or consultant only after approval by the city's conflicts of interest board and only subject to such restrictions or limitations on their duties and responsibilities for the commission as the conflicts of interest board may require.

e. No person shall be disqualified to serve as a commission employee or consultant by reason of holding any other public office or employment, nor shall they forfeit any such office or employment by reason of their appointment hereunder, notwithstanding the provisions of any law.

f. The commission shall conduct not less than one public hearing in each of the five boroughs of the city and shall conduct an extensive outreach campaign that solicits ideas and recommendations from a wide variety of civic and community leaders, and that encourages the public to participate in such hearings. The commission shall also have power to conduct private hearings, take testimony, subpoena witnesses, and require the production of books, papers, and records. On request of the commission, the mayor may direct any board, body, officer or employee of the city to cooperate with, assist, advise, provide facilities, materials or data, and render services to the commission.

§ 4. Submission of recommendation for voter approval. a. The commission may require that its proposed charter be submitted in two or more parts so arranged that corresponding parts of the existing charter shall remain in effect if one or more of such parts are not adopted, or may in lieu of a new charter submit a revision of the existing charter in one or more amendments and may also submit alternative charters or amendments or alternative provisions to supersede designated portions of a proposed charter or amendment if adopted.

b. The commission is authorized to submit its proposed new or revised charter to the electors of the city at a general or special election, and shall complete and file in the office of the city clerk its proposed new or revised charter in time for submission to the electors not later than the second general election after the date of the enactment of this local law.

§ 5. Severability. If any provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part, or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situation shall not be affected.

§ 6. Effective Date. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 82

**Resolution in support of the passage of S.6030 and A.8368, ensuring policy body-worn camera footage is subject to the state Freedom of Information Law.**

By The Public Advocate (Ms. James).

**Whereas,** There have been a number of high profile use of force incidents involving law-enforcement caught on video; and

**Whereas,** The New York Police Department is implementing a body-worn camera program; and

**Whereas,** Publicly disclosing body-camera footage holds the potential to enhance accountability and transparency between law enforcement and the community it serves; and

**Whereas,** According to a study by the federal Department of Justice, body-worn cameras have a civilizing effect, resulting in improved behavior among both police officers and citizens; and

**Whereas,** According to the same study, body-worn cameras have evidentiary benefits that expedite resolution of citizen complaints; and

**Whereas**, The state Freedom of Information Law (FOIL) is a regime governing the public's right to access agency records; and

**Whereas,** FOIL could provide a mechanism for the disclosure of body-worn camera footage as records under the law; and

**Whereas,** Civil Rights Law Section 50-a creates a blanket exception to FOIL disclosure for any records that may be used for police officer performance evaluation; and

**Whereas**, Civil Rights Law Section 50-a may therefore prevent body-worn camera footage from being disclosed under FOIL; and

**Whereas,** S.6030, introduced by State Senator Daniel Squadron and pending in committee in the New York State Senate, and companion bill A.8368, introduced by Assembly Member Dan Quart and pending in committee in the New York State Assembly, appropriately limit the applicability of Civil Rights Law Section 50-a to not include body-worn camera footage; and

**Whereas,** FOIL includes internal checks on disclosure, such as when disclosure of a record would interfere with law enforcement investigations or judicial proceedings; and

**Whereas,** S.6030 and A.8368 also would require the redaction of all identifying details of all persons in a publicly released recording, including but not limited to facial features and voices; now, therefore, be it

**Resolved,** That the Council of the City of New York supports the passage of S.6030 and A.8368, ensuring policy body-worn camera footage is subject to the state Freedom of Information Law.

Referred to the Committee on Public Safety.

Res. No. 83

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6279, the Deny Firearms to Dangerous Terrorists Act, which would prohibit individuals on the federal Terrorist Watchlist from obtaining and possessing firearms.**

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

**Whereas**, One of the most recent terrorist attack in the U.S. occurred in San Bernardino, California, in December 2015, when a married couple suspected of religious extremism opened fire on a holiday party, resulting in 14 deaths and 22 injuries; and

**Whereas,** Among the many tools sought by lawmakers and advocates to prevent gun violence is legislation prohibiting known and suspected terrorists from possessing weapons; and

**Whereas**, The San Bernardino incident prompted renewed efforts on the federal level to prohibit individuals on the Terrorist Watchlist from purchasing and possessing firearms; and

**Whereas**, According to the Federal Bureau of Investigation ("FBI"), the Terrorist Watchlist ("Watchlist") is also known as the Terrorist Screening Database and is maintained by the Terrorist Screening Center ("TSC"), a division of the FBI; and

**Whereas,** The Watchlist contains identifying information about individuals known to be or reasonably suspected of being involved in terrorist activity; and

**Whereas**, According to the FBI, the Watchlist is a consolidated database that combines lists formerly maintained by separate agencies into a single resource, including the "No-Fly List," which prohibits known or suspected terrorists from boarding a commercial aircraft that departs from or arrives in the United States; and

**Whereas**, An FBI fact sheet titled "Ten Years After: The FBI Since 9/11" shows that as of September 2011, the Watchlist contained approximately 420,000 individuals; and

**Whereas**, The day after the San Bernardino mass shooting, the United States Senate voted to block a bill that would prohibit individuals on the Watchlist from purchasing and possessing guns; and

**Whereas**, According to the federal Government Accountability Office, individuals on the Watchlist cleared a background check for a firearm transaction in 91% of attempts between February 2004 and December 2014, resulting in 2,043 clearances for suspected terrorists to obtain guns; and

**Whereas,** New York State Senator Jeffrey D. Klein, citing his frustration that federal legislation is stalled in Congress, introduced S.6279, the Deny Firearms to Dangerous Terrorists Act, which would prohibit individuals on the federal Watchlist from obtaining a firearm license in New York State; and

**Whereas**, The act would also grant the Division of State Police the authority to revoke existing licenses of gun owners if they appear on the Watchlist; and

**Whereas,** In addition, the act would mandate a review of the Watchlist at least once a year by the state police, who must remove all firearms from a suspected terrorist if one is found to have been issued a license; and

**Whereas,** These measures are important steps in preventing known and suspected terrorists from obtaining guns and committing violence; 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, S.6279, the Deny Firearms to Dangerous Terrorists Act, which would prohibit individuals on the federal Terrorist Watchlist from obtaining and possessing firearms.

Referred to the Committee on Public Safety.

Res. No. 84

**Resolution urging the New York State Legislature to pass and the Governor to sign the Reproductive Health Act.**

By the Public Advocate (Ms. James) and Council Member Brannan.

**Whereas**, In 1970, New York State was one of the first states in the nation to support the reproductive rights of women by pioneering legislation that decriminalized abortion; and

**Whereas**, This legislation was groundbreaking and crucial to ensuring the reproductive health and freedom of women; and

**Whereas**, In 1973, the United States Supreme Court legalized abortion throughout the country with the Roe v. Wade decision; and

**Whereas**, Following this ruling many states passed laws limiting women's ability to access the procedure in an effort to erode the rights granted by the Supreme Court; and

**Whereas,** According to the Guttmacher Institute, between 2011 to 2016, there have been 334 abortion restrictions adopted nationally, constituting 30% of all abortion restrictions enacted since the 1973 decision; and

**Whereas**, Furthermore, members of Congress who have anti-abortion positions have been trying for several years to pass a national ban on all abortions at or after 20 weeks of pregnancy; and

**Whereas,** In addition, President Donald Trump stated his intention to appoint a Supreme Court Justice who will help overturn Roe v. Wade; and

**Whereas**, The ability to access safe abortions is necessary so that women can plan their families without risking their health; and

**Whereas**, The Guttmacher Institute notes that improved contraceptive use has helped women to better avoid unintended pregnancies, and as a result, the national abortion rate declined to 17 per 1,000 women aged 15-44 in 2011, the lowest since 1973; and

**Whereas,** According to the New York City (NYC) Department of Health and Mental Hygiene, in 2013, almost 6 in 10 known pregnancies among NYC women were unintended; and

**Whereas**, While abortion rates have declined, women who are struggling financially experience higher levels of abortion; and

**Whereas**, In 2011, there were 225 abortion providers in New York state, and 94 of those were in clinics, which was a 10% decline in overall providers and a 9% decline in clinics from 2008; and

**Whereas,** According to the New York Civil Liberties Union, 7 out of 10 New Yorkers support a woman's right to choose; and

**Whereas,** The New York State legislation passed in 1970 is now outdated and needs revision; and

**Whereas**, On January 17, 2017 the New York State Assembly passed the Reproductive Health Act, as it has for the past several legislative sessions; and

**Whereas**, Despite having overwhelming support of New Yorkers, the New York State Senate continues to deny the passage of this legislation; and

**Whereas**, The Reproductive Health Act is legislation that would provide safeguards for New York's women in the face of eroding federal protections by codifying current federal law into state law; and

**Whereas,** The Reproductive Health Act would also take abortion out of the penal code, and regulate it as a matter of public health and medical practice; and

**Whereas,** It is critical that the New York State Legislature takes action to pass this legislation to explicitly outline these fundamental rights in state law; and

**Whereas,** The rights of women should include full control over their bodies and reproductive choices; and

**Whereas,** It is now more vital than ever for New York to take the lead and stand up for the health and freedom of its women; now, therefore, be it

**Resolved,** That the Council of the City of New York urges the New York State Legislature to pass and the Governor to sign the Reproductive Health Act.

Referred to the Committee on Women.

Int. No. 242

By Council Members Reynoso, Brannan and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on funding for after school athletics.**

*Be it enacted by the Council as follows:*

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

*Chapter 21. After School Athletic Funding*

*§ 21-988 After school athletic funding. a. For the purposes of this section, "athletics" shall mean interscholastic competition for public high school students.*

*b. Not later than November 1, 2018, and no later than November 1st annually thereafter, the department shall submit to the council and post on the department's website a report regarding information on the amount of funding provided to each school for after school athletics for the prior school year. Such report shall include, but not be limited to, funding for coaches, referees, athletic directors, equipment, uniforms, and transportation. Such report shall include demographic information for each school including, but not limited to, gender, race, ethnicity, number of English language learners, number of students with special education status, number of overaged students, and percentage of students eligible for free and reduced price lunch.*

*b. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between 1 and 9 students, or allows another category to be narrowed to be between 1 and 9 students, the number shall be replaced with a symbol.*

§ 2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Education.

Int. No. 243

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to signs near diaper changing tables**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-518.2 to read as follows:

*§ 24-518.2 Signs near diaper changing tables. The owner of a building containing space that (i) is intended for public or common use and (ii) contains a diaper changing table within a restroom shall post and maintain a sign on or near the entrance to each such restroom stating that baby wipes should not be flushed. Such sign shall be posted and maintained in a form and manner determined by the commissioner of environmental protection.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 244

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale of nonwoven disposable products**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-518.2 to read as follows:

*§ 24-518.2 Nonwoven disposable products. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Flushable. The term "flushable" means, with regard to a product, that it is (i) able to clear toilets and properly maintained drainage pipe systems under expected product usage conditions; (ii) compatible with wastewater conveyance, treatment, and disposal systems without causing blockage, clogging, or other operational problems; and (iii) unrecognizable in effluent leaving on-site and municipal wastewater treatment systems and in digested sludge from wastewater treatment plants that is applied to soil.*

*Nonwoven disposable product. The term "nonwoven disposable product" means any product constructed from nonwoven sheets that is designed for, marketed for, or commonly used for personal hygiene purposes.*

*b. Prohibited acts. It shall be unlawful for any person to:*

*1. Sell or offer for sale a nonwoven disposable product whose packaging indicates that such product is flushable unless such product (i) satisfies the definition for flushable in subdivision a of this section and (ii) complies with testing standards established by the commissioner of environmental protection through rulemaking.*

*2. Sell or offer for sale a nonwoven disposable product that does not satisfy the definition for flushable in subdivision a of this section unless the packaging of such product indicates that such product is not flushable.*

*c. Penalties. Any person found to have violated this section shall be subject to a civil penalty of not more than $2,500. Such civil penalty may be recovered in a proceeding before the environmental control board or a tribunal within the office of administrative trials and hearings designated by the chief administrative law judge pursuant to chapter 45-a of the charter. Such proceeding shall be commenced by the service of a notice of violation returnable before the environmental control board or a tribunal designated by the chief administrative law judge.*

*d. Enforcement. The department of environmental protection and the department of consumer affairs shall enforce the provisions of this section.*

*e. Rulemaking. The commissioner of environmental protection shall adopt rules necessary for the implementation of this section, which may include, but need not be limited to, testing standards regarding whether a nonwoven disposable product is flushable and any standards for packaging required by this section.*

§ 2. This local law takes effect one year after it becomes law, except that the commissioner of environmental protection and the commissioner of consumer affairs may take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Int. No. 245

By Council Members Reynoso and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to exemptions from the sale of tax liens**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 11-319 of the administrative code of the city of New York, as amended by local law 15 for the year 2011, is amended to read as follows:

a. A tax lien or tax liens on a property or any component of the amount thereof may be sold by the city as authorized by subdivision b of this section, when such tax lien or tax liens shall have remained unpaid in whole or in part for one year, provided, however, that a tax lien or tax liens on any class one property or on class two property that is a residential condominium or residential cooperative, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city only when the real property tax component of such tax lien or tax liens shall have remained unpaid in whole or in part for three years or, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, for two years, and equals or exceeds the sum of five thousand dollars or, in the case of abandoned class one property or abandoned class two property that is a residential condominium or residential cooperative, for eighteen months, and after such sale, shall be transferred, in the manner provided by this chapter, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of such residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of such residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date, *or on any real property that was in receipt of a real property tax exemption pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred forty-six, or four hundred sixty-two of the real property tax law in one of the five fiscal years preceding the date of such sale,* and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. A tax lien or tax liens on any property classified as a class two property, except a class two property that is a residential condominium or residential cooperative, or a class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, or class three property, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale. Notwithstanding any provision of this subdivision to the contrary, any such tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component. A tax lien or tax liens on a property classified as a class four property, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, shall not be sold by the city

unless such tax lien or tax liens include a real property tax component or sewer rents component or sewer surcharges component or water rents component or emergency repair charges component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, provided, however, that any tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component, sewer rents component, sewer surcharges component, water rents component or emergency repair charges component. For purposes of this subdivision, the words "real property tax" shall not include an assessment or charge upon property imposed pursuant to section 25-411 of the administrative code. A sale of a tax lien or tax liens shall include, in addition to such lien or liens that have remained unpaid in whole or in part for one year, or, in the case of any class one property or class two property that is a residential condominium or residential cooperative, when the real property tax component of such lien or liens has remained unpaid in whole or in part for three years, or, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, when the real property tax component of such lien or liens has remained unpaid in whole or in part for two years, and equals or exceeds the sum of five thousand dollars, any taxes, assessments, sewer rents, sewer surcharges, water rents, any other charges that are made a lien subject to the provisions of this chapter, the costs of any advertisements and notices given pursuant to this chapter, any other charges that are due and payable, a surcharge pursuant to section 11-332 of this chapter, and interest and penalties thereon or such component of the amount thereof as shall be determined by the commissioner of finance. The commissioner of finance may promulgate rules defining "abandoned" property, as such term is used in this subdivision.

§2. Section 11-319 of the administrative code of the city of New York, as amended by local law 4 for the year 2017, is amended by adding a new subdivision a-6 to read as follows:

*a-6. Notwithstanding any provision of this chapter to the contrary, no tax lien may be sold pursuant to this chapter on any property for which the owner in good faith has submitted an initial or renewal application that is pending with the department for a real property tax exemption pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred forty-six, or four hundred sixty-two of the real property tax law, or on any real property for which the owner has in good faith filed a pending appeal with the tax commission of the denial of an initial or renewal application for a real property tax exemption pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred forty-six, or four hundred sixty-two of the real property tax law.*

§3. Paragraph 4 of subdivision b of section 11-320 of the administrative code of the city of New York, as added by local law 14 for the year 2015, is amended to read as follows:

4. Such notice shall also include, with respect to a property that was in receipt of a real property tax exemption pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred forty-six, or four hundred sixty-two of the real property tax law in one or more of the three fiscal years preceding the date of the notice provided not less than ninety days prior to the date of sale, *or with respect to a property in class four, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law,* information relating to the initial application and renewal process for such property tax exemptions, and other actions available to the owner of such property in the event such property is noticed for sale pursuant to this subdivision, including[, if available,] an adjustment or cancellation of back taxes *that may be available pursuant to sections 11-235 and 11-236 of this code. Such notice shall also contain information related to measures that may be taken, including foreclosure, in the event that the owner does not take such actions.* Upon [the written] request of the owner of such property, a [Chinese, Korean, Russian or Spanish] translation of such notice *in any of the top ten languages most commonly spoken within the city as determined by the department of city planning* shall be provided to such owner.

§4. Section 11-320 of the administrative code of the city of New York is amended by adding a new subdivision l to read as follows:

*l. The commissioner of finance shall include, in any written communication with a property owner related to the denial of a real property tax exemption pursuant to section four hundred twenty-a, four hundred twenty-b, four hundred forty-six, or four hundred sixty-two of the real property tax law, information on how the property owner can remove his or her property from the lien sale.*

§5. The commissioner shall submit a report to the council, no later than ninety days following the enactment of the local law that added this section, on liens sold at tax lien sales on properties that would have otherwise been eligible for an exemption from the lien sale pursuant to this section and that have not been sold or transferred to a new owner since the date of the lien sale. Such report shall cover all tax lien sales conducted in fiscal years two thousand eleven, two thousand twelve, two thousand thirteen, two thousand fourteen, two thousand fifteen and two thousand sixteen, and shall include the total number and value of such liens, disaggregated by type of exemption.

§6. This local law takes effect immediately. Section five shall be deemed repealed following submission of the report required by such section.

Referred to the Committee on Finance.

Int. No. 246

By Council Members Reynoso and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a monthly report to council members and community boards of certain permits issued by the department of buildings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding new section 28-105.1.3 to read as follows:

*§28-105.1.3 Monthly report of permits to community boards and council members. The department shall, no later than the tenth day of each month, issue a report to each council member and community board containing information on new building, alteration type-1, and full demolition permits issued during the prior calendar month for properties located within the relevant council district and community district, respectively. The report shall be disaggregated by job type, and shall contain for each permit: (i) the name of the applicant; (ii) the location of the property; (iii) whether such property is vacant, and (iv) any open complaints for such property.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 247

By Council Members Reynoso, Rosenthal and Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to notification of intent to alter or demolish certain rent regulated housing accommodations**

*Be it enacted by the Council as follows:*

Section 1. Article 104 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.8.1.1 to read as follows:

***§28-104.8.1.1 Notification to appropriate community board and council member.*** *Within ten business days after receiving an application containing a statement described by clause ii of item 2 of section 28-104.8.1, the department shall notify in writing the community board of the community district in which the site of the*

*building to be altered or demolished is located and the council member in whose district such site is located.*

§2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings shall take such measures 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. 248

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring increased transparency regarding the sale of housing development fund company units**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

*CHAPTER 21*
*HOUSING DEVELOPMENT FUND COMPANIES*

*§ 26-2101 Definitions.*
*§ 26-2102 Sales.*

*§ 26-2101 Definitions. For the purposes of this chapter:*

*Department. The term "department" means the department of housing preservation and development.*

*Housing development fund company. The term "housing development fund company" means housing development fund company as defined by subdivision 8 of the private housing finance law.*

*§ 26-1802 Sales. By no later than June 1 of each year, the department shall report to the council on the average sale price of housing development fund company units sold within each community board district where a housing development fund company unit exists, in the prior year.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 249

By Council Members Reynoso and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the marketing of affordable housing units**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

*CHAPTER 14*
*MARKETING AFFORDABLE UNITS*

*§ 26-1401 Definitions.*
*§ 26-1402 Pre-marking seminars.*
*§ 26-1403 Marketing requirements.*
*§ 26-1404 Violations and penalties.*

*§ 26-1401 Definitions. For the purposes of this chapter:*

*City financial assistance. The term "city financial assistance" includes any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, land value, or other thing of value allocated, conveyed or expended by the city.*

*Department. The term "department" means the department of housing preservation and development.*

*Developer. The term "developer" means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that receives city financial assistance for a housing development project.*

*Housing development project. The term "housing development project" means construction, rehabilitation or alteration of a multiple dwelling which is (1) funded in whole or in part by city financial assistance and (2) is subject to a regulatory agreement mandating the creation of a certain number of affordable units.*

*§ 26-1402 Pre-marketing seminars. The department shall be rule prescribe requirements for pre-marketing seminars. Such seminars shall include, but not be limited to, financial consultations, paper applications, and assistance with filling out such applications.*

*§ 26-1403 Marketing requirements. Developers of housing development projects shall:*

*a. Perform two pre-marketing seminars at least six months prior to the earlier of the commencement of the open housing lottery or the anticipated occupancy date of the first unit;*

*b. Notify the community board in which the affordable units are located by certified or registered mail, return receipt requested, and by email, of the marketing of affordable units at least six months prior to the earlier of either the commencement of the open housing lottery or the anticipated occupancy date of the first unit;*

*c. Make applications for units within the housing development available to print online;*

*d. Place advertisements for applicants for affordable units in newspapers written in the two most common non-English languages spoken in the community district in which the affordable units are located, as calculated using demographic information available from the United Stated Bureau of the Census; and*

*e. Publish all required advertisements for at least sixty days prior to the earlier of either the commencement of the open housing lottery or the anticipated occupancy date of the first unit;*

*§ 26-1404 Violations and penalties. Any developer who violates the provisions of section 26-1402 of this chapter shall be liable for a civil penalty of one thousand dollars.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 250

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of community notification by the department of city planning upon receipt of a completed pre-application statement**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-116 to read as follows:

*§ 25-116 Denial of permit. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Affected borough president. The term "affected borough president" means the president of a borough in which land included in a pre-application statement submitted to the department is located.*

*Affected community board. The term "affected community board" means the community board for a community district in which land included in a pre-application statement submitted to the department is located.*

*Affected council member. The term "affected council member" means the council member for a council district in which land included in a pre-application statement submitted to the department is located.*

*Department. The term "department" means the department of city planning.*

*Pre-application statement. The term "pre-application statement" means a pre-application statement form, and any accompanying materials required by the form or by the department, that is submitted to the department pursuant to the department's rules governing the pre-application process that takes place prior to the filing of a land use application or application for environmental review.*

*b. Within five days of determining that a pre-application statement is complete, the department shall forward to each affected borough president, affected community board and affected council member, and make available on its website, a copy of such completed pre-application statement.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Land Use.

Int. No. 251

By Council Members Reynoso and Brannan.

**A Local Law to amend the New York city charter, in relation to improving community access to information about the siting of city facilities**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 204 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

b. With respect to the city facilities referred to in clause [one]*1* of subdivision a of this section, the statement of needs shall describe for each proposed new city facility or significant expansion: (1) the public purpose to be served thereby, (2) the size and nature of the facility, (3) the proposed location by borough and, if [practicable]*known*, by community district or group of community districts, and (4) the specific criteria to be used in locating the new facility or expansion. *Except as otherwise provided by law, if any city agency or its agent has begun any negotiation, feasibility examination or other study of a particular property or location for a city facility, the statement shall describe such location in detail, and the statement always shall specify which community district or community districts contain the location under consideration.*

§ 2. Subdivision g of section 204 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

*g. Community feedback. 1. Definitions. As used in this subdivision, "period of review" means a fixed period of time to propose an alternative location or facility within the relevant (i) community district in the case of a community board or (ii) borough in the case of a borough president.*

*2. (a)* Whenever an application involving a new city facility is submitted to the department of city planning pursuant to paragraph [five, ten or eleven]*5, 10 or 11* of subdivision a of section [one hundred ninety-seven-c]*197-c*, the applicant shall include as part of the application a statement of (1) how the proposed action satisfies the criteria for the location of city facilities established pursuant to section [two hundred three]*203*, (2) whether the proposed action is consistent with the most recent statement of needs, and (3) whether the

proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs. If the proposed action is not consistent with the criteria for location of city facilities, the statement of needs, or any such written statements or comments submitted in response to the statement of needs, the agency shall include as part of its application a statement of the reasons for any such inconsistencies. [If]

*(b) For any application involving a new city facility submitted to the department of city planning pursuant to any paragraph in subdivision a of section 197-c, if* the proposed new facility is not referred to in the statement of needs, the applicant shall submit to the affected borough president a description of the public purpose to be served by the city facility, its proposed location, the appropriation (if any) that the agency intends to use in connection with the facility, the size and nature of the facility and the specific criteria for the location of the facility. The affected borough president shall have [the right, within thirty days of the submission of such description, to propose an alternative location in his or her borough for the proposed city facility, provided that the borough president shall certify that the alternative location satisfies the criteria for location of city facilities under section two hundred three and the specific criteria for locating the facility in the statement of needs]*a 30-day period of review and may propose an alternative location after certifying that the alternative satisfies the criteria for location of city facilities under section 203 and satisfies the specific criteria, as set forth in any prior statement of needs or other notice, for locating the facility*. The application [for the proposed site selection, disposition or acquisition ]shall not be certified and shall not be reviewed pursuant to section [one hundred ninety-seven-c]*197-c* until at least [thirty]*30* days after the submission of such information to the affected borough president. [A borough president may elect to waive the right to such thirty-day review period.]

*3. Unless otherwise required by law, whenever a notice of intent to acquire involving a new city facility or a city facility to be significantly expanded is submitted to the department of city planning pursuant to section 195, if the proposed acquisition is not referred to in a statement of needs covering the relevant year, the agency proposing such acquisition shall submit to the affected borough president, no later than the date that such agency files the notice, a description of the public purpose to be served by the city facility, its proposed location, the size and nature of the facility and the specific criteria for the location of the facility. The affected borough president shall have a 15-day period of review and may propose an alternative location after certifying that the alternative satisfies the criteria for location of city facilities under section 203 and satisfies the specific criteria, as set forth in any prior statement of needs or other notice, for locating the facility or identifying the facility to be affected. The city planning commission shall not hold the public hearing required by subdivision b of section 195 during that period of review.*

*4. (a) Unless otherwise required by law, whenever a proposed action involving a new city facility or a city facility to be significantly expanded is not covered by paragraphs 2 or 3 of this subdivision and is not referred to in the statement of needs, the relevant agency shall submit to the affected borough president and community board not fewer than 15 days before any required public hearing in relation to the proposed action or within five days of the agency finally identifying the site for the proposed action, whichever is earlier:*

*(1) A description of the proposed action;*

*(2) How the proposed action satisfies the criteria for the location of city facilities established pursuant to section 203;*

*(3) The specific criteria for the location of the facility or selecting the facility to be affected; and*

*(4) Whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs.*

*(b) The affected borough president shall have a 15-day period of review and may propose an alternative location after certifying that the alternative satisfies the criteria for location of city facilities under section 203 and satisfies the specific criteria, as set forth in any prior statement of needs or other notice, for locating the facility or identifying the facility to be affected.*

*5. Unless otherwise required by law, whenever a proposed action involving a city facility to be closed or significantly reduced in size is not referred to in the statement of needs, the sponsoring agency shall submit to the affected borough president and community board, not fewer than 15 days before any required public hearing in relation to the proposed action or within 5 days of the agency finally identifying the site for the proposed action, whichever is earlier:*

*(1) A description of the proposed action, including the location;*

*(2) The reasons for such proposed closing or reduction;*

*(3) The specific criteria for selecting the city facility for closure or for reduction in size or capacity for service delivery;*

*(4) How the proposed action satisfies the criteria established pursuant to section 203; and*

*(5) Whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs.*

*(b) The affected borough president and community board shall have a 15-day period of review and may propose an alternative location after certifying that the alternative satisfies the criteria for location of city facilities under section 203 and satisfies the specific criteria, as set forth in any prior statement of needs or other notice, for identifying the facility to be affected.*

*6. Any borough president or community board granted a period of review under this subdivision may waive such review period.*

*7. No proposed action or proposal shall be deemed to have been referred to in a statement of needs unless that statement includes sufficient information to identify both the particular project or facility at issue and the community board in which it is, or is to be, located.*

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

Referred to the Committee on Land Use.

Int. No. 252

By Council Member Reynoso.

**A Local Law to amend the New York city charter, in relation to tracking mitigation strategies in final environmental impact statements as part of the uniform land use review process**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions c and d of section 206 of the New York city charter are amended to read as follows:

c. Such list shall include all commitments made by letter by the mayor or a representative designated by the mayor to the council or a council member, *and any mitigation measures or other project components that would eliminate the potential for an adverse impact identified in a final environmental impact statement, conditional negative declaration, or environmental assessment statement* that relate to an application described in subdivision b of this section on which the city or a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or co-applicant.

d. Such list shall include any commitment made by letter by the mayor or a representative designated by the mayor to the council or a council member for which a funding amount of one million dollars or more is set forth in the letter establishing such commitment, *and any mitigation measures or other project components that would eliminate the potential for an adverse impact identified in a final environmental impact statement, conditional negative declaration, or environmental assessment statement* in relation to an application described in subdivision b of this section on which neither the city nor a not-for-profit corporation of which a majority of its members are appointed by the mayor is either the applicant or co-applicant.

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

Referred to the Committee on Land Use.

Int. No. 253

By Council Members Reynoso and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing civil penalties where food service establishments donate or recycle organic waste**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

*§ 16-143 Organic waste donation and recycling. a. As used in this section, the following terms have the following meanings:*

*Eligible violation. The term "eligible violation" means (i) a violation which is set forth in rule by the department as eligible for the organic waste donation and recycling program and (ii) a violation issued for a failure to comply with any provision of the code or the rules of the city of New York, which is enforced by the department and requires source separation, the recycling of designated materials or the posting of signage.*

*Food service establishment. The term "food service establishment" means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.*

*b. Notwithstanding any other provision of law, the commissioner shall establish an organic waste donation and recycling program. Such program shall allow an owner of a food service establishment who is issued an eligible violation to have the civil penalties for such violation waived where such owner (i) had not received the same or a substantially similar violation within the six month period prior to the issuance of such eligible violation, (ii) was not donating or recycling organics at the time such violation was issued (iii) enters into an agreement, approved by the department, to donate or recycle all of such establishment's organic waste for a period of at least three months and (iv) provides to the department, at the end of such period, a statement from the entity or entities to whom such owner was donating such organic waste, that such owner has donated or recycled all of such establishment's organic waste over such period.*

*c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found not to be in compliance with such agreement shall have the original civil penalty reinstated and doubled.*

§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

*CHAPTER 11*
*INCENTIVIZING ORGANIC WASTE RECYCLING AND DONATIONS*

*§ 20-937 Incentivizing organic waste recycling and donations.*

*§ 20-937 Incentivizing organic waste recycling and donations. a. As used in this chapter, the following terms have the following meanings:*

*Eligible violation. The term "eligible violation" means (i) a violation which is set forth in rule by the department as eligible for the organic waste donation and recycling program and (ii) a violation which is issued for a failure to comply with any provision of the code or the rules of the city of New York which is enforced by the department and requires the display of prices, the accuracy of scanners or the posting of signage.*

*Food service establishment. The term "food service establishment" means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.*

*Organic waste. The term "organic waste" shall have the same meaning as provided in section 16-303 of this code.*

*b. Notwithstanding any other provision of law, the commissioner shall establish an organic waste donation and recycling program. Such program shall allow an owner of a food service establishment who is*

*issued an eligible violation to have the civil penalties for such violation waived where such owner (i) had not received the same or a substantially similar violation within the six month period prior to the issuance of such eligible violation, (ii) was not donating or recycling organics at the time such violation was issued (iii) enters into an agreement, approved by the department, to donate or recycle all of such establishment's organic waste for a period of at least three months and (iv) provides to the department, at the end of such period, a statement from the entity or entities to whom such owner was donating such organic waste, that such owner has donated or recycled all of such establishment's organic waste over such period.*

*c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found not to be in compliance with such agreement shall have the original civil penalty reinstated and doubled.*

§ 3. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Small Business.

Int. No. 254

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to establish a plan for accepting commercial solid waste at city-owned marine transfer stations**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

*§ 16-143 Commercial solid waste processed at marine transfer stations. a. No later than March 1, 2019, the commissioner shall submit to the mayor and the council, and make publicly available online, a plan for accepting and processing putrescible and non-putrescible waste from commercial establishments at each city-owned marine transfer station that is accepting, or is scheduled to accept, solid waste. For each city-owned marine transfer station, such plan shall include, at a minimum, (i) the date upon which each city-owned marine transfer station will begin accepting commercial putrescible and non-putrescible solid waste, and (ii) a description of the department's past efforts and planned efforts to attract commercial solid waste to such station, including whether the city will subsidize tipping fees associated with such waste in whole or in part.*

*b. No later than March 1, 2021, and by March 1 in every year thereafter, the commissioner shall submit to the mayor and the council, and make publicly available online, a report on implementation of such plan. For each city-owned marine transfer station, such report shall include, at a minimum, the amount of putrescible and non-putrescible solid waste accepted and processed by such station from commercial establishments in the previous calendar year.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 255

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to commercial waste collection zones**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

*§ 16-143 Commercial waste collection zones. a. As used in this section, the term "commercial waste collection zone" means a geographical area defined in accordance with this section in which collection of trade waste is performed by one or more persons designated in accordance with this section.*

*b. By no later than January 1, 2019, the department, in consultation with the business integrity commission, shall submit to the mayor and the speaker of the council, and make publicly available online, a plan to create and utilize commercial waste collection zones encompassing every area in the city where trade waste is generated. Such plan shall describe the expected environmental impact of creating and utilizing such zones, including but not limited to any anticipated citywide reductions in vehicle miles traveled, greenhouse gas emissions, carbon monoxide, nitrogen oxide, volatile organic compounds, particulate matter and other air pollutants. Such plan shall include, at a minimum, the following information for each commercial waste collection zone:*

*1. The geographical boundaries of such zone;*

*2. The number of commercial establishments within such zone, disaggregated by type of establishment;*

*3. The maximum rates to be charged to customers in such zone, including maximum rates for the removal of recyclable and organic materials;*

*4. The frequency of waste removal and recycling services in such zone; and*

*5. A method for designating one or more persons to collect commercial waste in such zone.*

*c. By no later than January 1, 2021, and from time to time thereafter in accordance with the plan required by subdivision b, for each commercial waste collection zone, the department shall designate one or more persons to collect trade waste in such zone.*

*d. By no later than January 1, 2023, all trade waste generated in a commercial waste collection zone shall be collected by the person or persons designated to collect such waste by the department in accordance with subdivision c.*

*e. If the department is unable to meet any compliance date set forth in this section, the department shall submit to the mayor and the speaker of the council within ten days after such date a report setting forth the reasons for such noncompliance and the department's timeline for achieving compliance.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 256

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to data collection**

*Be it enacted by the Council as follows:*

Section 1. Section 16-504 of the administrative code of the city of New York is amended by relettering subdivisions e through i as subdivisions f through j and adding a new subdivision e to read as follows:

*e. To collect an accurate customer register from each business licensed or registered pursuant to this chapter on a form or in a computer format approved by the commission. Such customer register shall include, but not be limited to, the name and address of each putrescible solid waste transfer station, non-putrescible solid waste transfer station, or other facility used during the period for which the report is submitted, and the total volume or weight and type of designated recyclable materials collected and transported from each customer that were delivered to putrescible solid waste transfer stations, non-putrescible solid waste transfer stations, or other facilities during the period for which the report is submitted;*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 257

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting commercial carters from hiring individuals as drivers in certain instances**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-507 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. Except in the case of a business issued a registration by reason of the grant of an exemption from the requirement for a license pursuant to section 16-505 of this chapter, an applicant for registration shall submit an application on a form prescribed by the commission and containing such information as the commission determines will adequately identify the business of such applicant. An applicant for registration to remove trade waste generated in the course of such applicant's business shall identify, in a manner to be prescribed by the commission, each vehicle that will transport waste pursuant to such registration*, and, for any employee or agent who will operate a vehicle for or on behalf of the applicant, whether the employee or agent has been found by a court or administrative tribunal of competent jurisdiction to have engaged in reckless driving or driving under the influence of drugs or alcohol within the previous five calendar years*. An application for registration as a trade waste broker shall contain information regarding any financial, contractual or employment relationship between such broker and a trade waste business. Any such relationship shall be indicated on the registration issued to such broker.

§ 2. Section 16-508 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended by adding a new subsection e to read as follows:

*e. Each applicant shall provide the commission, for any employee or agent who will operate a vehicle for or on behalf of the applicant, whether the employee or agent has been found by a court or administrative tribunal of competent jurisdiction to have engaged in reckless driving or driving under the influence of drugs or alcohol within the previous five calendar years.*

§ 3. Section 16-509 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended by adding a new subsection g to read as follows:

*g. The commission may, by majority vote of its entire membership and after notice and the opportunity to be heard, refuse to issue a license or registration pursuant to this chapter to any applicant that is currently engaging or has proposed to engage for the purpose of operating a vehicle for the applicant, an employee or agent who has been found by a court or administrative tribunal of competent jurisdiction to have engaged in reckless driving or driving under the influence of drugs or alcohol within the previous five calendar years.*

§ 4. Section 16-513 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended by adding a new subsection c to read as follows:

*c. The commission may, after due notice and an opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter where the registrant or licensee (i) is currently engaging or has proposed to engage as an employee or agent for the purpose of operating a vehicle for the registrant or applicant any individual who has been found by a court or administrative tribunal of competent jurisdiction to have engaged in reckless driving or driving under the influence of drugs or alcohol within the previous five calendar years, or (ii) has failed to disclose this information as required in sections 16-507 or 16-508.*

§ 5. Chapter 1 of Title 16-a of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended by adding a new Section 16-510.1 to read as follows:

*§ 16-510.1 Employees of licensees or registrants. A licensee or registrant shall provide to the commission the names of any employees or agents proposed to be engaged or engaged subsequent to the issuance of a license or registration and such information regarding such employees or agents as is required in regard to employees and prospective employees or agents pursuant to subdivision a of section 16-507 and subdivisions a and e of section 16-508 of this chapter.*

§ 6 This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 258

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to signage in waste transfer stations**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-131.6 to read as follows:

*§ 16-131.6 Signage and posting requirements for the operation of non-putrescible solid waste transfer stations and putrescible solid waste transfer stations. a. The department shall maintain a publicly accessible website providing information on federal, state and local laws relating to the rights of workers in a putrescible solid waste transfer station or non-putrescible solid waste transfer station, including but not limited to rights regarding discrimination, health, sick leave, safety, status and wages.*

*b. The owner of a putrescible solid waste transfer station or non-putrescible solid waste transfer station shall post a sign, in a form developed or approved by the commissioner, describing the website required pursuant to subdivision a and providing the department's complaint telephone number and any additional information the commissioner deems relevant. Such sign shall be posted in such station in a location of high visibility to workers at such station, such as an entrance or cafeteria.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 259

By Council Members Reynoso and Kallos.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to regulation of the heating oil supply industry by the business integrity commission**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a and the opening paragraph of subdivision b of section 2101 of the New York city charter, as amended by local law number 21 for the year 2002, are amended to read as follows:

a. The business integrity commission shall be responsible for the regulation of the trade waste industry, the shipboard gambling industry, the fulton fish market distribution area and other seafood distribution areas [and], the public wholesale markets*, and the heating oil supply industry*. In regulating such industries, areas and

markets, the commission shall have the powers and duties conferred by this chapter and such other powers and duties as are conferred by law.

b. The powers and duties of the business integrity commission shall be exercised in a manner consistent with all local laws governing the regulation of the trade waste industry, the shipboard gambling industry, the fulton fish market distribution area and other seafood distribution areas [and], the public wholesale markets *and the heating oil supply industry* and shall include but not be limited to the following:

§ 2. Title 20-A of the administrative code of the city of New York is amended by adding a new chapter 2 to read as follows:

*CHAPTER 2*
*HEATING OIL SUPPLY INDUSTRY ADVISORY BOARD*

*§ 20-9498 Heating oil supply industry advisory board. a. By no later than 30 days after the effective date of this chapter, the chair of the business integrity commission shall establish a heating oil supply industry advisory board, which shall include but need not be limited to representatives of the heating oil supply industry, a heating oil industry trade association, and small businesses within the heating oil industry, and may include employees of such commission and of other relevant city agencies. The minutes of the meetings of the advisory board shall be made available on the website of such commission.*

*b. Such advisory board shall provide advice and recommendations to such commission on any rules or other measures such commission deems necessary for the implementation of the local law that added this chapter. Such advice and recommendations shall be provided to such commission by no later than 90 days after the effective date of this chapter, and shall be provided thereafter either on such advisory board's initiative or at the request of such commission.*

*c. Such advisory board shall meet at least twice per calendar year to discuss the general status of fraudulent business practices within the heating oil industry and any common and emerging methods that are being used within such industry to short consumers of heating oil and to generate recommendations with respect to eliminating fraudulent business practices.*

*d. Within three months of the first meeting of the advisory board, such commission shall submit to the mayor and speaker a report including advice and recommendations from the advisory board and a description of such commission's response to such advice and recommendations*

*§20-9499 Annual report. a. On or before September 1, 2019 and thereafter on or before September 1 in each fiscal year, such commission shall submit to the mayor and the speaker of the council a report relating to enforcement of this chapter containing the following information:*

*1. Number of licenses denied, suspended or revoked in the preceding fiscal year;*

*2. Number of complaints received regarding violations of this chapter in the preceding fiscal year;*

*3. Number of violations adjudicated in administrative proceedings or in court in the preceding fiscal year;*

*4. Any other information related to the status of fraudulent business practices within the heating oil industry that the commission deems appropriate;*

*5. Any advice and recommendations from the advisory board and a description of such commission's response to such advice and recommendations;*

*6. Any recommendations with respect to eliminating fraudulent business practices; and*

*7. Any other information the commission deems relevant.*

*b. The report due on or before September 1, 2021 pursuant to paragraph a of this section shall also include:*

*1. Data on any increase in the cost of heating oil after the effective date of the local law that added this chapter;*

*2. The number of businesses in the heating oil supply industry which closed after the effective date of the local law that added this chapter;*

*3. Recommendations from the advisory board on regulation of the heating oil supply industry;*

*4. Responses to recommendations from the advisory board on regulation of the heating oil supply industry; and*

*5. Recommendations from the commission on regulation of the heating oil supply industry.*

§ 3. Title 20-A of the administrative code of the city of New York is amended by adding a new chapter 3 to read as follows:

*CHAPTER 3*
*REGULATION OF THE HEATING OIL SUPPLY INDUSTRY*

*§ 20-9500 Definitions. As used in this chapter:*

*Applicant. The term "applicant" means a person or business entity, and all of the principals of such business entity, that has submitted an application for a license or the renewal of a license pursuant to this chapter.*

*Affiliate. The term "affiliate" means a business entity that is under common ownership with another business entity or that has an interlocking board of directors with another business entity.*

*Commission. The term "commission" means the business integrity commission established pursuant to chapter 63 of the charter or a person designated by such commission to act on its behalf.*

*Fraudulent business practice. The term "fraudulent business practice" means, with intent to defraud a consumer, delivering a heating oil product to a consumer that differs from the quality and/or quantity of heating oil that the consumer agreed to purchase. A fraudulent business practice includes, but is not limited to, shorting and the practice of mixing heating oil with additives or other ingredients which cause the oil to not meet the ASTM specifications prescribed for heating oil in § 24-168.1 of the administrative code or other requirements regarding such oil pursuant to such section or other applicable law before delivery to a consumer without the consumer's knowledge. Nothing in this definition is intended to prevent the lawful blending and sale of used oil with virgin heating oil in accordance with federal, state and local law and rules.*

*Heating oil. The term "heating oil" means oil refined for the purpose of use as fuel for combustion in a heating system.*

*Heating oil consumer. The term "heating oil consumer" or "consumer" means a person responsible for providing heat within a building in the city or the agent of such person who has agreed to purchase or has purchased heating oil for use in such building.*

*Heating oil dealer. The term "heating oil dealer" or "dealer" means a person that advertises for sale, makes available for sale, offers to sell or sells heating oil to consumers.*

*Heating oil dealer license. The term "heating oil dealer license" or "dealer license" means a license issued by the commission, pursuant to this chapter, to a person engaged in business as a heating oil dealer.*

*Heating oil deliverer. The term "heating oil deliverer" or "deliverer" means a person who utilizes a vehicle to deliver heating oil to consumers.*

*Heating oil deliverer license. The term "heating oil deliverer license" or "deliverer license" means a license issued by the commission, pursuant to this chapter, to a person engaged in business as a heating oil deliverer.*

*Heating oil delivery vehicle. The term "heating oil delivery vehicle" or "delivery vehicle" means a vehicle that is used to deliver heating oil to consumers.*

*Heating oil delivery vehicle operator. The term "heating oil delivery vehicle operator" or "operator" means a person who operates a delivery vehicle.*

*Heating oil dispatcher. The term "heating oil dispatcher" or "dispatcher" means a person employed by a heating oil dealer, deliverer or terminal who schedules or directs deliveries of heating oil to consumers and/or communicates with the operators of delivery vehicles and/or consumers with regard to deliveries of heating oil to consumers. Such term includes any person who supervises employees who perform such function.*

*Heating oil terminal. The term "heating oil terminal" or "terminal" means a business entity that operates a facility where heating oil is received, stored and sold to dealers for re-sale to consumers or sold directly to consumers. A terminal that sells or delivers heating oil directly to consumers shall be subject to regulation pursuant to this chapter as a dealer and/or deliverer, as applicable.*

*Licensee. The term "licensee" means a person or business entity that holds a license issued by the commission pursuant to this chapter.*

*Operate. The term "operate," with respect to a delivery vehicle, means to drive such vehicle or to operate or to assist in the operation of equipment used in the transfer of heating oil between such delivery vehicle and*

*the tank of a consumer. Such equipment includes, but is not limited to, any hose, meter, connection to a consumer tank, air eliminators and fittings on such delivery vehicle.*

*Owner. The term "owner" with respect to a delivery vehicle or heating oil means a person having the property in or title to such vehicle or heating oil, including, but not limited to, a person entitled to use or possession of such vehicle or heating oil subject to a security interest in another person and also includes any lessee or bailee having exclusive use thereof, except that the term shall not include a person who is only a holder of a security interest in such vehicle or heating oil.*

*Person. The term "person" means an individual, partnership, corporation, limited liability company or other legal entity.*

*Predecessor heating oil business. The term "predecessor heating oil business" means any business engaged in the supply, transport or delivery of heating oil to which an applicant or licensee is a successor pursuant to subdivision b of section 20-9504 of this chapter.*

*Principal. The term "principal" means, of a sole proprietorship, the proprietor; of a corporation, every officer and director and every stockholder holding ten percent or more of the outstanding shares of the corporation who participates directly or indirectly in a business required to be licensed by the city of New York; of a partnership, all the partners; if another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons or entities having an ownership interest of ten percent or more; and with respect to all business entities, all other persons participating directly or indirectly in the control of such business entity. Where a partner or stockholder holding ten percent or more of the outstanding shares of a corporation is itself a partnership, or a corporation, a "principal" shall also include the partners of such partnership or the officers, directors and stockholders holding ten percent or more of the outstanding shares of such corporation where such stockholders participate directly or indirectly in a business required to be licensed by the city of New York, as is appropriate. For the purposes of this chapter (1) an individual shall be considered to hold stock in a corporation where such stock is owned directly or indirectly by or for (i) such individual; (ii) the spouse of such individual (other than a spouse who is legally separated from such individual pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such individual is domiciled); (iii) the children, grandchildren and parents of such individual; and (iv) a corporation in which any of such individual, the spouse, children, grandchildren or parents of such individual in the aggregate own fifty percent or more in value of the stock of such corporation; (2) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is an applicant as defined in this section where such corporation holds fifty percent or more in value of the stock of a third corporation that holds stock in the applicant corporation.*

*Shorting. The term "shorting" means, with intent to defraud a consumer, the practice of delivering heating oil in a quantity that is less than the quantity of heating oil that a consumer has agreed to purchase or has paid for, including, but not limited to, by (i) delivering less heating oil to a consumer than the meter on the delivery vehicle indicates has been delivered and (ii) creating a false delivery ticket, receipt or other record indicating that more heating oil has been delivered to a consumer than the amount that has actually been delivered to such consumer, or that bills a consumer for more heating oil than has actually been delivered to such consumer.*

*§ 20-9501 General. a. The commission shall regulate businesses supplying heating oil for use within the city in accordance with this chapter and chapter 63 of the charter and rules promulgated by the commission pursuant thereto. The commission may issue orders requiring compliance with any provision of this chapter or rule promulgated pursuant to this chapter.*

*b. The commission shall promulgate rules to carry out the provisions of this chapter and chapter 63 of the charter and to establish standards for service and for the regulation and conduct of businesses licensed pursuant to this chapter, including, but not limited to, requirements governing the level of service to be provided by licensees, contracts for the transport and delivery of heating oil, that the contents of bills include the amount of oil sold and the price for such oil, the maintenance, filing and inspection of records, the inspection of delivery vehicles, the maintenance of appropriate insurance and compliance with environmental, safety and health measures. The commission may by rule delegate such rulemaking authority, including the authority to promulgate final rules to carry out the provisions of this chapter, to the chair of the commission.*

*c. In carrying out its powers and duties pursuant to this chapter and chapter 63 of the charter, the commission may exercise the powers delegated to any other city agency under any other provision of law or rule relating to the regulation of the supply of heating oil in the city and shall have the same authority as such agency to administer and enforce such law or rule.*

*d. The commission may enter into agreements with agencies responsible for compliance with local laws relating to climate change, the reduction of greenhouse gases and energy efficiency to share information submitted to the commission by licensees regarding the delivery of heating oil to consumers.*

*e. Nothing in this chapter shall be construed to limit, abridge, affect or amend the power of the department of consumer affairs, the department of environmental protection or any other agency.*

*§ 20-9502 Unlawful practices. a. It shall be unlawful for a person to act as a heating oil deliverer or heating oil dealer without a license issued by the commission pursuant to this chapter. Any terminal that acts as a deliverer or dealer must obtain a dealer and/or deliverer license, as applicable.*

*b. It shall be unlawful for a dealer to use a deliverer to deliver heating oil to consumers unless such deliverer is licensed by the commission pursuant to this chapter.*

*c. It shall be unlawful for a deliverer to deliver heating oil to consumers who purchase heating oil from a dealer unless such dealer is licensed by the commission pursuant to this chapter.*

*d. It shall be unlawful for a person to sell or deliver or offer to sell or deliver or to hold itself out to the public as authorized to sell or deliver heating oil to consumers without the applicable license issued by the commission pursuant to this chapter.*

*e. It shall be unlawful to operate or use a delivery vehicle unless such vehicle is registered with the commission.*

*f. It shall be unlawful to alter a delivery vehicle or the equipment of a delivery vehicle to enable the practice of shorting, or to engage in any other fraudulent business practice, as defined in section 20-9500 of this chapter and the rules of the commission.*

*g. It shall be unlawful to operate a delivery vehicle or the equipment of a delivery vehicle that has been altered to enable the practice of shorting.*

*§ 20-9503 Term of license and fees. a. The term of a license issued pursuant to this chapter and of renewal of such license shall be set forth in rules promulgated by the commission.*

*b. The commission shall promulgate rules establishing fees for licenses, the renewal of licenses, registration and inspection of delivery vehicles, and to reimburse the city for the expense of background investigations required by this chapter.*

*c. A license issued pursuant to this chapter or any rule promulgated hereunder is not transferrable or assignable and may not be used by any person other than the licensee. A license that is used, transferred or assigned in violation of this subdivision shall expire by operation of law as of the date of such unlawful transfer, assignment or use.*

*d. A person applying for both a heating oil dealer license and a heating oil deliverer license shall only be required to submit one application and one set of fees.*

*§ 20-9504 License application. a. An applicant for a license shall submit an application in the form and containing the information prescribed by the commission. Such information may include information regarding any predecessor heating oil business to which the applicant is a successor or any affiliate or subsidiary of the applicant that owns or operates a heating oil business in any jurisdiction. The commission may require that applications and other information and/or documentation required by the commission pursuant to this chapter or the rules promulgated by the commission be submitted electronically.*

*b. For purposes of this chapter, an applicant shall be considered a successor to a predecessor heating oil business upon a finding by the commission, in its sole discretion, that such applicant satisfies two or more of the following criteria:*

*1. The applicant uses the same facility, facilities or workforce to offer substantially the same services as the predecessor heating oil business;*

*2. The applicant shared in the ownership, or otherwise exercised control over the management of the predecessor heating oil business;*

*3. The applicant employs in a managerial capacity any person who controlled the wages, hours, or working conditions of the affected employees of the predecessor heating oil business; or*

*4. The applicant is an immediate family member, including a parent, step-parent, child, or step-child, foster or adopted child, of any owner, partner, officer, or director of the predecessor heating oil business, or of any person who had a financial interest in the predecessor heating oil business.*

*c. Fingerprinting of applicant. 1. An applicant for a license issued pursuant to this chapter shall submit fingerprints of the individuals described in paragraph 4 of this subdivision. Such fingerprinting and any applicable fees must be submitted to the New York state division of criminal justice services in the form and manner prescribed by the New York state division of criminal justice services. Fingerprints of the same individuals shall not be required for license renewal applications.*

*2. The chair of the commission and persons on the staff of the commission designated by the chair shall be responsible for receiving and reviewing the results of such criminal history record searches supplied by such division.*

*3. If an applicant has been convicted of a crime, any decision regarding such applicant's fitness for a license issued pursuant to this chapter shall be made upon consideration of articles 23 and 23-a of the correction law.*

*4. The applicant shall be required to provide information required by the commission pursuant to subdivision a of this section and to provide fingerprints with respect to the following individuals:*

*(a) All principals of the applicant;*

*(b) If the applicant is a regional subsidiary of or otherwise owned, managed by or an affiliate of a business that has national or international operations, the commission may by rule provide for additional disclosures relating to principals of such national or international entity where such entity participates directly or indirectly in a business required to be licensed by the city of New York.*

*§ 20-9505 Refusal to issue a license. The commission may, by majority vote of its entire membership and after notice and the opportunity to respond to such notice in writing, refuse to issue a license to an applicant who lacks good character, honesty and integrity. Such notice shall specify the reasons for such refusal. In making such determination, the commission may consider, but is not limited to, considering:*

*a. Failure of such applicant to provide any information and/or documentation required by the commission pursuant to this chapter or any rules promulgated pursuant hereto;*

*b. Failure of such applicant to provide truthful information to the commission in connection with the application or in relation to any investigation by the commission;*

*c. (i) A pending indictment or criminal action against such applicant for a crime which directly relates to the fitness to conduct the business or perform the work for which the license is sought; (ii) a pending civil or administrative action to which such applicant is a party and which directly relates to a fraudulent business practice, in which case the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending;*

*d. Conviction of such applicant of a crime that bears a direct relationship to the fitness of the applicant to conduct the business for which the license is sought; or*

*e. A finding of liability in a civil or administrative action which directly relates to a fraudulent business practice;*

*f. Commission of a racketeering activity, as such term is defined in subdivision one of section 1961 of title 18 of the United States Code or of any offense listed in subdivision one of section 460.10 of the penal law, or the equivalent offense under the laws of any other jurisdiction;*

*g. Having been a principal in a predecessor heating oil business to which the applicant is a successor where the commission would be authorized to deny a license to such predecessor business pursuant to this section;*

*h. Failure to pay any tax, fine, penalty, or fee related to the applicant's business for which liability has been admitted by the person or business liable therefore, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction;*

*i. For any business entity required to register as a distributor with the department of taxation and finance pursuant to article 12-A of the tax law, cancellation of the registration of such business entity by such department in accordance with subdivision four of section 283 of the tax law; and*

*j. Any final determination of liability in a civil, criminal or administrative action involving egregious or repeated nonpayment or underpayment of wages; except that the commission shall take into account mitigating factors including: (i) the passage of time since such determination of liability or the underlying*

*illegal act or omission, (ii) the severity of the illegal act or omission underlying such final determination of liability, (iii) whether any such determination of liability or other illegal act or omission has been appealed and whether the appeal is pending, and (iv) any change in circumstance that might reduce the likelihood of the illegal act or omission underlying such determination recurring during the period of licensure.*

*§ 20-9506 Duty to inform the commission of change in application; investigation of employees. a. An applicant or licensee shall, in accordance with rules promulgated by the commission, provide the commission with notice of the following, no later than 10 business days after the occurrence of such event or events:*

*1. All changes in the ownership composition of the business;*

*2. The addition or removal of any principal or any individual listed in paragraph one of subdivision d of section 20-9504 at any time subsequent to the submission of the application or issuance of the license;*

*3. The arrest or criminal conviction of any principal of the business or any individual listed in paragraph one of subdivision d of section 20-9504; or*

*4. Any other material change, as that term is defined by the rules of the commission or in the application, in the information submitted on the application for a license.*

*b. 1. Fingerprints of employees and prospective employees described in paragraph 4 of this subdivision shall be submitted to the commission. Such fingerprinting and any applicable fees must be submitted to the New York state division of criminal justice services in the form and manner prescribed by the New York state division of criminal justice services.*

*2. The chair of the commission and persons on the staff of the commission designated by the chair shall be responsible for receiving and reviewing the results of such criminal history record searches supplied by such division.*

*3. If an employee or prospective employee has been convicted of a crime, any determination by the commission regarding the good character, honesty and integrity of such employee or prospective employee pursuant to this chapter shall be made upon consideration of articles 23 and 23-a of the correction law.*

*4. Fingerprints shall be provided for the following employees and prospective employees:*

*(a) All heating oil delivery vehicle operators whose services will be used by the applicant to deliver heating oil to consumers;*

*(b) All heating oil dispatchers whose services will be used by the applicant with respect to deliveries of heating oil to consumers;*

*(c) Any individual who, with respect to the applicant's delivery of heating oil within the city:*

*(1) Engages in bill collection;*

*(2) Has authority to agree or refuse to agree to provide service to a consumer;*

*(3) Has authority to resolve consumer complaints;*

*(4) Performs maintenance on heating oil delivery vehicles;*

*(5) Maintains books and records; and*

*(d) Any other individual specified in the rules promulgated by the commission whose relationship to the applicant relates to the applicant's delivery of heating oil within the city.*

*c. Where, at any time subsequent to an investigation of a person subject to the provisions of this section, the commission has reasonable cause to believe that such employee lacks good character, honesty and integrity, the commission may conduct an additional investigation of such person and may require, if necessary, that such person provide information updating, supplementing or explaining information previously submitted.*

*d. Where the commission has reasonable cause to believe that an employee or agent of a licensee not otherwise subject to the fingerprinting requirements of this chapter lacks good character, honesty and integrity, the commission shall notify such employee or agent that he or she shall be required to be fingerprinted and submit the information required by the commission.*

*e. Following a background investigation conducted pursuant to this section, the commission may by majority vote of its entire membership, and after notice and opportunity to respond to such notice in writing, find that a principal, employee or agent of a licensee or of an applicant lacks good character, honesty and integrity. Such notice shall specify the reasons for such a determination. In making such determination, the commission may consider, but is not limited to considering, the factors specified in section 20-9505 of this chapter.*

*f. A licensee shall not employ or engage as an agent any person with respect to whom the commission has made a final determination, following a background investigation conducted pursuant to this section, that such person lacks good character, honesty and integrity.*

*§ 20-9507 Independent monitoring required. a. The commission may, in the event that the background investigation conducted pursuant to this chapter produces adverse or derogatory information, require as a condition of a license that the licensee enter into a contract with an independent monitor approved or selected by the commission. Such contract, the cost of the services of such monitor, and all related costs, shall be paid by the licensee. Such contract shall provide that the monitor investigate the activities, as applicable, of the licensee with respect to the licensee's compliance with the provisions of this chapter, other applicable federal, state and local laws and such other matters as the commission shall determine by rule. The contract shall provide further that the monitor report the findings of such monitoring and investigation to the commission on a periodic basis.*

*b. The commission shall be authorized to prescribe in any contract required by the commission pursuant to this section such reasonable terms and conditions as the commission deems necessary to effectuate the purposes hereof.*

*§ 20-9508 Revocation or suspension of license. In addition to the penalties provided in section 20-9510 of this chapter, the commission, after notice and the opportunity for a hearing conducted by the office of administrative trials and hearings, may revoke or suspend a license issued pursuant to this chapter whenever:*

*a. The licensee or any of its principals, employees or agents has been found to be in violation of this chapter or any rules promulgated pursuant thereto;*

*b. The licensee or any of its principals, employees or agents has been found by a court or administrative tribunal of competent jurisdiction to have violated:*

*1. Any law or rule relating to meter tampering; or*

*2. Any law or rule relating to engaging in a fraudulent business practice;*

*c. The licensee or any of its principals, employees or agents has repeatedly failed to obey lawful orders of any person authorized to enforce the provisions hereof;*

*d. The licensee or any of its principals, employees or agents has failed to pay, within the time specified by a court, the office of administrative trials and hearings or an administrative tribunal of competent jurisdiction, all fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto;*

*e. The licensee or any of its principals, employees or agents has been found to be in persistent or substantial violation of any city, state or federal law, rule or regulation regarding the transport or delivery of heating oil;*

*f. In relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in section 20-9505 of this chapter, that the licensee lacks good character, honesty and integrity;*

*g. There has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license was based;*

*h. The licensee has failed to notify the commission of any change in the ownership interest of the business or any other material change in the information required on the application for such license, or of the arrest or criminal conviction of such licensee or any of its principals, employees, or agents of which the licensee had knowledge or should have had knowledge;*

*i. For any business entity required to register as a distributor with the department of taxation and finance pursuant to article 12-A of the tax law, cancellation of the registration of such business entity by such department in accordance with subdivision four of section 283 of the tax law; or*

*j. There has been a final determination of liability in a civil, criminal or administrative action involving egregious or repeated nonpayment or underpayment of wages; except that the commission shall take into account mitigating factors including: (i) the passage of time since such determination of liability or the underlying illegal act or omission, (ii) the severity of the illegal act or omission underlying such final determination of liability, (iii) whether any such determination of liability or other illegal act or omission has been appealed and whether the appeal is pending, and (iv) any change in circumstance that might reduce the likelihood of the illegal act or omission underlying such determination recurring during the period of licensure.*

*§ 20-9509 Emergency suspension of license. Notwithstanding any inconsistent provision of section 20-9508, the commission may, upon a finding that the operation of the business of a licensee or the transport or delivery of heating oil by a business required by this chapter to be licensed creates an imminent danger to life or property, immediately suspend such license without prior notice. The commissioner shall forthwith notify the licensee of such suspension and the reasons for such suspension, that the license is proposed to be revoked, that the licensee has the right to request a hearing within 14 days of the date of such notice and that a hearing will be provided within 5 business days of the date of such request.*

*§ 20-9510 Penalties. a. Any person who violates any provision of this chapter or any of the rules promulgated pursuant to this chapter or any order issued by the commission pursuant to this chapter shall be liable for a civil penalty of not more than $10,000 for each violation. Such civil penalty may be recovered in a civil action in any court of competent jurisdiction or in a proceeding before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings.*

*b. Any person who violates any of the provisions of section 20-9502 of this chapter or any of the rules promulgated pursuant thereto shall upon conviction thereof be punished by a criminal fine of not more than $10,000 for each violation, and/or in the case of a continuing violation $10,000 for each day of such violation or by imprisonment not exceeding six months or both such criminal fine and imprisonment. In addition to or as an alternative to such criminal fine and imprisonment, such person shall be liable for a civil penalty of not more than $10,000 for each violation, and/or in the case of a continuing violation $10,000 for each day of such violation, which may be recovered in a civil action in any court of competent jurisdiction or in a proceeding before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings.*

*§ 20-9511 Impoundment and forfeiture. a. Where there is reasonable cause to believe that any delivery vehicle has been used or is being used in violation of section 20-9502, such vehicle shall be impounded by the commission. In addition to any other penalties provided in this chapter, the interest of an owner in such delivery vehicle or any heating oil contained in such vehicle shall be subject to forfeiture upon notice and judicial determination of forfeiture.*

*b. 1. Except as hereinafter provided, the city agency having custody of a delivery vehicle, after judicial determination of forfeiture, shall no sooner than 30 days after such determination upon notice of at least 5 days, sell such forfeited vehicle and/or heating oil at public sale. Any person, other than an owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in a vehicle or heating oil, including a part ownership or security interest, shall be entitled to delivery of the vehicle or heating oil if such person:*

*(a) Redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof;*

*(b) Pays the reasonable expenses of the safekeeping of the vehicle between the time of seizure and such redemption; and*

*(c) Asserts a claim within 30 days after judicial determination of forfeiture.*

*2. Notwithstanding the foregoing provisions, establishment of a claim shall not entitle such person to delivery of the vehicle or heating oil if the city establishes that the unlawful use for which the vehicle was impounded was expressly or impliedly permitted by such person.*

*c. The commission shall promulgate rules concerning the impoundment, forfeiture and release of delivery vehicles and the payment of removal charges and storage fees for such vehicles, including the amounts and rates thereof, the procedure for disposal of unclaimed vehicles, and procedures for innocent owners to file claims. Such rules shall provide for notice to the registered owner of the vehicle and the opportunity for a hearing before the office of administrative trials and hearings to determine whether there was reasonable cause to believe that such vehicle should be subject to forfeiture. A hearing shall be provided within three business days of such request. Within four business days of the conclusion of such hearing, the hearing officer shall submit recommended findings of fact and a recommended decision to the commission, which shall make the final findings of fact and the final determination within four business days of such recommendation. If the commission determines that there is not reasonable cause to believe that such vehicle should be subject to forfeiture, the commission shall release such vehicle and no charges or fees shall be imposed as a condition of such release. If the commission determines that there is reasonable cause to believe that such vehicle should*

*be subject to forfeiture, the commission may retain such vehicle pending forfeiture pursuant to the provisions of this section.*

*§ 20-9512 Liability for violations by employees or agents. a. A business required by this chapter to be licensed shall establish and implement procedures for the prevention and detection of fraudulent business practices by employees and agents. Such procedures must be made available to the commission upon request.*

*b. A business required by this chapter to be licensed shall be liable for violations of any of the provisions of this chapter or any rules promulgated pursuant hereto committed by any of its employees or agents.*

*c. 1. Notwithstanding any other provision of this section, in any proceeding in which a business may be considered liable for acts conducted by an employee or agent, such business may assert an affirmative defense that it has implemented the procedures required pursuant to subdivision a of this section to the satisfaction of the commission and there are no further actions the business could have taken to prevent or mitigate the conduct of such employee or agent.*

*2. Such affirmative defense shall not be available where:*

*(a) The business had knowledge of the conduct of the employee or agent and acquiesced in such conduct or failed to take immediate and appropriate corrective action. For purposes of this section, a business shall be deemed to have knowledge of an employee's or agent's conduct where that conduct was known by any employee or agent who exercised managerial or supervisory responsibility;*

*(b) The employee or agent who committed the violation exercised managerial or supervisory responsibility at the time the violation occurred; or*

*(c) There is a record of prior incidents of fraudulent business practices by such employee or agent or other employees or agents of the business.*

*§ 20-9513 Enforcement. a. In addition to police officers and employees and agents of the commission, notices of violation and appearance tickets for violation of any provision of this chapter or any rule promulgated hereunder may be issued by authorized employees and agents of other agencies of the city designated by the commission.*

*b. With respect to any notice of violation or order of the commission alleging the unlicensed operation of a business regulated by this chapter, the operator of a delivery vehicle engaged in delivering or transporting heating oil in violation of this chapter shall be deemed to be the agent of the business entity employing such operator or on whose behalf such operator is acting and service of such notice of violation or order on such operator shall be deemed to be lawful service upon such business entity.*

*§ 20-9514 Hearings. Except as otherwise specified, the commission may provide by rule that hearings or specified categories of hearings pursuant to this chapter may be conducted by the office of administrative trials and hearings and may provide that such office shall make the final decision or determination with respect to the matter.*

*§ 20-9515 Conduct. a. 1. All licensed dealers and deliverers shall maintain financial statements, records, ledgers, receipts, bills and such other written or electronic records as the commission determines are necessary for carrying out the purposes of this chapter. Such written or electronic records may include, but are not limited to:*

*(a) Compilation reports on financial statements;*

*(b) Reviewed financial statements; and*

*(c) Audited financial statements; provided that licensees shall not be required to perform an audit of any financial statements.*

*2. Such records shall be maintained for a period of time established in rules promulgated by the commission not to exceed five years, except that the commission may promulgate rules providing that the commission may, in specific instances at its discretion, require that records be retained for a period of time exceeding five years.*

*3. Such records shall be made available for inspection and audit by the commission, in accordance with applicable law, at either the licensee's place of business or at the offices of the commission.*

*b. A licensee shall be in compliance at all times with all applicable federal, state, and local laws, ordinances, rules and regulations and orders of the commission pertaining to the transport and delivery of heating oil.*

*c. A licensee or applicant shall comply with any rule or order by the commission requiring the inspection of a delivery vehicle.*

*d. A licensed dealer or deliverer shall bill consumers for the delivery of heating oil and ensure that the contents of such bill include the amount of oil sold and the price for such oil in compliance with rules prescribed by the commission.*

*§ 20-9516 Investigation of complaints. The commission shall by rule establish a procedure for the investigation and resolution of complaints regarding fraudulent business practices.*

*§ 20-9517 Protection of criminal history. Nothing in this chapter shall be construed to supersede, alter or amend subdivision 9 of section 8-107 of the administrative code.*

§ 4. This local law takes effect 210 days after it becomes law, except that (i) the commission may adopt rules and take other measures as it deems necessary for the implementation of this local law prior to such effective date, including, but not limited to, rules providing for the continued operation of an existing business that would otherwise be required to have a license on such effective date, where an application for such license is submitted to the commission by a date and in accordance with such conditions as are specified in such rules and (ii) section 2 of this local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 85

**Resolution calling upon the New York City Department of Education (DOE) to ensure that all students have equitable access to after-school athletic activities and associated funding.**

By Council Members Reynoso and Salamanca.

**Whereas,** According to DOE and Public Schools Athletic League (PSAL) data collected by the Small Schools Athletic League (SSAL), PSAL's current funding methods disproportionately affect high schools with high rates of poverty, students of color, and English Language Learners (ELL), leaving some high schools with a disparate or even a complete lack of access to after-school athletic activities; and

**Whereas**, In an effort to provide after-school athletics opportunities to smaller schools that received no PSAL funding, the Small Schools Athletic League (SSAL) was created in 2011with the individual financial commitments of eight small schools, and has since grown to include nearly 40 high schools and field 100 teams in four sports; and

**Whereas**, PSAL's financing practices have been the subject of a recent civil rights complaint by advocates to the United States Department of Education's Office for Civil Rights (OCR), claiming that students of color in New York City public high schools do not have equitable access to high school interscholastic sports; and

**Whereas**, The complaints used statistical data provided by the DOE and PSAL to find that high schools where most of the students of color and ELL students have the lowest number of interscholastic teams, and that 70% of students who attend schools with mostly white students have access to more than 20 teams when only 15% of students who attend a school where most of the students are students of color access to more than 20 teams; and

**Whereas,** In an October 2014 "Dear Colleague Letter" on Resource Comparability, the OCR stated that "Chronic and widespread disparities in access to rigorous courses, academic programs, and extracurricular activities… further hinder the education of students of color today."; and

**Whereas,** As reported in the Wall Street Journal, in February 2015, the OCR had found that for years, the NYC DOE had been violating Title IX provisions of the Civil Rights Act of 1964 for failing to provide girls with equal opportunities to play high school sports; and

**Whereas,** As reported in the New York Times, PSAL's method of budget allocation does not offer extracurricular athletics programs to students who attend schools that do not meet the required level of interest at the school, have sufficient coaches available, or enough students who could satisfy the league's academic eligibility rules, among other criteria; and

**Whereas,** The New York Times reported that it was a "statistical delusion" that the DOE's representation that 90 percent of NYC students attend a school with access to PSAL programs; and

**Whereas,** While the support of funding from the New York City Council has facilitated the merging of the DOE and SSAL the FY 2015, there remain serious concerns as to the continued financing of the SSAL; and

**Whereas**, The importance of extracurricular athletics for students is widely accepted to benefit academic performance, enhance interpersonal skills, social skills, mental wellness, a defined sense of community, and to decreases in juvenile arrests, teen births, school dropout, drug use, depression and suicide; now, therefore be it

**Resolved,** That the Council of the City of New York calls upon the New York City Department of Education to ensure that all students have equitable access to after-school athletic activities and associated funding.

Referred to the Committee on Education.

Res. No. 86

**Resolution in support of the New York State Education Department's Elementary and Secondary Education Act Waiver Renewal request that newly arrived English Language Learners be exempted from participating in the English language arts assessments for two years.**

By Council Member Reynoso.

**Whereas,** On December 10, 2015, the Every Student Succeeds Act (ESSA) was signed into law by then-President Obama; and

**Whereas**, ESSA reauthorized the 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law; and

**Whereas,** To meet the requirements of ESSA, New York was required to submit a new state plan to the United States Department of Education (USDE) for the use of a wide array of Federal grant programs; and

**Whereas**, The New York State Education Department (NYSED) submitted the State's ESSA Plan to USDE on September 18, 2017; and

**Whereas,** As part of the State's ESSA Plan submission, NYSED also included three waiver requests, pursuant to Section 8401 of ESEA which provides authority to the Secretary of the USDE to waive certain statutory and regulatory requirements at the request of a State Educational Agency; and

**Whereas,** One of the proposed waivers requests permission to continue to exempt newly arrived English Language Learner/Multilingual Learner (ELL/MLL) students for one year from taking the English language arts (ELA) exam; and

**Whereas,** The waiver also seeks to, in Year 2, have these students take the ELA exam to establish a baseline for measuring growth; and

**Whereas,** In Year 3 and beyond, both the achievement and growth results in ELA would be used for school accountability; and

**Whereas**, Without a waiver, New York would be required to begin to test these students in Year 2 and use those achievement results for school accountability; and

**Whereas**, This waiver will apply only to New York State ELL/MLL students enrolled in Grades 3-8 who are within their first three years of enrollment in U.S. schools; and

**Whereas**, ELLs, by virtue of the definition that identifies these students as developing in their understanding and use of English, have a limited ability to demonstrate what they know and can do on the ELA assessments; and

**Whereas**, Unlike accommodations provided to ELLs on other content area assessments, such as math, translations of the ELA assessments are not provided to ELLs; and

**Whereas,** Any progress, therefore, in language development is not captured by the ELA assessments, which require a high level of English language development in order to demonstrate knowledge and skills on the assessments; and

**Whereas,** Additionally, these students are already required to take at least one English language proficiency assessment, the New York State English as a Second Language Achievement Test (NYSESLAT)

and some take additional local- and home-based assessments to continually measure their proficiency throughout school year; and

**Whereas**, The New York State ELA test can serve as a source of extreme anxiety for students who are already carrying a high testing burden when compared with other students in New York State; and

**Whereas**, The NYSESLAT exam is an appropriate exam for newly arrived ELLs to demonstrate progress because it is rigorous and highly correlated with ELA performance; and

**Whereas,** According to NYSED, this exemption will allow New York State to advance the learning of recently arrived ELLs/MLLs by reducing their testing burden and better measure the progress of ELLs by utilizing NYSESLAT as a way of measuring ELL progress in the first two years of their instruction in the United States; now, therefore, be it

**Resolved,** That the Council of the City of New York supports the New York State Education Department's Elementary and Secondary Education Act Waiver Renewal request that newly arrived English Language Learners be exempted from participating in the English language arts assessments for two years.

Referred to the Committee on Education.

Res. No. 87

**Resolution calling upon the Mayor, the Mayor's Office of Environmental Coordination, the New York City Planning Commission, the New York City Department of City Planning and all other relevant City agencies to review and amend the CEQR process to include consideration of community concerns earlier in the process**

By Council Member Reynoso.

**Whereas,** In response to the shortage of affordable housing in New York City, in 2014, Mayor de Blasio announced *Housing New York*, a comprehensive plan to build or preserve 200,000 affordable units over the next decade; and

**Whereas,** A key initiative of the Mayor's housing plan is a Mandatory Inclusionary Housing ("MIH") program, which requires through zoning actions a portion of new housing to be permanently affordable to low- or moderate-income households in order to ensure diverse and inclusive communities; and

**Whereas,** Under the New York City Planning Commission's current land use application review process, affected community members have little, if any, opportunity to engage in shaping development proposals until the application is certified for public review pursuant to the Uniform Land Use Review Procedure ("ULURP"); and

**Whereas**, By the time land use applications reach ULURP, many of the substantive decisions about how the development will look and what affordable housing it will include have been made; and

**Whereas,** The lack of meaningful community input in shaping development proposals can result in negative outcomes in terms of affordable housing creation; and

**Whereas,** In August of 2016, for instance, the New York City Council's Land Use Committee voted against the proposed Sherman Plaza project in Inwood, which would have provided 175 apartments under the MIH program, due to community concerns about affordability, displacement and the impact of gentrification on the community; and

**Whereas,** According to the New York City Planning Commission, the Sherman Plaza proposal was certified for ULURP with no previous community input; and

**Whereas,** Article 8 of the New York State Environmental Conservation Law and related regulations require New York City to incorporate environmental quality review procedures into planning and decision making processes for projects that the City plans to undertake or give discretionary approval to; and

**Whereas**, New York City accordingly has adopted the City Environmental Quality Review ("CEQR") process for evaluating any project that is directly undertaken by a City agency or requires discretionary approval from a City agency; and

**Whereas,** Before undergoing ULURP, land use applications are subject to CEQR to identify any potential adverse environmental effects, assess their significance and propose measures to eliminate or mitigate significant impacts; and

**Whereas,** Depending on the type and scale of the project, CEQR review may involve several stages of study and evaluation, including 1) a determination of whether the action is the kind that requires any significant environmental review or instead has been identified by state or local rule as requiring no environmental study, 2) an Environmental Assessment Statement ("EAS") to help identify any impacts the proposed project may have on the environment and whether those environmental impacts may be significant and adverse, and 3) if significant adverse impacts may result, preparation of a detailed Environmental Impact Statement ("EIS"), which requires a public scoping meeting to solicit comments on the scope of topics to be covered in the EIS; and

**Whereas**, Consideration of community concerns and priorities earlier in the CEQR process would allow the community to shape proposals and raise potential issues before project details are codified, potentially avoiding conflict and opposition to proposals later in the land use application process; and

**Whereas,** Accordingly, CEQR analysis should be expanded to take into account other potential impacts, including the cumulative effects of rezonings in surrounding areas, compliance with federal fair housing regulations, the number of jobs a project would create in specific industries and whether employees would be hired locally, the amount of economic benefit that the developer would obtain from rezoning, and any community benefits being provided; and

**Whereas,** CEQR should also be amended to require that if a community-based plan or set of principles exists for the affected area, a development scenario that fits into the parameters of such plan should be identified in the EIS as a possible alternative to mitigate or eliminate significant impacts of the proposed development; and

**Whereas**, Mayor de Blasio's *Housing New York* plan includes a review of the CEQR process to make it more efficient and make EISs more comprehensible to the general public and affected communities, as well as an examination of how environmental reviews are undertaken in other jurisdictions in order to incorporate best practices into New York City's process; and

**Whereas,** The environmental review updates identified in the *Housing New York* plan should be prioritized and include a robust public process to solicit feedback from New Yorkers; and

**Whereas,** Strengenthing the role of communities in shaping development plans will ultimately improve planning outcomes for neighborhoods and help to solve the affordable housing crisis in New York City; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Mayor, the Mayor's Office of Environmental Coordination, the New York City Planning Commission, the New York City Department of City Planning and other relevant City agencies to review and amend the CEQR process to include consideration of community concerns earlier in the process.

Referred to the Committee on Land Use.

Res. No. 88

**Resolution calling upon the Metropolitan Transportation Authority to institute a process for opening closed subway station entrances**

By Council Members Reynoso and Brannan.

**Whereas**, The subway system is the backbone of New York City's transit network, serving as an essential mode of transportation that millions of New Yorkers rely on every day; and

**Whereas**, During a period of declining ridership and revenue and increased crime in the 1970s and 1980s, the Metropolitan Transportation Authority ("MTA") closed many subway station entrances in an effort to save money and increase safety by concentrating riders in smaller areas; and

**Whereas,** Today, 119 station entrances throughout the city remain closed despite record ridership levels and dramatically reduced crime; and

**Whereas,** In 2014, annual subway ridership was higher than it had been in more than 65 years, while major felonies in the system were down to an average of about 7 per day compared to 48 per day in 1990; and

**Whereas,** Now, at a time when high ridership is creating severe crowding conditions at many places in the system, re-opening closed subway station entrances could help relieve congestion and bottlenecks at heavily-used entrances; and

**Whereas,** Local businesses located near re-opened entrances would likely benefit from an increase in pedestrian activity and many riders would have access to more conveniently-located station entrances; and

**Whereas,** When entrances, stations, or entire lines need to be closed for construction, such as the upcoming repairs planned for the Canarsie Tube on the L line, re-opening closed entrances at other stations to which riders might be diverted could alleviate potential overcrowding; and

**Whereas,** With so many station entrances currently closed that could potentially be re-opened, the MTA should conduct a comprehensive study of the issue with the goal of re-opening as many entrances as is feasible, while prioritizing those locations that would have the greatest potential positive impact on riders and the surrounding areas; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to institute a process for opening closed subway station entrances.

Referred to the Committee on Transportation.

Int. No. 260

By Council Member Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to New York City agencies policies regarding work-related communications during non-work hours**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 12 of the administrative code of the city of New York is hereby amended to add a new section 12-140 to read as follows:

*§ 12-140. Work-related communications during non-work hours. a. Within 90 days of the enactment of this local law, each agency of the city of New York shall generate a policy regarding the off-hour work-related usage of electronic communications, including but not limited to, mobile phones and electronic mail. Such policy may contain:*

*(a) Guidelines for usage by such agency's employees of city-owned mobile phones during non-work hours;*

*(b) guidelines for such agency's employees accessing of city electronic mail accounts during non-work hours;*

*(c) guidelines for such agency's employees usage of other forms of communication in connection with their employment during non-work hours;*

*(d) clear differentiation, if necessary, if any elements of the policy are different for managerial and non-managerial employees; and*

*(e) exceptions, if any, to such policy.*

*b. Within 120 days of the enactment of this local law, each agency shall transmit its policy regarding work-related communications during non-work hours to the mayor.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 261

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to conduct a survey related to inmate quality of life**

*Be it enacted by the Council as follows:*

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-153 to read as follows:

*§ 9-153 Inmate surveys.*

*a. Commencing one year after the effective date of the local law that added this section, an agent of the department shall provide all inmates with an annual survey regarding such inmate's experiences in city jails. Such survey shall not attribute responses to any individual without their consent. In addition to questions, such survey shall include space for inmates to provide any additional information they wish to share.*

*b. Such survey shall be designed by the department in coordination with the agent designated in subdivision a of this section and relevant inmate advocates and health professionals.*

*c. Such survey shall include but not be limited to questions addressing the topics of living conditions and treatment by departmental employees.*

*d. No later than six months following the first administration of the survey, and annually thereafter, the department shall submit to the speaker of the council and post on its website aggregated data from the surveys required pursuant to this section and any steps the department has taken in response to the information provided in such surveys.*

*e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 262

By Council Member Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide school-level data regarding students receiving special education services**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 8 of subdivision b of section 21-955 of the administrative code of the city of New York, as added by local law 27 for the year 2015, is hereby amended to read as follows:

8. the total number of students who have an IEP as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, grade level, [and] disability classification *and school*;

§ 2. Subdivision d of section 21-955 of the administrative code of the city of New York, as added by local law 27 for the year 2015, is hereby amended to read as follows:

d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of

student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between [0]*1* and 5 students, or allows another category to be narrowed to between [0]*1* and 5 students, the number shall be replaced with a symbol.

§ 3. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 263

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that, by 2050, all city-owned wastewater treatment plants produce at least as much energy as they consume**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 4 of Chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-368 to read as follows:

*§ 24-368 Net zero energy consumption by wastewater treatment plants. a. By no later than January 1, 2050, 100 percent of the total energy used by each city-owned wastewater treatment plant must be produced onsite, pursuant to the following schedule:*

*1. By no later than January 1, 2020, not less than 15 percent of the total energy used by such plants must be produced onsite;*

*2. By no later than January 1, 2025, not less than 30 percent of the total energy used by such plants must be produced onsite;*

*3. By no later than January 1, 2030, not less than 45 percent of the total energy used by such plants must be produced onsite;*

*4. By no later than January 1, 2035, not less than 60 percent of the total energy used by such plants must be produced onsite;*

*5. By no later than January 1, 2040, not less than 75 percent of the total energy used by such plants must be produced onsite;*

*6. By no later than January 1, 2045, not less than 90 percent of the total energy used by such plants must be produced onsite;*

*7. By no later than January 1, 2050, not less than 100 percent of the total energy used by such plants must be produced onsite.*

*c. By no later than three months after each compliance date set in subdivision b of this section, the department of citywide administrative services shall submit to the mayor and council a report concerning the implementation of this section, including, but not limited to, the following information:*

*1. The percentage of total energy used in city-owned wastewater treatment plants that is produced onsite;*

*2. Any difficulties in complying with this section and recommendations for addressing such difficulties;*

*3. The types of renewable energy sources utilized onsite, if any;*

*4. The costs attributable to complying with this section;*

*5. Reductions in greenhouse gas emissions attributable to complying with this section, including any other environmental or energy-related benefits attributable to such compliance.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 264

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to mandating the construction of solar canopies in certain parking lots**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-211 to read as follows

*§ 4-211 Solar energy generation on city-controlled parking lots. a. As used in this section, the following terms have the following meanings:*

*City-controlled parking lot. The term "city-controlled parking lot" means an open parking lot, as such term is defined in the New York city building code, that is city-owned or that is leased or operated by the city under an agreement that would allow the city to install solar canopies on such lot in accordance with this section.*

*Cost-effective. The term "cost-effective" means, with respect to the installation of a solar canopy on a city-controlled parking lot, that the sum of the following equals or exceeds the cost of installing such canopy:*

*(A) The expected net present value to the city of the energy to be produced by such canopy over the 25 years following installation of such canopy, or where such lot is not city-owned, over the lesser of 25 years following installation of such canopy or the length of time remaining before the agreement under which the city leases or operates such lot expires or is due to be renewed; and*

*(B) Where such canopy will provide protection from the elements for vehicles parked at such lot, the expected net present value to the city of such protection over the time period described in item (A) of this definition.*

*Solar canopy. The term "solar canopy" means a system designed and constructed to capture solar radiation for the purpose of producing usable energy.*

*b. 1. No later than two years after the effective date of this section, the department of citywide administrative services shall, with the cooperation of all other relevant agencies, install all solar canopies that would be cost-effective at each city-controlled parking lot.*

*2. For each city-controlled parking lot at which solar canopies are installed under this subdivision, a number of parking spaces equal to or greater than 50 percent of the parking spaces covered by such canopies shall be equipped with electrical raceways capable of supporting electric vehicle charging stations in accordance with section 406.7.11 of the New York city building code, notwithstanding any exceptions enumerated in such section, and electric vehicle charging stations shall be installed for such spaces.*

*c. No later than two years after the effective date of this section, and every fifth year thereafter, the department of citywide administrative services shall, with the cooperation of all other relevant agencies, report to the speaker and the mayor the following information for each community district:*

*1. The number of city-controlled parking lots;*

*2. The number of city-controlled parking lots for which installation of solar canopies would be cost-effective;*

*3. The number of city-controlled parking lots complying with paragraph two;*

*4. The recommendations of the department of citywide administrative services with respect to continuing or amending the requirements of this section; and*

*5. For reports other than the first report filed pursuant to this subdivision, the following additional information:*

*(a) The number of city-controlled parking lots on which a solar canopy was installed on or after the filing date of the previous report;*

*(b) The value of energy produced by solar canopies on city-controlled parking lots and a summary of how such energy was used; and*

*(c) A description of each factor, including changes in technology, that has affected the cost-effectiveness of installing solar canopies on city-controlled parking lots in such district since the previous report was filed.*

§ 2. This local law takes effect immediately

Referred to the Committee on Environmental Protection.

Int. No. 265

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to limiting nighttime illumination for certain buildings**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-116.2 to read as follows:

*§ 24-116.2 Limitations on nighttime illumination. a. As used in this section, "night" means the period of time beginning at sunset and ending at sunrise.*

*b. No exterior or interior of a building whose main use or dominant occupancy is classified in group B or M pursuant to the New York city building code may be illuminated at night, except as follows:*

*1. This subdivision shall not apply to small stores, as such term is defined in section 20-910.*

*2. An owner of a building that is a landmark, as such term is defined in section 25-302 of the code, and twenty or more stories in height may apply to the landmarks preservation commission for relief from the provisions of this section for such building. If such commission finds that such building is a significant part of the city's skyline, as determined pursuant to rules promulgated by such commission, such commission may, after consultation with the department, waive or vary the provisions of this section for such building.*

*3. Upon a showing by a building owner that special circumstances indicate a need for night security lighting for such building, the department may waive or vary the provisions of this section for such building to the minimum extent necessary to accommodate such lighting. The department shall, in coordination with the police department and the department of buildings, promulgate rules defining such special circumstances.*

*4. Where individuals are inside of a building at night, such building's interior or exterior may remain illuminated until such individuals exit such building.*

*5. This subdivision shall not prohibit illumination of a building's interior or exterior at night where such illumination is required by law, rule or the New York zoning resolution.*

*6. Storefront display windows containing temporary seasonal displays may be illuminated until midnight or until the last individual within the building exits, whichever occurs later.*

*7. Storefront display windows, other than those containing temporary seasonal displays, may be illuminated at night, provided that (i) such illumination does not exceed fifty watts per linear foot of the window perimeter until midnight and does not exceed twenty-five watts per linear foot of the window perimeter after midnight, (ii) no more than twenty percent of the luminaires providing such illumination are located more than fifteen feet from the window, and (iii) each luminaire used for such illumination has a luminous efficacy greater than thirty lumens per watt.*

*c. An owner or operator of a building found to be in violation this section shall be subject to a civil penalty of one thousand dollars for each violation.*

*d. The department shall enforce the provisions of this section.*

§2. This local law shall take effect 120 days after enactment, except that the commissioner of environmental protection and chair of the landmarks preservation commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Environmental Protection.

Int. No. 266

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of biodiesel fuel in marine craft owned or operated by the department of environmental protection**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 24 of the administrative code of the city of New York is amended to add a new section 24-163.13 to read as follows:

*24-163.13 Use of biodiesel fuel in diesel fuel-powered marine craft owned or operated by the department of environmental protection. a. On and after July first, two thousand fifteen and until January first, two thousand eighteen, each diesel fuel-powered marine craft owned or operated by the department of environmental protection shall be powered by an ultra low sulfur diesel fuel blend with at least five percent biodiesel by volume.*

*b. On and after January first, two thousand eighteen, each diesel fuel-powered marine craft owned or operated by the department of environmental protection shall be powered by an ultra low sulfur diesel fuel blend with at least twenty percent biodiesel by volume.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 267

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing city government emission of greenhouse gases by 40 percent by 2020**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (1) of subdivision b of section 24-803 of the administrative code of the city of New York, as added by local law number 22 for the year 2008, is amended to read as follows:

(1) There shall be, at minimum, a [thirty]30 percent reduction in city government emissions by calendar year 2017, *and a 40 percent reduction in city government emissions by calendar year 2030*, relative to such emissions for the base year for city government emissions.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 268

By Council Member Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to backflow prevention device reporting and certification, and the repeal and replacement of subdivision d of section 24-343.1 of such code**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 24-343.1 of the administrative code of the city of New York is REPEALED and a new subdivision d is added to read as follows:

*d. On or before January 15, 2016, and on or before every January 15 thereafter, the department shall submit a report to the council setting forth the following information:*

*1. The number of all facilities that the department estimates requires the installation of one or more backflow prevention devices;*

*2. The number of such facilities that the department has determined to be in the hazardous category;*

*3. The number of all facilities in which backflow prevention devices have been installed to date;*

*4. The number of hazardous facilities in which backflow prevention devices have been installed to date;*

*5. The number of annual test reports filed with the department in the preceding calendar year;*

*6. The number of violations issued in the preceding calendar year for failure to install a backflow prevention device; and*

*7. The number of violations issued in the preceding calendar year for failure to file an annual test report with the department.*

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

Referred to the Committee on Environmental Protection.

Int. No. 269

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to a solar power pilot program**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-126 to read as follows:

*§ 3-126 Solar powered pilot program. a. Definitions.*

*Covered building. The term "covered building" means a building that contains one or more dwelling units.*

*Designated agency. The term "designated agency" means the office of long-term planning and sustainability or another agency or office designated by the mayor to administer the provisions of this section.*

*Dwelling unit. The term "dwelling unit" shall have the meaning ascribed to such term in the housing maintenance code.*

*b. The designated agency shall develop and conduct a pilot program in which a district-scale solar thermal heating system is used in conjunction with solar photovoltaic systems to provide all of the heating, hot water, cooling and electricity needs for covered buildings participating in such program.*

*c. The designated agency shall consider utilizing underground borehole thermal energy storage to store solar energy generated in connection with such program. If the designated agency determines that the use of such storage means is not practicable or is otherwise undesirable, such agency shall set forth the reasons therefor in the findings required by subdivision e of this section.*

*d. The designated agency shall establish a procedure for selecting a suitable site which is the recipient of sufficient solar radiation for the covered buildings to successfully participate in such program.*

*e. The purchaser of a residential building that is part of the pilot program must enter into a regulatory agreement with the department of housing preservation and development requiring that the building and each dwelling unit offered for rent in such building be made and remain affordable to the occupant or subsequent purchaser thereof for the duration of such program, in a manner determined by such department.*

*f. In July of each year, the designated agency shall submit to the mayor and the speaker of the council, and make publicly available online, a report on the findings of such pilot.*

§ 2. This local law takes effect immediately

Referred to the Committee on Environmental Protection.

Int. No. 270

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to carbon accounting**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-127 to read as follows:

*§ 3-127 Carbon accounting. a. Definitions. As used in this chapter:*

*Carbon dioxide equivalent ($CO_2e$). The terms "carbon dioxide equivalent" and "$CO_2e$" mean the quantity of carbon dioxide gas expressed in metric tons that would have the same GWP when measured over a timescale of 100 years as a given quantity of a greenhouse gas.*

*Carbon emissions. The term "carbon emissions" means greenhouse gas emissions from any source, as expressed in $CO_2e$.*

*Carbon offsets. The term "carbon offset" means a project or process owned or operated by the city that captures and sequesters or chemically decomposes a greenhouse gas from the atmosphere, as expressed in $CO_2e$.*

*Carbon mitigation. The term "carbon mitigation" means a project or process owned or operated by an entity other than the city the expenses of which are paid in whole or in part from the city treasury that captures and sequesters or chemically decomposes a greenhouse gas prior to its release into the atmosphere, or results in a reduction of greenhouse gas emissions from any source by the replacement or retrofit of mechanical or electrical equipment or by conversion to an alternative source of energy. Carbon mitigation shall be measured as the reduction of the pre-mitigation release of greenhouse gas into the atmosphere, as expressed in $CO_2e$, for the entire useful life of any mechanical or electrical equipment used to achieve such mitigation, as appropriate, prorated by the percentage of funds used to finance such mitigation that were paid from the city treasury.*

*Global warming potential (GWP). The terms "global warming potential" and "GWP" mean the total infrared radiation energy that a greenhouse gas absorbs over a period of time compared to carbon dioxide. The GWP value for any particular greenhouse gas shall be equal to the value for such gas as listed in column "GWP 100-year" of table 8.A.1, Radiative efficiencies (REs), lifetimes/adjustment times, AGWP and GWP values for 20 and 100 years, and AGTP and GTP values for 20, 50 and 100 years, of Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change as published on September 30, 2013.*

*Greenhouse gas. The term "greenhouse gas" means a gas that absorbs infrared radiation in the atmosphere, and specifically any gas listed in table 8.A.1, Radiative efficiencies (REs), lifetimes/adjustment times, AGWP and GWP values for 20 and 100 years, and AGTP and GTP values for 20, 50 and 100 years, of Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change as published on September 30, 2013.*

*Net carbon impact. The term "net carbon impact" means an amount equal to the carbon emissions less the carbon offsets and carbon mitigation that would be generated by a unit of appropriation, by an agency, or by the entire city government, respectively.*

*b. Preliminary budget accounting. Not later than the day the mayor submits the preliminary budget to the council pursuant to section 236 of the charter, the mayor shall submit to the council an accounting of the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the preliminary budget, by each agency, and by the entire city government. The second and subsequent annual reports submitted pursuant to this subdivision shall also include, where appropriate, the changes from the adopted budget for previous year to the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the preliminary budget, by each agency, and by the entire city government with an explanation of the cause of such changes.*

*c. Executive budget accounting. Not later the day the mayor submits the executive budget to the council pursuant to section 249 of the charter, the mayor shall submit to the council an accounting of the carbon*

*emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the executive budget, by each agency, and by the entire city government. The second and subsequent annual reports submitted pursuant to this subdivision shall also include, where appropriate, the changes from the adopted budget for previous year to the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the executive budget, by each agency, and by the entire city government, with an explanation of the cause of such changes.*

*d. Methodology. The director of the office of long-term planning and sustainability shall establish the methodology by which carbon emissions, carbon offsets and carbon mitigation shall be calculated. A description of the methodology shall be included with each report submitted pursuant to subdivisions b or c of this section.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 271

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing unnecessary illumination in city-owned and city-controlled spaces**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-211 to read as follows:

*§ 4-211 Limitation on lighting in city-owned and city-controlled spaces. a. As used in this section:*

*"Compliant building" means a building in which all covered spaces comply with the occupancy sensor requirements of section C405.2.2.2 of the New York city energy conservation code for new construction.*

*"Covered building" means a building that (i) contains any covered space and (ii) is located in the city.*

*"Covered space" means space that (i) if newly constructed, would be required to comply with the occupancy sensor installation requirements of section C405.2.2.2 of the New York city energy conservation code and (ii) is located within a city-owned building or a building that is leased or operated by the city under an agreement that would authorize the city to install occupancy sensors in accordance with such section.*

*b. Existing covered spaces shall comply with the occupancy sensor installation requirements of section C405.2.2.2 of the New York city energy conservation code for new construction as follows:*

*1. by January 1, 2020, at least 50 percent of covered buildings shall be compliant buildings;*

*2. by January 1, 2025, at least 80 percent of covered buildings shall be compliant buildings;*

*3. by January 1, 2030, all covered buildings shall be compliant buildings.*

*c. By March 31 of 2021 and every year thereafter until 2030, the department of citywide administrative services shall, with the cooperation of all relevant agencies, report to the mayor and the speaker of the council the following information:*

*1. the number of covered buildings as of the end of the previous calendar year;*

*2. the number of compliant buildings and the percentage of covered buildings that are compliant buildings, as of the end of the previous calendar year; and*

*3. the number of covered buildings that became compliant buildings during the previous calendar year.*

*d. Every three years after the enactment of this legislation, the department of citywide administrative services shall, with the cooperation of all relevant agencies, report to the mayor and the speaker of the council on the energy saved as a result of the installation of occupancy sensors pursuant to this section.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 272

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing methane emissions**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-806 to read as follows:

*§ 24–806 Reducing methane emissions. a. As used in this section:*

*Department. The term "department" means the department of environmental protection.*

*Dwelling unit. The term "dwelling unit" has the meaning ascribed to such term in the housing maintenance code.*

*b. 1. At least once in every five years, the department shall, with the cooperation of all relevant agencies, survey each part of each city-owned building to identify any methane leaks at such building.*

*2. Where the department identifies a methane leak at such a building, the department shall promptly notify each agency that has jurisdiction over such building and the city shall undertake repairs to stop such leak.*

*3. Within three months after the end of each fiscal year, the department shall, with the cooperation of all relevant agencies, report to the mayor and the speaker of the council on (i) methane leaks identified at city-owned buildings during such year, (ii) repairs undertaken to correct methane leaks identified at city-owned buildings during such year and (iii) an estimate of the amount of methane emissions reduced as a result of undertaking such repairs.*

*c. At least once in every five years, the department shall transmit to each gas corporation, as such term is defined in section 2 of the public service law, recommendations regarding repairs and other work undertaken by such corporation to address methane leaks, including but not limited to prioritization of such repairs, and shall at the same time transmit a copy of such recommendations to the mayor and the speaker of the council. Upon receiving responses from such a corporation with respect to such recommendations, the department shall provide a copy of such responses to the mayor and the speaker of the council. Such recommendations and responses thereto, and copies thereof, may be transmitted electronically.*

*d. For each building located in the city, the owner thereof shall, in accordance with rules promulgated by the department, survey each part of such building to identify any methane leaks at such building, except that (i) for a dwelling unit, as such term is defined in the housing maintenance code, such unit shall be surveyed upon vacancy and (ii) no such part, including a dwelling unit, need be surveyed more often than once in any five-year period.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 273

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing transparency around manhole fires and explosions**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the City of New York is amended by adding a new section 15-132 to read as follows:

*§ 15-132 Reporting on manhole fires and explosions. No later than October 1 of each year, the department shall submit a report to the council on the number of manhole fire and manhole explosion complaints responded to by the department, disaggregated by council district.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 274

By Council Member Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to nighttime illumination during peak avian migration periods**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-211 read as follows:

*§ 4-211 Limitation of nighttime illumination in city-owned buildings during peak avian migration periods. For city-owned buildings, non-essential outdoor lighting, as such term shall be defined by rule of the department of citywide services, shall be turned off between the hours of 11:00 p.m. and 6:00 a.m. from April 15 through May 31, and from August 15 through November 15, of each year.*

§ 2. This local law takes effect immediately

Referred to the Committee on Governmental Operations.

Int. No. 275

By Council Members Richards and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to banning smoking in city-financed housing**

*Be it enacted by the Council as follows:*

Section 1. Section 17-502 of the administrative code of the city of New York is amended by adding new subdivisions bbb and ccc to read as follows:

*bbb. "City-financed housing" means a multiple dwelling being rehabilitated or constructed after the effective date of this local law, in conjunction with a state, federal or local program to produce affordable housing, which has received or is expected to receive financial assistance.*

*ccc. "Financial assistance" means assistance, whether discretionary, or as of right, to create or maintain affordable housing, including but not limited to loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, land value, or other thing of value allocated, conveyed or expended by the city.*

§2. Section 17-503 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. Smoking is prohibited in all areas of multiple dwellings owned and operated by the New York city housing authority and in all areas of city-financed housing.*

§3. This local law takes effect 180 after it becomes law.

Referred to the Committee on Health.

Int. No. 276

By Council Members Richards and Brannan.

**A Local Law to amend the New York city building code, in relation to requiring that the roofs of certain new buildings be partially covered in plants or solar panels**

*Be it enacted by the Council as follows:*

Section 1. Chapter 15 of chapter 7 of title 28 of the administrative code of the city of New York is amended by adding a new section BC 1512 to read as follows:

***Section BC 1512***

***GREEN ROOFS OR SOLAR PHOTOVOLTAIC PANELS/MODULES REQUIRED***

***1512.1 General.*** *Buildings or structures classified in accordance with section BC 302 of the New York city building code in occupancy groups A-1, A-2, A-3, A-4, E, F-1, F-2, I-1, I-2, R-1, R-2 or R-3 shall cover at least 50 percent of available rooftop space with a green roof system or solar photovoltaic panels/modules, or with a combination of both.*

***Exception:*** *Available rooftop space shall not include:*

*1. Any space required by the New York City Fire Code; and*

*2. Any space occupied by mechanical equipment.*

***1512.2 Installation.*** *The installation of green roof systems and solar photovoltaic panels/modules shall comply with the following:*

***1512.2.1 Green roofs.*** *The design and installation of green roof systems shall comply with section 1507.16 of this chapter.*

***1512.2.2 Solar photovoltaic panels/modules.*** *The design and installation of solar photovoltaic panels/modules shall comply with section 1511.1 of this chapter.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 277

By Council Members Richards and Brannan.

**A Local Law to amend the New York city building code, in relation to increasing the number of electric vehicle charging stations in open parking lots and parking garages**

*Be it enacted by the Council as follows:*

Section 1. Section 406.2.11 of the building code of the city of New York, as added by local law number 130 for the year 2013, is amended to read as follows:

**406.2.11 Electric vehicle charging stations.** Parking garages shall be capable of supporting electrical vehicle charging stations in accordance with this section. Electrical raceway to the electrical supply panel serving the garage shall be capable of providing a minimum of 3.1 kW of electrical capacity to at least 20 percent of the parking spaces of the garage *and no later than January 1, 2030, to at least 40 percent of such spaces*. The electrical room supplying the garage must have the physical space for an electrical supply panel sufficient to provide 3.1 kW of electrical capacity to at least 20 percent of the parking spaces of the garage and *no later than January 1, 2030, to at least 40 percent of such spaces*. Such raceway and all components and work appurtenant thereto shall be in accordance with the *New York City Electrical Code.*

§ 2. Section 406.7.11 of the building code of the city of New York, as added by local law number 130 for the year 2013, is amended to read as follows:

**406.7.11 Electric vehicle charging stations.** Open parking lots shall be capable of supporting electric vehicle charging stations in accordance with this section. A minimum of 20 percent of the parking spaces in an open parking lot shall be equipped with electrical raceway capable of providing a minimum supply of 11.5kVA to an EVSE from an electrical supply panel *and no later than January 1, 2030, at least 40 percent of such spaces shall be equipped with such electrical raceway*. The raceway shall be no smaller than 1 inch. The electrical supply panel serving such parking spaces must have at least 3.1 kW of available capacity for each stall connected to it with raceway. Such raceway and all components and work appurtenant thereto shall be in accordance with the *New York City Electrical Code.*

§ 3. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 278

By Council Member Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to denying building permits where a nursing home has an excessive number of citations**

*Be it enacted by the Council as follows:*

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.3 to read as follows:

*§ 28-105.1.3 Denial of permit. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Life safety code citation. The term "life safety code citation" means noncompliance with a requirement set forth in the life safety code of the national fire protection association as is applicable to nursing homes.*

*Nursing home. The term "nursing home" has the same meaning as is ascribed to the term "facility" in section 483.5 of title 42 of the code of federal regulations.*

*Standard health citation. The term "standard health citation" means noncompliance with a requirement set forth in subpart B of part 483 of title 42 of the code of federal regulations.*

*b. The commissioner shall not issue permits for any nursing home if:*

*1. The nursing home contains fewer than 200 beds and was issued more than six standard health citations or more than eight life safety code citations in the aggregate for the three most recent surveys conducted by the New York state department of health pursuant to subpart E of part 488 of title 42 of the code of federal regulations;*

*2. The nursing home contains between 200 and 300 beds and was issued more than eight standard health citations or more than 10 life safety code citations in the aggregate for the three most recent surveys conducted by the New York state department of health pursuant to subpart E of part 488 of title 42 of the code of federal regulations; or*

*3. The nursing home contains more than 300 beds and was issued more than 10 standard health citations or more than 12 life safety code citations in the aggregate for the three most recent surveys conducted by the New York state department of health pursuant to subpart E of part 488 of title 42 of the code of federal regulations.*

*c. The commissioner may issue a permit for a nursing home where the issuance of such permit is necessary to correct an outstanding violation of this code or of any other applicable provisions of law or rule or where the commissioner determines that issuance of such permit is necessary to perform work to protect public health and safety.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 279

By Council Member Richards.

**A Local Law in relation to requiring the department of buildings to report on the efficacy of fuel oil catalyst reformers**

*Be it enacted by the Council as follows:*

Section 1. As used in this local law, the term "fuel oil catalyst reformer" means accessory equipment that reforms fuel oil in the supply line at or near the burner.

§ 2. By no later than December 31, 2019, the department of buildings shall prepare and file with the mayor and the council, and post on its website, a report analyzing whether fuel oil catalyst reformers enhance the efficiency of heating oil and, if so, the fuel savings which would result from such enhancement, the environmental impact of such enhancement and the cost of such reformers.

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 280

By Council Member Richards.

**A Local Law to amend the New York city charter, in relation to including additional capital projects in the citywide statement of needs**

*Be it enacted by the Council as follows:*

Section 1. Section 204 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended by adding a new subdivision i to read as follows:

*i. The citywide statement of needs shall include an appendix that lists capital projects, as that term is defined in subdivision 1 of section 210.*

*1. Except as provided in paragraph 2 of this subdivision, the appendix shall include any capital project for which the mayor or an agency intends to make or to propose an expenditure or intends to select or propose a site during the ensuing two fiscal years. For each listed capital project, the appendix shall describe:*

*(a) The nature of the project;*

*(b) Except as otherwise provided by law, the proposed location by borough, if possible by community district or group of community districts, and, if any city agency or its agent has begun any negotiation, feasibility examination or other study or significant consideration of a particular property or location for the project, by specific description of such location; and*

*(c) Such other information as the departments of city planning and citywide administrative services deem appropriate.*

*2. The appendix need not include:*

*(a) Any capital project already listed in the citywide statement of needs; or*

*(b) Any project described in paragraph c or subparagraph 4 of paragraph d of subdivision 1 of section 210.*

§ 2. This local law takes effect one year after it becomes law.

Referred to the Committee on Land Use.

Int. No. 281

By Council Member Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a study and mitigation of the impacts of methane gas emissions on city trees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

*§ 18-156 Study of fugitive methane gas impacts on the urban forest. a. The department, in conjunction with the department of environmental protection, shall create or review and adopt maps showing fugitive methane gas emissions from gas mains in the city.*

*b. Where maps of the canopy of trees under the jurisdiction of the commissioner, when overlaid upon the maps described in subdivision a, indicate, in the discretion of the department and the department of environmental protection, that trees under the jurisdiction of the commissioner may be impacted by fugitive methane gas emissions, the department shall confirm, by means of a field survey, whether such trees have been damaged by such emissions.*

*c. Where field surveys confirm damage to trees under the jurisdiction of the commissioner from fugitive methane gas emissions, the department shall document such damage, take appropriate steps to notify the responsible utility and mandate mitigation or seek reimbursement as may be appropriate.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 282

By Council Member Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a tracking system concerning the disposal of yellow and brown grease**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16-a of the administrative code of the city of New York is amended by amending section 16-515 by amending subsection c to read as follows:

c. *(i)* Any person who violates subdivision b of section 16-505 of this chapter or any rule pertaining thereto shall, upon conviction thereof, be punished by a civil penalty not to exceed one thousand dollars for each such violation to be recovered in a civil action or returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction[.]*;*

*(ii) Any person that violates section 16-527 shall be liable for a civil penalty in the amount of five hundred dollars for the first violation and one thousand dollars for a second or subsequent violation to be recovered in a civil action or returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction.*

§ 2. Chapter 1 of title 16-a of the administrative code of the city of New York is amended by adding a new section 16-527 to read as follows:

*§16-527 Grease tracking system. a. There shall be a program for documenting and tracking the collection, transportation and disposal of yellow and brown grease utilizing an industry standard manifesting sheet.*

*b. In addition to any other records required by this title, every transporter of yellow or brown grease shall report to the commission quarterly and maintain for not less than two years the following*:

*1. The name and address of each location from which the transporter obtained the yellow or brown grease;*

*2. the quantity of yellow or brown grease received from each location;*

*3. The dates on which the yellow or brown grease was obtained from each location; and*

*4. the name and address of the facility where the yellow or brown grease was ultimately disposed*

*c. In addition to any records required by this title, a commercial establishment that has on its premises a grease interceptor shall report to the commission annually and maintain for not less than two years the name and address of the company or other entity that collects material from the grease interceptor and the dates during the immediately preceding twelve months on which the yellow or brown grease was retrieved from the commercial establishment.*

§ 3. This local law shall take effect 180 days from enactment, except that the commissioner shall take such steps as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 283

By Council Member Richards

**A Local Law to amend the New York city charter, in relation to requiring the department of small business services to report on the services provided at workforce1 centers**

*Be it enacted by the Council as follows:*

Section one. Paragraph e and f of subdivision 5 of section 1301 of the New York city charter are amended and a new paragraph g is added to read as follows:

e. promote cooperation among business, labor and community organizations in response to labor market conditions; [and]

f. promote public awareness of resources available for the economically disadvantaged and unemployed, and to refer the public to appropriate job training and employment services[.]*; and*

*g. submit to the mayor and the speaker of the council by January 31 of each year beginning in 2019, a report for the prior fiscal year on the performance of workforce1 centers in the city. Such report shall include a list of all workforce1 centers in the city and for each such center: (1) the number of new registrants; (2) the number of workforce1 registrants who obtained employment through such center during the previous fiscal year; (3) the six-month and one-year job retention rates for workforce1 registrants who obtained employment through such center; and (4) the number of registrants who received job training disaggregated by industry.*

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

Referred to the Committee on Small Business.

Int. No. 284

By Council Member Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to placing a cap on the correlated color temperature of new and replacement streetlights**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-158 to read as follows:

*§19-158 Limitation on correlated color temperature of streetlights. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Correlated color temperature. The term "correlated color temperature" means the perceived color of the light emitted by a lamp, expressed in Kelvin (K) units.*

*Kelvin. The term "kelvin" means the unit of measurement used to characterize the color of light emitted by a lamp.*

*b. Any lamp to be used in the illumination of streets, highways, parks, or any other public place shall have a correlated color temperature no higher than 3000 Kelvin. All new and replacement outdoor lamps shall be installed in accordance with this section.*

§2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 285

By Council Members Richards, Brannan and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to clean and maintain all medians at least once a year and to create a web-based tracking system**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-160 to read as follows:

*§ 19-160 Median maintenance. a. For the purposes of this section, the term "median" means the raised area that separates lanes of traffic on a roadway.*

*b. The department shall clean and maintain all medians at least once per year. This provision shall not be construed to conflict with or lessen the department of parks and recreation's responsibility for maintaining trees and vegetation on medians, pursuant to section 18-104, or with the department of sanitation's responsibility for maintaining such medians during snowfall or the formation of ice, pursuant to section 16-124.*

*c. The department shall create a web-based system to track its progress in the annual cleaning and maintaining of medians.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Transportation.

Res. No. 89

**Resolution calling upon the United States Consumer Product Safety Commission to establish lower total content levels of regulated chemicals for children's toys and to establish consistent standards for all children's products.**

By Council Member Richards.

**Whereas,** The regulation of chemicals in consumer products is a complex and multi-layered regime, where specific chemicals and the products containing such chemicals can be subject to a number of different federal and state laws and regulations; and

**Whereas,** In New York, chemicals used in children's products and the actual products currently fall under the purview of no less than five different federal and State statutes administered by four different agencies; and

**Whereas**, Despite this complex regulatory structure, many environmental and health advocates believe that existing laws and regulations of chemicals are wholly inadequate to protect consumers and, in particular, children; and

**Whereas**, According to the Agency for Toxic Substances and Disease—a division of the United States Department of Health and Human Services—children can be especially susceptible to the adverse effects of environmental toxicants, due their higher metabolic rate, increased dermal exposure, shorter stature causing them to live and play closer to the ground where contaminants are found, and the ability of some toxicants to more readily penetrate children's skin; and

**Whereas,** The United States Consumer Product Safety Commission (CPSC) regulates the manufacturing and distribution of consumer products, including children's toys and products, via the Consumer Product Safety Act and the Consumer Product Safety Improvement Act; and

**Whereas**, Under the Consumer Product Safety Improvement Act, the CPSC promulgated rules that adopted safety standards issued by the American Society for Testing and Materials that specify maximum allowable levels of antimony, arsenic, cadmium, cobalt, lead, and mercury in children's toys; and

**Whereas,** These safety standards provide for testing of soluble levels of certain chemicals in toys, a form of testing that simulates a specific form of exposure and can allow a material with a high content of chemicals of concern in materials meant for children; and

**Whereas,** Total content standards, which are more easily tested than solubility standards, can encourage manufacturers to make design changes to enable inherently less harmful materials to be used, and thus would provide better protection for children; and

**Whereas**, The safety standards set forth in CPSC's regulations only apply to children's toys, not children's products such as jewelry, bottles, and clothing; and

**Whereas**, Exposure to toxins in children's products poses as great a risk to children as does exposure to toxic toys, and

**Whereas**, Antimony can cause respiratory and cardiovascular damage, skin disorders, and gastrointestinal disorders; and

**Whereas,** Arsenic can cause skin lesions, cancer, developmental delays, neurotoxicity, diabetes, cardiovascular disease, and lung cancer; and

**Whereas,** Cadmium can result in kidney disease, bronchiolitis, emphysema, and damage to the liver, lungs, bone, immune system, blood, and nervous system; and

**Whereas**, Cobalt can cause cardiomyopathy and gastrointestinal effects from chronic oral exposure; and

**Whereas**, Lead can cause behavior and learning problems, lower intelligence quotients and hyperactivity, slowed growth, hearing problems, and anemia in children; and

**Whereas,** Mercury can cause damage to brain development, impacts on cognitive thinking, a decrease in fine motor and visual skills, and muscle weakness; and

**Whereas,** Heavy metals can build up in the body over years, and other sources of exposure to these chemicals can vary widely for children; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Consumer Product Safety Commission to establish lower total content levels of regulated chemicals for children's toys and to establish consistent standards for all children's products.

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 90

**Resolution calling upon the state legislature to pass and the Governor to sign S.1750/A.3490 and S.876, which would establish tax incentives for the sale, purchase and installation of geothermal energy systems in New York.**

By Council Members Richards and Brannan.

**Whereas**, Geothermal energy is a renewable energy source utilized by tapping into the stable temperature that exists beneath the Earth's surface; and

**Whereas,** Geothermal energy systems are central heating and cooling systems which can be installed in buildings; and

**Whereas,** Geothermal energy systems generally consist of pipes, pumps, fluids that transmit heat, and a building's heating and cooling distribution system, and they work by transferring heat from underground into buildings during cold weather months and transferring heat from buildings into the underground during warm weather months; and

**Whereas,** The use of geothermal energy systems instead of petroleum fuel- or electricity-based heating and cooling systems reduces greenhouse gas emissions because geothermal energy systems generally do not require the combustion of petroleum fuels to operate; and

**Whereas**, In 2009, Governor David Paterson issued Executive Order No. 24, establishing a goal to reduce greenhouse gas emissions from New York State by 80%, relative to 1999 levels, by the year 2050; and

**Whereas**, In 2014, the Council passed, and Mayor Bill de Blasio signed, Local Law 66, requiring New York City to reduce citywide greenhouse gas emissions by 80%, relative to 2005 levels, by the year 2050; and

**Whereas,** According to the United States Department of Energy, geothermal energy systems are among the most energy- and cost-efficient heating and cooling systems available, and they use less electricity and produce fewer emissions than conventional systems; and

**Whereas,** Geothermal energy systems generally have a significant upfront cost associated with their purchase and installation, serving as a barrier to their wider use, but once installed they pay for themselves in reduced heating and cooling costs and cost savings accrued over time; and

**Whereas,** In January 2017, New York State Senator Robert Ortt introduced S.1750 and New York State Assemblyman Sean Ryan introduced A.3490, which would establish a tax credit for the purchase and installation of geothermal energy systems, and in January 2017, New York State Senator Robert Ortt

introduced S.4279, which would eliminate sales tax on the equipment and installation of geothermal energy systems in residential and commercial buildings; and

**Whereas,** If enacted, these bills would reduce costs associated with the sale, purchase and installation of geothermal energy systems in New York City and New York state and would incent their wider use; 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.1750/A.3490 and S.876, which would establish tax incentives for the sale, purchase and installation of geothermal energy systems in New York.

Referred to the Committee on Environmental Protection.

Res. No. 91

**Resolution calling upon the New York State Legislature to reintroduce and pass and the Governor to sign the 2017-18 Senate bill S. 4598 and 2017-18 Assembly bill A.1919 that authorizes a study on implementing a greenhouse gas or carbon emissions fee or tax in New York State.**

By Council Members Richards and Brannan.

**Whereas,** Climate change is occurring at a rapid rate; and

**Whereas,** The current trend of warming in Earth's climate system over the last several decades is clear and unprecedented - the atmosphere and ocean have warmed, the sea level has risen, and snow and ice levels have decreased; and

**Whereas,** In the Northern Hemisphere, the temperature at the Earth's surface between 1983 and 2012 was likely the warmest 30-year period in the last 1400 years, and globally, each of the last three decades has been warmer than any decade since 1850; and

**Whereas**, Over the next 100 years, average global temperature is expected to warm twice as much as it has during the past 100 years, with a projected global temperature increase of 2°F to 11.5°F expected by 2100; and

**Whereas,** Over the last several decades, Artic sea ice and Northern Hemisphere snow cover have decreased, ice sheets in the Antarctic and Greenland have lost mass, and glaciers worldwide have retreated at an accelerated rate; and

**Whereas,** Between 1901 and 2010, mean global sea level rose 7.48 inches, and the rate of sea level rise since the 1850 is greater than the rate for the 2000 years prior to 1850; and

**Whereas**, It is expected that, globally, sea ice, snow cover and glaciers will continue to diminish, and permafrost will continue to thaw; and

**Whereas,** The concentration of greenhouse gases in Earth's atmosphere has been and is increasing, and this is a main cause of rapid climate change; and

**Whereas,** Greenhouse gases are gases in the Earth's atmosphere that have the physical property of absorbing solar radiation, trapping it in the atmosphere, and effectively acting like a blanket around the Earth, keeping it warmer than it would otherwise be; and

**Whereas**, The principal human activity that is affecting climate change is the emission of greenhouse gases, primarily carbon dioxide, by burning fossil fuels such as coal, petroleum and natural gas; and

**Whereas,** Since 1750, the beginning of the industrial revolution, human activity has increasingly contributed to the concentration of carbon dioxide and other greenhouse gases in Earth's atmosphere; and

**Whereas**, Atmospheric carbon dioxide concentrations have increased by almost 40% compared to the pre-industrial era; and

**Whereas,** According to the United States Environmental Protection Agency, the rate and magnitude of future climate change will depend in large part on the rate at which levels of greenhouse gas concentrations in Earth's atmosphere continue to increase; and

**Whereas,** Climate change threatens to impact New York City's public health, critical infrastructure, communities, vulnerable populations, natural systems, buildings and economy; and

**Whereas**, Impacts that are anticipated by experts such as the Intergovernmental Panel on Climate Change, the National Academy of Sciences, the United States Environmental Protection Agency, the New York State Energy Research and Development Authority, and the New York City Mayor's Office of Long-Term Planning and Sustainability, include severe weather such as droughts and hurricanes, human health impacts, environmental justice impacts, economic impacts, damage to infrastructure, sea level rise, changes to coastlines and coastal wetlands, disruption of ecosystems and loss of biodiversity; and

**Whereas,** The New York City Panel on Climate Change projects that by 2050, in New York City, extreme weather events are likely to worsen; heat waves are likely to increase in frequency, intensity, and duration; heavy downpours are likely to increase in frequency, intensity and duration; and coastal flooding is likely to increase in frequency, extent, and height; and

**Whereas**, One way New York State can curb its contribution to climate change and help mitigate climate change impacts is by reducing its carbon dioxide emissions by establishing a state carbon tax; and

**Whereas,** A carbon tax is a tax levied on the carbon content of hydrocarbon-containing fossil fuels; and

**Whereas,** A New York State carbon tax could be imposed either at a fuel's point of distribution or production, if it is produced in the state; and

**Whereas,** By levying such a carbon tax on fossil fuels, the state would incent fuel consumers to reduce their use of such fuels, thereby reducing New York State's carbon dioxide and greenhouse gas emissions; and

**Whereas**, By levying a carbon tax the state would also include in the price of fossil fuels the cost of negative externalities associated with the use of such fuels, such as air pollution and its impacts on public health, which impose real costs on society and which are not currently accounted for in the price of fossil fuels; and

**Whereas**, The implementation of a carbon tax could also make renewable energy resources a more cost-competitive, viable source of energy in New York State; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to reintroduce and pass and the Governor to sign the 2017-18 Senate bill S. 4598 and 2017-18 Assembly bill A. 1919 that authorizes a study on implementing a greenhouse gas or carbon emissions fee or tax in New York State.

Referred to the Committee on Environmental Protection.

Res. No. 92

**Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would extend the property tax abatement for the installation of a solar electric generating system to the installation of a solar thermal system.**

By Council Members Richards, Brannan and Constantinides.

**Whereas,** New York State law currently provides a tax abatement for the installation of solar electric generating systems, such as solar panels, but not for the installation of solar thermal systems which are used for heating water or otherwise powering heating/cooling systems; and

**Whereas**, Solar electric generating systems directly convert the sun’s light into electricity, and solar thermal systems convert the sun’s energy to heat which in turn either heats water or can be converted into electricity; and

**Whereas**, Section 499-bbbb of the State Real Property Tax law provides a property tax abatement to the owners of class one, two, or four properties that install or have installed solar electric generating systems on such properties; and

**Whereas**, While the law provides for a tax abatement at varying levels depending on the date of the systems’ installation, in all cases the amount of the abatement would be the lesser of a percentage of the installation expenditures, the amount of taxes payable the year the abatement is claimed, or $62,500; and

**Whereas**, According to the State Legislature’s Memorandum in Support of Chapter 473 of the Laws of New York for 2008 which first created section 499-bbb, the City strongly supported the abatement because it aligned

with the City's "long-term sustainability plan, PlaNYC released in April 2007, which set a 30% greenhouse gas emission reduction target for 2030 and committed to provide cleaner, more reliable power for every New Yorker"; and

**Whereas,** Since then, pursuant to Local Law 66 of 2014 passed by the Council, the City has expanded its goal with a new commitment to reduce greenhouse gas emissions by 80 percent by 2050; and

**Whereas,** Using a solar thermal system to heat water or power a heating/cooling system for a building also can lead to reduced greenhouse gas emissions; and

**Whereas**, According to a report issued by the New York City Economic Development Corporation ("EDC") entitled "Solar Thermal in New York City: Opportunities + Challenges," in the City over 30% of a building's energy consumption is used to provide space heating and hot water and this demand is largely met by fuel oil- and natural gas-powered boilers; and

**Whereas,** According to EDC's report, solar thermal systems provide a renewable, emissions-free and cost-efficient alternative to fossil fuel-based space and water heating, yet the industry has seen slow growth due in part to a lack of financial incentives and financing options; and

**Whereas,** Because the use of solar thermal systems have similar environmental benefits to the use of solar electric generating systems, their installation should also be encouraged through the provision of a property tax abatement; 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, legislation that would extend the property tax abatement for the installation of a solar electric generating system to the installation of a solar thermal system.

Referred to the Committee on Finance.

Res. No. 93

**Resolution calling upon the City University of New York to divest from fossil fuel company investments and reinvest those funds in renewable energy, sustainability, and social-minded companies.**

By Council Members Richards and Brannan.

**Whereas**, The City University of New York (CUNY) is the public university system of New York City and the largest urban university in the United States, with more than 269,000 degree-credit students and 247,000 continuing and professional education students enrolled at 24 campuses located in all five New York City boroughs; and

**Whereas**, CUNY's Investment Office manages its Long Term Investment Pool, a diversified portfolio intended to serve the financial needs of the University and participating colleges interested in investing in both endowed and non-endowed assets and the Short Term Investment Pool, a diversified portfolio intended to provide the colleges and related entities with a centralized alternative to money market funds and other low-yielding investment vehicles; and

**Whereas,** According to the CUNY website, the Investment Pools operate under a CUNY Board of Trustees-approved Investment Policy and are governed by the Board and two Board Committees, Fiscal Affairs and its Subcommittee on Investments, and together with CUNY Investment staff and Pool consultants, are responsible for reviewing asset allocation, new asset classes, investment strategies and manager performance; and

**Whereas,** According to the CUNY Investment Policy (effective as amended on June 25, 2012), the Board of Trustees is responsible for approving the Policy and all its amendments as well as approving the selection of the Investment Consultant(s); and

**Whereas**, The Subcommittee on Investments ("Subcommittee") is responsible for the total investment program and providing prudent oversight of the Portfolio in order to further the goals and mission of CUNY, its Colleges and the participating College Foundations; and

**Whereas**, Vice Chancellor for Budget and Finance Matthew Sapienza is responsible for overseeing and managing the finances of CUNY's 24 colleges and professional schools and of the University's central administration, including its investment portfolio; and

**Whereas**, According to multiple studies published in peer-reviewed scientific journals, 97 percent, or more, of actively publishing climate scientists agree that climate-warming trends over the past century are very likely due to human activities; and

**Whereas**, According to Professional Staff Congress-CUNY, the CUNY Long Term Investment Pool invests in mutual funds that own shares in the top 200 fossil fuel companies; and

**Whereas**, A major driving factor forcing climate change is the burning of fossil fuels, which have increased atmospheric $CO_2$ concentration by a third since the start of the Industrial Revolution; and

**Whereas,** The increasingly apparent negative effects of climate change have given birth to a movement, CUNY Divest, with a coalition of current students, alumni, and faculty that believe such investment supports continued degradation and destruction of the planet and are pressuring Vice Chancellor Sapienza and the CUNY Board of Trustees to end the University's $10 million investment in fossil fuel companies and reinvest those funds in renewable energy, sustainability, and social-minded companies; and

**Whereas,** Fossil fuel divestment is now a full-fledged student-led movement at over 350 colleges and universities across the United States, nine of which have committed to divestment; and

**Whereas**, The CUNY Board of Trustees has twice approved divestment in the past, once in 1984, divesting from companies conducting business in apartheid South Africa, and again in 1991, divesting from tobacco companies; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the City University of New York to divest from fossil fuel company investments and reinvest those funds in renewable energy, sustainability, and social-minded companies.

Referred to the Committee on Higher Education.

Res. No. 94

**Resolution calling upon the New York State Legislature, and the Governor, to enact legislation to require the Metropolitan Transportation Authority ("MTA") to submit projects that involve the conversion of MTA properties and facilities in New York City into residential housing to be subject to the Uniform Land Use Review procedure.**

By Council Members Richards, Brannan and Koslowitz

**Whereas,** The Uniform Land Use Review Procedure ("ULURP") is a standardized review process pursuant to the City of New York affecting the land use of the City; and

**Whereas**, ULURP requires City agencies to review and approve actions related to "the use, development, or improvement of real property" in New York City; and

**Whereas,** Key agencies involved in the approval process, include the Department of City Planning, the City Planning Commission, and the City Council; and

**Whereas,** The ULURP procedure was designed to increase transparency and public participation in the zoning and land use decision making process; and

**Whereas**, However, ULURP generally does not extend to projects initiated by the New York State agencies, including the Metropolitan Transportation Authority ("MTA"); and

**Whereas,** The need to generate new revenue streams has led the MTA to explore the potential residential and commercial redevelopment of some of its properties and facilities in New York City; and

**Whereas,** Some elected officials and advocates have argued that the present definition of "transportation purpose" in State law allows the MTA to pursue property redevelopment without local community input or oversight; and

**Whereas,** Moreover, some advocates support legislative proposals to amend current State law to require the MTA to respect local land use and zoning review procedures; and

**Whereas,** New York City continues to suffer from a chronic shortage of affordable housing; and

**Whereas,** New York City has adopted and modified existing policies, through Mandatory Inclusionary Housing/Zoning for Quality and Affordability ("MIH/ZQA") and other measures, to encourage the development of additional affordable housing; and

**Whereas,** While the MTA may be able to redevelop some of their properties in order to generate additional revenues, such redevelopment should also address the community concerns, especially in the area of affordable housing; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature, and the Governor, to enact legislation to require the Metropolitan Transportation Authority ("MTA") to submit projects that involve the conversion of MTA properties and facilities in New York City into residential housing to be subject to the Uniform Land Use Review procedure.

Referred to the Committee on Transportation.

Int. No. 286

By Council Members Rodriguez and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to defensive driving courses for employees of the city of New York and employees of contractors of the city of New York**

*Be it enacted by the Council as follows:*

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

*§ 6-142. Defensive driving course. a. Definitions. For purposes of this section, the following terms shall have the following meanings:*

*Contract. The term "contract" means any written agreement, purchase order or instrument whereby the city is committed to expend or does expend funds in return for an interest in real property, work, labor, services, supplies, equipment, materials, construction, construction related service or any combination of the foregoing.*

*Contracting agency. The term "contracting agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.*

*Contractor. The term "contractor" means any individual, sole proprietorship, partnership, joint venture, corporation or other form of doing business.*

*Covered contract. The term "covered contract" means a contract between a contracting agency and a contractor which by itself, or when aggregated with all contracts awarded to such contractor by any contracting agency during the immediately preceding twelve months, has a value of one hundred thousand dollars or more.*

*Employee. The term "employee" means a person employed by a contractor.*

*b. Defensive driving course for city contractors' employees. Any contractor with a covered contract with a contracting agency which owns no less than five motor vehicles in its fleet used in performance of the contract, shall require that any employee who is required to drive a contractor-owned motor vehicle in performance of their duties, shall take a defensive driving course provided by New York state department of motor vehicles. Such course shall be taken within thirty days of either:*

*1. A new employee commencing employment, if the duties of the position require driving a contractor-owned motor vehicle; or*

*2. An existing employee being given new responsibilities that require driving of a contractor-owned motor vehicle.*

*c. The cost of such course shall be borne by the contractor.*

*d. This local law shall not apply to any agency that already requires its employees who use city-owned motor vehicles to take a defensive driving course.*

§ 2. Chapter 1 of title 12 of the administrative code of the city of New York is hereby amended to add a new section 12-140 to read as follows:

*§ 12-140. a. Defensive driving course. Any employee of any agency of the city of New York who is given access to and duties that require driving a city-owned motor vehicle, shall take a defensive driving course provided by New York state department of motor vehicles. Such course shall be taken within thirty days of either:*

*1. A new employee commencing employment, if the duties of the position require driving a contractor-owned motor vehicle; or*

*2. An existing employee being given new responsibilities that require driving of a contractor-owned motor vehicle.*

*b. The cost of such course shall be borne by the employee's agency.*

§ 3. This local law shall take effect in 120 days.

Referred to the Committee on Civil Service and Labor.

Int. No. 287

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to permitting street vendors to vend within two feet from the curb**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 17-315 of subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

a. No pushcart shall be placed upon any sidewalk unless said sidewalk has at least a twelve foot clear pedestrian path to be measured from the boundary of any private property to any obstruction in or on the sidewalk, or if there are no obstructions, to the curb. [In no event shall any pushcart be placed on any part of a sidewalk other than that which abuts the curb.] *All pushcarts on the sidewalk must be placed within two feet from where the sidewalk abuts the curb.*

§ 2. Subdivision a of section 20-465 of subchapter 27 of chapter 2 of title 20 of the administrative code of the city of New York is amended to read as follows:

a. No general vendor shall engage in any vending business on any sidewalk unless such sidewalk has at least a twelve-foot wide clear pedestrian path to be measured from the boundary of any private property to any obstructions in or on the sidewalk, or if there are no obstructions, to the curb. [In no event shall any pushcart be placed on any part of a sidewalk other than that which abuts the curb.] *All pushcarts on the sidewalk must be placed within two feet from where the sidewalk abuts the curb.*

§ 3. This law shall take effect 120 days after its enactment.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 288

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to permitting street vendors to vend 25 feet from a bus stop or taxi stand**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 17-315 of subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

e. No food vendor shall vend within *25 feet of the sign identifying any bus stop[,] or taxi stand, in the direction of the bus stop or taxi stand,* within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the New York state public health law, *or* within ten feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

§ 2. Subdivision e of section 20-465 of subchapter 27 of chapter 2 of title 20 of the administrative code of the city of New York is amended to read as follows:

e. No general vendor shall vend within *25 feet of the sign identifying any bus stop[,] or taxi stand, in the direction of the bus stop or taxi stand,* within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the New York state public health law, or within ten feet of any driveway, any subway entrance or exit, or any corner. For the purposes of this subdivision, ten feet from any corner shall be measured from a point where the property line on the nearest intersecting block face, when extended, meets the curb.

§ 3. This law shall take effect 120 days after its enactment.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 289

By Council Members Rodriguez and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring double decker sight-seeing buses to have one owner representative present on the upper level at all times when passengers are present**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 21 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-376.2 to read as follows:

*§ 20-376.2 Staffing requirement for double decker sight-seeing buses. In addition to its driver, any sight-seeing bus with separate lower- and upper-level seating compartments for passengers shall have at least one owner representative or employee present on the upper level at all times when passengers are on the upper level.*

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

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 290

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring stores and banks to recycle receipts**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

*Subchapter 13*
*Paper Receipts*

*§ 20-699.7 Definitions.*
*§ 20-699.8 Applicability.*
*§ 20-699.9 Non-recyclable receipts prohibited.*
*§ 20-699.10 Recycling receptacles required.*
*§ 20-699.11 Penalties.*

*§ 20-699.7 Definitions. As used in this subchapter, the following terms have the following meanings:*

*ATM. The term "ATM" is an acronym that means automated teller machine.*

*Bank ATM. The term "bank ATM" means a device that is linked to accounts and records of a banking or other financial institution and that enables consumers to conduct banking transactions, including but not limited to cash withdrawals, and is located indoors and on premises that are under a banking or other financial institution's dominion and control.*

*Non-recyclable material. The term "non-recyclable material" means material that is not recyclable by the city or its designated contractors in charge of recycling.*

*Receipt. The term "receipt" means a mechanically produced record of a commercial transaction.*

*Recycling center. The term "recycling center" has the same meaning as in section 16-303.*

*Small store. The term "small store" means any retail or wholesale establishment that sells goods or provides services to consumers and occupies under 4,000 square feet of retail or wholesale space, excluding storage space.*

*Store. The term "store" means any retail or wholesale establishment that sells goods or provides services to consumers.*

*§ 20-699.8 Applicability. a. This subchapter does not apply to receipts that are printed by an end user.*

*b. This subchapter does not apply to receipts issued by small stores.*

*§ 20-699.9 Non-recyclable receipts prohibited. No person may print or issue a receipt on a non-recyclable material.*

*§ 20-699.10 Recycling receptacles required. a. A store or operator of a bank ATM that issues paper receipts shall maintain a clearly labeled receptacle for the disposal of recyclable paper in a conspicuous place within 15 feet of the location where paper receipts are issued.*

*b. A store or operator of a bank ATM that is required to maintain a receptacle pursuant to subdivision a of this section shall ensure that paper disposed of in such receptacle is given into the custody of a recycling center that is capable of recycling the paper that the store or operator of a bank ATM uses for issuing receipts.*

*§ 20-699.11 Penalties. a. A store or operator of a bank ATM that violates this subchapter is subject to civil penalties as follows:*

*1. For a first offense, a civil penalty of not less than $100 and not more than $150.*

*2. For a second offense and for each subsequent offense, a civil penalty of not less than $500 and not more than $1,000.*

*b. Multiple violations occurring on the same day constitute a single offense for purposes of this section.*

§ 2. This local law takes effect on January 1 of the year following the year in which it becomes law, except that if this local law becomes law between September 1 and December 1, then it takes effect on July 1 of the year following the year in which it becomes law. The commissioner of sanitation shall take any measures necessary for the implementation of this local law, including the promulgation of rules, before it takes effect.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 291

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to restricting the use of BPA- or BPS-coated paper and requiring that all receipts and tickets be printed on recyclable material**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 9 of chapter 3 of title 16 of the administrative code of the city of New York is amended by renaming such subchapter as follows:

Subchapter 9
Restrictions on the Sale or Use of Certain [Expanded Polystyrene Items]*Materials*

§ 2. Subchapter 9 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-330 to read as follows:

*§ 16-330 BPA- and BPS-coated paper. a. Definitions. As used in this section, the term "BPA- or BPS-coated paper" means any paper, regardless of weight or density, that is coated with bisphenol A (BPA) or bisphenol S (BPS).*

*b. BPA- or BPS-coated paper prohibited. No person may manufacture, sell, offer for sale or distribute BPA- or BPS-coated paper in the city.*

*c. Violation; penalties. 1. In addition to any other penalties allowed by law, a person who violates subdivision b of this section is subject to a civil penalty of not less than $1,000 and not more than $5,000.*

*2. Multiple violations occurring on the same day constitute a single offense for purposes of this section.*

*d. Enforcement. The commissioner, the commissioner of health and mental hygiene and the commissioner of consumer affairs may enforce this section.*

*e. Rules. The commissioner of sanitation shall promulgate rules necessary for the implementation of this section.*

§ 3. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

*Subchapter 13*
*Paper Receipts and Tickets*

*§ 20-699.7 Definitions.*

*§ 20-699.8 Applicability.*

*§ 20-699.9 Non-recyclable receipts and tickets prohibited.*

*§ 20-699.10 Penalties.*

*§ 20-699.7 Definitions. As used in this subchapter, the following terms have the following meanings:*

*BPA- or BPS-coated paper. The term "BPA- or BPS-coated paper" means any paper, regardless of weight or density, that is coated with bisphenol A (BPA) or bisphenol S (BPS).*

*Non-recyclable material. The term "non-recyclable material" means a material that is not recyclable by the city or its designated contractors in charge of recycling. Such term includes BPA- or BPS-coated paper.*

*Receipt. The term "receipt" means a mechanically produced record of a commercial transaction.*

*Ticket. The term "ticket" means a mechanically produced record created as evidence that the bearer or a person named on such record is permitted entry to a location, event or means of transportation.*

*§ 20-699.8 Applicability. This subchapter does not apply to receipts or tickets that are printed by an end user.*

*§ 20-699.9 Non-recyclable receipts and tickets prohibited. No person may print or issue a receipt or ticket on a non-recyclable material.*

*§ 20-699.10 Penalties. a. In addition to any other penalty allowed by law, a person who violates this subchapter is subject to civil penalties as follows:*

*1. For a first offense, a civil penalty of not less than $100 and not more than $150.*

*2. For a second offense and for each subsequent offense, a civil penalty of not less than $500 and not more than $1,000.*

*b. Multiple violations occurring on the same day constitute a single offense for purposes of this section.*

§ 4. This local law takes effect on January 1 of the year following the year in which it becomes law, except that if this local law becomes law between September 1 and December 1, then it takes effect on July 1 of the year following the year in which it becomes law. The commissioner of sanitation shall take any measures necessary for the implementation of this local law, including the promulgation of rules, before it takes effect.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 292

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to permitting food vendors to place items on their vending vehicle or pushcart**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 17-315 of subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

c. All items relating to the operation of a food vending business shall be kept in, on or under the vending vehicle or pushcart[, except that samples of the non-perishable items sold may be displayed on the vending vehicle or pushcart]. No items relating to the operation of a food vending business other than an adjoining acceptable waste container shall be placed upon any public space adjacent to the vending vehicle or pushcart, and no food shall be sold except from an authorized vehicle or pushcart.

§ 2. This law shall take effect 120 days after its enactment.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 293

By Council Member Rodriguez.

**A Local Law in relation to establishing a freedom trail task force**

*Be it enacted by the Council as follows:*

Section 1. Freedom trail task force. a. Definitions. For the purposes of this section, the term "freedom trail" means a walkable tour of historical sites in the city associated with the abolitionist movement and Underground Railroad, including sites that have been marked and sites that remain unmarked, that are linked through unifying signage, programs or maps.

b. There shall be a freedom trail task force consisting of the commissioners of cultural affairs, transportation, parks and recreation, and small business services; the chair of the landmarks preservation

commission; five members to be appointed by the mayor; and three members to be appointed by the speaker of the council. Appointed members shall include academic or historical scholars and representatives of institutions, organizations, corporations or associations that are organized or operated primarily for historical, cultural, educational, religious or charitable purposes. The mayor, after consultation with the speaker of the council, shall designate from among the ex officio members a chairperson of the task force. The ex officio members are the commissioners of cultural affairs, transportation, parks and recreation, and small business services, and the chair of the landmarks preservation commission.

c. Each member of the task force shall serve without compensation for a term of 12 months, to commence after the final member of the task force is appointed. All members shall be appointed within 60 days after the effective date of this local law.

d. No appointed member of the task force shall be removed except for cause by the appointing authority. In the event of a vacancy on the task force during the term of an appointed member, a successor shall be selected in the same manner as the original appointment to serve the balance of the unexpired term.

e. The ex officio members of the task force may designate a representative who shall be counted as a member for the purpose of determining the existence of a quorum and who may vote on behalf of such member, provided that such representative is an officer or employee from the same agency as the delegating member. The designation of a representative shall be made by a written notice of the ex officio member served upon the chairperson of the task force prior to the designee participating in any meeting of the task force, but such designation may be rescinded or revised by the member at any time.

f. The task force shall meet at least quarterly and shall hold at least two public meetings prior to submission of the report required pursuant to subdivision h of this section to solicit public comment on the establishment of a freedom trail.

g. The mayor may designate one or more agencies to provide staffing and other administrative support to the task force.

h. The task force shall submit a report of its recommendations to the mayor and the speaker of the council no later than 12 months after the final member of the task force is appointed. In formulating its recommendations, the task force shall consider the following:

1. The feasibility of establishing a freedom trail;

2. Potential sites along a freedom trail;

3. Methods or systems that would be necessary to link sites along a freedom trail;

4. The level of coordination among appropriate city agencies and other relevant organizations that would be necessary to the implementation and operation of a freedom trail;

5. Outreach and educational materials and efforts, including technological tools, that would be necessary to support the operation of a freedom trail.

i. The freedom trail task force shall dissolve upon submission of the report required pursuant to subdivision h of this section.

§ 2. This local law takes effect immediately.

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

Int. No. 294

By Council Members Rodriguez and Brannan

**A Local Law to amend the administrative code of the City of New York, in relation to reducing the emissions that come from New York City-owned motor vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding section 12-208 to read as follows:

*§ 12-208 City motor vehicle emissions reduction program. The department of citywide administrative services shall implement a pilot program on the use of low emission exhaust pipes. Such pilot program shall encompass twenty percent of all motor vehicles owned by the city of New York that are run not exclusively by electric power. Such agency shall provide a written report to the speaker of the council and post on its website not more than one year following commencement of such program. Such report shall include but not be limited to the cost of such pilot program and the emissions reduction from such program.*

§ 2. This local law shall take effect immediately upon its enactment into law.

Referred to the Committee on Environmental Protection.

Int. No. 295

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to extending the transfer tax exemption period for leases of taxicab licenses**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 11-1405 of the administrative code of the city of New York is amended to read as follows:

b. The tax imposed by this chapter shall not apply to the transfer of a taxicab license or interest therein by means of a lease, license or other rental arrangement, where the term of such lease, license or other rental arrangement (including the maximum period for which it can be extended or renewed) does not exceed [six months] *seven years*.

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

Referred to the Committee on Finance.

Int. No. 296

By Council Members Rodriguez, Brannan and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to requests for proposals for council-funded capital projects**

*Be it enacted by the Council as follows:*

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-111.4 to read as follows:

*§6-111.4. Requests for proposals for council-funded capital projects. An electronic copy of any request for proposal or any other public notice of opportunity to contract with the city for the completion of a capital project for which a council member has made discretionary appropriations shall, simultaneously with its publication, be submitted to the council and to the applicable council member(s).*

§2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 297

By Council Members Rodriguez and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the display of tobacco products and non-tobacco smoking products**

*Be it enacted by the Council as follows:*

Section 1. Chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

*SUBCHAPTER 3 DISPLAY OF TOBACCO PRODUCTS AND NON-TOBACCO SMOKING PRODUCTS.*

*§ 17-720 Definitions. For purposes of this subchapter, the following terms have the following meanings:*

*Cigarette. The term "cigarette" means any roll for smoking made wholly or in part of tobacco or any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material but is not made in whole or in part of tobacco.*

*Legal customer. The term "legal customer" means a person to whom the applicable sale is not prohibited under this chapter.*

*Non-tobacco smoking product. The term "non-tobacco smoking product" means any product other than a cigarette that does not contain tobacco or nicotine and that is designed for human use or consumption by the inhalation of smoke.*

*Retail tobacco store. The term "retail tobacco store means "retail tobacco store" as defined in section subdivision (u) of section 17-502.*

*Tobacco product. The term "tobacco product" means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of such product. Tobacco product shall include, but not be limited to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff or dissolvable tobacco product. Tobacco product shall not include cigarettes or any product that has been approved by the United States food and drug administration for sale as a tobacco use cessation product or for other medical purposes and that is being marketed and sold solely for such purpose.*

*§ 17-721 Display of tobacco products and non-tobacco smoking products prohibited.*

*a. It is unlawful to display or permit the display of any cigarettes, tobacco product, non-tobacco smoking product, cigarette packaging, tobacco product packaging, or non-tobacco smoking product packaging in a manner that allows a person to view such products or packaging prior to sale at any place of business.*

*b. Subdivision a of this section does not apply to retail tobacco stores, to places of business to which admission is restricted to persons 21 years of age or older, or during:*

*1. A sale to a legal customer; or*

*2. The restocking of cigarettes, tobacco products, or non-tobacco smoking products.*

*§ 17-722 Violations and penalties.*

*Any person who violates subdivision a of section 17-721 or any rules promulgated pursuant to such section shall be liable for a civil penalty in the following amounts:*

*a. $1000 for a first violation within a three year period;*

*b. $2000 for a second violation within a three year period; and*

*c. $5000 for a third or subsequent violation within a three year period.*

*§ 17-723 Enforcement.*

*a. The provisions of this subchapter may be enforced by any authorized agent or employee of the department or the department of consumer affairs.*

*b. Notices of violation of section 17-721 may be adjudicated at any tribunal authorized to hear a violation issued by the issuing agency.*

*§ 17-724 Rules.*

*The commissioner of the department shall promulgate any rules necessary for carrying out the provisions of this subchapter.*

§ 2. This local law takes effect 180 days after it becomes law, except that the department of health and mental hygiene may take such actions, including the promulgation of rules, as are necessary for the timely implementation of this local law, prior to such effective date.

Referred to the Committee on Health.

Int. No. 298

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to the issuance of nontransferable taxicab licenses**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-548 to read as follows:

*§ 19-548 Nontransferable taxicab licenses. a. As used in this section, the term "nontransferable taxicab license" means a license issued by the commission to a holder of a current taxicab license to operate up to one additional vehicle, which shall be operated subject to all of the laws and regulations governing a licensed taxicab except as provided herein.*

*b. The commission shall issue, upon request, one nontransferable taxicab license to the holder of a valid taxicab license that is current at the time of the request.*

*c. Notwithstanding section 19-512, a nontransferable taxicab license issued pursuant to subdivision b of this section may not be transferred to a third party, except that title to the vehicle attached to the nontransferable taxicab license may be transferred by an owner or operator in conjunction with the transfer of a taxicab license issued by the commission.*

§ 2. This local law takes effect 120 days after it becomes law. The commissioner shall take all measures necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on For-Hire Vehicles.

Int. No. 299

By Council Members Rodriguez and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to lowering emissions from taxis and for hire vehicles**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 19-532 of chapter 5 of title 19 of the administrative code of the city of New York, is amended to read as follows:

b. Of the total number of taxicab licenses issued by the commission pursuant to subdivision a of this section, at least nine percent shall be issued subject to the requirement that the vehicles operated by or under agreement with the owners of such licenses [either] be powered by compressed natural gas *or electricity* or be a hybrid electric vehicle, *or a vehicle model which has the same emissions as or fewer emissions than electric vehicles*, and at least nine percent shall be issued subject to the requirement that the vehicles operated by or

under agreement with the owners of such licenses be fully accessible to persons with disabilities in accordance with standards established by the commission; provided however, of the licenses authorized to be sold pursuant to subdivision a of this section that are issued after June 1, 2006, two hundred fifty-four shall be issued subject to the requirements that the vehicles operated by or under agreement with the owners of such licenses [either] be powered by compressed natural gas *or electricity* or be a hybrid electric vehicle, *or a vehicle model which has the same emissions as or fewer emissions than electric vehicles,* and fifty four shall be issued subject to the requirement that the vehicles operated by or under agreement with the owners of such licenses be fully accessible to persons with disabilities in accordance with standards established by the commission; and provided further that if the prices which the commission is able to obtain for issuance subject to either of the foregoing requirements does not exceed ninety percent of the average price otherwise obtained by the commission for the issuance of licenses pursuant to this section, the commission is authorized to issue such licenses without such requirement.

§2. Section 19-533 of chapter 5 of title 19 the administrative code of the city of New York is amended to read as follows:

§19-533 Clean air taxis. a. The commission shall approve one or more hybrid electric vehicle models for use as a taxicab within ninety days after the enactment of this law. The approved vehicle model or models shall be eligible for immediate use by all current and future medallion owners. For the purposes of this chapter, a hybrid electric vehicle shall be defined as a commercially available mass production vehicle originally equipped by the manufacturer with a combustion engine system together with an electric propulsion system that operates in an integrated manner.

*b. Notwithstanding subdivision a of this section, an electric vehicle model, a compressed natural gas model or any other model with the same emissions as or fewer emissions than an electric vehicle may be used to satisfy the requirements of subdivision a. For the purposes of this chapter, an electric vehicle shall be defined as a vehicle which is propelled by a motor or motors powered exclusively by electricity.*

§3. This local law shall take effect immediately upon its enactment.

Referred to the Committee on For-Hire Vehicles.

Int. No. 300

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring base stations, black car bases, and luxury limousine bases to submit electronic trip records**

*Be it enacted by the Council as follows:*

Section 1. Chapter five of title 19 of the administrative code of the city of New York is amended by adding a new section 19-548 to read as follows:

*§ 19-548 Electronic trip record submission. a. Base stations, black car bases, and luxury limousine bases shall ensure that the following trip record information with respect to all dispatched calls is collected and transmitted to the commission in a format, layout, procedure, and frequency prescribed by the commission: i) the date, time, and location of passenger pick-up and drop-off, ii) the driver's license number; iii) the dispatched vehicle's vehicle license number; iv) the base station license number, black case base license number, or luxury limousine license number of the base that dispatched the vehicle; v) the base station license number, black case base license number, or luxury limousine license number of the base affiliated to the dispatched vehicle; vi) the fare charged; and vii) whether the dispatch was in response to a request for wheelchair accessible vehicle.*

*b. Any base station, black car base, or luxury limousine base that has been found to have violated subdivision a of this section shall be subject to a civil penalty of not less than two hundred dollars nor more than one thousand dollars per record that is not collected and transmitted.*

*c. On or before December 1, 2018 and every six months thereafter, the commission shall submit to the council and place on its website a report summarizing records submitted pursuant to subdivision a of this section, including but not limited to: i) the total number of trips reported, disaggregated by base station, the community district in which the pick-up occurred, and the community district in which the drop-off occurred; ii) the average fare collected, disaggregated by base station, the community district in which the pick-up occurred, and the community district in which the drop-off occurred; iii) the number of trips in response to a request for wheelchair accessible service; and iv) the total number of summonses issued and civil penalties paid pursuant to subdivision b of this section.*

§ 2. This local law takes effect 120 days after its enactment into law, except that the commissioner shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on For-Hire Vehicles.

Int. No. 301

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the display of information on vehicles involved in hit and run crashes in taxis and HAIL vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-548 to read as follows:

*§19-548 Display of hit-and-run vehicle information. a. Upon request of the police department, all taxis and HAIL vehicles that have a mechanism to display information within such vehicles shall display alerts provided by such police department containing identifying information of vehicles involved in collisions where such vehicles left the scene of the collision without reporting in violation of section six hundred of the vehicle and traffic law.*

*b. A violation of this section shall subject the owner of such vehicle to a civil penalty of not less than nor more than fifty dollars provided that not more than one violation may be issued within a twenty-four hour period.*

*c. It shall be an affirmative defense to a violation of this section that the mechanism to display such information was not operational at the time that the request by the police department was made, and that the owner of such vehicle abided by the rules applicable to such mechanism's lack of operation as set forth by the commission and this code; provided however, that such mechanism shall display such information as provided for by this section when the operation of such mechanism resumes.*

§2. This local law shall take effect immediately.

Referred to the Committee on For-Hire Vehicles.

Int. No. 302

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to agreements between livery base stations**

*Be it enacted by the Council as follows:*

Section 1. Chapter five of title 19 of the administrative code of the city of New York section is amended to add a new section 19-548 to read as follows:

*§ 19-548 Livery base station agreements. A base station shall not dispatch a vehicle that is not affiliated with that base owner's base unless the base owner's base has an agreement with the base with which the vehicle is affiliated authorizing the base owner's base to dispatch affiliated vehicles of the base with which the vehicle is affiliated.*

§ 2. This local law shall take effect 90 days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on For-Hire Vehicles.

Int. No. 303

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting of assaults on taxi and commission licensed drivers**

*Be it enacted by the Council as follows:*

Section 1. Chapter five of title 19 of the administrative code of the city of New York section is amended to add a new section 19-548 to read as follows:

*§ 19-548 Reporting of assaults on commission licensed drivers. On or before December 1, 2018 and quarterly thereafter, the commission shall for the prior quarter provide a report to the council and shall post on its website the number of complaints to a city law enforcement agency alleging assault on a driver licensed by the commission, disaggregated by the type of commission license held. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. Where necessary, the department may use preliminary data to prepare such reports and may include an acknowledgment that such preliminary data is non-final and subject to change. For purposes of this section, "assault" has the same meaning as set forth in article 120 of the penal law.*

§ 2. This local law takes effect immediately.

Referred to the Committee on For-Hire Vehicles.

Int. No. 304

By Council Members Rodriguez and Brannan.

**A Local Law to create a task force to study taxicab medallion values**

*Be it enacted by the Council as follows:*

Section 1. Taxicab medallion values task force. a. There is hereby established a task force to study taxicab medallion values that shall review the sale prices of taxicab medallions in the preceding five years, potential future sale prices of medallions, and the impact of such sales on the city's budget. Following such review, the task force shall recommend changes to laws, rules, regulations, and policies related to taxicabs designed to increase the value of such medallions.

b. The task force shall have eleven members which shall be:

(1) the commissioner of the taxicab and limousine commission, or their designee;

(2) a taxicab medallion owner who is not required by law to drive their taxicab, as appointed by the speaker of the council;

(3) a taxicab medallion owner who is required by law to drive their taxicab, as appointed by the speaker of the council;

(4) an individual who represents an institution that lends money for the purpose of purchasing or financing taxicab medallions, as appointed by the speaker of the council;

(5) the public advocate, or their designee;

(6) one member, as appointed by the mayor; and

(7) five members, as appointed by the speaker of the council, two of whom shall be members of the council and one of whom shall serve as chair.

c. The members to be appointed by the mayor and the speaker of the council shall be appointed within sixty days of the enactment of this local law.

d. No later than six months following its establishment, the task force shall issue a report to the mayor and the council detailing its activities and recommendations. Immediately after submitting such report, the task shall cease to exist.

§ 2. This local law takes effect immediately.

Referred to the Committee on For-Hire Vehicles.

Int. No. 305

By Council Members Rodriguez and Brannan.

**A Local Law in relation to a plan to achieve free childcare for all city residents.**

*Be it enacted by the Council as follows:*

Section 1. Childcare Plan. a. Definitions. For purposes of this section, the following terms have the following meanings:

Childcare. The term "childcare" means care for a child between the ages of six weeks and four years on a regular basis provided away from the child's residence for less than 24 hours per day by a person other than the parent, stepparent, guardian or relative within the third degree of consanguinity of the parents or stepparents of such child.

b. Such agency or office that the mayor shall designate shall prepare shall develop and submit to the mayor and the speaker of the council by April 1, 2018, a plan to achieve free childcare for all city residents. This plan shall include but not be limited to a date for implementation of the plan; locations where childcare will be offered; and estimates of how many children will be served.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 306

By Council Member Rodriguez.

**A Local Law to amend the New York city charter, in relation to requiring simultaneous translation of certain city public meetings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 47 of the New York city charter is amended by adding a new section 1063-a as follows:

*§ 1063-a. Simultaneous language services for certain public meetings. a. Definitions. As used in this section:*

*City entity. The phrase "city entity" means any community board, task force and any entity subject to paragraph d of section 1063.*

*Simultaneous language services. The term "simultaneous language services" means (i) the contemporaneous interpretation of everything that is spoken in a public meeting from English into another language, including sign language, whether in person or via a real-time feed and whether by means of another person or software and (ii) if practicable, prior or simultaneous translation of written text central to the meeting at issue, including documents covered by subdivision e of section 103 of the public officers law.*

*b. Except as otherwise provided by law, each city entity, for every meeting thereof (i) that is required to be public pursuant to article 7 of the public officers law and which 65 or more members of the public are expected to attend, or (ii) that is open to the public pursuant to section 42, 43, 85 or 2800 of the charter, shall ensure that simultaneous language services for such meeting are available in each of the top three non-English languages spoken, as determined by the department of city planning, in the city or in the relevant borough or community district, as applicable.*

*c. Except as otherwise provided by law, each city entity, for every meeting thereof required by law to be public shall provide a mechanism by which members of the public may request simultaneous language services for any meeting or language not required by subdivision b of this section. Such city entity shall, upon receiving such a request, provide the requested simultaneous language services if possible. Providing such services is presumed to be possible if the request is received at least 72 hours in advance of the meeting at issue.*

*d. This section does not create any cause of action or constitute a defense in any legal, administrative or other proceeding, and does not authorize any violation of any other federal, state or local law.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 307

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to providing an affirmative defense for an illegal conversion of a dwelling unit from a permanent residence**

*Be it enacted by the Council as follows:*

Section 1. Item 16 of section 28-201.2.1 of the administrative code of the city of New York is amended to read as follows:

16. A violation of section 28-210.3 that involves more than one dwelling unit or a second or subsequent violation of section 28-210.3 by the same person at the same dwelling unit or multiple dwelling. *It shall be an affirmative defense for a building owner that such owner (i) neither knew nor should have known that such violation existed or (ii) had taken affirmative steps to correct the violation prior to the issuance of such violation.*

§ 2. Item 1 of section 28-201.2.2 of the administrative code of the city of New York is amended to read as follows:

1. A violation of section 28-210.1**,** [or] 28-210.2 *or 28-210.3* other than a violation that is directed to be classified as immediately hazardous. *For a violation of section 28-210.3, it shall be an affirmative defense for a building owner that such owner (i) neither knew nor should have known that such violation existed or (ii) had taken affirmative steps to correct the violation prior to the issuance of such violation.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such actions as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 308

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting multiple dwellings with numerous code violations**

*Be it enacted by the Council as follows:*

Section 1. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2096.2 to read as follows:

*§ 27-2096.2 Notice to council. The department shall give notice of any multiple dwelling that has fifty or more open violations, issued by the department, of this code, the multiple dwelling law, and any other state or local law that regulates multiple dwellings or multiple dwelling owners, to the council and to the council member in whose council district such multiple dwelling is located. Such notice shall include the owner and address of such multiple dwelling and the number and types of open violations.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 309

By Council Member Rodriguez.

**A Local Law in relation to requiring the mayor to develop a plan for mapping all existing underground infrastructure**

*Be it enacted by the Council as follows:*

Section 1. By no later than March 31, 2019, the mayor shall prepare and file with the council, and make publicly available online, a plan for surveying and mapping all underground infrastructure in the city of New York, including but not limited to underground pipes, tunnels, tubes and wires. Such plan shall also include recommendations for allowing public and private entities to access and submit recommended changes to the map.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 310

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to provide notice to council members of certain gas piping-related violations**

*Be it enacted by the Council as follows:*

Section 1. Article 103 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.32 to read as follows:

***§ 28-103.32 Report on gas piping-related violations.*** *Where an officer or employee of the department issues a gas piping-related immediately hazardous violation, the department shall notify the council member for the council district in which such violation was located, within twenty-four hours after issuing such violation.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings 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. 311

By Council Members Rodriguez and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to conduct periodic studies of rent stabilized housing accommodations and to develop a program to incentivize owners to keep such accommodations rent stabilized for an extended period of time**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-520.1 to read as follows:

*§ 26-520.1 Periodic study and plan to incentivize owners of rent stabilized housing accommodations to keep such accommodations stabilized for an extended period of time. a. As used in this section, the term "rent stabilized housing accommodations" means housing accommodations that are subject to the rent stabilization law of 1969.*

*b. The department of housing preservation and development shall conduct periodic studies of rent stabilized housing accommodations as required by this section. Each such study shall evaluate the stock of rent stabilized housing accommodations located within the city, including, but not limited to, the number of housing accommodations that ceased to be rent stabilized housing accommodations within the five years preceding the date on which submission of the findings of such study is due under subdivision c of this section, disaggregated by the reasons for which such accommodations ceased to be subject to the rent stabilization law of 1969 and the number of housing accommodations that have become rent stabilized housing accommodations within the five years preceding the date on which submission of the findings of such study is due under subdivision c of this section, and shall include a plan to encourage, through the use of financial incentives or otherwise, owners of rent stabilized housing accommodations that have ceased to be subject to the rent stabilization law of 1969 to keep such accommodations affordable for an extended period of time. In addition, the study may include recommendations for legislation, policy, budget initiatives and other measures the city can take, either acting alone or in collaboration with other organizations or governmental entities, to prevent or lessen the loss of rent stabilized housing accommodations.*

*c. By no later than June 1, 2017, the department of housing preservation and development shall submit the findings of the first such study to the mayor and the council. For each subsequent study, such department shall submit the findings thereof to the mayor and the council in the sixth month preceding the expiration date of the rent stabilization law of 1969 as set forth in section 26-520.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 312

By Council Members Rodriguez and Brannan.

**A Local Law to amend the New York city fire code, in relation to requiring portable fire extinguishers in all multiple dwellings**

*Be it enacted by the Council as follows:*

Section 1. Item one of section FC 906.1 of the New York city fire code, as enacted by local law number 148 for the year 2013, is amended to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1. In all Group A, B, E, F, H, I, M, R-1, R-2 [adult homes and enriched housing], and S occupancies. *In all R-2 occupancies, including those lawfully existing prior to the effective date of this section, portable fire extinguishers shall be installed in a common area on every floor with at least one dwelling unit.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Housing and Building.

Int. No. 313

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report arrests resulting from Local Law 29 of 2014.**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§14-175. Right of way arrests. a. The commissioner shall post on the department website, beginning October 15, 2015 and within 15 days of each quarter thereafter, quarterly reports regarding the number of arrests made for violations of section 19-190 of the code.*

§2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 314

By Council Member Rodriguez.

**A Local Law in relation to reporting on the illegal usage of parking permits**

*Be it enacted by the Council as follows:*

Section 1. Report a. For the purposes of this section, the term "parking permit" means a document, card, or sticker that is displayed in or on a motor vehicle and that indicates permission to park in a certain area has been granted.

b. No later than March 30, 2018, and on a quarterly basis thereafter, the police department, in consultation with the department of transportation and the department of sanitation, shall submit to the council a quarterly

report on the illegal use of parking permits in the city. Such report shall include, but not be limited to, the following:

1. Information on the number of complaints received by the police department in connection with the misuse of parking permits in the city;

2. Information on the number of notices of violation or tickets issued in connection with the misuse or illegal use of parking permits; and

3. A description of how such parking permits were misused in the circumstances.

§ 2. This local law takes effect immediately and is deemed repealed after four years.

Referred to the Committee on Public Safety.

Int. No. 315

By Council Member Rodriguez.

**A Local Law in relation to a study on hit-and-run incidents**

*Be it enacted by the Council as follows:*

Section 1. Report. a. For the purposes of this section, the term "hit-and-run" means when any driver who, knowing or having cause to know that property damage, physical injury, or death has been caused to another person due to an incident involving the driver's motor vehicle, leaves the scene of such an incident without complying with all of the provisions of paragraph a of subdivision two of section six hundred of the vehicle and traffic law.

b. No later than November 30, 2018, the police department, in consultation with the department of transportation, shall submit to the council a report on hit-and-run incidents in the city. Such report shall consider best practices from other jurisdictions and include, but need not be limited to:

1. The causes and contributing factors of hit-and-run incidents, including what leads drivers to flee the scene of such incidents;

2. How hit-and-run incidents are investigated by the police department and the department of transportation; and

3. Measures the city can take to decrease the number of hit-and-run incidents.

§ 2. This local law takes effect immediately and is deemed repealed after the final submission of the report required by subdivision b of section one of this local law.

Referred to the Committee on Public Safety.

Int. No. 316

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a reward for individuals who provide information leading to the apprehension, prosecution or conviction of a person who seriously injures or kills another individual in a hit-and-run accident**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-179 to read as follows:

*§ 10-179 a. Definitions. For the purposes of this section, the following term has the following meaning:*

*Serious physical injury. The term "serious physical injury" has the same meaning as set forth in section 10 of the penal law.*

*b. The mayor, upon the recommendation of the police commissioner, is authorized to offer and pay a reward in an amount not exceeding $1,000 to any person who provides information leading to the apprehension, prosecution or conviction of any person who may have violated the provisions of section 600 of the vehicle and traffic law resulting in serious physical injury or death to an individual, including to a pedestrian, a bicyclist or an individual in another motor vehicle.*

*c. The offer and reward made available by this section is not available for:*

*1. Any police officer, peace officer or other law enforcement officer or official in the state;*

*2. Any other officer, official or employee of the city or state; or*

*3. Any person who has obtained the information directly or indirectly from a person specified in paragraphs 1 and 2 of this subdivision.*

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

Referred to the Committee on Public Safety.

Int. No. 317

By Council Members Rodriguez, Brannan and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting riding a bicycle while intoxicated**

*Be it enacted by the Council as follows:*

Section 1. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-179 to read as follows:

*§10-179 Riding a bicycle while intoxicated. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

*"Bicycle" means a two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle. "Intoxicated" means a person has consumed alcohol or a controlled substance to the extent that he or she is incapable, to a substantial extent, of employing the physical and mental abilities which he or she is expected to possess in order to operate a bicycle in a reasonable and prudent manner.*

*"Operate" means to move via the use of pedals.*

*"Public highway" means any highway, road, street, avenue, alley, public place, public driveway or any other public way.*

*"Sidewalk" means that portion of the street, whether paved or unpaved, between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians. Where it is not clear which section is intended for the use of pedestrians the sidewalk will be deemed to be that portion of the street between the building line and the curb.*

*b. No person shall operate a bicycle in a manner that endangers any other person or property while in an intoxicated condition. The provisions of this section apply on public highways and any sidewalk. A person who violates this subdivision may be issued a notice of violation and shall be liable for a civil penalty of not more than one hundred dollars which may only be recovered in a proceeding before the environmental control board.*

§2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 318

By Council Members Rodriguez and Brannan.

**A Local Law in relation to a pilot program for the use of sensor-enhanced public litter baskets**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. As used in this section, the following terms have the following meanings: Commissioner. The term "commissioner" means the commissioner of sanitation.

Department. The term "department" means the department of sanitation.

Sensor-enhanced litter basket. The term "sensor-enhanced litter basket" means a public litter basket capable of autonomously determining the amount of refuse it currently contains or its current proximity to full capacity and reporting that information in real-time to the department.

b. Not later than January 1, 2020, the commissioner shall establish a one-year pilot program for the use of sensor-enhanced litter baskets on city streets which shall include, but not be limited to, the following:

i. The replacement of all public litter baskets with sensor-enhanced litter baskets in at least two separate contiguous geographic areas, representing no less than one sanitation district each and each containing at least one heavily trafficked commercial area and one residential area;

ii. For the first three months of such pilot program, not to include the months of December, January or February, the sensor-enhanced litter baskets shall be collected, but no changes in collection routes or department operations shall be made, to establish a baseline; and

iii. After the third month of the pilot program, the sensor-enhanced litter basket capacity data shall be used to more efficiently plan department operations and truck routes to minimize the amount of time any particular basket is at full capacity and maximize the productivity of individual truck routes.

c. Within six months of the conclusion of the sensor-enhanced litter basket pilot program required by subdivision b of this local law, the commissioner shall submit a report to the mayor and the speaker of the council assessing the efficacy of such pilot program including, but not limited to, the following: a statistical comparison of the data from the baseline period to the subsequent experimental phase, a description of all modifications to department operations and truck routes that were attempted during the program and the result of each, an estimate of any potential cost savings and reduction in overall fleet vehicle emissions from a permanent adoption of the technology, and recommendations on whether and how the technology could best be utilized in a permanent program.

§2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 319

By Council Members Rodriguez and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to conduct a feasibility study concerning placing sensors on public waste receptacles.**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

*§ 16-143 Feasibility study concerning placing sensors on public waste receptacles. No later than January 1, 2019, the department shall:*

*a. Conduct a study of the feasibility of placing sensors on public waste receptacles to alert the department when the receptacle has been filled to capacity, which study shall include a cost-benefit analysis of placing such sensors on public waste receptacles citywide, including a calculation of the additional department employee hours and extra trucks that would be necessary to promptly empty receptacles once capacity was reached, if any, and an analysis of the expected environmental impact of using such sensors, including any environmental impacts expected to be caused by such extra trucks; and*

*b. Report on the findings of such study to the mayor and council.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 320

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to residential recycling of textiles**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 16-305 of the administrative code of the city of New York is amended to read as follows:

b. The commissioner shall adopt and implement rules designating at least [six] *seven* recyclable materials, including *textiles,* plastics to the extent required in subdivision c of this section and yard waste to the extent required in section 16-308 of this chapter, contained in department-managed solid waste and requiring households to source separate such designated materials.

§ 2. Subdivision a of section 16-305.1 of the administrative code of the city of New York is amended to read as follows:

a. Weekly collection of designated recyclable materials shall be maintained in all local service delivery districts*, except the collection of textiles may be maintained by a monthly collection in all local service delivery districts.*

§ 3. This local law takes effect one year after it becomes law, except that the commissioner of sanitation may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 321

By Council Members Rodriguez and Brannan.

**A Local Law in relation to a cable service citywide franchise area coverage report**

*Be it enacted by the Council as follows:*

Section 1. Cable service citywide franchise area coverage report. a. No later than January 1, 2019, the department of information technology and telecommunications shall submit to the council a report on any

franchise agreement in effect as of the effective date of this local law for which a nonexclusive franchise to operate a cable system throughout the entire territorial boundaries of the incorporated area of the city has been granted. Such report shall be issued annually thereafter until the commissioner of information technology and telecommunications determines that a final completion of the passage of all residences to be served under the relevant franchise agreement has occurred, such that any requesting residence would receive service within one year, or until all such franchise agreements have expired, at which point a final report shall be issued.

b. Such report shall include the following, to the extent known and can be disclosed by the department, disaggregated by council district:

1. the number of complaints received in the prior year, by any agency, regarding the unavailability of such cable service;

2. the percentage of required single dwelling units passed by such network, as measured by the ability of single dwelling units to receive service, if requested, within one year;

3. the percentage of required multiple dwelling units passed by such network, as measured by the ability of multiple dwelling units to receive service, if requested, within one year;

4. the number of completed residential installations of cable service;

5. the number of residential installations currently requested, but not yet completed;

6. the number of residential installations currently requested, but not yet completed after one year; and

7. a description of the efforts of the department to ensure the availability of service to all residences within the city and any findings or other information the commissioner deems useful to provide further context.

c. For the purposes of this section, the terms single dwelling unit, multiple dwelling unit and passed shall have the same meanings as used in the relevant franchise agreement.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 322

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to a street design checklist**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-182.2 to read as follows:

*§ 19-182.2 Street design checklist. a. As used in this section, the following terms have the following meanings:*

*ADA. The term "ADA" the Americans with Disabilities Act, title 42 of the United States code section 12101 et seq., and any regulations promulgated thereunder, as such act and regulations may be amended.*

*ADA accessibility. The term "ADA accessibility" means compliance with the Americans with Disabilities Act pursuant to part 36 of title 28 of the code of federal regulations and any subsequent provisions.*

*Arterial street design. The term "arterial street design" means street design for high-capacity streets under the jurisdiction of the department serving as the principal network of through-traffic flow.*

*Class 1 protected bicycle lane. The term "class 1 protected bicycle lane" means a path intended for the use of bicycles that is physically separated from motorized vehicle traffic by an open space or barrier and either within the roadway or within an independent right-of-way.*

*Narrow vehicle lane. The term "narrow vehicle lane" means a vehicular lane that is no more than 10 feet wide.*

*Pedestrian safety island. The term "pedestrian safety island" means a raised area located at a crosswalk that serves as pedestrian refuge separating traffic lanes or directions.*

*Signal-protected pedestrian crossing. The term "signal-protected pedestrian crossing" means any pedestrian crossing that allows pedestrians an exclusive interval in which to cross.*

*Signal retiming. The term "signal retiming" means the retiming of a traffic signal for a 25 mile per hour speed limit.*

*Wide sidewalk. The term "wide sidewalk" means a sidewalk that is at least eight feet wide.*

*b. Notwithstanding any inconsistent provision of law or rule, the commissioner shall develop a checklist of street design elements that enhance safety that the department shall consider for all arterial street design projects. Such checklist shall include but need not be limited to the following elements: (i) ADA accessibility; (ii) amenities, such as benches, bioswales, bus stop shelters, greenery and wayfinding; (iii) class 1 protected bicycle lanes; (iv) dedicated mass transit facilities, such as bus banes; (v) dedicated unloading zones; (vi) narrow vehicle lanes; (vii) pedestrian safety islands (viii) signal-protected pedestrian crossings; (ix) signal retiming; and (x) wide sidewalks.*

*c. No later than June 30, 2018, the department shall post such checklist and shall post a list of arterial street design projects subject to such checklist on the department's official website. For each arterial street design project subject to such checklist, the department shall state which street design elements have been applied, and if an element has not been applied, a specific reason for not applying such element. The department shall update such postings as necessary, and may remove a project from the list after such project has been completed.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 323

By Council Members Rodriguez and Brannan.

**A Local Law in relation to a study to be conducted by the department of transportation determining the feasibility of building a light rail system in the city of New York**

*Be it enacted by the Council as follows:*

Section 1. The commissioner of the department of transportation of the city of New York shall conduct a study determining the feasibility of developing a light rail system within the city of New York. Such study shall include recommendations related to light rail options that would increase access to mass transit in areas that have been identified as lacking adequate mass transit options.

§ 2. Such study shall be submitted to the mayor and the council and posted on the website of the department of transportation within one year, if feasible, but in no event later than two years, after enactment of this local law.

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 324

By Council Members Rodriguez and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring updates to the "Vision Zero" report.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-200 to read as follows:

*§19-200 "Vision Zero" report, updates. On or before January 1, 2019 and semi-annually thereafter, the department, in consultation with other city agencies and commissions, including but not limited to the police department, the taxi and limousine commission, and the department of education, shall submit to the speaker of the council and shall post on the department's website, an update on the initiatives set forth in the "Vision Zero" report, for so long as the "Vision Zero" initiative continues.*

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 325

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to "rounding up" parking time.**

*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 19-167.5 to read as follows:

*§19-167.5 "Rounding up" muni-meter time. Muni-meter time shall not be required to be purchased where the next unit of time would go beyond the time that muni-meter requirements end at a location, wherein the prior unit of purchased time shall be automatically rounded up and extend to the time that muni-meter requirements end, with the receipt displaying such end time; provided, however, this section shall not apply where no prior units of time have been purchased, or where the time shown on the muni-meter receipt would extend being the maximum time allowed to be purchased at such location as denoted by sign. For the purposes of this section, the term "muni-meter" shall mean an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle's dashboard.*

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

Referred to the Committee on Transportation.

Int. No. 326

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to improving safety along bus routes**

*Be it enacted by the Council as follows:*

Section 1. For the purposes of this local law, the following terms have the following meanings:

Bus route. The term "bus route" means a route that is traveled upon by a bus that is operated or owned by the metropolitan transportation authority.

Curb extension. The term "curb extension" means an expansion of the curb line into the lane of the roadway adjacent to the curb for at least 15 feet closest to a corner or mid-block where pedestrians are permitted to cross the roadway.

Leading pedestrian interval. The term "leading pedestrian interval" means a pedestrian control signal that displays a walk indication before a green indication for the parallel direction of traffic.

Traffic calming device. The term "traffic calming device" means any device, not governed by the manual on uniform traffic control devices, including, but not limited to, speed humps, curb extensions, traffic diverters, median barriers and raised walkways, installed on a street and intended to slow, reduce or alter motor vehicle traffic to improve safety for pedestrians and bicyclists.

§ 2. The department of transportation, in collaboration with the metropolitan transportation authority, shall conduct a study of incidents involving buses and pedestrians or bicyclists resulting in death or serious injury to such pedestrian or bicyclist occurring along bus routes within the previous three years. Based on such study, the department shall institute measures designed to decrease incidents involving pedestrians and bicyclists along such routes based on best practices for roadway design and operations, including but not limited to, allowing left turns to be made only on a green left arrow signal indication and other restrictions on left turns, use of curb extensions, lane narrowing and/or removal, leading pedestrian intervals, and traffic calming devices. No later than May 1, 2019, the department shall post online and submit to the speaker of the council such study, including the locations of such measures, and if no measures are implemented at a location along a bus route where an incident has occurred within the past three years, the reasons why.

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 327

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring curb extensions at certain dangerous intersections**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-197.3 to read as follows:

*§ 19-197.3 Curb extensions. The department shall establish a curb extensions program. As part of such program, the department shall identify intersections or parts thereof without curb extensions where such extensions may be implemented that reflect the greatest danger for pedestrians, based upon the incidence of traffic crashes involving pedestrians occurring at such intersections. Commencing in 2019, the department shall annually implement curb extensions on all or part of a minimum of five intersections in each borough identified by the department as part of such program. For the purposes of this section, "curb extension" shall mean an expansion of the curb line into the lane of the roadway adjacent to the curb for at least 15 feet closest to a corner or mid-block where pedestrians are permitted to cross the roadway.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 328

By Council Members Rodriguez, Brannan and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing purchases of street parking time to be made via mobile application or text message**

*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 19-175.6 to read as follows:

*§ 19-175.6 Electronic payments for street parking. By April 1, 2018, the department shall implement a system that accepts payments for the purchase of street parking time via a mobile application or text message, and payments for street parking time via such system shall be available for all metered street parking spots.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 329

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to the condition of bridges, sidewalks and ferries.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159 to read as follows:

*§19-159 Report on bridges, sidewalks and ferries. On or before March 31, 2018 and annually on or before March 31st thereafter, the commissioner shall submit to the speaker of the council and post on the department's website a report detailing the condition of bridges that are greater than one quarter mile in length that are under the jurisdiction of the department. In addition, such report shall include the conditions of all sidewalks under the exclusive jurisdiction of the department whose repair would be required by the department by law, as well as the condition of all ferries under the jurisdiction of the department. The department shall as part of the report detail the standards used to determine the condition of such bridges, sidewalks and ferries. For purposes of this section, "bridge" shall mean a span that includes a roadway for use by motor vehicles, that is located above another surface.*

§ 2. This local law shall take effect immediately upon enactment into law.

Referred to the Committee on Transportation.

Int. No. 330

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to report a list of all the sidewalks under its jurisdiction.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-154.1 to read as follows:

*§19-154.1 Sidewalk reporting. a. On or before March 1, 2019, the department shall provide a list of sidewalk locations for which the department is responsible for removing snow or otherwise making repairs. Such list shall be updated on the department's website promptly as any such locations change, but no more than thirty days after any such change.*

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 331

By Council Members Rodriguez and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of traffic calming devices adjacent to senior centers and naturally occurring retirement communities.**

*Be it enacted by the council as follows:*

Section 1. Subchapter three of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-183.1 to read as follows:

*§ 19-183.1 Installation of traffic calming devices on streets adjacent to senior centers and naturally occurring retirement communities. a. Definitions. For the purposes of this section:*

*Senior center. The term "senior center" shall have the same meaning as in section 21-201 of this code.*

*Naturally occurring retirement community. The term "naturally occurring retirement community" means an apartment building, housing complex, or housing development (i) not originally built for senior citizens; (ii) not restricted in admissions solely to the elderly; and (iii) with an occupant who is a senior citizen in at least fifty percent of the units or with at least two thousand five hundred residents who are senior citizens.*

*b. The commissioner shall annually install at least one traffic calming device on not less than fifty block segments that are adjacent to a senior center or naturally occurring retirement community, as determined by the commissioner in consultation with the department for the aging.*

*c. After evaluating areas adjacent to every senior center and naturally occurring retirement community in the city for the installation of traffic calming devices pursuant to subdivision b of this section, the commissioner may, consistent with subdivision d of this section, determine not to install any further traffic calming devices and shall inform the speaker of the council in writing of such determination and the reasons therefore; provided, however, that the commissioner shall evaluate the need to install one or more traffic calming devices on roadways adjacent to any senior center or naturally occurring retirement community created after such determination. The commissioner shall provide to the council, on or before September 1, 2018, and annually thereafter, a report detailing the locations at which such devices have been placed.*

*d. The commissioner may decline to install any traffic calming device that is otherwise required by this section if such installation would, in the commissioner's judgment, endanger the safety of motorists or pedestrians or not be consistent with the department's guidelines regarding the installation of traffic calming devices.*

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

Referred to the Committee on Transportation.

Int. No. 332

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to providing certain parking privileges for press vehicles**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

*§19-162.3. Permissible parking for vehicles operated by members of the press. a. Definitions. For purposes of this section, the term "press vehicle" shall mean: (1) a motor vehicle registered pursuant to the vehicle and traffic law and which contains a license plate issued by the department of motor vehicles or successor agency indicating such registration has been provided to a member of the press; or (2) a vehicle registered by the New Jersey motor vehicle commission or successor agency or the Connecticut department of motor vehicles or successor agency in a series reserved for members of the press working in the state of New York.*

*b. Notwithstanding any other provision of law, a press vehicle may park where parking or standing is otherwise prohibited except where standing or stopping is prohibited to all motor vehicles, and any such press vehicle shall not be required to use an authorized payment method for a metered parking space or to comply with signage indicating the time limit for such metered parking, provided that at the time of such parking the operator or an occupant of such vehicle immediately preceding the parking of such vehicle is actually engaged in the covering of a news event or matter of public concern.*

*c. Where the department of any other city agency has granted by sign any privilege of parking or driving to "vehicles with NYP license plates", such privilege shall be extended solely to press vehicles and on-duty emergency vehicles.*

§2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 333

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing civil penalties for theft of a bicycle or motor vehicle**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.6 to read as follows:

*§ 19-175.6 Civil penalties for theft of bicycles and motor vehicles. a. Definitions. For purposes of this section:*

*Bicycle. The term "bicycle" shall have the same meaning as in section 19-176 of this code.*

*Motor vehicle. The term "Motor vehicle" shall have the same meaning as in section one hundred twenty five of the vehicle and traffic law.*

*b. Any individual convicted of the theft of a bicycle or motor vehicle under one or more of the following sections of the penal law: 155.25, 155.30, 155.35, 155.40, 155.42, 165.05, 165.06 or 165.08 shall be liable for a civil penalty, recoverable at the environmental control board, of not less than $500 nor more than $1,000 for each bicycle wrongfully taken, obtained or withheld, and of not less than $5,000 nor more than $7,500 for each motor vehicle wrongfully taken, obtained, or withheld. Such civil penalty shall be in addition to or as an*

*alternative to any criminal penalties authorized by law and shall not limit or preclude any cause of action available to any person or entity aggrieved by any of the acts applicable to this section.*

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

Referred to the Committee on Transportation.

Int. No. 334

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to an unused muni-meter time mobile application**

*Be it enacted by the Council as follows:*

Section 1. Section 19-167.2 of the administrative code of the city of New York is amended by amending subdivision a and by adding new subdivision c to read as follows:

a. For the purposes of this section[,the term]*:*

b. *"mobile application" shall mean software designed to run on smartphones and other mobile devices.*

"muni-meter" shall mean an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicles dashboard.

*c. The department shall allow or create a mobile application that connects individuals for the purpose of exchanging unused parking time.*

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

Referred to the Committee on Transportation.

Int. No. 335

By Council Member Rodriguez.

**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. 336

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring reports on pedestrian plazas**

*Be it enacted by the Council as follows:*

Section 1. Section 19-157 of the administrative code of the city of New York is amended to add a new subdivision e to read as follows:

*e. Reporting. No later than August 1, 2018 and annually thereafter, the department shall submit to the speaker of the council and post on its website a report on pedestrian plazas. Such report shall include:*

*(i) The number of summonses issued for violations of pedestrian plaza rules promulgated pursuant to subdivision c for each pedestrian plaza during the previous twelve months, disaggregated by offense committed and pedestrian plaza;*

*(ii) Any measures taken to promote safety and compliance with any such pedestrian plaza rules in each pedestrian plaza during the previous twelve months; and*

*(iii) A list of events held in each pedestrian plaza during the previous twelve months, disaggregated by pedestrian plaza.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 337

By Council Member Rodriguez.

**A Local Law in relation to requiring the department of transportation to report on the city's street furniture program**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For the purposes of this section, the following terms have the following meanings:

Franchise agreement. The term "franchise agreement" means a franchise agreement entered into between the department and the street furniture operator setting forth the terms and conditions of the street furniture program.

Street furniture. The term "street furniture" means objects and pieces of equipment installed on public streets for public use, including, but not limited to, bus stop shelters, newsstands, automatic public toilets, trash receptacles and bike parking structures.

Street furniture operator. The term "street furniture operator" means any company that operates the city's street furniture program pursuant to a franchise agreement.

Street furniture program. The term "street furniture program" means the design, construction, installation and maintenance of the city's street furniture.

§ 2. Reporting requirement. a. The department shall report to the city council on the status of the services provided under the franchise agreement. This data shall include, but not be limited to, the status of the following:

(1) Maintenance of existing newsstands, including any repairs or upgrades performed on existing newsstands during the previous calendar year;

(2) Maintenance of existing bus stop shelters, including the number of times each bus stop shelter has been cleaned, has undergone snow removal, and has been repaired or upgraded during the previous calendar year;

(3) Construction and maintenance of other street furniture such as automatic public toilets, including the number of times such other street furniture has been cleaned, has undergone snow removal, and has been repaired or upgraded during the previous calendar year;

(4) Construction plans and timelines for new street furniture that is to be built pursuant to the franchise agreement;

(5) Utilization of the advertising space allocated to the city pursuant to the franchise agreement, including data on the domestic and international locations where advertising on behalf of the city is located and what percentage of the total allocated advertising space is actually being used;

(6) Any other updates regarding the street furniture program; and

(7) Except as otherwise provided by the franchise agreement, any other data already reported by the street furniture operator to the department.

b. Such report shall include a comparison of the data provided under subsection a against the performance obligations required under the franchise agreement and the department's recommendations regarding the street furniture program for the following calendar year, including services that the street furniture operator should provide or improve.

c. On or before January 1, 2019, and on each January 1 thereafter for the remainder of the term of the franchise agreement, the department shall provide to the council a report containing the information required under paragraph b of this section. In addition, the department shall make such report available on its website in a non-proprietary format that permits automated processing.

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 338

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on bicycle related fatalities.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions a and b of section 19-186 of the administrative code of the city of New York, are amended to read as follows:

§ 19-186 Compilation of bicycle crash data. a. The department shall compile the total number of bicycle crashes that are reported to city agencies. Such bicycle crash compilation shall include, *but not be limited to, bicycle related fatalities in parks and on roadways,* crashes between bicycles, between bicycles and motorized vehicles and between bicycles and pedestrians. The department shall commence compiling such data on October 1, 2011.

b. On June 1, 2012 and annually thereafter, the department shall provide a report to the council for the preceding calendar year, with such report posted on the department's website, of the total number of reported crashes as required by subdivision a of this section, disaggregated by those involving solely bicycles, between bicycles and motorized vehicles, and between bicycles and pedestrians. Such report shall also include the number of injuries and fatalities resulting from such crashes disaggregated as above, *and shall include number of such crashes that occur in parks and on roadways as well as injuries and fatalities resulting from such crashes*. Such report shall also be disaggregated by borough and by police precinct.

§ 2. This local law shall take effect 120 days following its enactment into law.

Referred to the Committee on Transportation.

Res. No. 95

**Resolution calling upon the United States Congress to pass and the President to sign legislation requiring automobile manufacturers to include carbon monoxide detectors in all cars sold in the United States.**

By Council Member Rodriguez

**Whereas**, Carbon monoxide is a colorless, odorless, toxic gas produced by automobile engines, which in high concentrations is deadly to human beings; and

**Whereas,** Carbon monoxide has been implicated in numerous accidental deaths, typically where individuals occupy a vehicle in an enclosed space, such as a garage; and

**Whereas**, A significant number of deaths have also occurred outdoors while vehicles are occupied; and

**Whereas,** For example, on January 24, 2016, in New Jersey, shortly following a massive winter blizzard, a mother and her two children died as they sat in the car to warm up while the father cleared a path for the vehicle in the snow; and

**Whereas,** This tragic event took place during the short span of twenty minutes and resulted from a tailpipe blocked by snow; and

**Whereas,** The following day a Brooklyn man, Angel Ginel, was found dead in his snowbound car—a similar, carbon monoxide poisoning-related death is suspected; and

**Whereas**, These tragedies are not isolated—during virtually every major snowstorm lives were claimed due to carbon monoxide poisoning under similar circumstances; and

**Whereas**, According to a 2007 National Highway Traffic Safety Administration report, on average, 147 people die from accidental carbon monoxide poisoning involving automobiles; and

**Whereas**, Carbon monoxide may leak into the passenger cabin of a motor vehicle as a result of a tailpipe blocked by snow, mud or other debris, as well as a faulty or damaged exhaust system, or a hole in a rusty muffler, for example; and

**Whereas,** Because carbon monoxide is odorless, colorless, and initial poisoning symptoms are mild, mimicking car sickness, unsuspecting victims may not recognize the immediate danger; and

**Whereas,** Carbon monoxide detector technology is inexpensive and readily available; and

**Whereas**, Carbon monoxide detectors could alert motorists and their passengers of the presence of this dangerous gas before it is too late; and

**Whereas**, Auto manufacturers can and should include carbon monoxide detectors as part of the vehicle's basic, integrated safety design, similar to seat belts, airbags and anti-lock brakes; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon Congress to pass and the President to sign legislation requiring automobile manufacturers to include carbon monoxide detectors in all cars sold in the United States.

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 96

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation reinstating a commuter tax and to conduct a study on the results and effects of the tax.**

By Council Members Rodriguez and Brannan.

**Whereas,** Between 1966 and 1999, New York City imposed an earnings tax on non-residents who earned an income within the City in order to equitably share the burden of providing services, such as fire, safety, sanitation, and infrastructure, on all users of such services; and

**Whereas**, This tax is commonly referred to as the commuter tax; and

**Whereas,** In 1966, New York State authorized New York City to impose a tax on people who earned income in the City but lived elsewhere in the amount of one-fourth of one percent on all wages and three-eighths of one percent on all net earnings from self-employment; and

**Whereas**, Five years later in 1971, the State authorized an increase of the tax to forty-five hundredths of one percent on all wages and sixty-five hundredths of one percent tax on all net earnings from self-employment; and

**Whereas,** In 1999, the State amended the definition of people who were subject to the tax to include only those commuters who resided outside of New York State, thereby exempting New York State residents from paying the tax; and

**Whereas**, In 1999, New York City challenged the State's change to the law; and

**Whereas**, The New York State Court of Appeals found that the disparate treatment of New York State and non-New York State commuters violated the Privileges and Immunities Clause of the United States Constitution and declared the commuter tax, as amended, unconstitutional; and

**Whereas,** According to the City's Office of Management and Budget, between 2000 and 2008, New York City lost out on approximately $5,000,000,000 in tax revenue; and

**Whereas,** The Independent Budget Office estimates that between 2009 and 2014, New York City lost out on a total of approximately $4,600,000,000 in tax revenue; and

**Whereas**, Despite the loss in tax revenue, New York City continues to provide services to all New York City workers, both resident and non-resident, the cost of which is shouldered by New York City residents through the City's personal income and real property taxes; and

**Whereas,** According to the Fiscal Policy Institute, approximately 900,000 non-resident commuters work in the City and they all rely on the police, fire, sanitation, transportation, and other services the City provides; and

**Whereas**, The use of New York City resources and infrastructure by these 900,000 commuters is costly to the City and its residents; and

**Whereas,** For example, one service consistently used by non-resident commuters is subway and bus services managed by the Metropolitan Transit Authority ("MTA"); and

**Whereas,** Due to record-high ridership levels by City residents and non-resident commuters and the substantial long-term infrastructure needs resulting from age and deterioration due to overuse, the MTA is facing a $15,000,000,000 capital budget shortfall; and

**Whereas,** Reinstating the commuter tax would greatly benefit everyone who works in the City by preserving essential infrastructure and services and ensuring that non-residents pay their fair share for the services that they consume; and

**Whereas,** Despite all of these benefits, some claim that reinstating the commuter tax would create a disincentive for non-residents to look for work in New York City and induce businesses to leave the City, thereby constraining the growth of the City's economy and tax base; and

**Whereas,** In order to determine whether there is any validity to that claim, after the commuter tax is reinstated, the State should conduct a study reporting on the effects of the tax, taking into account the current economic environment and the fiscal health of the New York City and its infrastructure; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation reinstating a commuter tax and to conduct a study on the results and effects of the tax.

Referred to the Committee on Finance.

Res. No. 97

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation that would allow New York City to tax vacant residential property at commercial rates**

By Council Member Rodriguez.

**Whereas,** Under section 1802 of New York State's Real Property Tax Law, (1) all vacant property zoned as residential located outside the borough of Manhattan, and (2) all commercially zoned vacant property outside the borough of Manhattan that is situated immediately adjacent to property with a residential structure, has the same owner as the adjacent residential property, and has an area of no more than 10,000 square feet, is currently taxed as Class 1 residential property; and

**Whereas**, All other vacant property is taxed as Class 4 commercial property; and

**Whereas,** New York University's Furman Center defines a vacant property as an apartment unit, a building, or land that is not being used or occupied before development takes place; and

**Whereas,** According to the Department of Finance, in Fiscal 2018, there are 15,273 Class 1 vacant properties; and

**Whereas,** New York City features an expensive real estate market and a shortage of affordable housing, so the opportunity cost that vacant properties represent is extremely high because such properties could be used or developed for other purposes; and

**Whereas,** Levying higher property taxes on vacant properties is a method of encouraging development on such sites; and

**Whereas,** Class 1 properties enjoy preferential tax treatment as compared to Class 4 properties inasmuch as Class 1 property is assessed at no more than six percent of market value with assessed value growth capped at six percent per year or 20 percent over five years; and

**Whereas,** In contrast, Class 4 properties are assessed at no more than 45 percent of market value without any caps on assessed value growth; and

**Whereas,** According to data published by the Department of Finance, the effective tax rate in Fiscal 2017, which is equal to the tax paid on a property divided by the market value of that property, for Class 1 properties was 0.77%, lower than the 3.87% rate paid by Class 4 properties; and

**Whereas,** Taxing Class 1 vacant residential property as Class 4 commercial property would increase the taxes levied on such property; and

**Whereas**, the Independent Budget Office estimated in December 2015, that if vacant Class 1 property of a certain size not owned by a government entity were taxed as commercial properties, then the amount of additional property taxes paid on these properties would ultimately be as high as $125.1 million dollars per year; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation that will allow New York City to tax vacant residential properties at commercial rates.

Referred to the Committee on Finance.

Res. No. 98

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation making it a felony to assault a driver licensed by the Taxi and Limousine Commission.**

By Council Members Rodriguez and Brannan

**Whereas,** The solitary and often cash-based nature of their work make drivers of vehicles licensed by the Taxi and Limousine Commission (TLC) particularly vulnerable to violence resulting from disgruntled passengers and robberies; and

**Whereas,** According to a 2010 United States Department of Labor study, taxi and for-hire vehicle drivers are 20 times more likely than other workers to be murdered on the job; and

**Whereas**, Several notable assaults on taxi and for-hire vehicle drivers in New York City have occurred in recent years, including a driver who was punched and slashed with a box cutter in the Bronx in October 2013 and a driver who was violently hit in the face with a skateboard in Manhattan in June 2014; and

**Whereas**, Section 120.05 of the New York State Penal Law makes it a felony to assault and injure many different types of professionals who serve the public, including transit workers, traffic enforcement agents, and nurses; and

**Whereas,** Due to the vulnerable nature of their work, and considering the vital service they provide to the City, TLC-licensed drivers deserve the same protections; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation making it a felony to assault a driver licensed by the Taxi and Limousine Commission.

Referred to the Committee on For-Hire Vehicles.

Res. No. 99

**Resolution calling upon the City University of New York to include in its FY16 budget and beyond, funding to provide MetroCards to all students enrolled in CUNY colleges free of charge.**

By Council Members Rodriguez and Brannan

**Whereas,** Student loan debt is a major issue in the state of New York, where, according to the Institute for College Access and Success, the average college student in New York State graduates with $27,822 in debt

**Whereas,** The average undergraduate tuition at CUNY for New York State residents in traditional four-year programs is $6,530 per year; and

**Whereas,** These costs rise to $17,400 per year for out-of-state residents at those CUNY institutions; and

**Whereas,** According to CUNY's pricing estimates for students who live away from home, housing costs approximately $10,386 for one year, in addition to the aforementioned cost of tuition; and

**Whereas,** According to CUNY data, 48.8 percent of students at CUNY community colleges come from households where the annual income is less than $20,000 per year and 38.1 percent of students at senior colleges are the first in their families to attend college; and

**Whereas,** According to CUNY, the cost of a MetroCard for the nine months of the year a student is $1,088; and

**Whereas**, According to a report by the Center for an Urban Future (CUF), a 10% increase in CUNY Community College graduation rates would generate an estimated $689 million in economic activity over a decade; and

**Whereas**, CUNY offers MetroCards free of charge to students in their Accelerated Study in Associate Programs (ASAP)-a three year program designed to support students seeking an associate's degree at CUNY Community Colleges-incentivizing students to remain enrolled; and

**Whereas,** According to a February 2015 analysis from the Manpower Demonstration Research Corporation (MDRC)-an organization that periodically assesses the ASAP program-ASAP has nearly doubled graduation rates compared to students not enrolled in this program; and

**Whereas,** New Jersey Transit offers significant discounts to college students in the tri-state region, including many in New York City, thereby demonstrating the demand for such a program as well as the operational capacity to employ it; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon CUNY to include in its FY19 budget and beyond, funding to provide MetroCards to all students enrolled in CUNY Colleges free of charge.

Referred to the Committee on Higher Education.

Res. No. 100

**Resolution calling on the New York State Legislature to pass legislation that would allow undocumented immigrants to obtain a driver's license regardless of their immigration status.**

By Council Member Rodriguez.

**Whereas**, According to the Pew Hispanic Center, in 2012, New York State was home to approximately 800,000 undocumented immigrants, many of whom call New York City their home; and

**Whereas,** Undocumented immigrants face many obstacles tied to their lack of status, including the fact that undocumented immigrants are prohibited from obtaining a New York State driver's license; and

**Whereas,** Many undocumented immigrants need to drive, whether it is for work, to take their children to school, or for other important appointments; and

**Whereas,** Regardless of the particular reason, driving is necessary for many undocumented immigrants to conduct their daily activates; and

**Whereas,** According to a 2011 nationwide report by the AAA Foundation for Traffic Safety, unlicensed drivers are five times more likely to be involved in a fatal crash compared to their licensed counterparts; and

**Whereas,** According to the same report, in 2011 unlicensed drivers caused 5,444 fatalities and injured 1,493 individuals nationwide; and

**Whereas,** To ensure road safety and accountability, New York State's Department of Motor Vehicles should provide qualified undocumented immigrants with driver's licenses regardless of their immigration status; and

**Whereas,** To date, twelve states and the District of Columbia, allow undocumented immigrants to obtain drivers licenses, including New Mexico, Utah, Oregon, Nevada, Illinois, Washington, Maryland, Vermont, Colorado, Connecticut, Hawaii and California; and

**Whereas,** As for New York, despite the introduction of several pieces of legislation in the New York State Legislature and the wide support of such legislation from several New York City advocacy groups, including Make the Road New York, none have been enacted; and

**Whereas,** Passing a bill that grants driver's licenses to qualified undocumented immigrants is in the best interest of all New Yorkers because immigrants wanting to drive legally will have to pass written and practical driver's exams, register their vehicles, and obtain automobile insurance; and

**Whereas,** Allowing undocumented immigrants to obtain driver's licenses will improve public safety by ensuring that everyone driving has been properly educated and tested and is operating a registered, inspected, and insured vehicle; and

**Whereas,** Allowing undocumented immigrants the opportunity to obtain a driver's license will mean increased revenue for the State from license and registration fees and may lead to lower auto insurance premiums for all New Yorkers; and

**Whereas**, Immigrants with drivers licenses will more easily integrate into their communities which is beneficial to all New Yorkers; now, therefore, be it,

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass to pass legislation which would allow undocumented immigrants to obtain a driver's license regardless of their immigration status.

Referred to the Committee on Immigration.

Res. No. 101

**Resolution calling upon the New York City Housing Authority to establish an admission preference for applicants with severe health conditions.**

By Council Member Rodriguez.

**Whereas**, Living in poor housing conditions can negatively affect a wide range of health conditions related to infectious diseases, chronic illness, injuries, poor nutrition and mental health disorders; and

**Whereas**, According to the National Center for Biotechnology Information, epidemiological studies have linked damp, cold, moldy housing and pest infestations with asthma and other chronic respiratory disorders; and

**Whereas**, Those with severe health conditions that are living in an environment which could severely deteriorate their health may not have the financial resources to find a new home in New York City; and

**Whereas**, The New York City Housing Authority's (NYCHA) mission is to provide safe and affordable housing for low- and moderate-income residents throughout the five boroughs; and

**Whereas,** NYCHA as a public housing agency (PHA) can set its own income eligibility and admission preferences under federal and state law; and

**Whereas**, According to federal regulations, NYCHA has the ability to adopt a system of local preferences for the selection of families admitted to its public housing program; and

**Whereas**, Such admission priorities must be based on local housing needs and determined by the PHA after a period of public comment and consultation with the PHA's resident advisory board and then submitted as a part of PHA's annual or five year plan, whichever is applicable, to the United States Department of Housing and Urban Development (HUD), which then must approve or disapprove the plan; and

**Whereas**, Tenants with severe health conditions who qualify for public housing due to need should receive an admission preference from NYCHA; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Housing Authority to establish an admission preference for applicants with severe health conditions.

Referred to the Committee on Public Housing.

Res. No. 102

**Resolution calling upon the Metropolitan Transportation Authority to conduct a comprehensive study of unused and underutilized railroad rights of way in New York City for the purpose of evaluating the feasibility of increased passenger service along such corridors.**

By Council Member Rodriguez.

**Whereas,** The New York City subway system is experiencing historically high ridership levels, exposing the limits of its ability to accommodate increasing demand; and

**Whereas,** Continued population and job growth throughout the City, and specifically in the boroughs outside of Manhattan, is expected to further strain the City's public transit system; and

**Whereas,** There are rail lines throughout the City that have the potential to accommodate increased levels of passenger service than they do today; and

**Whereas**, One example of an underused rail corridor is the Long Island Rail Road's Montauk Line between Long Island City and Jamaica in Queens, which last saw passenger service in the 1990s and now only serves a few overnight freight trains; and

**Whereas**, Other examples include the abandoned Rockaway Beach Branch between Ozone Park and Rego Park in Queens and the New York Connecting Railroad (including the Bay Ridge Branch and the Fremont Secondary) between Bay Ridge, Brooklyn, and Woodside, Queens, which is only used by freight trains; and

**Whereas**, Many proposals have been put forward over the years for increased passenger service using existing rights-of-way, including the Regional Plan Association's Triboro RX plan for a line connecting the Bronx, Queens, and Brooklyn; and

**Whereas,** The Metropolitan Transportation Authority's Twenty-Year Capital Needs Assessment, released in October 2013, identifies the Bay Ridge Branch and the Rockaway Beach Branch as possible options for new service; and

**Whereas**, The Assessment asserts that converting existing rights-of-way to allow for increased passenger service "could help reduce land acquisition and construction costs, and facilitate construction time in densely developed areas"; and

**Whereas**, In order to begin the process of better connecting relatively-isolated communities with the mass transit system at a fraction of the cost of building completely new rail lines, a thorough examination of the possibilities for increased use of existing rights-of-way is needed; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Metropolitan Transportation Authority to conduct a comprehensive study of unused and underutilized railroad rights of way in New York City for the purpose of evaluating the feasibility of increased passenger service along such corridors.

Referred to the Committee on Transportation.

Res. No. 103

**Resolution calling upon the Port Authority of New York and New Jersey to widen the George Washington Bridge's sidewalks.**

By Council Member Rodriguez.

**Whereas,** The George Washington Bridge's sidewalks are the only connection across the Hudson River between New York City and New Jersey for pedestrians, runners, and bicyclists; and

**Whereas,** The paths are heavily used, with an average of 1,700 cyclists and 900 pedestrians crossing each day; and

**Whereas,** The sidewalks are ten feet wide except where the bridge's suspender ropes pass through, where they are less than seven feet wide; and

**Whereas,** According to Federal Highway Administration guidelines, shared-use paths should be at least ten feet wide and up to fourteen feet wide if they are heavily used; and

**Whereas,** The Port Authority of New York and New Jersey is planning an extensive renovation that will replace all of the bridge's suspender ropes beginning in 2017 and lasting until 2024; and

**Whereas**, As part of the project, the sidewalks will be replaced and new ramps that will provide access to the sidewalks will be constructed, but the sidewalks will not be widened; and

**Whereas,** New York City has made efforts in recent years to make its roadways safer and more convenient for pedestrians and bicyclists, particularly through the Vision Zero street safety initiative and the expansion of the bicycle lane network; and

**Whereas**, The Port Authoirty's own Bicycle Policy states that its goals are to integrate "improved bicycle access" and "safe bicycle lanes," and to "promote the safe co-existence of motor vehicles, bicycles and pedestrians" at its facilities; and

**Whereas,** The width of the bridge's sidewalks do not meet federal standards for high-use pedestrian and bicycle paths, and

**Whereas,** The planned renovation project presents a unique opportunity to build sidewalks that would be able to safely and comfortably accommodate the increasing number of pedestrians and bicyclists expected to use the bridge in the decades to come; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Port Authority of New York and New Jersey to widen the George Washington Bridge's sidewalks.

Referred to the Committee on Transportation.

Res. No. 104

**Resolution calling upon the Metropolitan Transportation Authority to study ways to eliminate blind spots on all MTA buses and to equip all of these buses with sensor technology to alert drivers, pedestrians, and cyclists when a pedestrian or cyclist is in the bus' blind spot.**

By Council Member Rodriguez.

**Whereas,** According to Vision Zero's most recent annual report, which was released in February of 2017, there was a fatal crash every 38 hours in 2016; and

**Whereas,** MTA bus drivers have raised concerns over blind spots and have said that these blind spots occasionally prevent them from seeing pedestrians, cyclists, or obstacles in their path, with these blind spots presenting particular danger when making turns; and

**Whereas**, There are several design measures that mitigate blind spots on large vehicles, such as crossover mirrors or bus designs that limit the size of the A-frame that creates the blind spot; and

**Whereas**, Many new car models are equipped with technology that alerts a driver when another vehicle enters their blind spot; and

**Whereas,** Installing this technology on MTA buses, capable of identifying pedestrians, cyclists or obstacles would alert bus drivers to stop before a collision occurs; and

**Whereas,** This technology can prevent the unintended loss of life by making drivers fully aware of when they are in danger of colliding with a pedestrian or cyclist; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to study ways to eliminate blind spots on all MTA buses and to equip all of these buses with sensor technology to alert drivers, pedestrians and cyclists when a pedestrian or cyclist is in the bus' blind spot.

Referred to the Committee on Transportation.

Int. No. 339

By Council Member Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to expanding the definition of employer under the human rights law to provide protections for domestic workers**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 5 of section 8-102 of the administrative code of the city of New York, as amended by local law 63 of 2015, is amended to read as follows:

(5) For purposes of subdivisions one, two, three, eleven-a, twenty-two, subparagraph one of paragraph a of subdivision twenty-one, and paragraph e of subdivision twenty-one of section 8-107 of this chapter, the term "employer" does not include any employer with fewer than four persons in his or her employ*[.], provided that the term "employer" does include any employer with one or more domestic workers, as defined in section 2(16) of the labor law, in his or her employ*. For purposes of this subdivision, natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 340

By Council Member Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the rates auctioneers may charge to sell real property pursuant to a court judgment**

*Be it enacted by the Council as follows:*

Section 1. Section 20-286 of the administrative code of the city of New York is amended to read as follows:

§ 20-286 Sale of real property; fees. a. It shall be unlawful for any auctioneer to demand or receive for his or her services, in selling, at public auction, any real estate directed to be sold by any judgment or decree of any court of this state, *including*[a greater fee than fifty dollars for each parcel separately sold, except that in all sales of real estate conducted by any auctioneer pursuant to a judgment or decree of any court of this state

in] any action brought to foreclose a mortgage or other lien on real estate, *a fee greater* than [the fees of such auctioneers shall be as follows:]*2.5 percent on the amount of any sale.*

[1. in all cases where the judgment of foreclosure is for an amount not exceeding five thousand dollars, the fee shall be fifteen dollars;

2. in all cases where the judgment of foreclosure is for an amount in excess of five thousand dollars, but not exceeding twenty-five thousand dollars, the fee shall be twenty-five dollars;

3. in all cases where the judgment of foreclosure is for an amount in excess of twenty-five thousand dollars, the fee shall be fifty dollars.

b. Where such sale is made at any public salesroom, such auctioneer may demand and receive such further amount not exceeding ten dollars for each parcel separately sold as he or she may have actually paid for the privilege or right of making the sale in such salesroom.]

[c]*b*. Where one or more lots are so sold at public auction with the option to the purchaser of taking one or more additional lots at the same rates or price, nothing herein contained shall be construed to prevent the auctioneer making such sale from demanding and receiving for his or her services the compensation or fee above allowed, for each additional lot taken by such purchaser under such option.

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 341

By Council Member Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to retroactively requiring secondary power for lighting for egress paths and elevators.**

*Be it enacted by the Council as follows:*

Section 1. Article 315 of chapter 3 of title 28 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended by adding new sections 28-315.10, 28-315.10.1 and 28-315.10.2 to read as follows:

***§28-315.10 Standby and emergency power.*** *The work specified in this section to enhance the safety of existing buildings in the event of power supply failure shall be completed by the dates specified herein.*

***§28-315.10.1 Standby power for certain elevators.*** *Existing buildings shall comply with the provisions of item 3 of Section 403.4.7.2 of the New York city building code and item 3 of Section 403.4.7.3 of the New York city building code, as applicable to a building's occupancy group, on or before April 1, 2016.*

***§28-315.10.2 Emergency power for lighting for egress paths and certain elevators.*** *Existing buildings shall comply with the provisions of item 1 of Section 403.4.8.1 of the New York city building code and items 1 and 2 of Section 403.4.8.2 of the New York city building code, as applicable to a building's occupancy group, on or before April 1, 2019.*

§2. Section 403.4.7 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**403.4.7 Standby power.** A standby power system complying with Section 2702 shall be provided for standby power loads specified in Section 403.4.7.2 and 403.4.7.3. *Item 3 of section 403.4.7.2 and item 3 of Section 403.4.7.3 shall apply retroactively to all existing buildings in accordance with Section 28-315.8.1.*

§3. Section 403.4.8 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**403.4.8 Emergency power systems.** An emergency power system complying with Section 2702 shall be provided for emergency power loads specified in Sections 403.4.8.1 and 403.4.8.2. Fuel sources for generators shall be in accordance with Section 2702.1.1. *Item 1 of Section 403.4.8.1 and items 1 and 2 of Section 403.4.8.2 shall apply retroactively to all existing buildings in accordance with Section 28-315.8.2.*

§4. Section 1006.3 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**1006.3 Illumination emergency power.** The power supply for means of egress illumination shall normally be provided by the premise's electrical supply.

In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress.

2. Corridors, exit enclosures and exit passageways.

3. Exterior egress components at other than their levels of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.

4. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits.

5. Exterior landings as required by Section 1008.1.6 for exit discharge doorways in buildings required to have two or more exits.

*This section shall apply retroactively to all existing buildings, in accordance with Section 28-315.10 of the administrative code of the city of New York.*

§5. This local law takes effect 120 days after its enactment, except that the commissioner of buildings may take all actions necessary for its implementation, including the promulgation of rules, before such effective date..

Referred to the Committee on Housing and Buildings.

Int. No. 342

By Council Member Rose.

**A Local Law to amend the administrative code and the building code of the city of New York, in relation to requiring a sign at inaccessible building entrances indicating that a portable ramp is available when such a ramp exists.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 1 of section 28-201.2.3 of the administrative code of the city of New York is amended to read as follows:

1. A violation of item 5 of section 1110.1, [or] of section 1110.2, or of item 7 of section 1110.3 of the New York city building code, or a violation of section 28-313.1, [or] 28-313.2 *or of 28-313.3* of the administrative code of the city of New York.

§ 2. Article 313 of the administrative code of the city of New York as added by local law number 47 for the year 2012, is amended by adding a new section 28-313.3 to read as follows:

***§ 28-313.3 Retroactive requirement for signage for portable ramps for inaccessible building entrances.*** *The provisions of item 7 of section 1110.3 of the New York city building code requiring signage stating that a portable ramp is available and the phone number to request such ramp which must be posted at inaccessible building entrances where the a ramp is available shall apply retroactively to all buildings that have such portable ramps. Buildings in existence on the effective date of this section shall post such signage on or before March 1, 2015. Such signage shall be maintained in good condition.*

§ 3. Article 315 of the administrative code of the city of New York as added by local law number 141 for the year 2013, is amended by adding a new section 28-315.6.3 to read as follows:
***§ 28-315.6.3 Signage for portable ramps at inaccessible building entrances.*** *The posting of signage for portable ramps at inaccessible building entrances in accordance with the requirements of item 7 of 1110.3 of this code shall be completed on or before March 1, 2015.*

§4. Section BC 1110.3 of the New York city building code as added by local law number 141 for the year 2013, is amended by adding a new item 7 to read as follows:

*7. At each inaccessible building entrance, signage stating that a portable ramp is available and the phone number to request such ramp shall be provided where such a ramp is available.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 343

By Council Member Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to the location of muni-meters**

*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 19-167.5 to read as follows:

*§19-167.5 Muni-meter location. Notwithstanding any other law, rule or regulation to the contrary, the department shall ensure that all muni-meters in a parking field or on a block, installed after the date upon which this local law becomes effective, shall be located no more than thirty feet away from the next adjacent muni-meter. For the purposes of this section, "muni-meter" shall have the same meaning as set forth in subdivision b of section 19-167.1.*

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

Referred to the Committee on Transportation.

Int. No. 344

By Council Member Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to exempting certain vehicles from purchasing muni-meter time.**

*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 19-167.4 to read as follows:

*§19-167.4 Exemption from purchasing muni-meter time. a. For the purposes of this section, the term "muni-meter" shall mean an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle's dashboard.*

*b. Any motorcycle or other motor vehicle registered by the department of motor vehicles with a dashboard that is not capable of being fully enclosed shall not be required to purchase time from a muni-meter or display a muni-meter receipt on such vehicle when such vehicle is parked at a location where such purchase and display is otherwise required by posted signs.*

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 345

By Council Members Rose and Lander.

**A Local Law to amend the New York city charter, in relation to creating an interactive online mapping tool of facilities required to be mapped in conjunction with the citywide statement of needs**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 204 of the New York city charter, as amended by vote of the electors on November 2, 2010, is amended to read as follows:

d. The statement of needs shall be accompanied by *an online facility mapping tool developed pursuant to section 207.* [a map together with explanatory text, indicating (1) the location and current use of all city-owned real property, (2) all final commitments relating to the disposition or future use of city-owned real property, including assignments by the department of citywide administrative services pursuant to clause b of subdivision three of section sixteen hundred two, and (3) to the extent such information is available to the city, (i) the location of health and social service facilities operated by the state of New York or the federal government or pursuant to written agreement on behalf of the state or the federal government; and (ii) the location of transportation or waste management facilities operated by public entities or by private entities pursuant to written agreements with public entities, or by other private entities that provide comparable services. Information which can be presented most effectively in text may be presented in this manner. In addition to being transmitted with the statement of needs pursuant to subdivision a of this section, such map shall be kept on file with the department of city planning and shall be available for public inspection and copying.] The [map] *mapping tool* shall be updated on at least an annual basis *to coincide with the timing prescribed in subdivision a of this section for the mayor's submission of the citywide statement of needs.*

§ 2. Chapter 8 of the New York city charter is amended by adding a new section 207 to read as follows:

*§ 207. Online facility mapping tool. a. Facilities to be mapped. The department of city planning shall provide to the public at no charge on its website an interactive online mapping tool with explanatory textual and visual overlays indicating the specific locations, addresses and current or planned use of the following:*

*1. All city-owned real property;*

*2. All final commitments relating to the disposition or future use of city-owned real property, including assignments by the department of citywide administrative services pursuant to subdivision (b) of section 824;*

*3. City facilities subject to the criteria established under section 203, including any city facilities that are subject to the criteria but not subject to sections 195 or 197-c;*

*4. Health and social service facilities operated by the state of New York, by the federal government and pursuant to a written agreement on behalf of the state of New York or the federal government;*

*5. Transportation or waste management facilities operated by public entities, by private entities pursuant to written agreements with public entities and by other private entities that provide comparable services;*

*6. New city facilities and all significant expansions of city facilities for which the mayor or an agency intends to make or to propose an expenditure or to select or propose a site during the ensuing two fiscal years; and*

*7. City facilities that the city plans to close or to reduce significantly in size or in capacity for service delivery during the ensuing two fiscal years.*

*b. Accessibility. The mapping tool shall be publicly accessible 24 hours per day, seven days per week.*

*c. Designation of facility uses. For each mapped facility, the department of city planning shall indicate with textual and visual overlays all applicable current and proposed uses based on:*

*1. Designations constituting one or more of the types of facilities contained in the illustrative listing in attachments A, B and C to the criteria for the location of city facilities as adopted pursuant to section 203;*

*2. The use codes and types used by the department of citywide administrative services to categorize city owned and leased properties; and*

*3. If the type or use of a mapped facility is unknown, it shall be marked temporarily as unknown until the department obtains such information.*

*d. Guide to facility uses. The webpage containing the mapping tool, or a webpage available through a prominently displayed link on such webpage, shall provide a brief guide describing each of the designated facility types and uses included on the mapping tool pursuant to subdivision c of this section.*

*e. Facility concentrations by community district. For each community district, the department of city planning shall determine the relative concentrations of mapped facilities by each use designated pursuant to subdivision c of this section. Relative concentrations shall be based on the ratio of facility capacity per thousand population in each community district, and, if the type of facility in question targets or serves a particular segment of the population, based on the ratio of facility capacity per thousand of such population.*

*f. Interactivity. The mapping tool shall permit unique users to search for and visually highlight any user-specified category or categories of facilities within or among one or multiple community districts based on facility type, use and relative concentration levels. Additional interactive functions shall be assessed by the department of city planning on an annual basis.*

*g. Open data. The webpage that contains the mapping tool, or a webpage available through a prominently displayed link on such webpage, shall provide mapping data in a non-proprietary format that permits automated downloading and processing.*

*h. Updates. The department of city planning shall update the online mapping tool at least annually to coincide with the timing prescribed in subdivision a of section 204 for the mayor's submission of the citywide statement of needs.*

*i. Confidentiality. No information that is otherwise required to be reported or mapped pursuant to this section shall be done in a manner that would violate any applicable provision of federal, state or local law relating to the confidentiality of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

§ 3. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Land Use.

Res. No. 105

**Resolution calling on the New York State Legislature pass, and the Governor to sign, A.6264-A/S.5514 which would allow a tax credit to eligible residential and commercial property owners who install surveillance cameras on their properties**

By Council Members Rose and Brannan.

**Whereas,** It has long been concluded that closed circuit television, or surveillance cameras, is a useful tool in crime management, and arguably crime prevention; and

**Whereas,** In 2011, the Urban Institute published a study, *Evaluating the Use of Public Surveillance Cameras for Crime Control and Prevention*, which examined the effectiveness of surveillance systems in Baltimore, Chicago, and Washington D.C., to deter potential criminal activity, alert police to dangerous situations, generate evidence to help identify suspects and witnesses, and foster the perception of safety; and

**Whereas,** When the City of Chicago installed 10,000 police-monitored surveillance cameras with flashing blue lights in apartment complexes in its high crime areas in 2003, the study found a decline of nearly 20% in overall crime one month following the installation of the cameras, and in the following year; and

**Whereas,** When the City of Baltimore installed 500 police-monitored surveillance cameras in its crime-laden downtown area in conspicuous locations, the City saw a 50% reduction in crime from the same time in the year before, and such declines continued until 2008, when the crime rate steadied at 30 crimes per year in that area; and

**Whereas,** Although Washington D.C. did not see a decline in their crime rates when they installed surveillance cameras in 2006 following 14 killings in the first few days of July, the cameras did prove helpful in investigating and prosecuting the offenses that occurred; and

**Whereas,** Closer to home, in New York City, for almost a decade, State and local legislators have provided over $200 million to the New York City Housing Authority and the Metropolitan Transit Authority for the installation of over 3,700 surveillance cameras to deter crime, aid in the investigation and prosecution of criminal activity, foster the perception of safety, and encourage people to use public spaces; and

**Whereas,** Further, in Boro Park, Brooklyn on July 12, 2011, one day after 8-year old Leiby Kletzky was reported missing, the suspect, who later admitted to abducting and killing Kletsky, was arrested after the New York City Police Department ("NYPD") examined videos from surveillance cameras along Kletzky's school route home, which showed Kletzky getting into the suspect's car; and

**Whereas,** Surveillance cameras allowed the NYPD to identify the suspect, and determine Kletzky's location in the hours that led to his death; and

**Whereas,** While cities and City agencies are able to fund the installation of surveillance cameras through grants and budget appropriations, many property owners are unable to install and maintain a surveillance system due to their high cost, which in many cases, can exceed $1,000; and

**Whereas,** Surveillance cameras come in many different styles and host many different options, which all affect the cost of installing and maintaining the surveillance system; and

**Whereas**, Options that can affect the cost include the system's ability to pan, tilt, zoom, run microphone and audio out jacks, and resist tampering; and

**Whereas**, Costs also vary depending on whether the surveillance systems will have wi-fi functionality to enable monitoring on a personal computer, whether the system will be used inside, outside or both, and whether the system will be used during the day, nighttime, or both; and

**Whereas**, In light of the high cost of the camera installation, New York State legislators introduced A.6264-A and S.5514, which would grant a $500 property tax credit to eligible New York City property owners who install and maintain surveillance cameras on their property; and

**Whereas,** Property owners throughout the City should benefit from the security and advantages that surveillance cameras provide; and

**Whereas,** Offering a property tax credit to assist property owners across the City in installing and maintaining surveillance systems will allow property owners to be proactive in protecting their property, as well as assist the NYPD in the resolution of crimes that occur on the owners' property; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to introduce and pass, and the Governor to sign, A.6264-A/S.5514 which would allow a tax credit to eligible residential and commercial property owners who install surveillance cameras on their properties.

Referred to the Committee on Finance.

Res. No. 106

**Resolution calling upon the Public School Athletic League (PSAL) to provide a medical professional and an ambulance for High School Football games as well as practices in New York City.**

By Council Members Rose and Brannan.

**Whereas**, On Labor Day, September 1, 2014, a high school football player from Staten Island, Miles Kirland-Thomas, who played on the Curtis High School varsity squad, died after collapsing at a morning football practice; and

**Whereas,** As reported on SILive.com, Mr. Kirkland-Thomas reportedly collapsed after doing wind sprints on the practice field during the hot and humid morning practice; and

**Whereas**, SILive.com further reported that, at the time of Mr. Kirkland-Thomas's death and as is currently the case, the PSAL requires the cessation of all exercise if the temperature reaches 85 degrees and the humidity reaches 80 percent; and

**Whereas,** On the morning of Mr. Kirland-Thomas's death, both the humidity and temperature were lower than that which would have necessitated ending the practice session, illustrating that under any circumstances, severe and fatal events can occur, especially during football games; and

**Whereas**, To underscore the extent a tragedy like this has on a family one need only read the words of Miles' mother, who said "This is the worst feeling that you can have in your life…I don't wish this on anybody."; and

**Whereas**, As reported in the Daily News, two years ago another Staten Island High School football player, Nicholas Dellaventura, 15 years of age, also collapsed and died following a workout; and

**Whereas,** According to a report by the National Center for Catastrophic Sport Injury Research, deaths in football are "rare but tragic events," with 17 direct and indirect deaths during the 2013 football season out of approximately 1.1 million high school players; and

**Whereas**, As reported on CNN on October 7, 2014, "while there is debate over whether football has become too dangerous for our children knowing what we know now, it's clear there's agreement on a key way to help keep our kids safe; making sure safety is the top focus"; and

**Whereas**, It cannot be argued that the best way to avoid serious consequences from an injury is the immediacy of medical care; and

**Whereas,** Even one preventable death is one too many, and clearly an available ambulance at a football game or practice would dramatically reduce the time for a seriously injured or ill player to reach a hospital's emergency department; and;

**Whereas**, There can be no greater respect shown to the family of Miles Kirkland-Thomas, while also likely preventing the deaths of other children, than the policy change proposed herein; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Public School Athletic League (PSAL) to provide a medical professional and an ambulance for High School Football games as well as practices in New York City.

Referred to the Committee on Health.

Res. No. 107

**Resolution calling on the Administration for Children's Services Division of Youth and Family Justice to require all juveniles detained in New York City facilities during the summer months to attend school.**

By Council Members Rose and Brannan.

**Whereas**, The Administration for Children's Services Division of Youth and Family Justice ("DYFJ") is charged with coordinating the detention of the City's court involved youth; and

**Whereas,** During the City's 2017 fiscal year there were a total of 2,126 youth placed in detention with an average length of stay of 23 days; and

**Whereas**, As part of the services provided by DYFJ, youth in detention receive education services administered by the Department of Education ("DOE") in coordination with DYFJ through its Passages Academy; and

**Whereas**, Passages Academy is a full-time educational program that tailors its curriculum to the needs of youth in detention and is open during the regular DOE school year as well as for summer school; and

**Whereas,** According to assessments conducted by DOE, ninety-four percent of residents in juvenile detention read below grade level and forty percent read below a fourth grade level; and

**Whereas**, Studies conducted by The National Evaluation and Technical Assistance Center indicate that youth with learning difficulties have a higher propensity for gang membership; and

**Whereas,** These studies also show that academic outcomes achieved during incarceration, including reading improvement, reduce recidivism; and

**Whereas**, Juveniles in detention during the summer should have mandatory education services provided to them, no matter their standing, in order to increase their level of education and make their time in detention more productive; and

**Whereas,** Mandatory classes during the summer months will assist detained youth by ensuring additional education services; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Administration for Children's Services Division of Youth and Family Justice to require all juveniles detained in New York City facilities during the summer months to attend school.

Referred to the Committee on Juvenile Justice.

Res. No. 108

**Resolution calling upon the Metropolitan Transportation Authority to allow seniors and disabled persons to receive fare discounts on express buses during rush hours, between the hours of 6 am to 10 am and between 3 pm and 7 pm on Monday through Friday**.

By Council Member Rose.

**Whereas**, Currently eligible seniors, those 65 and older, and disabled persons can ride the local bus and subway for the half-price fare any time of the day; and

**Whereas,** However, seniors and people with disabilities are not eligible for the half-price fare on express bus service during rush hours; and

**Whereas,** With recent changes to cut door-to-door service and to increase Access-A-Ride's feeder service to and from fixed routes, it is crucial that seniors and people with disabilities have access to alternative forms of transportation; and

**Whereas,** Many seniors and people with disabilities live on a fixed income; and

**Whereas,** The express bus base fare has risen from $5.00 in 2010 to $6.50 currently and biannual MTA fare increases are scheduled to continue; and

**Whereas,** The lack of rush hour discounted fares discourages some seniors and people with disabilities from being more active; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Metropolitan Transportation Authority to allow seniors and disabled persons to receive fare discounts on express buses during rush hours, between the hours of 6 am to 10 am and between 3 pm and 7 pm on Monday through Friday.

Referred to the Committee on Transportation.

Res. No. 109

**Resolution calling on the Metropolitan Transportation Authority ("MTA") to extend the "Balance-Protection Program" to pay-per-ride MetroCards**

By Council Members Rose and Brannan.

**Whereas**, In 1997, the MTA upgraded its fare payment system by introducing the MetroCard to replace tokens; and

**Whereas,** According to the most recent statistics released by the MTA, for the month of September 2017, MetroCards were used in 97.8 percent of fares paid; and

**Whereas,** MetroCards offer subway and bus riders benefits including free transfers and fare discounts; and

**Whereas**, A major benefit offered to MetroCard users is the "Balance-Protection Program", which protects MetroCard purchasers against theft or loss; and

**Whereas**, The "Balance-Protection Program" is available only on 7-day and 30-day unlimited MetroCards purchased with a debit or credit card; and

**Whereas,** Under this program MetroCard purchasers who used a debit or credit card can file a claim with the MTA for theft or loss of their MetroCard receive a pro-rata refund for the remaining balance; and

**Whereas**, This valuable program is not available on pay-per-ride MetroCards; and

**Whereas**, While the unlimited MetroCard arguably offers maximum convenience and potentially the most savings, only 51.9 percent of MetroCards purchased during September 2017 were unlimited; and

**Whereas,** Almost half of purchasers lack this important protection offered to unlimited MetroCard users; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority ("MTA") to extend the "Balance-Protection Program" to pay-per-ride MetroCards.

Referred to the Committee on Transportation.

Int. No. 346

By Council Members Rosenthal, Brannan and Salamanca.

**A Local Law to amend the New York city charter, in relation to establishing auditing requirements for minority and women-owned business enterprise procurement**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 93 of chapter 5 of the New York city charter is amended to read as follows:

c. The comptroller shall have power to audit all agencies, as defined in subdivision two of section eleven hundred fifty, and all agencies, the majority of whose members are appointed by city officials. The comptroller shall be entitled to obtain access to agency records required by law to be kept confidential, other than records which are protected by the privileges for attorney-client communications, attorney work products, or material prepared for litigation, upon a representation by the comptroller that necessary and appropriate steps will be taken to protect the confidentiality of such records. The comptroller shall establish a regular auditing cycle to ensure that one or more of the programs or activities of each city agency, or one or more aspects of each agency's operations, is audited at least once every four years, *except that the comptroller shall audit each relevant agency's minority and women-owned business enterprise utilization plan and related activities at least once every year*. The audits conducted by the comptroller shall comply with generally accepted government auditing standards. In accordance with such standards, and before any draft or final audit or audit report, or portion thereof, may be made public, the comptroller shall send a copy of the draft audit or audit report to the head of the audited agency and provide the agency, in writing, with a reasonable deadline for its review and response. The comptroller shall include copies of any such agency response in any draft or final audit or audit report, or portion thereof, which is made public. The comptroller shall send copies of all final audits and audit reports to the council, the mayor, and the audit committee.

*The comptroller may appoint a qualified person to oversee minority and women-owned business enterprise audits conducted pursuant to this subdivision.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Contracts.

Int. No. 347

By Council Members Rosenthal, Brannan and Salamanca.

**A Local Law to amend the New York city charter, in relation to requiring notice of building code, fire code, and health code violations in public schools**

*Be it enacted by the Council as follows:*

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530-g to read as follows:

*§ 530-g Notification requirements, fire, building, and health code violations. a. For the purposes of this section, the following terms have the following meanings:*

*1. "Department" means the department of education.*

*2. "Public school" means any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade twelve.*

*b. The department shall notify the parents or guardians of students and the employees in any public school that has been inspected by the department of buildings, the fire department, or the department of health and mental hygiene. Such notifications shall include the results of such inspections and any violations of the New York city building code, the New York city fire code, or the New York city health code identified in connection with such inspections. Such notifications shall be provided within seven days of the department receiving the results of any such inspection. The department shall also post such notifications on the department's website within seven days of receiving such inspection results.*

*c. The notifications required pursuant to subdivision b of this section shall include information setting forth the steps the department has taken and will take to address violations, including the timeframe during*

*which such violations were or will be addressed. If such steps are not completed within such timeframe then the department shall notify such parents or guardians and employees of the new timeframe for such steps. The department shall also notify such parents or guardians and employees within seven days of the date such steps to address such violations are completed. The department shall also post such information on the department's website at the same time such information and notifications are provided to parents or guardians and employees.*

*d. The department shall provide the notifications required pursuant to subdivisions b and c of this section to the New York city council member representing the district in which the school is located at the same time such notifications are provided to such parents or guardians and employees.*

§ 2. This local law takes effect 60 days after its enactment into law.

Referred to the Committee on Education.

Int. No. 348

By Council Members Rosenthal and Brannan.

**A Local Law to amend the administrative code of the city of New York and the New York city charter, in relation to mitigating the impact of construction on schools**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 4 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-221.1 to read as follows:

*§ 24-221.1 Noise mitigation plans for construction near schools. Any person required to adopt a noise mitigation plan for a construction site within seventy-five feet of a school or schools pursuant to section 24-220 shall send such plan to such schools prior to commencement of construction at such site or, in the case of emergency work, as soon as practicable, but in no event later than three days after the commencement of construction at such site. In the event that such noise mitigation plan is amended or that an alternative noise mitigation plan is submitted and approved by the commissioner pursuant to section 24-221, such amended noise mitigation plan or alternative noise mitigation plan shall be sent to such school within three days of such amendment or approval.*

§ 2. Chapter 57 of the New York city charter is amended by adding a new section 1405 to read as follows:

*§ 1405 Construction noise near schools. a. The commissioner shall appoint a staff member dedicated to receiving and responding to comments, questions and complaints with respect to the impact of construction noise on schools. The duties of such staff member shall include, but not be limited to, the following:*

*1. if requested by a school, reviewing noise mitigation plans or approved alternative noise mitigation plans sent to schools pursuant to section 24-221.1 of the administrative code with the relevant employees of such school to ensure that such employees are aware of the protections in place to mitigate the impact of construction noise on such school; and*

*2. establishing a system to receive and respond to comments, questions and complaints with respect to the impact of construction noise on schools, including but not limited to, establishing and publicizing the availability of a telephone number to receive such comments, questions and complaints.*

*b. Posting of information. The department shall post on its website the phone number of the individual dedicated to mitigating the impact of construction noise on schools and a statement indicating that any person may contact such individual if such person has a comment, question or complaint regarding the impact of construction noise on schools.*

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

Referred to the Committee on Environmental Protection.

Int. No. 349

By Council Members Rosenthal, Brannan and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing transparency and accountability in the real property tax assessment process**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 11-207 of the administrative code of the city of New York, as amended by local law number 55 for the year 1993, is amended to read as follows:

a. *1.* In performing their assessment duties, the assessors shall personally examine each parcel of taxable real estate during at least every third assessment cycle, and shall personally examine each parcel of real estate that is not taxable during at least every fifth assessment cycle, as measured from the last preceding assessment cycle during which such parcel was personally examined. Notwithstanding anything in the preceding sentence to the contrary, the assessors shall revalue, reassess or update the assessment of each parcel of taxable or nontaxable real estate during each assessment cycle, irrespective of whether such parcel was personally examined during each assessment cycle. *No later than the day on which the annual record of the assessed valuation of real estate is opened to the public for inspection as provided in section 1510 of the charter, the department shall publish on its website a list of each parcel of real estate personally examined during the preceding assessment cycle in accordance with this paragraph, including (a) the borough, block and lot and street address of each parcel examined, (b) the date on which it was examined, (c) whether such parcel is taxable or not taxable, and (d) the method by which the parcel was examined.*

*2. For each parcel assessed, the assessor shall document the valuation method used for such assessment and the reason such valuation method was chosen. For each parcel assessed in accordance the provisions of section 581 of the real property tax law, the assessor shall document the comparable property or properties used for such assessment, where applicable, and the reason such comparable property or properties were chosen. The department shall maintain the documentation required by this paragraph for a period of at least seven years.*

*3. No later than January 5 of each year, the department shall publish on its website the guides, manuals, protocols, policies or procedures used by the assessors to assess and value property during the preceding assessment cycle.*

§2. Subdivision b of section 11-207.1 of the administrative code of the city of New York, as added by local law number 52 for the year 2013, is amended to read as follows:

b. *(1)* The notice of property value sent by the department to an owner of real property shall inform such owner how to access additional information on the website of the department regarding valuation of the subject real property, including the factors used by the department to determine the market value of such real property. The notice of property value shall include the address of such website. Such information shall be made available at least thirty days prior to the final date for filing any appeal.

*(2) The notice of property value sent by the department to an owner of real property owned or leased by a cooperative corporation or on a condominium basis assessed in accordance the provisions of section 581 of the real property tax law shall inform such owner of the comparable property or properties used to determine the assessed value of such property, where applicable, identified by borough, block, and lot and street address. Where the comparable property or properties used is different than the comparable property or properties used in the tax year immediately prior to the applicable tax year, the fact of such change shall be indicated on the notice of property value and shall include the reason for such change.*

§3. This local law takes effect July 1, 2018.

Referred to the Committee on Finance.

Int. No. 350

By Council Member Rosenthal.

**A Local Law to amend the New York city charter and local law number 64 for the year 2015, in relation to extending, indefinitely, the requirements for monthly reports and requiring biennial recommendations relating to OATH tribunal dismissals of civil penalty violations**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 6 of section 1048 of the New York city charter, as added by local law number 64 for the year 2015, is amended to read as follows:

6. *a.* The office of administrative trials and hearings shall issue monthly reports relating to dismissals of civil penalty violations in tribunals within the jurisdiction of such office in the previous month. Such reports shall catalogue dismissals for each agency and shall include the reason for each dismissal. Such reports shall be sent to the speaker of the council, the public advocate, the mayor, and to each agency included in the reports.

*b. The mayor's office of operations shall work with agencies that receive reports from the office of administrative trials and hearings pursuant to this subdivision to identify issues that may be causing civil penalty violations to be dismissed. The issues identified and any corrective action undertaken or to be undertaken by agencies to minimize the occurrence of dismissals of civil penalty violations shall be included in a biennial report prepared by the office of operations. Such report shall be sent to the public advocate, the speaker of the council and the mayor on or before September 1, 2018 and on or before September 1 of every other calendar year thereafter.*

§ 2. Section three of local law number 64 for the year 2015 is amended to read as follows:

§ 3. This local law takes effect 90 days after it becomes law. [and expires and is deemed repealed on December 31, 2018, except that section] *Section* 2 of this local law expires and is deemed repealed on December 31, 2016.

§ 3. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 351

By Council Members Rosenthal and Brannan.

**A Local Law to amend the New York city charter, in relation to reporting on certain domestic violence initiatives**

*Be it enacted by the Council as follows:*

Section 1. Section 19 of the New York city charter is amended by adding a new subdivision e to read as follows:

*e. Reporting on domestic violence initiatives. 1. Definitions. For the purposes of this subdivision, the following terms have the following meanings:*

*Acts or threats of violence. The term "acts or threats of violence" includes acts that would constitute violations of the penal law.*

*Chronic domestic violence case. The term "chronic domestic violence case" means crimes determined by the police department to be related to domestic violence that involve a chronic offender.*

*Chronic offender. The term "chronic offender" means a perpetrator who has been arrested more than once for a crime determined by the police department to be related to domestic violence or who has been identified in more than one domestic incident report prepared by the police department.*

*Domestic violence. The term "domestic violence" means acts or threats of violence, not including acts of self-defense, committed by a family or household member against another family or household member.*

*Family justice center. The term "family justice center" means a program of the office to combat domestic violence that provides criminal justice, civil legal and social services to victims of domestic violence, elder abuse and sex trafficking.*

*Family or household member. The term "family or household member" means persons related by blood or marriage, current or former spouses or domestic partners, persons who share a child in common, persons who are cohabitating or have cohabitated, or persons who are or have been in a continuing social relationship of a romantic or intimate nature.*

*Perpetrator. The term "perpetrator" means a person who has or who is alleged to have committed domestic violence.*

*Police department. The term "police department" means the police department of the city.*

*2. Report required. Beginning April 1, 2018, and quarterly and annually thereafter, the office to combat domestic violence, in conjunction with the police department, shall submit to the mayor and speaker of the council and shall post on its website, no later than 30 days after the end of each quarter and each calendar year, a report regarding certain domestic violence initiatives in the city. Such report shall include:*

*(a) The number of attorneys placed in family justice centers to assist victims of domestic violence with legal matters related to housing, disaggregated by total in all family justice centers and each family justice center;*

*(b) The number of vacancies in family justice centers for attorneys who can assist victims of domestic violence with legal matters related to housing, disaggregated by total in all family justice centers and each family justice center;*

*(c) The results of the efforts of attorneys placed in family justice centers to assist victims of domestic violence with legal matters related to housing, including removal of perpetrators from rental agreements, transfer of rental agreements from perpetrators to victims of domestic violence, and termination of rental agreements by victims of domestic violence without penalty;*

*(d) The total number of chronic domestic violence cases, disaggregated by precinct;*

*(e) The total number of chronic offenders, disaggregated by precinct;*

*(f) The scope of outreach efforts by the police department to victims of domestic violence in cases where a perpetrator violates an order of protection issued by a court of competent jurisdiction;*

*(g) The tools, practices and interventions used by the police department to identify and track chronic offenders and the results of such tools, practices and interventions in assisting with the apprehension of chronic offenders; and*

*(h) Any other interventions categorized by the office to combat domestic violence.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Government Operations.

Int. No. 352

By Council Member Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the food service establishment advisory board**

*Be it enacted by the Council as follows:*

Section 1. Subdivision h of section 17-1503 of the administrative code of the city of New York is amended to add new paragraph 3 to read as follows:

h. On January 1, 2015, and every year thereafter on January first, the advisory board shall submit a report to the mayor, the commissioner, and the speaker of the council. Such report shall include, but not be limited to:

1. an assessment of the restaurant inspection program and its effect on the restaurant industry, public health and food safety, including information on the top ten most commonly cited violations in the previous year and any change in the incidences of illness from food borne pathogens; [and]

2. specific recommendations for changes and/or improvements to the restaurant inspection program and actions, if any, taken by the department in response to such recommendations[.]*; and*

*3. for the report due January 1, 2018, specific recommendations for the development and implementation of an annual training program for food safety inspectors which shall include, but not be limited to, training provided by employees of food service establishments on cooking and business management techniques.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 353

By Council Members Rosenthal, Brannan and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of e-mail notifications for construction project status updates**

*Be it enacted by the Council as follows:*

Section 1. Article 103 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.28 to read as follows:

*§ 28-103.28 E-mail notice of construction project updates. In conjunction with any service offered through any department website that provides regularly updated information regarding the status of individual construction projects filed with the department, the department shall provide, free of charge, a service allowing users of such website to register to receive an automated e-mail notification each time a change in status is recorded with respect to one or more construction projects selected by such a user.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 354

By Council Members Rosenthal and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to penalties for the unauthorized alteration or demolition of a premises calendared by the landmarks preservation commission**

*Be it enacted by the Council as follows:*

Section 1. Section 28-202.1 of the administrative code of the city of New York is amended by adding a new exception 6 to read as follows:

*6. Demolition or alteration of a building or structure calendared by the landmarks preservation commission pursuant to section 25-303 in violation of section 105.2 of the building code shall be subject to a civil penalty of not less than twenty-five thousand dollars and not more than fifty thousand dollars.*

§ 2. Section 28-203.1 of the administrative code is amended by adding a new exception 4 to read as follows:

*4. Every person convicted of demolishing or altering a building or structure calendared by the landmarks preservation commission pursuant to section 25-303 in violation of section 105.2 of the building code shall be*

*guilty of a misdemeanor punishable by a fine of not more than fifty thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 355

By Council Member Rosenthal

**A Local Law to amend the administrative code of the city of New York, in relation to enforcement of safety registration numbers and repealing section 28-420.5 of the administrative code of the city of New York**

*Be it enacted by the Council as follows:*

Section 1. Section 28-420.3 of the administrative code of the city of New York is amended to read as follows:

**§ 28-420.3 Duties and** [**Responsibilities**] *responsibilities***.** The [recipient] *holder* of a safety registration number shall comply with the following requirements:

1. Subcontractor information. The [recipient] *holder* of a safety registration number shall maintain at each work site the names, business addresses and contract information of the superintendent(s) of the subcontractors who hold subcontracts with the prime contractor, as well as the particular work they perform, and shall make such information available to department personnel upon request;

2. Special inspection reports. The [recipient] *holder* of a safety registration number shall maintain at the work site such special inspection reports as specified in the *New York city* building code and shall make sure reports available to department personnel upon request.

§ 2. Section 28-420.5 of the administrative code of the city of New York is REPEALED and a new section 28-420.5 is *added to read as follows:*

***§ 28-420.5 Enforcement of safety registration number system.*** *Every six months, the commissioner shall classify holders of safety registration numbers into tiers for the purpose of enforcing the safety registration number system required by this article, in accordance with this section.*

***§ 28-420.5.1 Classification of safety registration number holders by type of work performed.*** *Each holder of a safety registration number shall be classified as follows:*

*1. If a safety registration number holder satisfies each of the following conditions, such holder shall be a class A safety registration number holder:*

*1.1. Each permit that was issued to such holder in the preceding six-month period for work that would qualify such holder as a safety registration recipient relates to work on dwellings intended for occupancy by no more than three families.*

*1.2. All work supervised by such holder in the preceding six-month period that would qualify such holder as a safety registration recipient relates to work on dwellings intended for occupancy by no more than three families.*

*2. If a safety registration number holder satisfies one or more of the following conditions, such holder shall be a class B safety registration number holder:*

*2.1. A permit that was issued to such holder in the preceding six-month period for work that would qualify such holder as a safety registration recipient relates to work on an existing or proposed building that (i) is 15 stories or more, or 200 feet (60 960 mm) or more, in height or (ii) has a building footprint of 100,000 square feet (30 480 $m^2$) or more.*

*2.2. Such holder supervised work in the preceding six-month period and such work would qualify such holder as a safety registration recipient and was performed on an existing or proposed building that (i) is 15 stories or more, or 200 feet (60 960 mm) or more, in height or (ii) has a building footprint of 100,000 square feet (30 480 $m^2$) or more.*

*3. If a safety registration number holder is not a class A or class B safety registration number holder, such holder shall be a class C safety registration number holder.*

***§ 28-420.5.2 Classification of safety registration number holders by safety record.*** *Each holder of a safety registration number shall be classified in accordance with this section.*

***§ 28-420.5.2.1 Definitions.*** *As used in this section:*

***COMPARATIVE CLASSIFICATION CRITERIA.*** *The term "comparative classification criteria" means, with respect to a safety registration number holder undergoing classification pursuant to this section, each of the following:*

*1. The number of violations sustained against such holder in the calendar year preceding classification, excluding violations that have been dismissed, divided by the number of jobs undertaken by such holder during such year.*

*2. The number of immediately hazardous violations sustained against such holder in the calendar year preceding classification, excluding violations that have been dismissed, divided by the number of jobs undertaken by such holder during such year.*

*3. The number of stop work orders issued against such holder for an immediately hazardous violation in the preceding calendar year divided by the number of jobs undertaken by such holder during such year.*

*4. The current experience modification rate calculated by the New York compensation insurance rating board for such holder.*

***PERSON IN CONTROL.*** *The term "person in control" means, with respect to a safety registration number holder, a person listed as a corporate officer of such holder or a person owning or controlling an interest of ten percent or more in such holder's business on an application submitted under section 28-420.2 for such holder.*

***§ 28-420.5.2.2 Tier one.*** *If, upon submission of an application for tier one classification by a safety registration number holder, such holder satisfies each of the following conditions, such holder shall be classified as a tier one safety registration number holder:*

*1. Each comparative classification criterion for such holder is below the median for such holder's class determined under section 28-420.5.1.*

2. *In the preceding six-month period, there have been no fatal accidents resulting in violations sustained against such holder.*

3. *For immediately hazardous violations sustained against such holder in the preceding calendar year, excluding violations that were dismissed, the average length of time for such holder to correct such a violation was 30 days or less.*

4. *Such holder demonstrates to the satisfaction of the commissioner that such holder has implemented an active safety management system, in accordance with rules the commissioner shall promulgate, provided that such system includes, at a minimum, each of the following:*

   *4.1. A method for evaluating such holder's implementation of such system, including documented self-inspections that occur at least weekly and involve employees of such holder.*

   *4.2. Weekly or more frequent meetings or discussions among the employees of such holder, and any contractor or subcontractor of such holder, concerning safety issues encountered by such holder.*

   *4.3. Safety and health training, beyond what is required by law or rule, for each employee of such holder.*

   *4.4. A program for incentivizing employees of such holder to comply with such system.*

5. *No person listed as a person in control of such holder on the most recent application filed by such holder under section 28-402.2 is listed as a person in control on (i) the most recent application filed under such section by another safety registration number holder that is classified in tier three, four or five or (ii) the most recent application filed under such section by a former safety registration number holder that had its safety registration number revoked or was, upon expiration of its safety registration number, classified in tier three, four or five, provided that such revocation or expiration occurred within the preceding five-year period.*

***§ 28-420.5.2.3 Tier two.*** *A safety registration number holder who is not classified into any other tier shall be classified as a tier two safety registration number holder.*

***§ 28-420.5.2.4 Tier three.*** *If a safety registration number holder satisfies item 1, 2, 3 or 4 of this section, and is not classified in tier four or five, such holder shall be classified as a tier three safety registration number holder:*

1. *In the preceding six-month period, there has been one or more fatal accidents resulting in violations sustained against such holder.*

2. *Two or more comparative classification criteria for such holder are at or above the ninety-fourth percentile for such holder's class determined under section 28-420.5.1, provided that if the number of violations sustained against such holder in the preceding calendar year, excluding violations that have been dismissed, is fewer than three, then the comparative classification criterion described by paragraph 1 of the definition of "comparative classification criterion" shall be deemed to be below the ninety-fourth percentile for such holder's class determined under section 28-420.5.1.*

3. *Such holder satisfies each of the following conditions:*

*3.1. One or more comparative classification criteria for such holder are at or above the ninety-fourth percentile for such holder's class determined under section 28-420.5.1, provided that if the number of violations sustained against such holder in the preceding calendar year, excluding violations that have been dismissed, is fewer than three, then the comparative classification criterion described by paragraph 1 of the definition of "comparative classification criterion" shall be deemed to be below the ninety-fourth percentile for such holder's class determined under section 28-420.5.1.*

*3.2. For immediately hazardous violations sustained against such holder in the preceding calendar year, excluding violations that were dismissed, the average length of time for such holder to correct such a violation was more than 30 days.*

*4. A person listed as a person in control of such holder on the most recent application filed by such holder under section 28-402.2 is listed as a person in control on (i) the most recent application filed under such section by another safety registration number holder that is classified in tier three or (ii) the most recent application filed under such section by a former safety registration number holder that had its safety registration number revoked or was, upon expiration of its safety registration number, classified in tier three, provided that such revocation or expiration occurred within the preceding five-year period.*

***§ 28-420.5.2.5 Tier four.*** *If a safety registration number holder satisfies item 1 or 2 of this section, such holder shall be classified as a tier four safety registration number holder:*

*1. In the two preceding classifications of such holder, the commissioner has classified such holder as a tier three safety registration number holder and such holder satisfies item 1.1 or 1.2 of this section:*

*1.1. In the preceding six-month period, one or more violations have been sustained against such holder, excluding violations that have been dismissed.*

*1.2. One or more violations sustained against such holder, excluding violations that have been dismissed, have not been corrected.*

*2. A person listed as a person in control of such holder on the most recent application filed by such holder under section 28-402.2 is listed as a person in control on (i) the most recent application filed under such section by another safety registration number holder that is classified in tier four or (ii) the most recent application filed under such section by a former safety registration number holder that had its safety registration number revoked or was, upon expiration of its safety registration number, classified in tier four, provided that such revocation or expiration occurred within the preceding five-year period.*

***§ 28-420.5.2.5.1 Remediation plan.*** *A remediation plan shall be developed and completed for a tier four safety registration number holder as follows:*

*1. Within ten business days after notice has been provided by the commissioner under section 28-420.5.3 to safety registration number holder stating that such holder has been classified in tier four, such holder shall contact the department, in a manner to be determined by department rule, to arrange a remediation plan meeting with the department.*

*2. At such meeting, the department and such holder shall develop a remediation plan which shall include (i) physical precautions, procedural changes, training and similar initiatives to address such holder's safety and violation issues and (ii) steps that the*

*department and such holder shall take to monitor such holder's remediation plan progress, (iii) a timeframe for implementation of such plan and (iv) such other measures as the department may require.*

3. *Such holder shall not be eligible for classification above tier four until the department determines that such holder has successfully completed such plan.*

4. *The department may by rule establish fees for development and monitoring of remediation plans.*

***§ 28-420.5.2.6 Tier five.*** *A safety registration number holder who does not meet with the department to develop a remediation plan as required by section 28-420.5.2.5.1 or who does not comply with such plan shall be immediately classified as a tier five safety registration holder.*

***§ 28-420.5.2.6.1 Suspension of safety registration number.*** *The safety registration number of a tier five safety registration number holder shall be suspended in accordance with this section:*

1. *If a safety registration holder is classified in tier five because such holder did not contact the department, in the manner determined by such department, to arrange a remediation plan meeting under section 28-420.5.2.5.1, the commissioner shall, after providing such holder with an opportunity to be heard and in accordance with procedures the commissioner shall establish by rule, suspend the safety registration number of such holder until such a remediation plan meeting is held and thereafter until such holder demonstrates satisfactory compliance with such plan.*

2. *If a tier five safety registration number holder has not met with the department to develop such a remediation plan within two months after provision of the notice described in item 1 of section 28-420.5.2.5.1 and the department has offered at least two dates for such meeting, the commissioner shall, after providing such holder with an opportunity to be heard and in accordance with procedures the commissioner shall establish by rule, suspend the safety registration number of such holder until such meeting is held and thereafter until such holder demonstrates satisfactory compliance with such plan.*

3. *If a tier five safety registration number holder fails to comply with a remediation plan required by section 28-420.5.2.1.5, the commissioner may, after providing an opportunity for a tier five safety registration number holder to be heard and in accordance with procedures the commissioner shall establish by rule, suspend the safety registration number of such holder until such holder demonstrates satisfactory compliance with such plan.*

***§ 28-420.5.2.6.2 Revoking or refusing to renew a safety registration number.*** *Whenever a tier five safety registration number holder satisfies a condition for suspension described in section 28-420.5.2.6.1, the commissioner may, in lieu of suspending the safety registration number of such holder, revoke or refuse to renew the safety registration number of such holder, after providing such holder with an opportunity to be heard and in accordance with procedures the commissioner shall establish by rule.*

***§ 28-420.5.3 Notice.*** *Within 10 business days after classifying a safety registration number holder in accordance with sections 28-420.5.2.1 and 28-420.5.2.2, the commissioner shall provide notice to such holder, in a form and manner to be determined by the commissioner. Such notice shall include, at a minimum, such holder's classification under sections 28-420.5.2.1 and 28-420.5.2.2, the meaning of such classifications, a description of the process by which such classifications were made, and a description of how such process was applied to such holder in making such classifications. If such holder is being*

*classified into tier three, such notice shall include a description of the ways to improve such holder's classification and the consequences of remaining in such tier. If such holder is being classified into tier four, such notice shall include a description of such holder's responsibilities with respect to a remediation plan under section 28-420.5.2.5.1 and the consequences of failing to fulfill such responsibilities.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 356

By Council Member Rosenthal.

**A Local Law in relation to requiring the department of buildings to report on buildings which have party-wall balconies**

*Be it enacted by the Council as follows:*

Section 1. By no later than December 31, 2018, the department of buildings shall, in conjunction with the fire department, conduct an audit of no less than ten percent of the buildings located within the city of New York constructed prior to the effective date of the 1968 building code of the city of New York and prepare and file with the mayor and council, and post on its website, a report on the results of such audit which shall include, but not be limited to:

1. The total number of audited buildings;

2. The number of audited buildings which have party-wall balconies, disaggregated by council district and age of the building;

3. The number of audited buildings which have fire escapes, disaggregated by council district and by age of the building;

4. For each audited building with a party-wall balcony, whether such balcony has been inspected within the last five years;

5. For each audited building with a fire escape, whether such fire escape has been inspected within the last five years; and

6. For each audited building which does not have a party-wall balcony or a fire escape, whether a previously existing party-wall balcony or fire escape was replaced by another means of emergency egress.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 357

By Council Member Rosenthal.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to construction conditions in housing development projects**

*Be it enacted by the Council as follows:*

Section 1. Chapter 61 of the New York city charter is amended by adding a new section 1807 to read as follows:

*§ 1807 Housing development project ombudsperson. There shall be in the department the position of housing development project ombudsperson whose duties shall include, but not be limited to:*

*1. establishing a system to receive comments and complaints with respect to any construction conditions in housing development projects, as such terms are defined in section 26-901 of the administrative code;*

*2. investigating such complaints and taking appropriate action; and*

*3. making recommendations to the commissioner with respect to criteria for inclusion on the list of preferred contractors established pursuant to section 26-906 of the administrative code.*

§ 2. Paragraph (6) of subdivision a of section 26-903 of the administrative code of the city of New York, as added by local law number 44 for the year 2012, is amended to read as follows:

(6) for the developer, contractors and subcontractors for such project:

(i) the name and address;

(ii) the name and title of each principal officer and principal owner of such developer, contractor or subcontractor*;* [and]

(iii) when applicable, whether the wage information described by subdivision a of section 26-904 of this chapter has been provided to the department for such developer, contractor or subcontractor; and

*(iv) the total number of construction conditions substantiated by the department for housing development projects that such developer, contractor or subcontractor served as a developer or contractor on;*

§ 3. Chapter 10 of title 26 of the administrative code of the city of New York is amended by adding new sections 26-908 and 26-909 to read as follows:

*§ 26-908 List of preferred contractors. The department shall make publicly available on its website a list of each person who was a contractor on a housing development project where the developer of such project was selected on or after January 1, 2013, based on information reported to the department pursuant to section 26-903 of this chapter, and who:*

*a. has not, within the previous five years, been a contractor on a housing development project where the number of construction conditions substantiated by the department divided by the number of dwelling units in such project, or if such project has not been completed, the number of proposed dwelling units in such project, is equal to or greater than a threshold number established by department rule; and*

*b. has not, to the extent known to the department, based on information reported by the department pursuant to section 26-903 of this chapter that the department reasonably believes to be correct and complete, been subject to a judicial finding that such person violated section 220 of the New York state labor law or subchapter IV of chapter thirty-one of part A of subtitle II of title 40 of the United States code or any applicable regulations or rules, within the previous five years;*

*c. satisfies such other criteria as the department may establish by rule.*

*§ 26-909 Reporting by housing development project ombudsperson. a. The housing development project ombudsperson shall submit monthly reports to the commissioner of the department. Each such report shall include, at a minimum, the following information:*

*(1) the number and nature of any comments and complaints received by such ombudsperson regarding construction conditions in housing development projects in the reporting month;*

*(2) a description of each investigation undertaken by such ombudsperson pursuant to subdivision 2 of section 1806 of the New York city charter in response to such a complaint, including the results of such investigation; and*

*(3) any recommendations made pursuant to subdivision 3 of such section.*

*b. In December of each year, the housing development project ombudsperson shall submit to the mayor and the speaker of the council, and make publicly available online, a report that includes, at a minimum, the following information:*

*(1) a compilation of the monthly reports submitted by such ombudsperson to the commissioner of the department pursuant to subdivision a of this section during the preceding fiscal year; and*

*(2) for each complaint received by such ombudsperson regarding construction conditions in housing development projects during the preceding fiscal year, a description of:*

*(i) the housing development project to which such complaint applies;*

*(ii) the nature of the complaint;*

*(iii) whether such complaint was substantiated by the department;*

*(iv) a description of any remedial actions taken, ordered or requested by the department with respect to such complaint; and*

*(v) whether the construction condition underlying such complaint was corrected.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 358

By Council Member Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a color photograph of designated building janitors in buildings with multiple dwellings**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 27-2053 of the administrative code of the city of New York is amended to read as follows:

§ 27-2053 Obligations of owner. a. The owner of a multiple dwelling shall provide adequate janitorial services.

b. In a multiple dwelling of nine or more dwelling units, the owner shall either:

(1) Perform the janitorial services himself or herself, if he or she is a resident owner; or

(2) Provide a janitor; or

(3) Provide for janitorial services to be performed on a twenty-four-hour-a-day basis in a manner approved by the department.

c. The owner of a multiple dwelling or his or her managing agent in control shall post and maintain in such dwelling a legible sign, conspicuously displayed, containing the janitor's name, address (including apartment number), *current color photograph,* and telephone number. A new identification sign shall be posted and maintained within five days following a change of janitor.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 359

By Council Member Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring Community Board referral of certificate of appropriateness applications and subsequent modifications**

*Be it enacted by the Council as follows:*

Section 1. Section 25-308 of chapter 3 of title 25 of the administrative code of the city of New York is amended as follows:

Procedure for determination of request for certificate of appropriateness. *a. The commission shall refer all filed applications for certificates of appropriateness, including all related materials, to all affected community boards.* The commission shall hold a public hearing on each request for a certificate of appropriateness *no less than forty-five days and no more than seventy-five days after referring the application to affected community*

*boards*. Except as otherwise provided in section 25-309 of this chapter *or subdivision b of this section*, the commission shall make its determination as to such request within ninety days after filing thereof.

*b. Any modification to an application for certificate of appropriateness made after the commission holds a public hearing as required under subdivision a of this section that would (1) change the footprint of the proposed improvement, (2) increase the height of the proposed improvement, or (3) significantly change the exterior design elements or materials, shall be referred to all of the affected community boards. The commission shall further notify the councilmember for the district in which the property is located of any such modification. The commission shall not take any action on any such application prior to forty-five days after the date of referring such modification. If an additional community board referral is required under this subdivision, the commission shall have forty-five days to make its determination in addition to the ninety days permitted by subdivision a of this section. This subdivision shall not apply to a request for a certificate of appropriateness authorizing demolition, alterations or reconstruction on ground of insufficient return under Section 25-309 of this chapter. This subdivision shall only require one review of modifications by affected community boards.*

*c. For all applications for certificates of appropriateness that are modified after the additional community board referral required under subdivision b of this section, the commission shall notify and provide a written determination of the final action on such application, including an explanation of modifications, to all affected community boards and the councilmember for the district in which the property is located.*

§2. /This local law shall take effect immediately.

Referred to the Committee on Land Use.

Int. No. 360

By Council Members Rosenthal and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to notification for pesticide application in city parks**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-154 to read as follows:

*§18-154 Warning signs for pesticide application. The department shall develop and implement a notification service that shall allow persons to subscribe to receive a text message and/or email notice twenty-four hours prior to a planned application of pesticides to any property under the jurisdiction of the department within the community district or districts specified by such person. Such notification shall include, but need not be limited to, the specific time of the planned application, the location or address, if applicable, of the planned application, a description of the type of pesticide to be used for such planned application pursuant to subdivision a of section 17-1207 of the code and the length of time that notices of such application pursuant to subdivision b of section 17-1207 of the code shall be posted at the location of such pesticide application*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 361

By Council Members Rosenthal and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-120 chapter 1 of title 16 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

§ 16-120 Receptacles for the removal of waste material. a. *1.* The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes; refuse, and liquid waste. The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period of seventy-two hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.

*2. Where a building or dwelling has received two or more violations pursuant to section 151.02 of the New York city health code or section 27-2018 of the housing maintenance code within a twelve month period, commencing after the effective date of the local law that added this sentence, and such violations are upheld by the environmental control board, the receptacles required pursuant to paragraph one of this subdivision shall be of a material or design approved by the department, department of health and mental hygiene and department of housing preservation and development to minimize rodent access and harborage. This requirement shall apply for such building or dwelling until a two-year period, commencing after initial application of the requirement, has elapsed in which no such violations have been issued to such building or dwelling and upheld by the environmental control board.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 362

By Council Members Rosenthal, Brannan and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a notification system for service requests and complaints**

*Be it enacted by the Council as follows:*

Section 1. Section 23-301 of the administrative code of the city of New York, as amended by local law number 30 for the year 2017, is amended by adding a new subdivision c to read as follows:

*c. Notification system. The commissioner of the department of information technology and telecommunications shall implement a system to notify callers, by email and text message, when the status of a request for service or complaint filed by such caller has changed, and to allow callers to respond by text and email. Such notice shall include a complete description of the action taken, whether the service request or complaint has been resolved and if not, a description of the reason why it was not resolved and a contact number for further information. If the complaint or request for service includes an inspection, an email or text message shall be sent to the caller that details the date and time the inspection is to take place.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of the department of information technology and telecommunications shall take such steps as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Int. No. 363

By Council Members Rosenthal and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to restrictions on motor vehicle traffic on the central park loop drive**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. One New York City's greatest assets is our extensive system of parks. The City is home to more than 1,700 parks, playgrounds, and recreational facilities comprising over 29,000 acres. Each day, thousands of New Yorkers and tourists walk, run, bicycle, play, and relax in our parks. Central Park alone attracts approximately 40 million visitors annually. Parks provide a safe, serene, and beautiful escape from the often hectic pace of urban city living.

According to research compiled by Transportation Alternatives, traffic volume in Central Park is at an all-time low and shrinks significantly in the summer, while recreational demand skyrockets. Further studies show that the impact of closing the Central Park loop on traffic adjacent to the park would be minimal and traffic may even decrease. Eliminating vehicle traffic from the Central Park loop during the summer would enhance the benefits Central Park offers while decreasing the chance a visitor would be injured by a motor vehicle.

§ 2. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-132.1 to read as follows:

*§ 19-132.1 Restrictions on the central park loop drive. a. The central park loop drive shall be closed to motor vehicle traffic between June 24, 2018 and September 25, 2018.*

*b. Vehicles operated by or on behalf of the department of parks and recreation, the police department, and the fire department and emergency service vehicles are exempt from the restrictions set forth in subdivision a of this section.*

*c. The commissioner may issue waivers for motor vehicles otherwise prohibited from traveling on the central park loop drive in accordance with subdivision a of this section that are operated by or on behalf of individuals or organizations participating in events that have been authorized by the department of parks and recreation and to motor vehicles operated by vendors authorized to operate in the park.*

*d. The prohibition set forth in subdivision a of this section shall not be construed to prohibit motor vehicle traffic on any of the transverse roads in central park.*

*e. The commissioner shall conduct a traffic study of central park and the surrounding area for the purpose of determining the effects, if any, of the closing of the loop drive. The study shall examine such factors as motor vehicle traffic volume, disruptions of pedestrian traffic flow, environmental factors identified in consultation with the department of environmental protection, and such other factors deemed necessary by the commissioner. Such study shall be submitted to the mayor and the council and posted on the department's official website no later than December 31, 2018.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 364

By Council Member Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to identifying garments worn by those operating a bicycle used for commercial purposes**

*Be it enacted by the Council as follows:*

Section 1. Subdivision i of section 10-157 of the administrative code of the city of New York is amended to read as follows:

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

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

Referred to the Committee on Transportation.

Res. No. 110

**Resolution calling on the State Legislature to pass and for the Governor to sign A.5033/S.3579, in relation to reforming the State's bail system.**

By Council Members Rosenthal and Brannan.

**Whereas**, The United States Department of Justice stated in 2016 that the United States Constitution prohibits "bail or bond practices that cause indigent defendants to remain incarcerated solely because they cannot afford to pay for their release;" and

**Whereas,** The American Bar Association has promulgated national standards for pretrial detention that eliminate the use of commercial bail bonds, create a presumption of release on personal recognizance, encourage the use of "non-financial conditions of release," and permit "release on financial conditions only when no other conditions will ensure appearance;" and

**Whereas,** The National Association of Pretrial Service Agencies has also called for the abolition of commercial bail bonds, a presumption of release on personal recognizance, and the use of financial conditions "only when no other conditions will reasonably assure the defendant's appearance;" and

**Whereas,** Both the New York City Criminal Justice Agency and the New York City Bar Association have called for the abolition of commercial bail bonds; and

**Whereas,** Extensive studies of the use of bail have found little to no meaningful distinction in return rates between those released with bail and those released on personal recognizance, and no meaningful distinction in return rates between varying amounts of bail; and

**Whereas,** Jurisdictions such as Washington D.C., etc. have successfully abolished the use of any form of monetary bail; and

**Whereas,** New York City has instituted a program that replaces monetary bail with a supervised release program based on a scientifically validated risk assessment tool, which has diverted thousands of criminal defendants from pretrial detention while simultaneously demonstrating a higher rate of return to court than those released without this form of release, and without any meaningful impact on public safety; and

**Whereas,** However, New York state's bail statutes continue to permit the use of commercial bail bondsmen and the use of cash bail, and contain no presumption of release on personal recognizance; and

**Whereas,** Furthermore, the judiciary in New York City continues to rely almost exclusively on commercial bail bonds and cash bail; and

**Whereas,** Based on these laws and practices, New York's current bail system unjustly and unconstitutionally incarcerates criminal defendants, who are entitled to a presumption of innocence, solely because they are too poor to afford monetary bail; and

**Whereas,** To address these fundamental statutory issues, A.5033/S.3579 proposes to abolish the use of monetary bail, and instead utilize a robust system of pretrial services to replace cash bail and commercial bail bonds; and

**Whereas,** Consistently with the recommendations of the American Bar Association and the National Association of Pretrial Service Agencies, A.5033/S.3579 would also create a presumption of release on recognize; and

**Whereas,** For those cases in which no method of release would be sufficient to ensure a defendant's appearance in court, A.5033/S.3579 would permit judges to remand defendants; and

**Whereas,** A.5033/S.3579 would bring New York State's bail statutes in line with constitutional standards and national best practices; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the State Legislature to pass and the Governor to sign A.5033/S.3579, in relation to reforming the State's bail system.

Referred to the Committee on Justice System.

Res. No. 111

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would prohibit any driver who causes critical injury or death to someone else while committing a traffic infraction or crime from continuing to drive.**

By Council Member Rosenthal.

**Whereas**, In 2016, 230 people, including 145 pedestrians, were killed in traffic crashes in New York City; and

**Whereas**, In January 2014, 9-year-old Cooper Stock was killed on the Upper West Side of Manhattan by a taxi driver who was given a summons for failing to yield but was legally allowed to continue driving a taxi; and

**Whereas,** In May 2014, the New York City Council passed legislation, commonly known as Cooper's Law, which allows the Taxi and Limousine Commission (TLC) to summarily suspend the TLC license of a driver who is issued a summons for or charged with one or more traffic-related violations or crimes in a crash that results in a critical injury or death, and which results in the revocation of such license upon conviction of the traffic infraction or crime and a finding that the infraction or crime was a cause of the critical injury or death; and

**Whereas**, An individual's New York State driver's license can be suspended if that individual owes more than $10,000 in past-due taxes, however, a driver who causes someone's death due to the violation of a traffic law, as in the case of Cooper Stock, is very often allowed to continue driving legally; and

**Whereas,** Due to the extremely serious nature of traffic collisions that result in critical injury or death, and in the interest of the safety of all road users, a state "Cooper's Law" that applies to the Department of Motor Vehicles-issued licenses of all drivers should be enacted; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would prohibit any driver who causes critical injury or death to someone else while committing a traffic infraction or crime from continuing to drive.

Referred to the Committee on Transportation.

Int. No. 365

By Council Members Salamanca and Brannan.

**A Local Law to amend the administrative code of the city of New York in relation to requiring the department of education to stock opioid antagonists in all school buildings**

*Be it enacted by the Council as follows:*

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

*Chapter 21. Opioid Overdose Prevention*

*§ 21-988 a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Opioid antagonist. The term "opioid antagonist" means naloxone or other medication approved by the federal food and drug administration and the New York state department of health that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.*

*School building. The term "school building" means any facility that is leased by the department or over which the department has care, custody and control, in which there is a public school, including a charter school.*

*b. The department shall stock opioid antagonists in all school buildings pursuant to section 922 of the education law.*

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

Referred to the Committee on Education.

Int. No. 366

By Council Member Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to radiator inspections in homeless shelters**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-323 to read as follows:

*§ 21-323 Radiator inspections. a. Definitions. For the purposes of this section, the term "shelter" means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*b. During any inspection conducted or overseen by the department related to health, safety, or the physical conditions of a shelter, or part thereof, the department shall also inspect any radiators within such shelter.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 367

By Council Member Salamanca.

**A Local Law to amend the New York city charter, in relation to the department of probation informing persons of their voting rights**

*Be it enacted by the Council as follows:*

Section 1. Section 1057-a of the New York city charter is amended to add a new subdivision 10, to read as follows:

*10. The department of probation shall, in addition to the other requirements of this section for participating agencies, distribute during the intake process, to any person sentenced to probation, a written notice on the voting rights of persons sentenced to probation in the state of New York. Such written notice shall be developed in consultation with the voter assistance advisory committee.*

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Governmental Operations.

Int. No. 368

By Council Member Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing the landmarks preservation commission to administer a historic preservation grant program**

*Be it enacted by the Council as follows:*

Section 1. Title 25 of the administrative code of the city of New York is amended by adding a new section 25-323:

*§ 25-323 Historic preservation grant programs. a. The commission shall have the power to administer a program of grants with funds available from the local, state, and federal governments for the purpose of preserving, for the public benefit, structures which are designated or calendared individual landmarks, are located in designated historic districts, or contain interior landmarks.*

*b. In administering a program of grants, the commission shall not discriminate against an organization on the basis of such organization's religious character or affiliation, or lack thereof, provided however, the commission shall not make grants for the preservation of an interior room used as a place of worship, religious instruction, or proselytization.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Land Use.

Int. No. 369

By Council Member Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to imposing certain record keeping requirements on scrap metal processors**

*Be it enacted by the Council as follows:*

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

*CHAPTER 11*
*SCRAP METAL PROCESSORS*

*§ 20-937 Definitions. As used in this section:*

*Scrap metal. The term "scrap metal" means metal that is used for the production of raw material for remelting purposes for steel mills, foundries, smelters, refiners and similar users.*

*Scrap metal processor. The term "scrap metal processor" means a person who is licensed by the department of consumer affairs to operate or maintain a business engaged primarily in the purchase, processing, and shipment of ferrous or non-ferrous scrap metal, but shall not include (i) a redemption center,*

*dealer or distributor as such terms are defined in section 27-1003 of the New York state environmental conservation law or (ii) an electronic waste collection site, electronic waste consolidation facility or electronic waste recycling facility as such terms are defined in section 27-2601 of the New York state environmental conservation law.*

*Scrap metal seller. The term "scrap metal seller" means a person who sells scrap metal to a scrap metal processor.*

*§ 20-938 Record keeping by scrap metal processors; refusal to provide information. a. Each scrap metal processor shall maintain a written or electronic record that includes the following information with respect to each commercial transaction between such processor and a scrap metal seller:*

*1. A full and accurate description of the scrap metal involved in such transaction, including the type of scrap metal and the weight of the scrap metal according to a licensed commercial scale;*

*2. The date and time the scrap metal processor received the scrap metal from the scrap metal seller;*

*3. The full name and address of the scrap metal seller;*

*4. If the scrap metal seller visits the scrap metal processor's place of business in a motor vehicle, the license plate number of such vehicle, the state that issued such plate and a copy of such seller's driver's license; and*

*5. If the scrap metal seller is required to have a license pursuant to section 16-505, a copy of such license.*

*b. No scrap metal processor may purchase scrap metal from a scrap metal seller who fails to provide information required by this section.*

*§ 20-940 Required posting. Each scrap metal processor shall conspicuously post at its place of business, in a form and manner established by the department, a sign that informs scrap metal sellers and potential scrap metal sellers of the requirements of this chapter.*

*§ 20-941 Enforcement. a. A scrap metal processor that violates this chapter shall be liable for a civil penalty in the amount of $500 for the first offense, $1,000 for a second offense with a 12-month period and $2,000 dollars for a third or subsequent offense within a 12-month period.*

*b. A scrap metal seller who knowingly provides false information to a scrap metal processor required pursuant to section 20-938 shall be liable for a civil penalty in the amount of $500 for the first offense, $1,000 for a second offense within a 12-month period and $2,000 dollars for a third or subsequent offense within a 12-month period.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 370

By Council Member Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Three Kings Day**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York is amended to read as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, *Three Kings Day,* and all state and national holidays.

§ 2. This local law takes effect immediately**.**

Referred to the Committee on Transportation.

Int. No. 371

By Council Members Salamanca and Brannan.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to offering resources and trainings to hairdressers to help them recognize potential signs of domestic violence in their clients**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 5 of subdivision c of section 19 of the New York city charter is amended by adding a new subparagraph i to read as follows:

*(i) For the purposes of this paragraph, "such other functions as may be appropriate" shall include offering at least one hour of training biennially to persons licensed to practice cosmetology, as defined by section 400(7) of the general business law of New York, in relation to recognizing signs of domestic violence and connecting potential victims of domestic violence to city resources as needed.*

*§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-699.7 to read as follows:*

*§ 20-699.7 Training to recognize signs of domestic violence. a. Required training. Every two years, any cosmetologist practicing in the city of New York must complete training on recognizing signs of domestic violence in their clients, provided by the mayor's office to combat domestic violence. For purposes of this section of the code the term "cosmetologist" means any natural person, engaged in the practice of cosmetology, as defined by section 400(7) of the general business law of New York.*

*b. Penalty. Any person who violates subdivision a of this section or any of the regulations promulgated thereunder is liable for a civil penalty not to exceed $250 for each violation. Each failure to comply with subdivision a of this section constitutes a separate violation.*

*c. Rules and regulations. The department is authorized to promulgate such rules and regulations as it deems necessary to implement and enforce the provisions of this section.*

§ 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Women.

Int. No. 372

By Council Members Salamanca, Torres and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report annually on the number of teachers, administrators and school staff who have completed therapeutic crisis intervention in schools training.**

*Be it enacted by the Council as follows:*

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

*Chapter 21*
*Reporting on Therapeutic Crisis Intervention in Schools Training*

*§ 21-988 Annual reporting on therapeutic crisis intervention in schools training. a. For the purposes of this section, the following terms have the following meanings:*

*School. The term "school" means a school of the city school district of the city of New York.*

*TCIS training. The term "TCIS training" means training provided by the department that relates to therapeutic crisis intervention in schools and provides training participants with skills, including, but not limited to, preventing or de-escalating behavioral crises with students, safely managing crises situations and helping improve students' coping strategies.*

*b. Not later than December 1, 2018, and no later than December 1 annually thereafter, the department shall submit to the mayor, the council and each community education council, and post on the department's website information regarding TCIS training completion for the preceding school year. Such information shall include, but not be limited to: (i) the total number and percentage of teachers who have completed TCIS training within the preceding school year; (ii) the total number and percentage of administrators who have completed TCIS training within the preceding school year; and (iii) the total number and percentage of other school staff, including but not limited to guidance counselors and social workers, who have completed TCIS training within the preceding school year.*

*c. All information required to be reported by this section shall be aggregated citywide, as well as disaggregated by city council district, community school district, and school.*

§2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 373

By Council Members Torres, Treyger, Chin, Brannan and Salamanca.

**A Local Law to amend the New York city charter, in relation to requiring the provision of simultaneous language services at public presentations held by city agencies in priority language access service areas**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 15 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended by adding new paragraphs 6 and 7 to read as follows:

*6. To designate neighborhood tabulation areas, as determined by the department of city planning, as priority language access service areas if 37 percent or more of the population is limited english proficient, and to reevaluate such designations every three years.*

*7. To monitor and report on the performance of city agencies in delivering simultaneous language services pursuant to section 1063.1.*

*§ 2. Chapter 47 of the New York city charter is amended by adding a new section 1063.1 as follows:*

*§ 1063.1. Simultaneous language services for public presentations held by city agencies. a. Definitions. As used in this section, the following terms have the following meanings:*

*Public presentation. The term "public presentation" means a city agency sponsored meeting, forum, town hall or other form of public gathering that is held for the purpose of disseminating information or seeking public input and that is expected to be attended by 40 or more members of the public.*

*Simultaneous language services. The term "simultaneous language services" means (i) the contemporaneous translation of everything that is spoken in a public presentation from english into another language, whether in person or via a real-time feed and whether by means of another person or by means of software, and, (ii) if practicable, prior written or contemporaneous oral translation of text used during the public presentation.*

*b. Each city agency that plans to conduct a public presentation in or targeting residents of a priority language access service area, as designated by the office of the language services coordinator pursuant to paragraph 6 of subdivision c of section 15, shall advertise such public presentation:*

*1. In the top non-english language spoken by the limited english proficient population in such area, as determined by the department of city planning; or*

*2. In the top two non-english languages spoken by the limited english proficient population in such area, as determined by the department of city planning, if such city agency is required to provide simultaneous language services pursuant to paragraph 2 of subdivision c of this section.*

*c. Each city agency that conducts a public presentation in or targeting residents of a priority language access service area, as designated by the office of the language services coordinator pursuant to paragraph 6 of subdivision c of section 15, shall provide simultaneous language services:*

*1. In the top non-english language spoken by the limited english proficient population in such area, as determined by the department of city planning; or*

*2. In the top two non-english languages if the second most commonly spoken non-english language is spoken by 10 percent or more of the limited english proficient population in the priority language access service area, as determined by the department of city planning.*

*d. If technical or resource limitations prevent the provision of simultaneous language services to the second most commonly spoken non-english language pursuant to paragraph 2 of subdivision c of this section, the city agency shall notify the office of the language services coordinator and shall:*

*1. Repeat the public presentation and provide simultaneous language services in such language;*

*2. Distribute a translated recording of the public presentation in such language;*

*3. Distribute a summary of the public presentation in such language; or*

*4. Provide another equivalent language access service to make the content of the public presentation accessible in such language.*

*e. Each city agency for every public presentation shall provide a mechanism by which members of the public may request simultaneous language services for any language not required by subdivision c of this section. Such city agency shall, upon receiving such a request, provide the requested simultaneous language services if practicable.*

*f. This section does not create any cause of action or constitute a defense in any legal, administrative or other proceeding and does not authorize any violation of any federal, state or local law.*

§ 3. This local law takes effect 270 days after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 374

By Council Members Torres, Moya, Brannan and Salamanca.

**A Local Law to amend the New York city charter, in relation to the disqualification of persons from holding an elected city office for certain felony convictions**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new chapter 50-A to read as follows:

*CHAPTER 50-A*
*QUALIFICATION FOR ELECTED OFFICE*

*§ 1139 Qualification for Elected Office. No person shall be eligible to hold the office of mayor, public advocate, comptroller, borough president or council member who has been convicted, provided such conviction has not been vacated pursuant to the criminal procedure law or pardoned by the governor pursuant to section 4 of article IV of the New York state constitution, of a felony defined in:*

*1. article 200 of the penal law;*

*2. article 496 of the penal law;*

*3. sections 155.30, 155.35, 155.40, and 155.42 of the penal law, if in connection to public funds;*

*4. section 195.20 of the penal law;*
*5. section 666 of title 18 of the United States code;*
*6. sections 1341, 1343 and 1346 of title 18 of the United States code;*
*7. section 1951 of title 18 of the United States code; or*
*8. any felony attempt or conspiracy to commit any of the aforementioned felonies.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 375

By Council Members Torres, Richards, Brannan and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring an office or agency designated by the mayor to provide outreach and education to public housing tenants regarding smoking cessation**

*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 section 3-152 to subchapter 5 to read as follows:

*§ 3-152 Outreach and education regarding smoking cessation. a. By September 1, 2018, an office or agency designated by the mayor, in consultation with all other relevant agencies, shall establish and implement an outreach and education program to promote smoking cessation for public housing residents. Such outreach and education program shall at a minimum include: (i) creating educational materials concerning the health effects of smoking and ceasing smoking, which shall be made available to the public in writing and online in English and the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning; and (ii) conducting targeted outreach to public housing residents, including holding events in or near public housing developments. Such program may thereafter be modified from time to time as needed.*

*b. In establishing and implementing such program, such designated office or agency shall seek the cooperation of the New York city housing authority.*

*c. Report. By September 1, 2019, and by September 1 in each year thereafter, such designated office or agency shall submit to the mayor and the speaker of the council, and make publicly available online, a report on implementation and efficacy of the program required by subdivision a of this section.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Housing.

Int. No. 376

By Council Members Torres, Salamanca and Brannan.

**A Local Law to amend the New York city charter, in relation to establishing a bullying hotline for youth**

*Be it enacted by the Council as follows:*

Section 1. Chapter 30 of the New York city charter is amended by adding a new section 737 to read as follows:

*§ 737. Bullying hotline. a. The commissioner, or such other individual, office or agency as the mayor may designate, shall establish a youth bullying hotline. Such hotline shall assist callers by:*

*1. Providing general information about bullying prevention and other available resources;*

*2. Providing counseling to each individual caller, as necessary; and*

*3. Referring callers to relevant offices, agencies or approved organizations for further assistance, as necessary.*

*b. Educational outreach. The commissioner, or such other individual, office or agency as the mayor may designate, shall engage in educational outreach to inform youth about the availability of the hotline created pursuant to subdivision a of this section. Such outreach shall include, but is not limited to, posting information about the hotline on the department's website.*

*c. Confidentiality. Information received by the hotline created pursuant to subdivision a of this section shall be anonymous and confidential except to the extent required by any federal, state or other local law.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Youth Services.

Int. No. 377

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on the selling of public streets and sidewalks**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-121 to read as follows:

*§ 4-121 Annual report on the selling of public streets and sidewalks. a. Definitions. For purposes of this section, the term "public street or sidewalk" means any street or sidewalk owned by the city.*

*b. Not later than July 30 of each year, an agency designated by the mayor shall submit to the speaker of the city council and post on the agency's website an annual report relating to public streets and sidewalks that the city has sold to any person within the preceding 12 months. Such report shall include, but not be limited to, the following information:*

*1. Whether it was a public street or public sidewalk that was sold;*

*2. The location of the public street or sidewalk that was sold, including the name of the street that was sold or the name of the street bordering the sidewalk that was sold, as well as the borough, community board district, bounding streets and avenues and any commonly known name of such street or sidewalk;*

*3. Identifying information of the person that purchased the public street or sidewalk, including but not limited to the name, primary address and entity type of the person;*

*4. The date of the sale of the public street or sidewalk; and*

*5. The final sale amount of the public street or sidewalk sale transaction.*

*c. The agency designated by the mayor, as set forth in this section, shall also post on the agency's website, at least two weeks prior to a public hearing on the sale of any public street or sidewalk held by the city planning commission pursuant to section 197-c of the New York city charter, the proposed date of such a sale and the proposed sale amount.*

§ 2. This local law takes effect 120 days after it becomes law, except that the agency designated by the mayor, as set forth in section one of this local law, may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Governmental Operations.

Int. No. 378

By Council Members Treyger and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of transportation repair broken curbs as part of resurfacing projects**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-111.1 to read as follows:

*§ 19-111.1 Repairing curbs. Whenever any street is resurfaced by the department, the department shall also make repairs to any curbs that the department determines to be a safety hazard.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 379

By Council Members Treyger and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to providing notice of street resurfacing projects to utility companies**

*Be it enacted by the Council as follows:*

Section 1. Section 19-143 of the administrative code of the city of New York is amended to read as follows:

§ 19-143 Excavations *and street resurfacings* for public works. a. Notice to public service corporations.

*1.* Whenever any street shall be regulated or graded, in which the pipes, mains or conduits of public service corporations are laid, the contractor therefor shall give notice thereof in writing to such corporations, at least forty eight hours before breaking ground therefor. Such provision shall be included in every contract for regulating or grading any street in which the pipes, mains or conduits of public service corporations shall be laid at the time of making such contract.

*2. Whenever any street shall be resurfaced, in which pipes, mains or conduits of public service corporations are laid, the department shall give notice in writing to such corporations, at least thirty days before the commencement of such resurfacing.*

b. Public service corporations shall protect their property. Public service corporations whose pipes, mains or conduits are about to be disturbed by the *resurfacing,* regulating or grading of any street, shall, on the receipt of the notice provided for in the preceding subdivision, remove or otherwise protect and replace their pipes, mains and conduits, and all fixtures and appliances connected therewith or attached thereto, where necessary, under the direction of the commissioner.

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

Referred to the Committee on Transportation.

Int. No. 380

By Council Members Treyger, Ampry-Samuel, Rosenthal, Cumbo, Levin, Reynoso, Brannan and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of diapers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding new section 12-208 to read as follows:

*§ 12-208 Availability of diapers. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Child care centers. The term "child care centers" means programs subsidized by the administration for children's services or the department of education where certified teachers care for children aged 6 weeks through the end of preschool.*

*Domestic violence shelter. The term "domestic violence shelter" means emergency shelter for domestic violence survivors managed by or under a contract or similar agreement with the department and subject to section 459-b of the social services law or tier II shelters for domestic violence survivors managed by or under a contract or similar agreement with the department and subject to the provisions of part 900 of title 18 of the New York codes, rules, and regulations.*

*Family justice centers. The term "family justice centers" means the centers and any successor locations through which the office to combat domestic violence or successor entity provides services to victims of domestic violence.*

*Living for the young family through education (LYFE) programs. The term "living for the young family through education (LYFE) programs" means the programs operated by the department of education to provide early childhood education to children of student parents.*

*Temporary shelters. The term "temporary shelters" means facilities with the capacity to shelter families with children operated by or under contract or similar agreement with the department of homeless services and the department of youth and community development.*

*b. The department of citywide administrative services shall make available to child care centers, family justice centers, LYFE programs, domestic violence shelters, and temporary shelters a supply of diapers sufficient to meet the needs of residents or recipients of services at such entities.*

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

Referred to the Committee on Governmental Operations.

Int. No. 381

By Council Members Ulrich and Brannan.

**A Local Law to amend the New York city charter, in relation to requiring the department of education, in consultation with the New York city police department, to provide additional security measures in public schools**

*Be it enacted by the Council as follows:*

Section 1. Section 528 of the New York city charter is amended to read as follows:

§ 528. The installation and operation of security cameras and other security measures in New York city public schools. a. Installation of security cameras, [and] door alarms, *Buzzer Systems, and Other Security Measures*. The department of education, in consultation with the police department, shall install security cameras, [and] door alarms, *buzzer systems, and lock all entrances and exit doors* at schools and consolidated school locations operated by the department of education where the chancellor, in consultation with the police department, deems such [cameras and door alarms] *measures* appropriate for safety purposes. Such cameras may be placed at the entrance and exit doors of each school and may be placed in any area of the school where individuals do not have a reasonable expectation of privacy. *Such buzzer systems may be installed at main entry doors concurrently with security cameras or where security cameras have previously been installed.* The number, type, placement, and location of such cameras, *buzzer systems and equipment used to lock entrance and exist doors,* within each school shall be at the discretion of the department of education, in consultation

with the principal of each school and the police department. Door alarms may be placed at the discretion of the department of education, in consultation with the police department, at the exterior doors of school buildings under the jurisdiction of the department of education, including buildings serving grades pre-kindergarten through five or a district 75 program. Such alarms should provide an audible alert indicating an unauthorized departure from the school building. For the purposes of this section, "district 75 program" shall mean a department of education program that provides educational, vocational, and behavioral support programs for students with severe disabilities from pre-kindergarten through age twenty-one.

b. Schedule of installation for cameras. The department of education, in consultation with the police department, shall set the priorities for installation of cameras as set forth in subdivision a to include among other appropriate factors consideration of the level of violence in schools, as determined by the police department and the department of education. By the end of two thousand six, the potential installation of cameras shall have been reviewed for all schools under the jurisdiction of the department of education, including elementary schools. At the end of two thousand six, the department of education shall submit a report to the city council indicating, for each school under its jurisdiction, the findings of the review and the reasons for the findings contained therein.

c. Schedule of installation for door alarms. The department of education, in consultation with the police department, shall evaluate and set priorities for the installation of door alarms, as set forth in subdivision a. By May thirtieth, two thousand fifteen, the department of education shall complete such evaluation for all schools under its jurisdiction, including buildings serving grades pre-kindergarten through five or a district 75 program. By such date, the department of education shall submit a report to the speaker of the council that describes the results of the evaluation conducted pursuant to this subdivision, including, but not limited to, a list of the school buildings where the installation of door alarms has been deemed to be an appropriate safety measure and a timeline for such installation.

*d. Schedule of installation for buzzer systems and plan for locking of entrance and exit doors. The department of education, in consultation with the police department, shall set the priorities for installation of buzzer systems, and the plan to lock all entrance and exit doors, as set forth in subdivision a to include among other appropriate factors consideration of the level of violence in schools, as determined by the police department and the department of education. By March 1, 2019, the potential installation of buzzer systems and the decision to lock entrance and exit doors shall have been reviewed for all schools under the jurisdiction of the department of education, including elementary schools. By October 1, 2019, the department of education shall submit a report to the city council indicating, for each school under its jurisdiction, the findings of the review and the reasons for the findings contained therein.*

[d] *e*. Training. Not later than May thirtieth, two thousand fifteen, and annually thereafter, the department of education shall submit to the speaker of the council a report regarding training on student safety protocols for department of education personnel. Such report shall include, but need not be limited to: (1) general details on the type and scope of the training administered, (2) the intended audience for each training, and (3) whether such training was mandatory for certain personnel.

§ 2. This local law takes effect 90 days after its enactment.

Referred to the Committee on Education.

Int. No. 382

By Council Member Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a special flood hazard area notification**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 30 of the administrative code of the city of New York is amended by adding a new section 30-116 to read as follows:

*§ 30-116 Special flood hazard area notification. a. Not more than eight months after the federal emergency management agency makes a final determination to adopt a flood insurance rate map, as described in subsection (e) of section 4104 of the United States code, the office of emergency management, in consultation with the office of recovery and resiliency, shall mail a notification to all property owners in the special flood hazard area of such flood insurance rate map.*

*b. Such notification shall include the following:*

*1. a statement that the recipient's property is in the special flood hazard area and a plain language explanation of what that means;*

*2. a description of flood insurance purchase requirements, how to obtain flood insurance and any measures that may increase flood insurance affordability;*

*3. a copy of the localized emergency preparedness material for that address, as developed under section 30-114, or the equivalent information in another form; and*

*4. at the discretion of the director of emergency management and the director of recovery and resiliency, any other information deemed useful.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 383

By Council Members Ulrich and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to an annual report on drainage infrastructure**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

*§ 24-531 Annual report on drainage infrastructure. Each year, on or before February 1, the commissioner of environmental protection shall submit a report to the mayor and the speaker on the condition of municipal drainage infrastructure. Such report shall include a description of the current operational condition of all treatment locations, wastewater pump stations, sewer regulators and other critical drainage infrastructure and, for every instance in the prior year where infrastructure was either out of service or operating at a reduced capacity, a description of the affected infrastructure, the length of the disruption, whether such disruption was partial or full, the cause of the disruption and a description of any actions, whether conducted or planned, in response.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 384

By Council Member Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of hotel rooms as temporary shelter placements**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-323 to read as follows:

*§ 21–323 Hotel disclosures. a. Definitions. For the purposes of this section, the term "hotel" means a building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" does not include buildings which formerly were used and kept open for the lodging of guests, but have been converted for the sole use of temporary housing for homeless individuals or families.*

*b. Any hotel that enters into a contract or similar agreement with the department or with a contracted provider of the department for the purpose of providing a room to an eligible homeless person or family shall disclose such information on all forms of advertising for such hotel and shall post a sign with such information in a location that is readily accessible to hotel patrons. The size, style, and wording of such signs shall be determined in accordance with rules promulgated by the commissioner.*

§ 2. This local law takes effect 90 days after its enactment into law, provided that the commissioner shall promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to such effective date.

Referred to the Committee on General Welfare.

Int. No. 385

By Council Members Ulrich and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the human resources administration to provide rental assistance to disabled veterans**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142 to read as follows:

*§ 21 – 142 Rental assistance for disabled veterans. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Approved rental amount. The term "approved rental amount" means a rent level which is at or below the current fair market rent amounts for the same type of unit as set for the metropolitan area by the United States department of housing and urban development pursuant to title 24 of the code of federal regulations, and all subsequent legal rent increases after initial approval of the qualified disabled veteran's rent.*

*Earned income. The term "earned income" means income in cash or in kind earned by an individual through the receipt of wages, salary, commissions, or profit from activities in which such individual is self-employed or an employee.*

*Qualified disabled veteran. The term "qualified disabled veteran" means a veteran: (i) who receives either a veterans affairs pension from the United States department of veterans affairs, as established by chapter 15 of title 38 of the United States code and/or receives service connected disability benefits from the United States department of veterans affairs and has received a disability rating of 50 percent or higher as established by chapter 11 of title 38 of the United States code; (ii) whose income does not exceed 200 percent of the federal poverty level as established annually by the United States department of health and human services; and (iii) whose countable resources do not exceed the resource guidelines pursuant to section 131-n of the social services law.*

*Unearned income. The term "unearned income" means all regularly recurring income received during a month, other than earned income.*

*Veteran. The term "veteran" means a person who has served in the active military service of the United States and who has been released from such service other than by dishonorable discharge.*

*b. The department shall provide qualified disabled veterans with rental assistance. The rental assistance amount shall be the difference between the qualified disabled veteran's actual rent and no more than 30 percent of his or her monthly earned and/or unearned income. The maximum rent towards which the rental assistance may be applied shall not exceed the approved rental amount.*

§ 2. This local law takes effect 120 days after its enactment into law, provided that the commissioner shall promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to such effective date.

Referred to the Committee on General Welfare.

Int. No. 386

By Council Members Ulrich and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring council approval before the removal of a statue on city property**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-210 to read as follows:

*§ 4-210 Removal of statues on city property. a. Definitions. For purposes of this section, the term "statue" means a three-dimensional sculpture, carving or other piece of public art depicting one or more persons that commemorates one or more persons or a historical event and is not a temporary exhibition.*

*b. No statue on property owned or controlled by the city may be permanently removed without at least the majority affirmative vote of all the council members.*

§ 2. This local law becomes effective immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Int. No. 387

By Council Member Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to provide notice of deaths to certain agencies and to require certain agencies to update records of program beneficiaries on a regular and continuous basis**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended to add a new section 17-166.1 to read as follows:

*§ 17-166.1 Reporting of deaths to certain city agencies. a. The department shall deliver to applicable agencies at least monthly, in a format it deems appropriate, notice of all persons for whom death certificates were issued in the prior calendar month. Applicable agencies shall include, but not be limited to, the department of finance, the human resources administration, the department of housing preservation and development, and the New York city housing authority. Such notice shall be arranged by borough of residence, and shall include the name, last residence address and birth date of each such person.*

*b. Applicable agencies shall consult the social security death index administered by the social security administration and update their records on a regular and continuous basis.*

*c. The commissioner shall issue guidance as necessary to ensure the confidentiality of information contained in notices delivered pursuant to subdivision a of this section.*

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

Referred to the Committee on Health.

Int. No. 388

By Council Member Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to parks department recreation center fees for volunteer firefighters, auxiliary police and EMS workers**

*Be it enacted by the Council as follows:*

Section 1. Section 18-149 of the administrative code of the city of New York is amended to read as follows:

§ 18-149 Discounted recreation center fees. Annual membership fees for each recreation center under the jurisdiction of the department shall be reduced for persons 62 years of age or older, persons between 18 and 24 years of age, veterans [and] persons with disabilities, *volunteer firefighters, auxiliary police and emergency medical services volunteers*. Such reduced fees shall be no greater than 25 percent of the highest annual membership fee charged at such recreation center.

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 389

By Council Member Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a civil penalty for any individual who is convicted of fraud or property related crimes that occur in a mandatory evacuation zone during a mandatory evacuation period**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding Section 10-177 to read as follows:

*§10-177. Civil penalty for fraud or property related crimes committed in a mandatory evacuation zone during a mandatory evacuation period.*

*a. Definitions. For the purposes of this section:*

*Fraud Related Offenses. The term "fraud related offenses" means any of the felonies, misdemeanors, or violations as defined in the following sections of the New York Penal Law: 170.10, 170.15, 190.25, 190.26, 190.60, 190.65, 195.20.*

*Mandatory Evacuation Period. The term "mandatory evacuation period" means the timeframe during which the occupancy and use of buildings and homes is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the mayor, pursuant to section 24 of the executive law.*

*Mandatory Evacuation Zone. The term "mandatory evacuation zone" means any area where the occupancy and use of buildings and homes is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the mayor, pursuant to section 24 of the executive law.*

*Property Related Offenses. The term "property related offenses" means any of the felonies, misdemeanors, or violations as defined in the following articles or sections of the penal law: 140.10, 140.15, 140.17, 140.20, 140.25, 140.30, 145.00, 145.05, 145.10, 145.12, 145.15, 145.20, 150.01, 150.05, 150.10,*

*150.15, 150.20; and shall also mean the following sections of the penal law provided that the offense involves real property: 155.25, 155.30, 155.35, 155.40, 155.42.*

*b. Civil penalties. Any individual convicted of committing any of the offense set forth in subsection a of this section, against a person or property located in a mandatory evacuation zone during a mandatory evacuation period, shall be liable to the city for a civil penalty in the amount of not more than fifty thousand dollars. The corporation counsel, upon notification by an appropriate law enforcement agency that such a conviction has occurred, may commence a civil action under this section. Such civil penalty shall be in addition to any criminal penalty or sanction that may be imposed, and shall not limit or preclude any cause of action available to any person or entity aggrieved by any of the acts applicable to this section*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 390

By Council Member Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a small business disaster recovery and resiliency advisory board**

*Be it enacted by the Council as follows:*

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

*CHAPTER 11*
*DISASTER RECOVERY AND RESILIENCY*

*§ 22-1101 Definitions. For purposes of this chapter, the following terms have the following meanings:*

*Board. The term "board" means the small business disaster recovery and resiliency advisory board.*

*Disaster. The term "disaster" means an event that causes widespread and severe damage to property or human life, regardless of the cause of such damage.*

*§ 22-1102 Small business disaster recovery and resiliency advisory board. a. Board created. There is hereby created a small business disaster recovery and resiliency advisory board.*

*b. Purpose of board. The board shall study and report on disaster-related issues affecting small businesses in the city. The board shall make recommendations to the mayor and the council on potential legislation, regulation, policies, procedures and initiatives for helping small businesses to:*

*1. Engage in strategic planning to become more resilient to future disasters; and*

*2. Rebuild and reopen after suffering damage during a disaster.*

*c. Composition of board; term; vacancy; removal of member; compensation. 1. The board shall consist of nine members, five of whom shall be appointed by the mayor and four of whom shall be appointed by the speaker of the council. The board shall comprise at least one member residing in each borough and no more than two members from any borough.*

*2. Members of the board shall be appointed for two-year terms, and any vacancy shall be filled in the same manner as the original appointment.*

*3. No member of the board may be removed except for cause. Before a member may be removed, such member shall be provided with notice of the alleged cause for removal and a hearing before the elected official who appointed such member, which official shall determine whether cause for removal exists. The board shall be led by a chairperson, who shall be selected by a majority vote of the total membership of the board at the board's first meeting.*

*4. The board shall select a chairperson from among its members by a majority vote of the total membership at the board's first meeting. Thereafter, the board shall select a new chairperson in the manner provided by this paragraph whenever necessary to fill a vacancy.*

*5. Members of the board shall serve without compensation.*

*d. Meetings of the board. 1. The board shall meet no fewer than five times annually, and at least one meeting shall be held in each borough annually.*

*2. All meetings of the board shall be open to the public.*

*3. Notice for meetings of the board shall be provided in accordance with section 104 of the public officers law.*

*e. The board may request information from city agencies in furtherance of its purpose as stated in this section. Any agency from which the board requests information shall designate a liaison to work with the board and shall provide the board with the requested information in a timely manner, as practicable.*

*f. No later than May 1 of each year, the board shall report its findings and recommendations to the mayor and the council. Notwithstanding the foregoing sentence, no report is due until at least 90 days have passed after this section becomes law.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 391

By Council Members Ulrich and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to benefits counseling services for veterans**

*Be it enacted by the Council as follows:*

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-106 to read as follows:

*§ 31-106 Benefits counseling. The department shall provide counseling services to veterans seeking assistance regarding benefits to which they may be entitled because of their military service offered by New York city, New York state and the United States department of veterans affairs. Counseling services shall be provided by agents or attorneys recognized by the United States department of veterans affairs pursuant to section 5904 of title 38 of the United States code. Such services shall be available in at least one location in each of the five boroughs.*

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

Referred to the Committee on Veterans.

Int. No. 392

By Council Members Ulrich and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to instituting cure periods for certain department of sanitation and department of buildings violations by veterans service organizations**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

*§ 16-143 Cure periods for certain department violations issued to veterans service organizations. a. Definitions. For the purposes of this section, the term "veterans service organization" means an association,*

*corporation or other entity that qualifies under paragraphs (2), (4), (7), (8), (10), (19) or (23) of subsection (c) of section 501 of the internal revenue code as a tax-exempt organization that has been organized for the benefit of veterans; and that is (i) chartered by congress under part B of subtitle II of title 36 of the United States code, (ii) recognized or approved by the secretary of the federal department of veterans affairs for purposes of preparation, presentation and prosecution of laws administered by such department under section 5902 of title 38 of the United States code and paragraphs (a) and (c) of section 628 of part 14 of title 38 of the code of federal regulations, or (iii) both.*

*b. The department shall provide a warning period of 120 days during which a veterans service organization may cure a violation issued by the department.*

*c. After such warning period expires, the veterans service organization may request the department for an extension of time to cure the violation. The organization shall make such a request in a manner and form determined by the department and shall include proof that such organization attempted to cure the violation within the initial warning period of 120 days.*

*d. The department shall determine by rule which categories of violations qualify for such warning period.*

*e. The department shall not apply such warning period to any safety-threatening violation.*

§ 2. Section 28-202.1 of the administrative code of the city of New York is amended by adding a new exception 11 to read as follows:

*11. The department shall apply the cure period and conditions provided pursuant to section 16-143 to any violation the department issues to any veterans service organization.*

§ 3. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-106 to read as follows:

*§ 31-106 Outreach campaign pertaining to certain department of sanitation and department of buildings violations by veterans service organizations. a. Definitions. For the purposes of this section, the term "veterans service organization" has the same meaning as provided in section 16-143.*

*b. The department shall conduct and promote a public information and outreach campaign to inform veterans service organizations about the cure periods available pursuant to sections 16-143 and 28-202.1. The department shall also post information about such cure periods on its website.*

§ 4. This local law takes effect 120 days after it becomes law, except that the department of sanitation, department of buildings, and department of veterans' services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Veterans.

Int. No. 393

By Council Members Ulrich and Brannan.

**A Local Law in relation to creating a taskforce to study veterans in the criminal justice system**

*Be it enacted by the Council as follows:*

Section 1. a. For purposes of this section, the term "veteran" means a person who has served in the active military of the United States or the reserves component, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia, regardless of the type of such person's discharge.

b. There is hereby established a task force to study the causes of entry into and the needs of veterans in the city's criminal justice system, and to make recommendations as to how the city can limit the involvement of veterans in the criminal justice system and address the needs of those veterans who have been arrested or incarcerated.

c. Such task force shall consist of:

1. the commissioner of the department of veterans' services;
2. the coordinator of criminal justice;
3. the commissioner of the department of correction, or the designee thereof;

4. the commissioner of the department of probation, or the designee thereof;

5. the commissioner of the police department, or the designee thereof;

6. two members appointed by the mayor, provided that at least one such member shall be a veteran;

7. two members appointed by the speaker of the council, provided that at least one such member shall be a veteran and at least one such member shall be a member, employee or director of, or otherwise affiliated with, an organization engaged in providing legal representation to veterans.

d. The task force shall:

1. hold at least one meeting every four months;

2. issue a report which shall include, but not be limited to, the following:

(a) An analysis of the causes of entry by veterans into the criminal justice system;

(b) An analysis of trends of veteran involvement in the criminal justice system in the city;

(c) A discussion of the characteristics of arrested and incarcerated veterans, including gender, race, service era, and discharge status;

(d) A discussion of the needs of veterans in the criminal justice system, including housing, employment and health concerns;

(e) A discussion of existing public and private programs available to assist veterans with criminal justice issues, and an analysis of whether such programs are sufficient to meet the needs of veterans in the city;

(f) An analysis of the effectiveness of existing rehabilitation methods and programs, including, but not limited to, veterans treatment courts;

(g) A discussion of the challenges facing female and lesbian, gay, bisexual, and transgender veterans in the criminal justice system;

(h) Recommendations on how the city can address the needs of veterans in new york city to limit their involvement in the criminal justice system, how the city can assist veterans transitioning out of the criminal justice system, how the city can expand available legal assistance to veterans, and any other such recommendations as the task force deems appropriate.

3. make a good faith effort to procure from the state office of court administration, or any other agency or organization that may possess such information, and, to the extent made available, to include in the report required by paragraph 2 of this subdivision: (i) the number of veterans arrested in the city, disaggregated by type of offense; (ii) the number of veterans referred to a local department of veterans affairs office by the new york city criminal justice agency prior to arraignment; (iii) the number of veterans referred to a veterans treatment court program, disaggregated by borough; and (iv) the number of veterans who have successfully completed a veterans treatment court program, disaggregated by borough. Such information shall further be disaggregated by: (i) age, in years, disaggregated as follows: 18-25, 26-40, 41-60, 61-70, 70 or older; (ii) gender; (iii) race; and (iv) military discharge status.

e. The department of correction shall provide the task force with certain information, to the extent practicable, related to the population of veterans incarcerated in city jails for the prior year, and the task force shall include such information in the report required by subdivision d of this section. Such information shall include the total population of veterans who are inmates in the department's custody, disaggregated by (i) age, in years, disaggregated as follows: 18-25, 26-40, 41-60, 61-70, 70 or older; (ii) gender; (iii) race; (iv) the borough in which the inmate was arrested; and (v) military discharge status.

f. The report and accompanying recommendations required by subdivisions d and e of this section shall be provided to the mayor, council, commissioner of veterans' services, and veterans' advisory board, and shall be posted on the website of the coordinator of criminal justice, no later than July 1, 2019.

g. The task force shall dissolve upon submission of the report required by this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Veterans.

Int. No. 394

By Council Members Ulrich and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to creating veterans resource centers**

*Be it enacted by the Council as follows:*

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-106 to read as follows:

*§31-106 Veterans Resource Centers. a. The commissioner shall ensure that at least one veterans resource center is established and operational in each borough of the city by no later than June 1, 2018. Each such center shall be located in a geographic area that is easily accessible and in close proximity to public transportation. Each such center shall provide veterans with up-to-date information, free of charge, regarding (i) matters within its purview pursuant to this title, chapter 75 of the charter and state executive law section 358; (ii) housing; (iii) social services offered by public agencies and charitable and private organizations, including but not limited to the provision of specific contact information with respect to such agencies and organizations; and (iv) financial assistance and tax exemptions available to veterans.*

*b. The commissioner shall, beginning January 1, 2019 and every six months thereafter, submit a report to the mayor and the speaker of the council regarding the operation of the veterans resource centers established pursuant to this subdivision. Such report shall include but not be limited to the following information for the prior six month period, disaggregated by each such center: (i) the number of veterans utilizing such center; (ii) a summary of the services offered by such center; (iii) a description of the services and/or information most frequently requested by veterans utilizing such center; (iv) the number of full-time and part-time staff persons working at such center; (v) the amount of funding allocated to such center; and (vi) the number of complaints received by such center from veterans regarding the services offered by such center, and a general description of the nature of such complaints.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Veterans.

Int. No. 395

By Council Members Ulrich and Brannan.

**A Local Law to amend the New York city charter, in relation to requiring each community board to establish a veterans committee**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 2800 of the New York city charter is amended by adding a new subparagraph 22 to read as follows:

*(22) Establish a committee dedicated to the needs of veterans and their families, with the meetings of such committee open to the public except as otherwise provided by law.*

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

Referred to the Committee on Veterans.

Int. No. 396

By Council Members Ulrich and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a veterans resource guide**

*Be it enacted by the Council as follows:*

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-107 to read as follows:

*§ 31-107 Veterans Resource Guide. a. The department shall maintain and periodically update a resource guide for veterans. Such guide shall be available on the department's website and shall be available in printed form upon request.*

*b. The guide maintained pursuant to this section shall include, but not be limited to, information about:*

*(1) federal, state, and city benefits available to veterans based upon their military service, which shall include the criteria for eligibility to receive and information on how to apply for each such benefit;*

*(2) provisions of federal, state, and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families, including, but not limited to, protections under the uniformed services employment and reemployment rights act;*

*(3) physical and mental health programs and resources;*

*(4) educational and reeducational opportunities;*

*(5) available sources of low or no-cost legal assistance;*

*(6) social services, including but not limited to, housing and food security supports, offered by public agencies and charitable and private organizations;*

*(7) programs and services administered by public agencies to support veteran owned businesses;*

*(8) employment resources;*

*(9) any other information deemed relevant by the department.*

§ 2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Veterans.

Res. No. 112

**Resolution calling upon the Department for the Aging to ensure that halal meals are available as part of the home delivered meals program**.

By Council Members Ulrich and Brannan.

**Whereas,** The federal government provides local agencies on aging with funding for nutritional programs for seniors through the Older Americans Act; and

**Whereas,** The New York City Department for the Aging (DFTA) contracts with non-profit organizations to operate nutrition programs offering seniors home delivered meals; and

**Whereas,** In 2017, DFTA contractors delivered approximately 4.5 million meals to seniors throughout the City, serving approximately 26,000 homebound seniors each day; and

**Whereas**, According to DFTA, a number of home delivered meal providers offer specialized meals such as kosher meals and culturally relevant meals to those identifying as Chinese, Polish, and Korean; and

**Whereas**, It is estimated that between 600,000 and one million Muslims live in New York City; and

**Whereas,** Observant Muslims adhere to a halal diet, consuming only approved foods that have been prepared in accordance with Islamic law; and

**Whereas**, Currently, none of the contractors currently participating in DFTA's home delivered meal program offer halal meals; and

**Whereas**, Free home delivered meals can help prevent disease, reduce the effects of chronic illnesses, promote socialization, and keep low-income seniors from going hungry; and

**Whereas,** Offering culturally and religiously appropriate meals allows more seniors in the City's increasingly diverse aging population to benefit from the home delivered meals program; and

**Whereas,** Many Muslim seniors would go hungry rather than go against their religious beliefs by eating non-halal meals; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Department for the Aging to ensure that halal meals are available as part of the home delivered meals program.

Referred to the Committee on Aging.

Res. No. 113

**Resolution calling on the New York City Economic Development Corporation to establish a centralized veterans-exclusive incubator in the City.**

By Council Members Ulrich and Brannan.

**Whereas**, The Department of Veterans Affairs (VA) estimates that New York City is home to roughly 200,000 veterans; and

**Whereas,** As the United States (U.S.) de-escalates military operations abroad and reduces the size of the active duty military, greater numbers of service members will return home to New York City in the coming months and years; and

**Whereas**, Veterans have given years of their lives to serve our country that would have been otherwise spent establishing careers or starting businesses, putting them at a great disadvantage; and

**Whereas,** Veterans face many unique challenges as they transition back into civilian life and thus have needs that are significantly different from non-veteran incubator candidates; and

**Whereas,** The New York City Economic Development Corporation's (NYCEDC) mission is to encourage economic growth throughout the five boroughs of New York City by strengthening the City's competitive position and facilitating investments that build capacity, create jobs, generate economic opportunity and improve quality of life; and

**Whereas,** NYCEDC has fostered an incubator and co-working space network that provides low-cost space, business services, training, and networking opportunities to hundreds of startups and small businesses across a variety of sectors; and

**Whereas**, Veterans endure arduous and demanding training throughout their military careers and develop a wide range of skill sets that makes them an asset to the city's economy and; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York City Economic Development Corporation to establish a centralized veterans-exclusive incubator in the City.

Referred to the Committee on Economic Development.

Res. No. 114

**Resolution calling on the state legislature to pass, and the Governor to sign, A.3179-A/S.3674-A, which would allow state or city-operated institutions to grant academic credit to veterans**

By Council Members Ulrich and Brannan.

**Whereas,** For centuries, the United States armed forces have defended the American way of life, from Monmouth to Mosul; and

**Whereas,** The men and women of the Army, Navy, Air Force, Marines, and Coast Guard hail from all 50 states and represent the socioeconomic, racial, and religious diversity of our nation; and

**Whereas**, The United States is currently involved in its longest-ever war, in Afghanistan, which also overlapped with eight years of armed conflict in Iraq; and

**Whereas**, According to the Department of Defense, more than 2.5 million men and women served in the two most recent conflicts, and more than 400,000 soldiers have done three or more deployments; and

**Whereas,** Statistics from the Department of Veterans Affairs (VA) show that 11 percent of veterans of the war in Afghanistan and 20 percent of veterans of the war in Iraq suffer from PTSD; and

**Whereas**, In light of the enormous sacrifices that these individuals make, it is appropriate for cities and states to provide ample educational opportunities for returning service members to gain the skills that they need to find and maintain gainful employment; and

**Whereas**, The GI Bill of 1944 allowed millions of servicemembers to pursue higher education and provide for their families; and

**Whereas,** Both houses of Congress recently re-affirmed this commitment to veteran education, by unanimously passing the "Forever GI Bill," which ends the 15-year limit on educational benefits for new enlistees; and

**Whereas**, VA data shows that New York has the fifth-largest veteran population in the country, with more than 892,000 former servicemembers living in the state; and

**Whereas**, The state senate and state assembly are currently considering legislation (S.3674-A and A.3179-A) that would allow State University of New York (SUNY) and City University of New York (CUNY) institutions to award educational credits for coursework that veterans completed as part of their military training; and

**Whereas**, This would allow former servicemembers to take additional courses to develop new skills and complete their degrees more quickly; and

**Whereas**, In light of the major contributions that veterans make to American life, and their significant presence within New York City and across New York State, facilitating their pursuit of higher education reflects the admiration, respect, and esteem that New Yorkers have for the men and women of the armed forces; 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, A.3179A/S.3674A, which would allow city or state-operated institutions to grant academic credit to veterans

Referred to the Committee on Veterans.

Res. No. 115

**Resolution calling on Congress to pass and the President to sign H.R. 1405, the Veterans Visa and Protection Act of 2017.**

By Council Members Ulrich and Brannan.

**Whereas**, For generations, veterans have made enormous sacrifices as a consequence of their desire to protect the safety of our people and the sanctity of our constitution; and

**Whereas,** In light of the fact that they put themselves in harm's way, they deserve extensive accommodations from cities, states, and the federal government; and

**Whereas,** According to the National Immigration Forum, there are more than 500,000 foreign-born veterans living in the United States, as well as 12,000 non-citizen active duty service members; and

**Whereas,** Statistics from United States Citizenship and Immigration Services (USCIS) a component of the Department of Homeland Security (DHS), show that that 110,000 members of the military have been naturalized since October of 2001; and

**Whereas,** Despite the substantial contributions that individuals born outside of the United States have made to the armed forces, an immigration law from the 1990s has contributed to a substantial number of deportations; and

**Whereas,** The Immigration and Nationality Technical Corrections Act of 1994 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 expanded the list of more than 30 categories of offenses for which an individual can be deported, adding crimes such as forgeries and including offenses committed at any point in an individual's life; and

**Whereas,** As a consequence of this law, according to the American Civil Liberties Union (ACLU), more than 250 veterans from 34 countries have been deported; and

**Whereas,** The ACLU also found that 73 percent of the veterans did not have a lawyer to represent them in removal proceedings; and

**Whereas,** This problem has attracted attention at the federal level, and in March of 2017, Rep. Raul Grijalva (D-AZ), introduced the Veterans Visa and Protection Act of 2017, which has attracted more than 60 cosponsors; and

**Whereas**, This legislation would require the Department of Homeland Security (DHS) to establish a program that would permit eligible deported noncitizen veterans to enter the United States; and

**Whereas,** It would also allow eligible noncitizen veterans in the United States to change their status to that of a noncitizen lawfully admitted for permanent residence; and

**Whereas,** Finally, this legislation would cancel the removal of eligible noncitizen veterans, and enable them to adjust their legal status; and

**Whereas**, Veterans deserve every possible legal means of reversing or mitigating adverse legal consequences such as deportation; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Congress to pass and the President to sign H.R. 1405, the Veterans Visa and Protection Act of 2017.

Referred to the Committee on Veterans.

Res. No. 116

**Resolution calling on Congress to pass, and the President to sign, S.355, the Wounded Veterans Recreation Act of 2017.**

By Council Members Ulrich and Brannan.

**Whereas,** Since the founding of our Republic, veterans have sacrificed their bodies and lives in defense of the liberties that undergird our way of life; and

**Whereas**, However, it is imperative that we honor their service, to compensate for the dangers they have faced, and to ensure that future generations stand ready to defend the flag; and

**Whereas,** In the immortal words of George Washington; "the willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive how the veterans of earlier wars were treated and appreciated by their nation"; and

**Whereas**, In the 20th century, the establishment of the Veterans Administration (VA) and the passage of the GI bill allowed millions of veterans to obtain not only comprehensive health care but also low-cost college educations and low-interest loans to buy homes and start businesses; and

**Whereas,** According to the *International Business Times*, more than 900,000 soldiers were injured during the wars in Iraq and Afghanistan; and

**Whereas,** A 2015 report from the Congressional Research Service (CRS) found that approximately 327,000 service members suffered from Traumatic Brain Injury (TBI) between 2000 and 2015; and

**Whereas,** These injuries are particularly deleterious and in many instances lead to partial or total loss of mental and motor function as well as severe mood swings and gastrointestinal distress; and

**Whereas,** In light of these immense sacrifices, it is incumbent upon all levels of government to provide the best possible benefits and opportunities for those who have worn the uniform; and

**Whereas,** S. 355 would amend the Federal Lands Recreation Enhancement Act to instruct the Department of the Interior and the Department of Agriculture to make the National Parks and Federal Recreational Lands Pass available, without charge and for the lifetime of the passholder, to any veteran with a service-connected disability; and

**Whereas,** The beauty of our national parks, from Yellowstone to Yosemite, from Grand Teton to the Grand Canyon, is unique and unparalleled in this world, and this measure would allow the finest among us to experience these wonders free of charge for life; and

**Whereas,** Passage of this legislation would reflect the wisdom of our first President and maintain the traditions we have established in our great nation for more than 230 years; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on Congress to pass, and the president to sign, S. 355, the Wounded Veterans Recreation Act of 2017

Referred to the Committee on Veterans.

Int. No. 397

By Council Members Vallone and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to transferring administration of the senior citizen rent increase exemption (SCRIE) and disability rent increase exemption (DRIE) programs to the department of finance**

*Be it enacted by the Council as follows:*

Section 1. Section 26-601 of the administrative code of the city of New York is amended to read as follows:

§ 26-601 Definitions. As used in this [section] *chapter*.

§ 2. Subdivision k of section 26-601 of the administrative code of the city of New York is amended to read as follows:

k. "Supervising agency" means the department of [housing preservation and development] *finance.*

§ 3. Subdivision c of section 26-605 of the administrative code of the city of New York is amended to read as follows:

(c) Notwithstanding any other provision of law and to the extent applicable to the provisions of this chapter, any renewal application being made by the tenant pursuant to this section, any rent increase order then in effect with respect to such tenant shall be deemed renewed until such time as the [department of housing preservation and development] *supervising agency* shall have found such tenant to be either eligible or ineligible for a rent increase exemption order but in no event for more than six additional months. If such tenant is found eligible, the order shall be deemed to have taken effect upon expiration of the exemption. In the event that any such tenant shall, subsequent to any such automatic renewal, not be granted a rent increase exemption order, such tenant shall be liable to his or her landlord for the difference between the amounts he or she has paid under the provisions of the automatically renewed order and the amounts which he or she would have been required to pay in the absence of such order. Any rent increase exemption order issued pursuant to this chapter shall include provisions giving notice as to the contents of this section relating to automatic renewals of rent exemption orders.

§ 4. This local law takes effect 180 days after becoming law, except that the commissioner of finance shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective

date.

Referred to the Committee on Aging.

Int. No. 398

By Council Members Vallone and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to a senior emergency information card**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-208 to read as follows:

*§ 21-208 Senior emergency information card. a. For the purposes of this section, "Qualified applicant" means any individual sixty years of age or older who is a resident of the city of New York and who seeks to obtain a senior emergency information card as authorized by this section.*

*b. The department shall establish, produce, and issue a senior emergency information card to all qualified applicants. The senior emergency information card shall display, at a minimum, the applicant's name, date of birth, address, phone number, the name and telephone number of the applicant's emergency contacts, and other information deemed appropriate by the department. The card shall also contain the following information if voluntarily disclosed and requested by the applicant to be displayed on such card: (i) name and telephone number of the applicant's doctor; (ii) the name and telephone number of the hospital used by such applicant, as applicable; (iii) the insurance carried by the applicant; (iv) the applicant's blood type; (v) illnesses and allergies of the applicant.*

*c. In order to obtain a senior emergency information card, an applicant shall complete an application requiring proof of such applicant's identity, as well as any other information deemed necessary by the department. The department shall prescribe by rule the form of such application, as well as the acceptable proofs of identity.*

*d. The department shall provide each qualified applicant, in addition to the card required by subdivision b of this section, with a placard which shall be available for display in the applicant's home. Such placard shall have a width of five inches and a height of nine inches, and shall contain space for the applicant to write in: (i) the applicant's name and date of birth; (ii) the name and telephone number of the applicant's emergency contacts; (ii) the name and telephone number of the applicant's doctor; (iii) the name and telephone number of the hospital used by such applicant, as applicable; (iv) the name and telephone number of the insurance carried by the applicant; (v) the applicant's blood type; (vi) medications administered to the applicant, including information as to the dosage of each medication; (vii) any illnesses or allergies of the applicant; (viii) any other information that the applicant may deem relevant.*

*e. No charge shall be assessed to a qualified applicant for the receipt of the senior emergency information card and placard required by this section.*

*f. The department shall ensure the confidentiality of information contained in applications received pursuant to subdivision c of this section.*

§ 2 This local law takes effect 120 days after it becomes law, except that the department, as defined in section 21-201 of the administrative code of the city of New York, may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Aging.

Int. No. 399

By Council Member Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of the aging to report on senior centers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-207 to read as follows:

*§21-207 Senior citizen centers a. For the purposes of this section, the following terms have the following meaning:*

*Activity. The term "activity" means any activity designed to encourage socialization, mental wellness, healthy living, or physical exercise.*

*Senior citizen. The term "senior citizen" means a person 60 years of age and older.*

*Services. The term "services" means services designed to improve the quality of life of senior citizens. Such services include, but are not limited to, abuse prevention services, health-related services, self-support services for the disabled, housekeeping services, special services for the blind, housing improvement services, home care assistance, personal care assistance, home delivered meals, education and job training services, and care giver support services.*

*b. Not later than September 1, 2018, and annually thereafter on September 1, the department shall submit to the speaker of the council and post to its website an annual report regarding the programs, services, costs, and rates of utilization for all senior centers under the department's jurisdiction.*

*c. The annual report shall include, but not be limited to, the following information:*

*1. The total costs associated with each senior citizen center;*

*2. The total number and percentage of senior citizens who visited each senior center and the name of the senior center, further disaggregated by ethnicity, age, and gender;*

*3. The average daily attendance at each senior center;*

*4. The total number of meals and the time they are served at each senior center;*

*5. The total number and percentage of seniors who have meals delivered to their homes;*

*6. The total number and percentage of elder abuse cases documented at each senior center;*

*7. The total time it takes to identify, investigate, and resolve an elder abuse case at each senior center;*

*8. The case management ratio of a case manager to senior citizens at each senior center;*

*9. The total number, including the descriptions, of the services that are offered at each senior center;*

*10. The total number, including the descriptions, of activities offered at each senior center;*

*11. The total number and percentage of senior citizens who were offered home care assistance;*

*12. The total number and percentage of senior citizens who accepted home care assistance;*

*13. The total number and percentage of senior citizens who refused home care assistance;*

*14. The total number and percentage of senior citizens who are receiving home care assistance, further disaggregated by seniors citizens who are receiving home care assistance for free, and those who pay for home care assistance; and*

*15. The total number of home care hours provided to senior citizens, and further disaggregated by whether the home care assistance was for housekeeping or personal care;*

*d. All information required by this section shall be disaggregated by borough, council district, and community district.*

*e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of a senior citizen's information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

§2. This local law takes effect immediately.

Referred to the Committee on Aging.

Int. No. 400

By Council Members Vallone and Brannan.

**A Local Law in relation to the creation of a task force to review and evaluate the adult protective services program at the department of social services/human resources administration**

*Be it enacted by the Council as follows:*

Section 1. a. There shall be a senior task force to develop and recommend changes to the laws, rules, regulations and policies related to the adult protective services program at the department of social services/human resources administration, and specifically in regard to case management and legal services for the senior community in New York city.

b. Such task force shall consist of nine members as follows:

i. Five members shall be appointed by the mayor, including the commissioner for the aging or his or her designee, who shall be the chairperson of such task force, and four members shall be appointed by the speaker of the city council, provided that appointees will have backgrounds in the following areas: adult protective services, case management services and legal services for the senior community. One of the appointees of the speaker shall be a member of the public.

c. Each member shall serve for a term of three years to commence after the final member of the senior task force is appointed. Any vacancies in the membership of the senior task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member. All members shall be appointed to the senior task force within sixty days of the enactment of this local law.

d. No member of the senior task force shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

e. Members of the senior task force shall serve without compensation and shall meet at least on a quarterly basis.

f. The senior task force shall issue a report to the mayor and the speaker of the council within six months of the formation of the senior task force, and every six months thereafter, detailing its activities and recommendations. Such report shall be posted on the website of the department of social services/human resources administration.

g. The senior task force shall terminate three years after the formation of such task force.

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 401

By Council Members Vallone and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to animal shelters**

*Be it enacted by the Council as follows:*

Section 1. Section 17-803 of the administrative code of the city of New York, as added by local law number 26 for the year 2000 and last amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-803 Animal shelters. *The department shall ensure that a full-service shelter is maintained in each borough of the city of New York.*

a. A full-service shelter shall be maintained and operated in each [of three boroughs] *borough* of the city of New York. At least one of the full-service shelters shelter shall be open to the public for the purpose of receiving

animals twenty-four hours per day, seven days per week.

b. [Facilities to receive lost, stray or homeless dogs and cats from the public shall be maintained seven days per week, twelve hours per day in those boroughs of the city in which there is not a full-service shelter.

c.] Field services having the capacity to pick up and bring to a shelter lost, stray, homeless or injured dogs and cats from all five boroughs shall be maintained and operated seven days per week, twelve hours per day. Where public health and safety is threatened, they shall have the capacity to pick up such animals twenty-four hours per day.

§ 2. This local law takes effect 180 after it becomes law.

Referred to the Committee on Health.

Int. No. 402

By Council Member Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to provide the public with 9-1-1 information cards.**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended to add a new section 14-175, to read as follows:

*§14-175. Information cards for 9-1-1 calls.*

*a. The department shall create a 9-1-1 information card, in a form and manner prescribed by the commissioner in conjunction with the commissioner of the fire department of the city of New York. Such information card shall provide individuals with necessary information relating to the 9-1-1 emergency call process and shall include, but not be limited to, a description of the typical questions a 9-1-1 operator may ask a caller in various emergency situations, including fires.*

*b. The 9-1-1 information card created pursuant to this section shall be updated as necessary and shall be mailed, by the department or any agency designated by the department, to every household within the city of New York on an annual basis.*

§ 2. This local law takes effect 90 days after enacted into law.

Referred to the Committee on Public Safety.

Int. No. 403

By Council Members Vallone and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the regulation of the use of unmanned aerial vehicles in city airspace**

*Be it enacted by the Council as follows:*

Section 1. Section 10-126 of the administrative code of the city of New York is amended to read as follows:

§ 10-126 Avigation in and over the city. a. Definitions. [When] *As* used in this section the following [words or] terms [shall mean or include] *have the following meanings*:

[1. "Aircraft." Any contrivance, now or hereafter invented for avigation or] *Aircraft. The term "aircraft" means a device that is used or intended to be used for* flight in the air, including a captive balloon, except a parachute or other [contrivance] *device* designed for use[,] *as* and carried primarily as safety equipment.

[2. "Place of landing." Any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.

3. "Limits of the city." The water, waterways and land under the jurisdiction of the city and the air space above same.]

[4. "Avigate." To] *Avigate. The term "avigate" means to* pilot, steer, direct, fly or manage an aircraft in or through the air, whether [controlled from the ground or otherwise] *from within the aircraft or remotely. The term "avigate" includes managing a computer system that pilots, steers, directs, flies or manages an aircraft.*

[5. "Congested area." Any land terrain within the limits of the city.

6. "Person." A natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.]

*Dangerous instrument. The term "dangerous instrument" means an instrument, article or substance that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.*

*Limits of the city. The term "limits of the city" means the water, waterways and land under the jurisdiction of the city and the airspace above the same.*

*Place of landing. The term "place of landing" means any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.*

*Surveillance. The term "surveillance" means the monitoring or close observation of an individual, a group of individuals or real property without the knowledge and consent of such individual or group of individuals or the owner of such real property that is the subject of such monitoring or observation.*

*Toy aircraft. The term "toy aircraft" means (i) a glider or hand-tossed UAV that is not designed for and is incapable of sustained flight or (ii) a UAV that is capable of sustained flight and is controlled by means of a physical attachment such as a string or wire. The term "toy aircraft" does not include a radio-controlled UAV.*

*UAV. The term "UAV" is an acronym that means unmanned aerial vehicle.*

*Unmanned aerial vehicle. The term "unmanned aerial vehicle" means an aircraft that is avigated without a human pilot on board.*

*Weapon. The term "weapon" means an instrument, article or substance that is designed to cause death or serious physical injury or to damage or destroy property, including any projectile, chemical, electrical or directed-energy device.*

b. Parachuting. It [shall be] *is* unlawful for any person to jump or leap from an aircraft in a parachute or any other device within the limits of the city except in the event of imminent danger or while under official orders of any branch of the military service.

c. Take offs and landings. It [shall be] *is* unlawful for any person avigating an aircraft to take off or land, except in an emergency, at any place within the limits of the city other than places of landing designated by the department of transportation or the port of New York authority.

d. Advertising. 1. It [shall be] *is* unlawful for any person to use, suffer or permit to be used advertising in the form of towing banners from or upon an aircraft over the limits of the city, or to drop advertising matter in the form of pamphlets, circulars, or other objects from an aircraft over the limits of the city, or to use a loud speaker or other sound device for advertising from an aircraft over the limits of the city. Any person who employs another to avigate an aircraft for advertising in violation of this subdivision shall be guilty of a violation hereof.

2. Any person who employs, procures or induces another to operate, avigate, lend, lease or donate any aircraft as defined in this section for the purpose of advertising in violation of this subdivision shall be guilty of a violation hereof.

3. The use of the name of any person or of any proprietor, vendor or exhibitor in connection with such advertising shall be presumptive evidence that such advertising was conducted with his or her knowledge and consent.

e. Dangerous or reckless operation or avigation. *1.* It [shall be] *is* unlawful for any person to operate or avigate an aircraft [either] on the ground, on the water or in the air within the limits of the city while under the influence of intoxicating liquor, narcotics or other habit-forming drugs, or to operate or avigate an aircraft in a careless or reckless manner so as to endanger *the* life or property of another.

*2.* In any proceeding or action charging careless or reckless operation or avigation of an aircraft in violation of this section, the court, in determining whether the operation or avigation was careless or reckless, shall consider the standards for safe operation or avigation of aircraft prescribed by federal *and state* statutes [or] and regulations governing [aeronautics] *aviation*.

f. Air traffic rules. It [shall be] *is* unlawful for any person to navigate an aircraft within the limits of the city in any manner prohibited by [any provision of, or contrary to] the rules and regulations of[,] the federal aviation administration.

g. Reports. It [shall be] *is* unlawful for the operator or owner of an aircraft to fail to report to the police department within [ten] *10* hours a forced landing of aircraft within the limits of the city or an accident [to] *involving* an aircraft [where] *that results in* personal injury, property damage or serious damage to the aircraft [is involved].

*h. Unmanned aerial vehicles. 1. Misdemeanor; intent to cause harm. No person may avigate a UAV with intent to use such UAV or any object attached to such UAV to cause bodily injury or death to persons or to damage or destroy property.*

*2. Other misdemeanors. No person may avigate a UAV:*

*(a) In any area of the city that is not specifically designated by the commissioner of parks and recreation for such avigation; or*

*(b) That is equipped with a weapon or dangerous instrument, regardless of whether such person actually intends to use such UAV, weapon or dangerous instrument to cause harm to persons or property; or*

*(c) For the purpose of conducting surveillance unless otherwise expressly permitted by law.*

*3. Other violations. No person may avigate a UAV:*

*(a) Within five miles of an airport unless such person first provides notice to the operator and air traffic control of such airport in accordance with paragraph (5) of subsection (a) of section 336 of the FAA modernization and reform act of 2012, as enacted by public law 112-95; or*

*(b) At any altitude greater than 400 feet above ground level; or*

*(c) Outside the line of sight of the operator; or*

*(d) Whenever weather conditions would impair the operator's ability to do so safely; or*

*(e) At night.*

*4. Exceptions. (a) Notwithstanding subparagraph (a) of paragraph 2 of this subdivision and subparagraphs (d) and (e) of paragraph 3 of this subdivision, a UAV may be avigated inside a structure if such avigation is permitted by the owner of the structure, can be accomplished without unreasonable risk to persons or property and is not otherwise prohibited by law.*

*(b) Notwithstanding subdivision c of this section, a UAV may take off or land in a location where a UAV may be avigated legally, so long as such takeoff or landing does not pose an unreasonable risk of harm to persons or property.*

*(c) Agencies of the city are exempt from the provisions of this subdivision.*

*(d) Toy aircraft are exempt from subparagraph (a) of paragraph 2 of this subdivision and subparagraph (a) of paragraph 3 of this subdivision.*

[h.] *i.* Rules and regulations. The police commissioner is authorized to make such rules and regulations as the commissioner may deem necessary to enforce the provisions of this section.

[i.] *j.* Violations. *1. Any person who violates paragraph 1 of subdivision h of this section is guilty of a misdemeanor punishable by a fine of not more than $5,000, imprisonment of not more than one year or both.*

*2.* Any person who violates [any of the provisions] *subdivision b, c, e, f or g of this section or paragraph* 2 *of subdivision h* of this section [shall be] *is* guilty of a misdemeanor *punishable by a fine of not more than $1,000, imprisonment of not more than one year or both.*

*3. Any person who violates paragraph 3 of subdivision h of this section is guilty of a violation punishable by a fine of not more than $250, imprisonment of not more than 15 days or both.*

§ 2. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-154 to read as follows:

*§ 18-154 Designation of areas for operating unmanned aerial vehicles. a. For purposes of this section, the following terms have the following meanings:*

*Aircraft. The term "aircraft" means a device that is used or intended to be used for flight in the air, including a captive balloon, except a parachute or other device designed for use as and carried primarily as safety equipment.*

*Avigate. The term "avigate" means to pilot, steer, direct, fly or manage an aircraft in or through the air, whether from within the aircraft or remotely. The term "avigate" includes managing a computer system that pilots, steers, directs, flies or manages an aircraft.*

*UAV. The term "UAV" is an acronym that means unmanned aerial vehicle.*

*Unmanned aerial vehicle. The term "unmanned aerial vehicle" means an aircraft that is avigated without a human pilot on board.*

*b. Within 120 days of the effective date of this section, the commissioner shall designate, within one or more parks under the jurisdiction of the department, areas where UAVs may be avigated lawfully. In selecting such areas, the commissioner shall take into consideration (i) the safety and privacy of the public, (ii) the need to maintain the peace and order of city parkland, and (iii) the fair distribution throughout the city of areas designated for UAV operation.*

§ 3. Section 1 of this local law takes effect 120 days after it becomes law. Section 2 of this local law takes effect immediately. The police commissioner shall take measures to make the public aware of the requirements of section 1 of this local law before it takes effect.

Referred to the Committee on Public Safety.

Int. No. 404

By Council Members Vallone and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of speed humps on roadways adjacent to any park equal or greater than one acre**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-189.1 to read as follows:

*§19-189.1 Installation of speed humps on roadways adjacent to parks. a. Definitions. For the purposes of this section, the following terms having the following meanings:*

*1. Park. The term "park" means any park under the jurisdiction of the department of parks and recreation that is equal to or greater than one acre.*

*2. Speed hump. The term "speed hump" means any raised area in the roadway pavement surface extending transversely across the travel way that is composed of asphalt or another paving material and is installed and designed for the purpose of slowing vehicular traffic.*

*b. Notwithstanding the provisions of sections 19-183 and 19-185 of this chapter, the department shall install a speed hump on all roadways adjacent to any park that is equal or greater than one acre.*

*c. The commissioner may decline to install any speed hump that is otherwise required by this section if such installation would, in the commissioner's judgment, endanger the safety of motorists or pedestrians or not be consistent with the department's guidelines regarding the installation of speed humps.*

§2. This local law takes effect 180 days after it becomes law, provided, however that the commissioner, in consultation with the commissioner of department of parks and recreation, 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 Transportation.

Int. No. 405

By Council Members Vallone and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending meter parking regulations on the Asian Lunar New Year.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

*§ 19-163.3. a. No parking meter or muni-meter shall be activated on Asian Lunar New Year.*

*b. The date of the Asian Lunar New Year is the same as the date set forth in subdivision c of section 19-163 of the code.*

§ 2. This local law takes effect immediately**.**

Referred to the Committee on Transportation.

Int. No. 406

By Council Members Vallone and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring muni-meters receipts that can be affixed to motorcycles**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter one of title 19 of the administrative code of the city of New York section is amended by adding a new section 19-167.5 to read as follows:

*§ 19-167.5 Muni-meter receipts. a. For the purposes of this section, "muni-meter" shall mean an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle's dashboard.*

*b. The department shall ensure that muni-meter receipts utilize adhesive to allow for such receipts to be affixed to a motorcycle or other motor vehicle registered by the department of motor vehicles with a dashboard that is not capable of being fully enclosed.*

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

Referred to the Committee on Transportation.

Int. No. 407

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. 408

By Council Members Vallone and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side of the street parking rules on Christmas Day as observed by the Eastern Orthodox Church**

*Be it enacted by the Council as follows:*

Section one. Subdivision a of section 19-163 of the administrative code of the city of New York is amended as follows:

§19-163 Holiday suspension of the parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, *Orthodox Christmas,* Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, and all state and national holidays.

§2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Transportation.

Int. No. 409

By Council Members Vallone and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to veteran identification cards**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-130 to read as follows:

*§ 3-130 Veteran identification cards. a. For the purposes of this section, the following definitions shall apply:*

*1. "Administering agency" shall mean any city agency, office, department, division, bureau or institution of government, the expenses of which are paid in whole or in part from the city treasury, as the mayor shall designate.*

*2. "Qualified applicant" shall mean any veteran who seeks to obtain a veteran identification card as authorized by this chapter and who has met all requisite qualifications and provided all relevant documentation for the issuance of a veteran identification card as provided by this section.*

*3. "Veteran" shall mean a person who has served in the active duty military of the United States and who has been released from such service otherwise than by dishonorable discharge.*

*b. The administering agency shall establish, produce and issue a veteran identification card to all qualified applicants. Such card shall display the name, signature and photograph of such applicant and indicate that the card was issued to a veteran.*

*c. In order to obtain a veteran identification card, an applicant shall complete an application requiring proof of such applicant's identity and veteran status, as well as any other information deemed necessary by the administering agency. The administering agency shall prescribe the form of such application, as well as the acceptable proofs of identity and veteran status.*

*d. All information obtained from applications received shall be maintained in a database maintained by the department. Such database shall not be available for public examination.*

*e. Prior to distribution of any veteran identification card, the administering agency may charge a qualified applicant a fee. Such fee shall not exceed the administrative costs reasonably associated with the production of such card.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Veterans.

Res. No. 117

**Resolution calling upon the New York State Legislature to pass and the Governor to sign S.1284/A.1356, requiring all textbooks to also refer to the Sea of Japan as the East Sea.**

By Council Member Vallone.

**Whereas**, There has been a longstanding debate between Japan and Korea regarding the name of the body of water located between the Japanese archipelago and the Korean peninsula; and

**Whereas**, Japan refers to that body of water as the "Sea of Japan," while Korea recognizes it as the "East Sea"; and

**Whereas**, Whereas, According to the Ministry of Foreign Affairs of Japan, the name Sea of Japan had been geographically and historically established since the late 18th to early 19th century and is currently used in most countries all over the world; and

**Whereas,** The Ministry of Foreign Affairs of Japan also stated that more than 97% of maps used throughout the world display the name Sea of Japan; and

**Whereas,** Korean advocates argue that the name Sea of Japan was standardized worldwide while Korea was under Japanese colonial rule, after the International Hydrographic Organization (IHO) published its definitive "Limits of the Oceans and the Seas" in 1929, according to *Reuters*; and

**Whereas,** In response to the name dispute, the National Geographic Society in Washington, DC, began including the term East Sea in parentheses following any reference to the Sea of Japan in its maps in 1999; and

**Whereas,** In 2014, the Virginia State Legislature passed a bill that required all new textbooks to also refer to the Sea of Japan as the East Sea, and was signed into law by Governor Terry McAuliffe; and

**Whereas**, That same year, a bill was introduced in New Jersey that would require the body of water to be called the East Sea for all governmental purposes, although it does not require the term to be used in school textbooks, according to *U.S. News and World Report*; and

**Whereas,** In New York, S.1284, sponsored by State Senator Tony Avella, and A.1356, sponsored by Assembly Member Braunstein, would amend the Education Law, requiring all textbooks in the State to reference the Sea of Japan as also the East Sea; and

**Whereas,** This bill would align New York's textbooks with a growing, international movement to recognize both names as acceptable; now, therefore, be it

R**esolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.1284/A.1356, requiring all textbooks to also refer to the Sea of Japan as the East Sea.

Referred to the Committee on Education.

Res. No. 118

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign S.5320/A.354-A, legislation which would establish a new property tax classification for properties held in condominium and cooperative form**.

By Council Member Vallone.

**Whereas**, Property taxes are the City's largest revenue source; and

**Whereas,** According to the Comptroller's Comprehensive Annual Financial Report, the property tax represented 45 percent of all the City tax dollars collected in fiscal year 2017; and

**Whereas**, Currently, pursuant to section 1802 of the State Real Property Tax Law, there are four different property tax classes in the City, with each paying a different share of property taxes; and

**Whereas,** Class 1 consists of one- to three-unit residential properties; Class 2 consists of residential properties with more than 3 units, including cooperatives and condominiums; Class 3 consists of utility company equipment and special franchise properties; and Class 4 consists of all other real property, including commercial property, such as office buildings, factories, stores, hotels, and lofts; and

**Whereas**, In the City, over half a million families reside in Class 2 cooperatives or condominiums; and

**Whereas**, Property taxes are assessed differently for cooperatives and condominiums with 10 units or fewer and cooperatives and condominiums with 11 units or more; and

**Whereas**, Assessment caps limit the annual increase in the assessed value of a property, thereby limiting the amount an individual property owner's property tax bill may increase in any given year; and

**Whereas,** State law paces a cap on the amount the assessed value of Class 1 properties may increase each year, specifically that the assessed value cannot increase more than six percent in any one year or 20 percent in any five years; and

**Whereas,** State law also places a cap on the amount the assessed value of Class 2 cooperatives and condominiums with 10 units or fewer may increase each year, specifically that the assessed value cannot increase more than eight percent in any one year or 30 percent in any five years; and

**Whereas**, While State law allows Class 2 cooperatives and condominiums with 11 units or more to have changes in their assessed value phased in over a five-year period, they do not enjoy a fixed assessment cap like smaller Class 2 cooperatives and condominiums; and

**Whereas,** This means that families residing in larger Class 2 cooperatives and condominiums have less protections from large increases in market values than do families residing in smaller Class 2 cooperatives and condominiums and families residing in Class 1 one- to three-unit residential properties; and

**Whereas,** S.5320, sponsored by State Senator Toby Ann Stavisky, currently pending in the New York State Senate and A.354-A, sponsored by State Assembly Member Edward C. Braunstein, currently pending in the New York State Assembly, would establish a new property tax classification, Class 2, consisting solely of properties held in cooperative or condominium form; and

**Whereas**, Specifically, the legislation would amend the current property tax Class 2 to consist of only cooperatives or condominiums and add a new property tax Class 5 to consist of all residential property that is not classified as Class 1 or Class 2; and

**Whereas,** Further, the legislation would extend the assessment caps of eight percent in any one year and 30 percent in any five years to all Class 2 properties, including cooperatives and condominiums with 11 units or more; and

**Whereas,** The legislation would ensure that all cooperatives and condominiums are treated equally for property tax purposes and that larger cooperatives and condominiums do not see dramatic increases in their property taxes in any given year; 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 S.5320/A.354-A, legislation which would establish a new property tax classification for properties held in condominium and cooperative form.

Referred to the Committee on Finance.

Res. No. 119

**Resolution calling upon the New York State Legislature pass, and the Governor to sign, A.1357/S.4750 which would establish a property tax credit for Class 2 cooperative and condominium buildings that are designated safe after a Façade Inspection Safety Program inspection.**

By Council Member Vallone.

**Whereas,** Local Law 11 of 1998 requires all buildings in New York City that are greater than six stories to have a Qualified Exterior Wall Inspector ("QEWI") inspect all exterior walls and appurtences of the building, except exterior walls less than twelve inches from an adjacent building, at least once every five years to make sure they are safe and in good repair; and

**Whereas,** The inspection process, commonly referred to as "Local Law 11 inspections" has been officially renamed the "Façade Inspection and Safety Program" ("FISP") by the City's Department of Buildings ("DOB"); and

**Whereas,** The FISP inspection covers all the exterior façades and appurtenances of the building, including any balconies, fire escapes, parapets, window casings, and railings; and

**Whereas,** At least one of the façades, that is representative of the building's other exterior walls, must have a hands-on inspection from a scaffold or other observation platform, while the remaining façades may be inspected visually, typically through the use of high-powered binoculars; and

**Whereas,** After the QEWI has concluded the FISP inspection, he or she must file a technical façade report with the DOB detailing the results of the inspection; and

**Whereas,** The results of the inspection could either be: 1) Safe – which indicates that the façade has no problems and is in good condition; 2) Safe With a Repair and Maintenance Program – which indicates that the façade is safe, but requires repairs or maintenance; or 3) Unsafe – which indicates that the façade has problems or defects that could pose a threat to public safety; and

**Whereas,** Because the inspections require the construction of scaffolding or observation platform, the services of QEWI's who must be licensed architects or engineers, and the drafting of a detailed technical report, among other things, the inspections are extremely expensive and can cost thousands of dollars or more; and

**Whereas,** In Class 2 condominium and cooperative buildings, these costs are generally passed on directly to the homeowners through increased maintenance fees or special assessments; and

**Whereas,** Buildings are required to undertake these costly façade inspections every five years even if they are diligent in safely maintaining their exteriors, thereby increasing the likelihood that the FISP inspection will result in a Safe rating; and

**Whereas,** The homeowners in Class 2 condominiums and cooperatives whose façades are deemed Safe after the FISP inspection should not have to bear the burden of the costly inspection process; and

**Whereas,** In 2017, New York State Assembly Member Edward Braunstein and New York State Senator Toby Ann Stavisky introduced A.1357 and S. 4750, respectively; and

**Whereas,** Those bills would authorize a tax credit to any Class 2 condominium or cooperative building that has been deemed Safe after the FISP inspection in the amount of all costs of such inspection with such credit being reevaluated every five years after the inspection is performed; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature pass, and the Governor to sign, A.1357/S.4750 which would establish a property tax credit for Class 2 cooperative and condominium buildings that are designated safe after a Façade Inspection Safety Program inspection.

Referred to the Committee on Finance.

Res. No. 120

**Resolution recognizing and commemorating June 21st as Yoga Day in the City of New York.**

By Council Member Vallone.

**Whereas,** Yoga has been practiced for thousands of years; and

**Whereas,** According to a 2012 study on yoga in the United States, 20.4 million Americans practice yoga; and

**Whereas,** The National Center for Complementary and Integrative Health recognizes that "yoga may be beneficial for a number of conditions, including pain;" and

**Whereas,** According to a study published in Alternative Therapies in Health and Medicine, by Barry S. Oken et al., which performed a random control trial on the benefits of yoga for seniors, compared to the control group, seniors in the yoga group had "significant improvement in quality-of-life;" and

**Whereas,** According to a study published in the European Journal of Preventive Cardiology by Paula Chu et al., which reviewed random control trials comparing yoga to non-exercise controls, yoga produced significant improvement for body mass index, systolic blood pressure, low-density lipoprotein cholesterol, and high-density lipoprotein cholesterol; and

**Whereas**, This review also showed that yoga produced significant changes seen in body weight, diastolic blood pressure, total cholesterol, triglycerides, and heart rate; and

**Whereas,** The National Center for Complementary and Integrative Health within the National Institutes of Health have found that yoga significantly improves low-back pain; and

**Whereas,** Forbes Magazine lists New York City as one of the top 10 cities in the United States for yoga; and

**Whereas,** The United Nations declared June 21st of each year as international yoga day; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes and commemorates June 21st as Yoga Day in the City of New York.

Referred to the Committee on Health.

Res. No. 121

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2966/S.4373, which would establish the crime of endangering the welfare of a worker.**

By Council Member Vallone.

**Whereas,** According to the Mayor's Management Reports (MMRs), the City experienced more construction-related incidents, accidents, injuries, and fatalities in Fiscal Years (FY) 2015 and 2016 than in any other fiscal year since the implementation of the 2008 Construction Codes; and

**Whereas,** the Department of Buildings' records also reveal that between FY 2009 and FY 2016, the number of construction accidents more than doubled from 201 to 500; and

**Whereas**, The federal agency that enforces work safety requirements in the United States is the Occupational Safety and Health Administration (OSHA); and

**Whereas**, In January 2017, The New York Committee for Occupational Safety & Health (NYCOSH) released a report titled "Deadly Skyline: An Annual Report on Construction Fatalities in New York State" which reported that all 22 of the fall related deaths in 2014 and 2015 occurred at construction sites that received site safety violations from OSHA; and

**Whereas**, The NYCOSH report also indicated that in 68 percent of construction site inspections, inspectors found that employers were violating OSHA safety standards; and

**Whereas,** The NYCOSH report also mentions that low fines and the difficulty in proving criminal negligence, result in a system which does not do enough to deter employers from violating the laws; and

**Whereas,** A.2966/S.4373, sponsored by Assembly Member Francisco Moya and State Senator Marisol Alcantara, would protect workers from employers and supervisors that ignore, disregard or fail to comply with workplace safety protocols by amending the penal code to establish the crime of endangering the welfare of a worker; and

**Whereas,** under the terms of A.2966/S.4373, endangering the welfare of a worker in the third degree would be a Class A misdemeanor, in the second degree a class E felony and in the first degree a class D felony; and

**Whereas,** A.2966/S.4373, also sets the maximum fines that can be applied for endangering the welfare of a worker at $25,000 for a misdemeanor and $50,000 for a felony; and

**Whereas**, A.2966/S.4373, would encourage more employers and supervisors to follow safety protocols which would in turn reduce worker injuries and fatalities at construction sites; 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.2966/S.4373, which would establish the crime of endangering the welfare of a worker.

Referred to the Committee on Housing and Buildings.

Res. No. 122

**Resolution calling upon the New York State Legislature to pass and the Governor to sign into law legislation, which would amend the New York State Criminal Procedure Law to allow prosecutors and defense attorneys to apply for a conditional examination of witnesses who are of advanced age.**

By Council Member Vallone.

**Whereas,** According to the Manhattan District Attorney's Office, every year approximately four million elderly Americans are victims of some kind of elder abuse, including physical abuse, fraud and other forms of financial exploitation; and

**Whereas,** MetLife Mature Market Institute estimated that in 2010, financial exploitation cost elderly Americans approximately $3 billion; and

**Whereas,** Under the current New York State Criminal Procedure Law, a conditional examination of a witness can only occur when the witness will not be available at the time his or her testimony is sought because he or she is: (i) leaving the state for a substantial period of time or (ii) is physically ill or incapacitated; and

**Whereas,** A person may have to wait years before he or she is called to testify at trial; and

**Whereas,** This has resulted in cases in which elderly witnesses and victims have died or become incapacitated before their cases reached trial, resulting in perpetrators having their cases dismissed or prosecutors allowing the perpetrators to plead to lesser offenses with lighter sentences because these witnesses were not able to present their testimony; and

**Whereas,** This problem should be addressed by amending section 660.20 of the Criminal Procedure Law to allow prosecutors and defense attorneys to conduct conditional examinations of witnesses aged 75 years or older on the basis of their age, thereby preserving their testimony for trial in the event they pass away or are unable to testify due to a degenerative condition or other health issues; 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 into law legislation, which would amend the New York State Criminal Procedure Law to allow prosecutors and defense attorneys to apply for a conditional examination of witnesses who are of advanced age.

Referred to the Committee on Justice System.

Res. No. 123

**Resolution calling on the New York State Legislature to introduce legislation that would create a statewide online registry of individuals convicted of gun-related offenses**.

By Council Members Vallone and Brannan

**Whereas**, Gun offenders wreak havoc in many neighborhoods across the United States; and

**Whereas**, According to the New York City Police Department ("NYPD"), in New York City alone, there were 998 shootings in 2016; and

**Whereas,** According to the NYPD, 1,181 people were victims of gun violence, haven been struck by a bullet in 2016; and

**Whereas,** Individuals convicted of gun violence should not only be punished by being sent to jail and prison, but should be required to register as gun offenders with law enforcement officials; and

**Whereas**, Studies have shown that individuals who carry illegal guns pose a high risk of recidivism; and

**Whereas,** Therefore gun offenders should be monitored to prevent them from reoffending and to ensure their prompt apprehension if they commit further crimes; and

**Whereas**, For this reason, the New York City Council passed Local Law 29 of 2006, known as the Gun Offender Registration Act ("GORA"), which created the first registry of gun offenders in the United States; and

**Whereas,** GORA is modeled after the existing public registries for sex offenders; and

**Whereas,** GORA was intended as a surveillance tool by law enforcement officials and other city agencies and cannot be viewed by the public; and

**Whereas,** GORA specifically requires an individual convicted of certain subdivisions within criminal possession of a weapon in the third or second degree to register his or her name, current address and other pertinent information with the NYPD and to report to the NYPD every six months; and

**Whereas,** The only gun offenders required to register under GORA are those convicted of the enumerated offenses in a court in the city of New York; and

**Whereas**, Therefore, a person convicted of an applicable gun offense by a court outside of the city of New York would not be required to register; and

**Whereas**, In order to prevent gun offenders from re-offending, New York State should create a state-wide gun offender registry; and

**Whereas**, New York City and State would benefit tremendously from a statewide gun offender registry; and

**Whereas,** In addition, like the New York State Sex Offender Registry, it would be helpful for a statewide gun offender registry to be made available online to the public to notify communities about offenders who have the potential to re-offend; and

**Whereas,** New York State should enact legislation creating a statewide gun offender registry in order to prevent future homicides and shootings; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to introduce legislation that would create a statewide online registry of individuals convicted of gun-related offenses.

Referred to the Committee on Public Safety.

Res. No. 124

**Resolution in support of A.3536A/S.2483A, which would amend the New York State Penal Law by increasing the penalties for drivers who cause serious physical injury or death to another person while knowingly operating a motor vehicle without a license or with a revoked or suspended license.**

By Council Members Vallone, Brannan and Koslowitz.

**Whereas**, Dangerous drivers whose reckless behavior results in serious physical injuries and fatalities are a serious concern in the nation, the State and New York City; and

**Whereas,** Of particular concern are those offenders who continue to put the public at risk by driving without obtaining a license, or who have had their license suspended or revoked; and

**Whereas,** According to the New York City Police Department's preliminary data, a total of 335,000 motor vehicle collisions occurred in New York City during 2016; and

**Whereas,** In 2016, 230 people, including 145 pedestrians and 18 cyclists, were killed in traffic crashes in New York City; and

**Whereas,** In New York City there were over 15,382 pedestrian and cyclist injuries in 2016 and more than 59,000 total traffic-related injuries; and

**Whereas,** According to the AAA Foundation for Traffic Safety, drivers who have a suspended or revoked license are 3.7 times more likely to be involved in a fatal crash than are validly licensed drivers, while unlicensed drivers are 4.9 times more likely to be involved in a fatal accident; and

**Whereas,** The *New York Times* reported that Angela Hurtado was killed on January 18, 2014 when she was struck by a vehicle as she crossed Grand Avenue in Queens, and the driver of that vehicle, Abel Tinoco, 28, was charged with a misdemeanor for driving with a suspended license; and

**Whereas,** In another reported motor vehicle accident that took place on December 31, 2013 in Flushing, Queens, a 24 year-old driver, whose license had been suspended nine times, crashed into a car, killing the driver, Annamarie Tromp; and

**Whereas,** Current State law fails to sufficiently punish those drivers who are unlicensed or who drive with suspended or revoked licenses and cause serious injury or death; and

**Whereas**, A.3536A, sponsored by Assembly Member Margaret Markey, and companion bill, S.2483A, sponsored by Senator Michael Gianaris, currently pending in the New York State Assembly and Senate, respectively, would protect New Yorkers from individuals who should not be on our roads; and

**Whereas,** A.3536A/S.2483A would amend the Penal Law by including, within the offense of vehicular assault in the second degree, those drivers who cause serious physical injury or death to another person while operating a motor vehicle, knowing or having reason to know that their privilege to drive was suspended or revoked, or that they are unlicensed; and

**Whereas**, A driver convicted of vehicular assault in the second degree, a class E felony, would face a prison sentence of up to four years; and

**Whereas,** It is imperative to help ensure the safety and well-being of those who use New York's roadways; now, therefore, be it

**Resolved,** That the Council of the City of New York supports A.3536A/S.2483A, which would amend the New York State Penal Law by increasing the penalties for drivers who cause serious physical injury or death to another person while knowingly operating a motor vehicle without a license or with a revoked or suspended license.

Referred to the Committee on Public Safety.

Res. No. 125

**Resolution in support of S.2456/A.4057, which would amend the New York State Penal Law establishing the offense of forcible touching against a child.**

By Council Members Vallone and Brannan.

**Whereas,** Currently, New York State Penal Law ("Penal Law") Section 130.52 is used to prosecute individuals who intentionally and for no legitimate purpose forcibly touch the sexual or intimate parts of a person to degrade or abuse their victim or to gratify themselves; and

**Whereas**, Violation of Section 130.52 is a class A misdemeanor penalty, which may include up to one year in jail; and

**Whereas,** Currently there is no Penal Law section that specifically addresses the crime of forcible touching of a child less than thirteen years of age; and

**Whereas,** Improperly touching any individual is egregious and unacceptable, the legislation recognizes the particularly heinous nature of sex crimes committed against children and seeks to protect children from sexual predators; and

**Whereas,** S.3126, introduced by New York State Senator Michael Gianaris, and companion bill A.4057, introduced by New York State Assembly Member Aravella Simotas, would amend the Penal Law by establishing the offense of forcible touching against a child; and

**Whereas**, S.3126/A.4057 would establish the crime of forcible touching of a child less than thirteen years of age as a class E felony; and

**Whereas,** An individual convicted of engaging in forcible touching, including squeezing, grabbing or pinching of child less than thirteen years of age would be subject to up to four years in prison: and

**Whereas,** All individuals, especially children, must be protected from sex predators to the fullest extent; now, therefore, be it

**Resolved**, That the Council of the City of New York supports S.2456/A.4057, which would amend the New York State Penal Law by establishing the offense of forcible touching against a child.

Referred to the Committee on Public Safety.

Res. No. 126

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2457, in relation to authorizing the creation of small business tax-deferred savings accounts.**

By Council Members Vallone and Brannan.

**Whereas,** According to the United States Small Business Administration (SBA), small businesses represent over 99 percent of employers in New York State; and

**Whereas**, Small businesses employ over 50 percent of New York State's private sector workforce; and

**Whereas,** According to the United States Census Bureau, New York City itself is home to over 200,000 small businesses; and

**Whereas,** Small businesses are vital to the health of New York City's economy; and

**Whereas**, Even successful small businesses occasionally struggle with cash flow and access to capital, which may prevent them from taking steps to expand their business and create jobs; and

**Whereas**, In order to incentivize the growth of small businesses and job creation, small businesses in New York should be permitted to open tax-deferred savings accounts; and

**Whereas**, A.2457, introduced by Assembly Member Charles Lavine and pending in the New York State Assembly, would amend the economic development and tax laws of New York State to permit businesses to open tax-deferred savings accounts; and

**Whereas,** Under this legislation, small businesses would be permitted to deposit profits into these tax-deferred savings accounts as they saw fit; and

**Whereas,** However, these businesses would be permitted to withdraw from these accounts on a tax-free basis on the condition that the money withdrawn must be used to create or preserve full time jobs in New York State; and

**Whereas,** This condition would encourage businesses to withdraw and invest in expansion, which would bring jobs to New York; 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.2457, in relation to authorizing the creation of small business tax-deferred savings accounts.

Referred to the Committee on Small Business.

Res. No. 127

**Resolution calling upon the Metropolitan Transportation Authority to end MetroCard expiration dates.**

By Council Members Vallone and Brannan.

**Whereas,** According to the Metropolitan Transportation Authority ("MTA"), MetroCards expire two years after the initial date of purchase; and

**Whereas**, Although MetroCards can be refilled, a MetroCard user has up to two years from the date of expiration to transfer any unused balances to a new MetroCard; and

**Whereas**, The balance transfer can be done at a subway station, if done within the first year after the expiration date, or by mailing the expired MetroCard to the MTA, if done during the second year; and

**Whereas**, According to the *New York Times* article, in the decade between 2000 to 2010, the MTA accumulated $500 million in unspent fares; and

**Whereas**, The MTA is currently developing a new fare payment system, however, according a 2015 report in the *New York Post*, the new fare payment system will probably not be introduced for several years; and

**Whereas**, While the MTA is developing a new fare payment system, straphangers should not be forced to give away millions of dollars in unspent fares because of expiring MetroCards; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to end MetroCard expiration dates.

Referred to the Committee on Transportation.

Res. No. 128

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation which would require the Division of Veterans Affairs to conduct a study regarding homeless female veterans in New York.**

By Council Members Vallone and Brannan.

**Whereas,** According to the U.S. Department of Veterans Affairs (VA), many female veterans face challenges when returning to civilian life that are different than their male counterparts; and

**Whereas,** According to the VA, those challenges include raising children on their own or dealing with the psychological after-effects of military sexual trauma (MST); and

**Whereas,** The VA also states that facing these challenges without intervention can put female veterans at greater risk of becoming homeless; and

**Whereas,** According to the National Coalition For Homeless Veterans (NCFHV), women currently comprise 8% of the total veteran population and 14.6% of the active duty military; and

**Whereas,** According to NCFHV, the percentage of women on active duty military is estimated to increase from 14.6% to 16% by 2035; and

**Whereas**, According to the United States Government Accountability Office's (GAO) latest study in 2011, the number of female veterans identified as homeless by the VA has increased by more than 140%, from 1,350 in fiscal year 2006 to 3,328 in fiscal year 2010; and

**Whereas,** The actual number of homeless female veterans may be even greater, as the GAO admits to the limitations of its report, acknowledging that their sources for such information, the Department of Housing and Urban Development (HUD) "does not collect detailed information on homeless women veterans…[and]…Neither VA nor HUD collect data on the total number of homeless women veterans in the general population"; and

**Whereas,** The GAO further notes that female veterans are also four times more likely than their male counterparts to end up homeless; and

**Whereas,** As cited in a November 10, 2013 article in The New York Daily News, according to the New York City Department of Homeless Services (DHS), the total number of veterans in the City's homeless population declined by 12% since 2012 - from 622 to 546 - but the number of homeless female veterans actually increased; and

**Whereas**, According to DHS data, as of September 2014, 425 single adults were temporarily housed in DHS veterans shelters, 22 of whom were single women; and

**Whereas,** According to Genevieve Chase of the advocacy group American Women Veterans, "[a] lot of homeless shelters for veterans do not accept women, much less women with children", and "they've just been falling through the cracks;" and

**Whereas,** Legislation is necessary to require a study to gather information on the number of homeless female veterans in New York and how many of them have children, while also tracking services provided to these children and veterans; and

**Whereas**, The study should also require that data be gathered regarding cases of MST experienced by homeless female veterans while on active duty or during military training; and

**Whereas,** In addition, the legislation should require that the study include recommendations to combat the growing problem of homelessness among women who have served our country; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation which would require the Division of Veterans Affairs to conduct a study regarding homeless female veterans in New York.

Referred to the Committee on Veterans.

Preconsidered L.U. No. 12

By Council Member Dromm:

**211 West 28th Street, Block 778, Lot 33; Manhattan, Community District No. 5, Council District No. 3.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 13

By Council Member Dromm:

**Two Bridges, Block 248, Lot 15; Manhattan, Community District No. 3, Council District No. 1.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 14

By Council Member Salamanca:

**Application No. 20185164 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at 425 Grand Concourse, Borough of the Bronx, Community Board 1, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions (preconsidered but laid over by the Subcommittee on Planning, Dispositions, and Concessions).

L.U. NO. 15

By Council Member Salamanca:

**Application No. C 170240 ZMK submitted by SP North of North Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 28d, changing a portion of the block bounded by Neptune Avenue, West 28th Street, Mermaid Avenue, and West 29th Street, from R5 and R5/C1-2 zoning districts to R5, R6, R6A and R7A/C2-4 zoning districts, Borough of Brooklyn, Community Board 13, Council District 47.**

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

L.U. NO. 16

By Council Member Salamanca:

**Application No. N 170241 ZRK submitted by SP North of North Limited Partnership, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 13, Council District 47.**

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

L.U. NO. 17

By Council Member Salamanca:

**Application No. N 180050 (A) ZRX submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution**

**of the City of New York, relating to Article XIII, Chapter 6 (Special Jerome Avenue District) to establish the Special Jerome Avenue District and establish a Mandatory Inclusionary Housing area, , Borough of the Bronx, Community District 4, 5 and 7, Council Districts 14 and 16.**

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

L.U. NO. 18

By Council Member Salamanca:

**Application No. C 180051 (A) ZMX submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment of the Zoning Map, Section Nos. 3b, 3c, and 3d, Borough of the Bronx, Community District 4, 5 and 7, Council Districts 14 and 16.**

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

L.U. NO. 19

By Council Member Salamanca:

**Application No. C 170305 MMX submitted by the New York City Department of City Planning and the New York City Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment of the City Map including authorization for any acquisition or disposition of real property related thereto, Borough of the Bronx, Community District 4, Council District 16.**

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

L.U. NO. 20

By Council Member Salamanca:

**Application No. 20185126 HKM (N 180145 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the 827-831 Broadway Buildings, 827-829 and 831 Broadway (Block 564, Lots 17 and 19), as an historic landmark, Borough of Manhattan, Community Board 2, Council District 2.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. NO. 21

By Council Member Salamanca:

**Application No. 20185148 HKX (N 180166 HKX) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Samuel H. and Mary T. Booth House, 30 Centre Street (Block 5626, Lot 414), as an historic landmark, Borough of the Bronx, Community Board 10, Council District 13.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. NO. 22

By Council Member Salamanca:

**Application No. 20185149 HKX (N 180169 HKX) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Stafford Osborn House, 95 Pell Place (Block 5626, Lot 221), as an historic landmark, Borough of the Bronx, Community Board 10, Council District 13.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

**http://legistar.council.nyc.gov/Calendar.aspx**

# A N N O U N C E M E N T S

**Tuesday, February 6, 2018**

Committee on Oversight and Investigations jointly with the Ritchie Torres, Chairperson
Committee on Public Housing Alicka Ampry-Samuel, Chairperson
**Oversight** - Chronic Heat and Hot Water Failures in NYCHA Housing.
Council Chambers – City Hall.....10:00 a.m.

Subcommittee on Landmarks, Public Siting & Maritime Uses Adrienne Adams, Chairperson
**See Land Use Calendar**
Committee Room – 250 Broadway, 16th Floor……...……...12:00 p.m.

★ ***Note Time Change***
Committee on Economic Development Paul Vallone, Chairperson
**Oversight** – NYCEDC 2018 And Beyond: Borough-by-Borough in the Next Four Years
Committee Room – City Hall……..……...……..... ★1:00 p.m.

Subcommittee on Planning, Dispositions & Concessions Ben Kallos, Chairperson
**See Land Use Calendar**
Committee Room – 250 Broadway, 16th Floor……...…….2:00 p.m.

**Wednesday, February 7, 2018**

Subcommittee on Zoning & Franchises Francisco Moya, Chairperson
**See Land Use Calendar**
Council Chambers – City Hall……..……..……..……..9:30 a.m.

Committee on Public Safety Donovan Richards, Jr., Chairperson
**Oversight** - Examining NYPD Crowd Control and Protest Procedures
Committee Room– City Hall……...…….……1:00 p.m.

**Thursday, February 8, 2018**

Committee on Fire and Emergency Management Joseph Borelli, Chairperson
**Oversight** - Diversity in the FDNY
Council Chambers – City Hall……..…10:00 a.m.

Committee on Higher Education Inez Barron, Chairperson
**Oversight** - Hiring a New Chancellor and College President at the City University of New York
Committee Room – 250 Broadway, 14th Floor……..…....……...……....……..…10:00 a.m.

Committee on Land Use Rafael Salamanca, Jr., Chairperson
**All items reported out of the Subcommittees**

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – City Hall……...….11:00 a.m.

**Monday, February 12, 2018**

Committee on For-Hire Vehicles Ruben Diaz, Sr., Chairperson

**Oversight** - TLC Enforcement Practices
Council Chambers – City Hall ……...……...……...……..……..…10:00 a.m.

**Tuesday, February 13, 2018**

Committee on Aging Margaret Chin, Chairperson
**Oversight** - Creating Model Senior Center Budgets
Council Chambers – City Hall ……..……..……10:00 a.m.

**Wednesday, February 14, 2018**

***Stated Council Meeting*.....*Agenda – 1:30 p.m.***

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) recognized departing Council central staffer Anna Garcia. Ms. Garcia started in the Council as a Sergeant-at-Arm and then joined the Scheduling Team under previous Speaker Melissa Mark-Viverito. The Speaker (Council Member Johnson) thanked Ms. Garcia for her service and wished her the best of luck in her future endeavors as those assembled in the Chambers applauded and cheered.

Immediately before the adjournment of this Meeting, the Speaker (Council Member Johnson) also recognized departing Council staffer Michael Benjamin. A resident of Brooklyn, Mr. Benjamin had worked for the Council for fifteen years. He recently served as a policy analyst for the Committee on Youth Services and he had served on a variety of committees previously in the Legislative Division as well. The Speaker (Council Member Johnson) asked for a big round of applause for Mr. Benjamin as those in the Chambers applauded and cheered.

Whereupon on motion of the Speaker (Council Member Johnson), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, February 14, 2018.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

*Editor's Local Law Note: Int. No. 1653-B, adopted by the Council at the December 19, 2017 Stated Meeting, was signed into law by the Mayor on January 17, 2017 as Local Law No. 53 of 2018.*

*Int. Nos. 182-D, 385-C, 541-C, 572-A, 717-A, 804-A, 855-B, 978-D, 1009-A, 1012-A, 1015-A, 1120-A, 1185-A, 1269-A, 1397-A, 1399-A, 1419-A, 1466, 1486-A, 1497-A, 1499-A, 1577-A, 1604-A, 1615-A, 1616-A, 1619-A, 1658-A, 1705-A, 1714-A, and 1739-A, all adopted by the Council at the December 19, 2017 Stated Meeting, were returned unsigned by the Mayor on January 22, 2018. These items had become law on January 19, 2018 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. 54 to 83 of 2018.*