

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, April 5, 2017, 2:20 p.m.

The Public Advocate (Ms. James)

Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Member Palma.

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 Rabbi Eli Cohen, Executive Director, The Crown Heights Jewish Community Council (CHJCC), 387 Kingston Ave. Brooklyn, N.Y. 11225.

Madam Speaker,
our former Council Member Public Advocate
and all the Council Members.

Before I begin, I wasn't sure about the protocol.
Since we are having the *Seder* this week if we could maybe bring
the four cups of wine into the Chamber here today
and especially given the special occasion of the Speaker's birthday
maybe it would have been a good idea but to continue with my remarks.

On Monday evening,
tens of thousands of children in New York City
will be asking their parents,
“Why is this night different
from all other nights of the year?”,
and their parents will be responding
by telling the story of the Jewish people
beginning with we were slaves to Pharaoh in Egypt
and the Lord took us out.
We tell of the Exodus, the arrival in the Promised Land,
the dispersal of the Jews throughout the world later in history,
the persecution generation after generation
but always in the end the Holy One saved us
from the hand of the oppressors.
So above all on this night, we cherish freedom,
freedom of worship and freedom to be who we are
for every resident of this great city.
We are told that there are four children at the *Seder*,
as the Passover dinner is called:
the wise, the wicked, the simple
and the one who does not know how to ask.
The rebellious child is included at the table
but we speak directly and harshly to him.
An important lesson: protect every citizen,
preserve the dignity of those who have strayed,
keep them at the table
but all the while we must be sure
to keep the streets safe for those
who live and work in the city
and for those who patrol the streets to keep us safe.
This time is also special in that tomorrow night and Friday

we will celebrate 115 years since the birth of the Lubavitcher Rebbe Rabbi Schneerson. The Rebbe's leadership continues to resonate from the World Headquarters at 770 Eastern Parkway in Crown Heights, Brooklyn. Thousands of communities around the world forever once asked at a gathering such as this we should fulfil an act of charity by placing a coin in the charity box. This august body needs no reminder of the importance of charity. The Council has been very supportive of our Crown Heights Jewish Community Council's work in caring for the elderly and for families for many years. More recently, through the Elie Wiesel Holocaust Initiative, we are giving special care to those who survive the unthinkable Holocaust of two generations ago. Through the Council's Domestic Violence Initiative, we work to educate our community to prevent abuse and suffering in families. The Rebbe teaches us to believe and to have optimism, to believe in redemption. The world will soon come to a place, a time of peace, a time without wars, a time where we all pursue knowledge in the pursuit of happiness. Now we pray: that mindful of the lessons of Passover freedom and of hope, this Council be guided by wisdom in its deliberations, that its members be blessed with health and good fortune for themselves, their families and their constituents; and that all of New York City receive all of God's special blessing of harmony, safety, good fortune and a bright future. Happy holiday to everyone.

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

During the Communication from Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) asked for a Moment of Silence in memory of the following individuals:

FDNY Emergency Medical Technician Yadira Arroyo, 44, was tragically killed in the line of duty in the Bronx on March 16, 2017. She was a fourteen year EMT veteran and leaves behind five children. The Speaker (Council Member Mark-Viverito) thanked her and her family for the service that she provided as one of our city's first responders.

Gilbert Baker, creator of the rainbow flag, an internationally known symbol of LGBT rights, passed away on March 31, 2017 at the age of 65.

Jimmy Breslin, well-known journalist and writer of many quintessentially New York columns, died on March 31, 2017 at the age of 88. He was the husband of former Council Member Ronnie Eldridge.

Timothy Caughman, a 66-year old Manhattan Chelsea resident, was the fatal victim of a shocking hate crime that took place on March 21, 2017. She noted that the NYPD acted quickly in the apprehension of the attacker.

David Rockefeller, philanthropist and banker who contributed much to the city, passed away on March 20, 2017 at the age of 101.

The Speaker (Council Member Mark-Viverito) also offered support to those who lost their lives in the March 22, 2017 Westminster attack in London as well as those killed by a suicide bomber in St. Petersburg, Russia on April 3, 2017.

ADOPTION OF MINUTES

Council Member Crowley moved that the Minutes of the Stated Meetings of February 15, 2017 and March 1, 2017 be adopted as printed.

LAND USE CALL-UPS

M-492

By Council Member Kallos:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 1640 Second Avenue, Borough of Manhattan, Community Board 8, Application No. 20175241 TCM shall be subject to review by the Council.

Coupled on Call-up vote.

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

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

Report for Int. No. 1253-A

Report of the Committee on Civil Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from inquiring about or relying on a prospective employee's salary history.

The Committee on Civil Rights, to which the annexed proposed amended local law was referred on August 16, 2016 (Minutes, page 2773), respectfully

REPORTS:

I. INTRODUCTION

On April 4, 2017, The Committee on Civil Rights (“the Committee”), chaired by Council Member Darlene Mealy, held a hearing to vote on Proposed Introductory Bill Number 1253-A (“Int. No. 1253-A”), in relation to prohibiting employers from inquiring about a prospective employee’s salary history. The Committee previously held a hearing on Int. No. 1253 on December 13, 2016. At that hearing, the Committee received testimony from representatives of the City Commission on Human Rights (“CCHR”), civil and human rights organizations, and other interested members of the public. On April 4, 2017, the Committee passed Proposed Int. No. 1253-A by a vote of five in the affirmative, zero in the negative, with zero abstentions.

II. BACKGROUND

Despite efforts to narrow the gender pay gap since the 1960s, a woman working full-time in the United States still earns only 79% of what a typical man earns in a year.¹ After generally narrowing between the 1970s and 1990s, the wage gap has largely remained fixed between 76 and 78 cents since 2001.² Although the pay gap is narrower in New York State, at 87%, it results in a difference of \$6,778 in median annual income between women and men working fulltime. Overall, women in New York State earn around \$19.6 billion less than men in wages each year.³ Women of color are disproportionately hurt by the gender wage gap. Hispanic, Black or African American, and Asian women experience a wage gap of 54%, 45%, and 37% respectively, relative to white men in New York City.⁴

Renewed focus on closing the gender wage gap has led many states, including New York, to pass legislation strengthening equal pay provisions by targeting some of the factors that perpetuate the gender pay gap. In October 2015, Governor Cuomo signed a group of bills referred to as the Women’s Equality Agenda, which expanded protections for women in the workplace by building on New York’s existing State laws. One of these bills, the “Achieve Pay Equity” bill, made several amendments to the State’s equal pay law. For example, the bill narrows the instances in which an employer can justify salary discrepancies between male and female employees, and increases the burden on employers to justify these wage differentials.⁵ The bill also prohibits employers from forbidding their employees to inquire about, discuss, or disclose wage information,

¹ Huffingtonpost, *No, The Gender Pay Gap Isn't A Myth – And Here's Why* (April 12, 2016), http://www.huffingtonpost.com/entry/no-the-gender-pay-gap-isnt-a-myth-and-heres-why_us_5703cb8de4b0a06d5806e03f.

² White House Council of Economic Advisers Issue Brief, *Gender Pay Gap: Recent Trends And Explanations* 1 (April 2015), https://www.whitehouse.gov/sites/default/files/docs/equal_pay_issue_brief_final.pdf [White House Gender Pay Gap Report].

³ The Public Advocate for the City of New York Letitia James, *Policy Report: Advancing Pay Equity in New York City* 2 (April 2016), http://pubadvocate.nyc.gov/sites/advocate.nyc.gov/files/opa_pay_equity_report_final.pdf [Pay Equity Report].

⁴ The Public Advocate for the City of New York Letitia James, *Policy Report: Advancing Pay Equity in New York City* 5 (April 2016), http://pubadvocate.nyc.gov/sites/advocate.nyc.gov/files/opa_pay_equity_report_final.pdf [Pay Equity Report].

⁵ N.Y. Lab. Law § 194(1).

except under very limited circumstances,⁶ and increases the amount of liquidated damages that may be awarded under the New York labor law for failure to pay wages in the case of a willful violation.⁷

While these measures increased transparency and made it more difficult for wage differentials to remain undetected, many advocates have endorsed prohibiting employers from seeking prospective employees' salary histories as a means of proactively addressing the "anchoring effect" that salary histories, which follow women throughout their careers, can have on the gender pay gap.⁸ Nationally, Massachusetts has enacted legislation to this effect,⁹ and there is currently a bill before the New York State Senate seeking to prohibit "employers from seeking salary history from prospective employees."¹⁰ California has passed similar legislation requiring that prior salary shall not, by itself, justify any disparity in compensation,¹¹ and Colorado has considered similar legislation.¹²

Under the New York City Human Rights Law, it is unlawful for an employer to discriminate against a person "in compensation or in terms, conditions or privileges of employment" on the basis of gender.¹³ When employers rely on prior salary histories to determine compensation, they perpetuate the gender wage gap.¹⁴ Int. No. 1253-A would prohibit employers from making salary history inquiries or relying on salary history to determine a prospective applicant's salary, helping to break the cycle of pay inequity by reducing the likelihood that women will be prejudiced by prior salary levels.

III. ANALYSIS OF INT. NO. 1253-A

Section 1 of Int. No. 1253-A amends section 8-107 of the administrative code of the City of New York, which lists the unlawful discriminatory practices under the City's Human Right's Law ("HRL"), adding a new subdivision 25. Paragraph (a) of subdivision 25 defines the term "to inquire," clarifying that it does not include informing an applicant about a position's proposed or anticipated salary or salary range. The term "salary history" is also defined, and includes the applicant's current or prior wage, benefits or other compensation, but does not include any objective measure of the applicant's productivity such as revenue, sales, or other production reports.

Paragraph (b) of subdivision 25 would make it unlawful for employers to ask prospective employees about salary history or conduct a search of publicly available salary records, and to rely on prospective employee's salary history in determining their salary at any stage of the employment process.

Paragraph (c) of subdivision 25 would make it clear that employers are free to discuss salary expectations of prospective employees, so long as they do not inquire about salary history.

⁶ N.Y. Lab. Law § 194(4).

⁷ N.Y. Lab. Law § 198(1-a).

⁸ See e.g., Equal Rights Advocates et al, "2016 Policy Priority: Limit inquiries about prior salary to promote fair pay," (Jan. 14, 2016), <http://ccrwf.org/wp-content/uploads/2016/02/Prior-Salary-WPS16-Final.pdf>; Arons, J. "Lifetime Losses: The Career Wage Gap." The Center for American Progress Action Fund. December, 2008. 2 The Colorado Pay Equity Commission, Fulfilling the Promise: Closing the Pay Gap for Women and Minorities in Colorado, March 2008. 3 Miller, Clare Cain. "How to Bridge that Stubborn Pay Gap," New York Times, January 17, 2016. 4 Cobert, Beth. "Additional Guidance on Advance Pay Equality in the Federal Government." U.S. Office of Personnel Management, July 30, 2015. 5Thorsteinson, T. (2011). Initiating Salary Discussions with an Extreme Request: Anchoring Effects on Initial Salary Offers. *Journal of Applied Social Psychology*, 41 (7), 1774-1792 6 Bowles, Hannah Riley, Linda Babcock, and Lei Lai. 2007. "Social Incentives for Gender Differences in the Propensity to Initiate Negotiations: Sometimes it Does Hurt to Ask." *Organizational Behavior and Human Decision Processes*. 103: 84-103. *Pay Equity Report*, 2-3.

⁹ Bryce Covert, "Massachusetts Becomes First State Ever To Ban Employers From Asking For Salary Histories," *Boston Globe* (January 29, 2016), <https://thinkprogress.org/massachusetts-becomes-first-state-ever-to-ban-employers-from-asking-for-salary-histories-3dd99768f8fe#.eagphh12f>.

¹⁰ New York State Senate Bill S6342.

¹¹ California Assembly Bill No. 1676.

¹² Colorado House Bill HB 16-1166.

¹³ NYC Ad. Code § 8-107(1)(a).

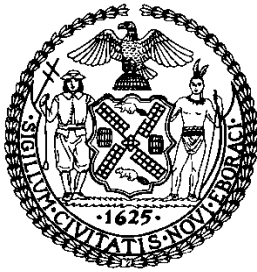
¹⁴ *Pay Equity Report*, 12.

Paragraph (d) of subdivision 25 would ensure that when a candidate voluntarily, and without prompting, discloses their salary history to an employer, the employer may consider that salary history in determining the candidates compensation, and may verify the candidate's salary history.

Paragraph (e) of subdivision 25 exempts employers from complying with the requirements in paragraph (b) if they conflict with any federal, state, or local law that authorizes the disclosure or verification of salary history for employment purposes. Paragraph (e) also clarifies that the bill only applies to new hires – not to internal candidates for transfer or promotion, and that employers may, in the context of background checks, verify an applicant's disclosure of non-salary related information that may disclose their salary history. However, this disclosure of salary history cannot be relied upon to determine the compensation of the applicant. Finally, paragraph (e) stipulates that this bill does not apply to public employees whose salaries are determined pursuant to procedures established by collective bargaining. This provision is intended to cover employees who move between or within City agencies and other public employers (for example, an employee who leaves a City agency for a position at the Health & Hospitals Corporation, New York City Housing Authority or Department of Education, or an employee who transfers from a position within such an agency to another position in the same agency) where the salary, benefits or other compensation for the position are determined pursuant to procedures established by collective bargaining. These agreements are carefully and thoroughly negotiated, and are intended to protect City employees. Without this provision, it would be impossible for City agencies to comply with their collective bargaining agreements in certain circumstances.

Int. No. 1253-A would take effect 180 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1253-A:)



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

**PROPOSED INTRO. NO.: 1253-A
COMMITTEE: Civil Rights**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from inquiring about or relying on a prospective employee's salary history.

Sponsor: By the Public Advocate (Ms. James), Council Members Crowley, Cumbo, Rosenthal, Salamanca, Lander, Ferreras-Copeland, Williams, Richards, Palma, Dromm, Rose, Reynoso, Gibson, Espinal, Cornegy, Kallos, Koslowitz, Rodriguez, Levine, Menchaca, Constantinides, Treyger, Torres, Miller, Mendez, Maisel, Chin, Barron, Mealy, Cohen, King, Levin and Eugene

SUMMARY OF LEGISLATION: Proposed Int. No.1253-A would prohibit employers from making salary history inquiries or relying on salary history to determine a prospective applicant's salary, helping to break the cycle of pay inequity by reducing the likelihood that a person will be prejudiced by prior salary levels. Instead, employers would be encouraged to set salaries based on factors such as resources and market rates.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, provided that the commission on human rights may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

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

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

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

IMPACT ON EXPENDITURES: It is estimated that this proposed legislation would have no impact on expenditures and that existing resources could be used to implement the requirements of the legislation. However, the New York City Commission on Human Rights has indicated that it would need additional budgetary resources to implement Proposed Intro. 1253-A for both Personal Service (PS) and Other Than Personal Services (OTPS) costs. The Commission anticipates that it would need four agency attorneys, one supervising attorney, five human rights specialists, one administrative support staff member and one communications coordinator. In addition, the Commission estimates OTPS costs of \$2 million for a media outreach campaign. Nonetheless, the Finance Division estimates that there would be no fiscal impact and the Commission on Human Rights can use existing resources to implement the Bill.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Commission on Human Rights

ESTIMATE PREPARED BY: Sheila D. Johnson, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eric Bernstein, Counsel
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced as Int. No. 1253 by the Council on August 16, 2016 and referred to the Committee on Civil Rights. The Committee considered the legislation at a hearing on December 13, 2016 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Intro. No. 1253-A, will be voted on by the Committee on April 4, 2017. Upon successful vote by the Committee, Proposed Intro. 1253-A will be submitted to the full Council for a vote on April 5, 2017.

DATE PREPARED: April 3, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1253-A:)

Int. No. 1253-A

By the Public Advocate (Ms. James), Council Members Crowley, Cumbo, Rosenthal, Salamanca, Lander, Ferreras-Copeland, Williams, Richards, Palma, Dromm, Rose, Reynoso, Gibson, Espinal, Cornegy, Kallos, Koslowitz, Rodriguez, Levine, Menchaca, Constantinides, Treyger, Torres, Miller, Mendez, Maisel, Chin, Barron, Mealy, Cohen, King, Levin, Eugene, Wills and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employers from inquiring about or relying on a prospective employee's salary history

Be it enacted by the Council as follows:

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 25 to read as follows:

25. *Employment; inquiries regarding salary history. (a) For purposes of this subdivision, "to inquire" means to communicate any question or statement to an applicant, an applicant's current or prior employer, or a current or former employee or agent of the applicant's current or prior employer, in writing or otherwise, for the purpose of obtaining an applicant's salary history, or to conduct a search of publicly available records or reports for the purpose of obtaining an applicant's salary history, but does not include informing the applicant in writing or otherwise about the position's proposed or anticipated salary or salary range. For purposes of this subdivision, "salary history" includes the applicant's current or prior wage, benefits or other compensation. "Salary history" does not include any objective measure of the applicant's productivity such as revenue, sales, or other production reports.*

(b) Except as otherwise provided in this subdivision, it is an unlawful discriminatory practice for an employer, employment agency, or employee or agent thereof:

- 1. To inquire about the salary history of an applicant for employment; or*
- 2. To rely on the salary history of an applicant in determining the salary, benefits or other compensation for such applicant during the hiring process, including the negotiation of a contract.*

(c) Notwithstanding paragraph (b) of this subdivision, an employer, employment agency, or employee or agent thereof may, without inquiring about salary history, engage in discussion with the applicant about their expectations with respect to salary, benefits and other compensation, including but not limited to unvested equity or deferred compensation that an applicant would forfeit or have cancelled by virtue of the applicant's resignation from their current employer.

(d) Notwithstanding subparagraph 2 of paragraph (b) of this subdivision, where an applicant voluntarily and without prompting discloses salary history to an employer, employment agency, or employee or agent thereof, such employer, employment agency, or employee or agent thereof may consider salary history in determining salary, benefits and other compensation for such applicant, and may verify such applicant's salary history.

(e) This subdivision shall not apply to:

(1) Any actions taken by an employer, employment agency, or employee or agent thereof pursuant to any federal, state or local law that specifically authorizes the disclosure or verification of salary history for employment purposes, or specifically requires knowledge of salary history to determine an employee's compensation;

(2) Applicants for internal transfer or promotion with their current employer;

(3) Any attempt by an employer, employment agency, or employee or agent thereof, to verify an applicant's disclosure of non-salary related information or conduct a background check, provided that if such verification or background check discloses the applicant's salary history, such disclosure shall not be relied upon for purposes of determining the salary, benefits or other compensation of such applicant during the hiring process, including the negotiation of a contract; or

(4) Public employee positions for which salary, benefits or other compensation are determined pursuant to procedures established by collective bargaining.

§ 2. This local law takes effect 180 days after it becomes law, provided that the commission on human rights may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

DARLENE MEALY, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, ANDY L. KING, RAFAEL SALAMANCA, Jr.: Committee on Civil Rights, April 4, 2017.

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

Report of the Committee on Consumer Affairs

Report for Int. No. 746-A

Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to preventing the unauthorized practice of immigration law.

The Committee on Consumer Affairs, to which the annexed proposed amended local law was referred on April 16, 2015 (Minutes, page 1275), respectfully

REPORTS:

Introduction

On Thursday, November 17, 2016, the Committee on Consumer Affairs, chaired by Council Member Rafael Espinal, and the Committee on Immigration, chaired by Council Member Carlos Menchaca held a joint first hearing on Introductory Bill Number 746. At that joint hearing, the Committees heard testimony from the New York City Department of Consumer Affairs (“DCA”), the Mayor’s Office of Immigrant Affairs (“MOIA”), various chambers of commerce and immigrant community advocates.

On Tuesday, April 4, 2017, the Committee on Consumer Affairs, held a vote on Proposed Introductory Bill 746-A (Proposed Int. No. 746-A), a Local Law to amend the administrative code of the city of New York, in relation to preventing the unauthorized practice of immigration law. The bill passed by a unanimous vote in the affirmative.

I. Background

New York City is home to 3.1 million immigrants, the largest immigrant population in the nation.¹ Immigrants represent 37% of the City’s population² and 46% of its workforce.³ According to the 2010 United States Census, the foreign-born population nationally was nearly 40 million, of which roughly one-third entered the country in 2000 or later.⁴ The growing numbers of immigrants, combined with ever-increasing complexities of immigration law and policy, as well as the large and growing backlog⁵ of the U.S. Citizenship

¹ New York State Comptroller, *Report 7-2016: The Role of Immigrants in the New York City Economy*, Nov. 2015, available at <http://osc.state.ny.us/osdc/rpt7-2016.pdf> (last accessed Nov. 14, 2016)

² *Id.*

³ New York City Economic Development Corporation, *June Economic Snapshot: Immigrant Employment Trends*, (June 23, 2015), available at <http://www.nycedc.com/blog-entry/june-economic-snapshot-immigrant-employment-trends> (last accessed Nov. 14, 2016).

⁴ U.S. Census, *The Foreign Population in the United States: 2010*, American Community Survey Report 2012, Available at <https://www.census.gov/prod/2012pubs/acs-19.pdf>

⁵ As of October 16, 2016, there were over half a million immigrants, whose naturalization papers were filed months ago, still waiting to see if they would be able to vote on November 8. See Marianna Sotomayor, “Naturalizations Backlog Could Keep Thousands of Immigrants From Voting,” NBS News, Politics. Oct. 16, 2016, available at:

and Immigration Services (“USCIS”) and the Executive Office for Immigration Review (EOIR) have led to tremendous demand for assistance with immigration-related issues in New York City.

Many of New York City’s immigrants arrive without all of the documentation necessary to establish long-term stability for themselves and their families. Individuals seeking to adjust their immigration status may require the services of immigration experts, such as attorneys or accredited non-profit organizations,⁶ to help navigate the complex laws governing immigration. Unfortunately, shortages in affordable immigration legal services, as well as false advertising, lead many immigrants to seek assistance outside of these professionals. Immigration service providers (“ISPs”) can assist individuals in completing forms to apply for immigration relief. While ISPs cannot provide legal services, there is a range of services they may offer. They can help complete and file immigration forms; help secure original documents to be supplied to immigration authorities; transcribe or translate information onto forms; provide referrals for attorneys; arrange for necessary fingerprints, photographs or medical tests; and, if the ISP is a notary, they can notarize documents.

For many individuals seeking to adjust their immigration status, assistance in translation and other ISP services are helpful in securing the documentation required to live and work within the United States. Some ISPs, however, have been found to overcharge clients for services, charge for services they do not perform, or commit errors on immigration forms, which can cause adverse effects for clients.⁷ Some providers serving Latin American communities have historically used the term “notario,” which often leads Spanish-speaking immigrants to believe that the providers are lawyers.⁸ In addition, some ISPs will guarantee outcomes that are beyond their control or expertise. The opportunistic actions of these providers can have serious ramifications for thousands of immigrants who spend limited resources paying for services that may be ineffective or fraudulent, and can lead to detention or deportation.

ISPs are currently regulated by federal, state and local law. Pursuant to USCIS rule, only two categories of people can represent applicants in immigration proceedings: attorneys in good standing and individuals accredited by the Board of Immigration Appeals who work for a recognized organization.⁹ ISPs who meet neither category may only read a form to an individual, translate or transcribe between English and the individual’s primary language, and record information the individual provides.¹⁰ Pursuant to federal law, ISPs who meet neither category may not select the form an applicant should complete, provide legal advice about documents to submit, explain immigration options, or communicate with USCIS about an applicant’s case.¹¹ An ISP who performs any of these prohibited actions is engaging in the unauthorized practice of law.

Existing state¹² and local law¹³ impose additional regulations on ISPs including a requirement that ISPs enter into written contracts, post specific notices in their offices and include specific information in any advertisements, retain all documents for three years, maintain a surety bond, and refrain from specific prohibited acts. These laws establish permissible activities and further detail prohibited acts that constitute the unauthorized practice of law. The underlying state bill was first passed in 2004 and the law was amended in 2014.¹⁴ The local law was added to the Administrative Code of the City of New York (“Code”) in 2004.¹⁵ The

<http://www.nbcnews.com/politics/immigration/naturalizations-backlog-could-keep-thousands-immigrants-voting-n661951> (last accessed Nov. 14, 2017).

⁶ The Board of Immigration Appeals (“BIA”) administers an accreditation process that allows non-attorneys to provide legal services. The purpose of this accreditation is to make it clear to the public that the provider is trustworthy and that the provider can practice immigration law before the Department of Homeland Security, immigration courts, and the BIA. U.S. Citizenship and Immigration Services, *Become an Authorized Provider*, <http://www.uscis.gov/avoid-scams/become-authorized-provider> (last accessed Nov. 14, 2016).

⁷ See, e.g., New York State Office of the Attorney General, Don’t Be A Victim Of Immigration Fraud at <http://www.ag.ny.gov/immigration-fraud/dont-be-victim-immigration-fraud> (last accessed Nov. 14, 2016); Federal Trade Commission, Consumer Information, Avoiding Scams Against Immigrants at <https://www.consumer.ftc.gov/features/feature-0012-scams-against-immigrants>

⁸ In many Latin American countries, a notario publico is a high renowned attorney, respected and trusted by the community. See American Bar Association, “About Notario Fraud,” available at:

http://www.americanbar.org/groups/public_services/immigration/projects_initiatives/fightnotariofraud/about_notario_fraud.html

⁹ 8 C.F.R. §292.1. See also USCIS website at <https://www.uscis.gov/avoid-scams>.

¹⁰ *Id.*

¹¹ *Id.*

¹² N.Y. Gen. Bus. Law Art. 28-C

¹³ N.Y. Admin. Code, Tit. 20, Chp. 5, Subchp. 14*

¹⁴ Added by 2004 Sess. Law News of N.Y. Ch. 463, and amended by 2014 Sess. Law News of N.Y. Ch. 206

¹⁵ Local Law 31 of 2004

bill before the Committee today would update the local law to track with the 2014 changes to the state law, as well as expand protections for customers.

On November 20, 2014, President Obama had announced a series of executive actions that would, among other things, expand the population eligible for the Deferred Action for Childhood Arrivals (“DACA”) program and create a similar program of Deferred Action for Parental Accountability (“DAPA”).¹⁶ Anticipating a spike in applications, state and local officials were keen to ensure that ISPs followed the law. On April 2, 2015, Mayor Bill de Blasio and Attorney General Eric Schneiderman announced the formation of a joint task force to target those who prey on immigrants and to encourage victims of fraud to come forward.¹⁷

Subsequently, President Obama’s executive actions were halted by federal court order and have not yet been implemented.¹⁸ Further, the inauguration on January 20, 2017 of Donald Trump to the presidency raises the likelihood that existing immigration relief programs will expire or be terminated.¹⁹ Immigrants and their advocates have expressed great alarm over the policy positions espoused by President Trump and have taken to the streets to voice their fears and their protest.²⁰ In this changed political environment, it remains a priority for the City to ensure that immigrant New Yorkers are protected from unscrupulous actors.

II. Analysis of Proposed Int. No. 746-A

Section 1 of Int. No. 746 would make amendments to the Code to bring the City’s law regulating Immigration Service Providers into conformity with the current state law on ISPs. It would also make amendments to the numbering of the local law within the Code.

In the amended section 20-775, the bill would amend the definitions of “immigration assistance service” and “provider” to explicitly include additional federal offices, specifically the Department of Homeland Security and the Department of Justice. These offices would be added throughout the local law. The bill would further amend the definition of provider to include any individual providing representation in any immigration-related proceeding under federal law.

In amended section 20-776, the bill would replace the term client with the term customer and this amendment would be made throughout the local law. Subdivision d would require ISPs to provide customers with a signed form affirming receipt of any original documents from the customer, as well as copies of those original copies. Subdivision e of this amended section would also be amended to include additional terms that may not be employed by an ISP in advertising their service. These additionally prohibited terms would be “Notario Public,” “Notario Publico,” “Notario,” and “Immigration Specialist.” Subdivision f of this amended section would explicitly prohibit ISPs from selecting forms for immigration relief and subdivision g would prohibit ISPs from giving advice on the determination of a person’s immigration status. Subdivision j would prohibit ISPs from charging a fee for any referrals. Subdivision k would prohibit ISPs from making a guarantee to expedite any immigration related governmental benefit or secure favorable decisions. Subdivision l would prohibit ISPs from providing information about an immigration-related benefit with the intent to induce customers into employing the ISP’s services, regardless of whether that information is true or false. Subdivision m would prohibit ISPs from disclosing any information to any third party, including immigration authorities, without knowledge or consent unless required by law, and would require ISPs to provide written notice when such required disclosure was made.

Amended section 20-777 would amend, slightly, the requirements of written agreement that must be executed between the ISP and their customer. It would also create new and amended disclosures that are required to be included in the written agreement. Subdivision 8 of this amended section would require that all

¹⁶ FACT SHEET: Immigration Accountability Executive Action, The White House, Office of Press Secretary, *Press release*, Nov. 20, 2014. Available at: <https://www.whitehouse.gov/the-press-office/2014/11/20/fact-sheet-immigration-accountability-executive-action>

¹⁷ Mayor de Blasio and A.G. Schneiderman Announce Joint Task Force to Combat Immigration Services Fraud, *Press release*, April 2, 2016. Available at: <http://www1.nyc.gov/office-of-the-mayor/news/214-15/mayor-de-blasio-a-g-schneiderman-joint-task-force-combat-immigration-services-fraud> (last accessed Nov. 14, 2016)

¹⁸ See USCIS website, Executive Action on Immigration, at <https://www.uscis.gov/immigrationaction> (last accessed on Nov. 16, 2016).

¹⁹ See Donald J. Trump website, position on immigration, at <https://www.donaldjtrump.com/policies/immigration> (last accessed on Nov. 16, 2016).

²⁰ See, e.g., Eli Rosenberg et. al., “Protesters Take Anti-Trump Message to His Doorstep, and Plan Next Steps,” *New York Times*, Election 2016, Nov. 12, 2016, available at <http://www.nytimes.com/2016/11/13/us/trump-protest-rallies.html>; Max Rivlin-Nadler “Thousands Protest Trump’s Plan to Deport Millions of Immigrants,” *Gothamist*, Nov. 12, 2016, available at <http://gothamist.com/2016/11/14/trump-immigrant-protest.php#photo-1>;

contracts contain a separate page titled “Cancellation Form” that the customer would deliver to the ISP to cancel the agreement. Further, it would require that all contracts contain the department’s “Consumer Bill of Rights.”

Amended section 20-777.1 would require that required signage be posted in English and in the six languages most commonly spoken by New Yorkers with limited English proficiency, and well as any additional languages in which services are offered by the ISP.

Amended section 20-779 would require ISPs to maintain surety bonds for the entire period that services are offered and for one year after the ISP ceases to do business as an ISP.

Amended section 20-779.1 would raise civil penalties for violations of the local law. A first violation would be subject to a civil penalty between \$500 and \$5,000. Each succeeding violation would be subject to a civil penalty between \$1,000 and \$10,000. The amended section would not amend the criminal penalties of the local law, which provide that any ISP who violates law is guilty of a class A misdemeanor.

Amended section 20-779.2 would amend the remedies available to an aggrieved individual in a civil cause of action to establish a minimum monetary remedy of \$2,500.

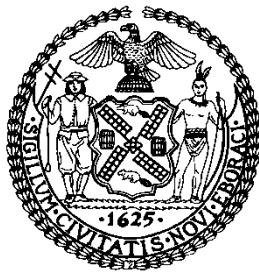
New section 20-779.5 would require DCA to submit a report to the Mayor and the Speaker of the Council every six months for four years. This report would include the number of complaints received by DCA related to ISPs, the number of violations issued, the number of violations issued based on a consumer complaint, the number of violations that were issued as a result of investigation and the amount of time taken to reach a determination as to the issuance of a violation. The report also requires DCA to describe its efforts to proactively investigate providers of immigration assistance services and collaborate with other law enforcement, as well as to report on changing trends and common fraudulent schemes in the provision of services.

Section 20-779.6 requires DCA, in conjunction with the Mayor’s Office of Immigrant Affairs, to conduct community outreach and education to raise awareness regarding common fraudulent schemes and inform consumers about the department’s complaint mechanisms and services.

Finally, section 20-779.7 requires DCA, in conjunction with the Mayor’s Office of Immigrant Affairs, to create a “Consumer Bill of Rights,” which will be made available on the department’s website in English and in the top six limited English proficient languages spoken in New York City.

Section 2 of the bill would provide that it would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 746-A:)



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

**PROPOSED INTRO. NO. 746-A
COMMITTEE: Consumer Affairs**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to preventing the unauthorized practice of immigration law.

SPONSORS: Council Members Dromm, Chin, Ferreras-Copeland, Koo, Palma, Rodriguez, Rosenthal, Mendez, Menchaca, Cabrera, Williams, Rose, King, Levine, Levin, Koslowitz, Lancman, Johnson, Barron, Lander, Miller, Reynoso, Torres, Kallos, Vacca, Eugene, Cumbo, Salamanca, Maisel, Gentile, Grodenchik, Constantinides, Treyger, Gibson, Richards, Van Bramer, Cohen, Vallone and the Public Advocate (Ms. James).

SUMMARY OF LEGISLATION: The Department of Consumer Affairs (DCA) enforces City regulations relating to Immigration Assistance Service Providers, to protect consumers against the historically harmful practices of and similar fraudulent providers. Title 20, Chapter 5, Subchapter 14 of the New York City Administrative Code regulates Immigration Assistance Service Providers. This bill would amend Subchapter 14 to impose stricter guidelines for providers and further protect customers against immigration services fraud and unauthorized practice of the law. Providers would be required to include specific language in their contracts related to the provider's duties and limitations, as well as the customer's rights. Additionally, providers would have to post required signage in English, in the six most common languages spoken in the City, and in the languages in which they provide or offer to provide services. Providers would be prohibited from offering and providing services that should only be provided by an attorney, and from making statements that could lead a customer to believe that the provider is an attorney or an immigration expert. Additionally, this bill would require that DCA provide periodic reports to the Council with information regarding the number, type, source and result of complaints against providers. DCA would also be required to provide outreach and education to communities.

Effective Date: The local law would take effect 120 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DCA and MOIA are already doing a large amount of the required outreach and education, and would use existing resources to implement this local law.

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Senior Legislative Financial Analyst
Jin Lee, Legislative Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 746 on April 16, 2015 and referred to the Committee on Consumer Affairs. A hearing on the legislation was held by the Committee on Consumer Affairs and the Committee on Immigration on November 17, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 746-A, will be considered by the Committee on Consumer Affairs on April 4, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 746-A will be submitted to the full Council for a vote on April 5, 2017.

DATE PREPARED: March 31, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 746-A:)

Int. No. 746-A

By Council Members Dromm, Chin, Ferreras-Copeland, Koo, Palma, Rodriguez, Rosenthal, Mendez, Menchaca, Cabrera, Williams, Rose, King, Levine, Levin, Koslowitz, Lancman, Johnson, Barron, Lander, Miller, Reynoso, Torres, Kallos, Vacca, Eugene, Cumbo, Salamanca, Maisel, Gentile, Grodenchik, Constantinides, Treyger, Gibson, Richards, Van Bramer, Cohen, Vallone, Espinal and the Public Advocate (Ms. James).

A Local Law to amend the administrative code of the city of New York, in relation to preventing the unauthorized practice of immigration law

Be it enacted by the Council as follows:

Section 1. Subchapter 14 of chapter 5 of title 20 of the administrative code of the city of New York, as added by local law number 31 for the year 2004, is amended to read as follows:

Subchapter [14] *14-a*
Immigration Assistance Services

[§ 20-770] § 20-775 Definitions
 [§ 20-771] § 20-776 Prohibited Conduct
 [§ 20-772] § 20-777 Written Agreement
 [§ 20-773] § 20-777.1 Posting of Signs
 [§ 20-774] § 20-777.2 Advertisements
 [§ 20-775] § 20-778 Document Retention
 [§ 20-776] § 20-779 Surety
 [§ 20-777] § 20-779.1 Penalties
 [§ 20-778] § 20-779.2 Civil Cause of Action
 [§ 20-779] § 20-779.3 Rules
 [§ 20-780] § 20-779.4 Severability
 § 20-779.5 Reporting
 § 20-779.6 Community Outreach and Education
 § 20-779.7 Consumer Bill of Rights

[§ 20-770] § 20-775 Definitions. For the purpose of this subchapter, the following terms have the following meanings:

a. "Immigration assistance service" means providing any form of assistance, in the city of New York, for a fee or other compensation, to persons who have come, or plan to come to the United States from a foreign country, or their representatives, in relation to any proceeding, filing or action affecting the non-immigrant,

immigrant or citizenship status of a person, which arises under the immigration and nationality law, executive order or presidential proclamation, or which arises under actions or regulations of the United States [citizenship and immigration services,] *department of homeland security, the United States department of justice*, the United States department of labor, or the United States department of state.

b. "Provider" means any person, including but not limited to a corporation, partnership, limited liability company, sole proprietorship or natural person, that provides immigration assistance services, but shall not include:

1. any person 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 is not under any order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting him or her in the practice of law, or any person working directly under the supervision of the person admitted;

2. any tax-exempt, not-for-profit organization that provides immigration assistance services without a fee or other payment from individuals or at nominal fees as defined by the [federal board of immigration appeals] *United States department of justice* and any employee of such organization acting within the scope of his or her employment;

3. any *tax-exempt, not-for-profit* organization recognized by the [federal board of immigration appeals] *United States department of justice* that provides immigration assistance services via representatives accredited by [such board] *the department* to appear before the [bureau of] *United States* citizenship and immigration services and/or executive office for immigration review, that does not charge a fee or charges nominal fees as defined by the [board of immigration appeals] *department, and any duly accredited employee of such organization acting within the scope of his or her employment;*

4. any authorized agency under subdivision ten of section three hundred seventy-one of the New York state social services law and the employees of such organization when acting within the scope of such employment;

5. any elected official who, acting within the scope of his or her official capacity, without a fee or other payment makes inquiries on behalf of an individual to [the United States citizenship and immigration services, the United States department of labor, the United States department of state or] any [other government] *governmental* authority responsible for administering any program, law or regulation affecting the non-immigrant, immigrant or citizenship status of a person; [or]

6. any employee of the office of the mayor or an executive agency of the city of New York who, acting within the scope of his or her capacity as an employee of the office of the mayor or an executive agency of the city of New York, without a fee or other payment makes inquires on behalf of an individual to [the United States citizenship and immigration services, the United States department of labor, the United States department of state or] any [other government] *governmental* authority responsible for administering any program, law or regulation affecting the non-immigrant, immigrant or citizenship status of a person; *or*

7. *any individual providing representation in an immigration-related proceeding under federal law for which federal law or regulation establishes such individual's authority to appear.*

[§ 20-771] § 20-776 Prohibited conduct. In the course of providing immigration assistance services, no provider may:

a. State or imply that the [person] *provider* can or will obtain special favors from or has special influence with [the bureau of citizenship and immigration services or] any [other] governmental entity, or threaten to report the [client] *customer* to immigration or other authorities or *threaten to* undermine in any way the [client's] *customer's* immigration status or attempt to secure lawful status;

b. Demand or retain any fees or compensation for services not performed, or costs that are not actually incurred;

c. Fail to provide a customer with copies of documents [filed with] *submitted to, or received from*, a governmental entity *within two weeks of submission or receipt* or refuse to return original documents supplied by, prepared on behalf of, or paid for by the customer, upon the request of the customer, or upon termination of the contract. Original documents must be returned promptly upon request and upon cancellation of the contract, even if there is a fee dispute between the [immigration assistance] provider and the customer;

d. *Fail to provide the customer with a signed form affirming receipt of an original document, as well as a complete copy of such document, immediately upon taking possession of such original document for submission or any other purpose;*

e. Assume, use or advertise the title of lawyer or attorney at law, or equivalent terms in the English language or any other language, or represent or advertise other titles or credentials, including but not limited to "Notary Public["," "Accredited Representative of the Board of Immigration Appeals," [or] "*Notario Public,*" "*Notario Publico,*" "*Notario,*" "*Immigration Specialist*" or "Immigration Consultant," that could cause a customer to believe that the person [possesses special professional skills or] is authorized to provide advice on an immigration matter; provided that a notary public licensed by the secretary of state may use the term "Notary Public";

[e] f. Give any legal advice concerning an immigration matter, including selecting, or advising the customer on selecting, a governmental agency form in order to apply for an immigration-related benefit, or otherwise engage in the practice of law;

[f] g. Make a determination of, or advise about, a person's immigration status, including advising him or her on how to respond to questions on a governmental form regarding such determination;

h. Make any guarantee or promise to a customer, unless there is a basis in fact for such representation, such representation does not relate to eligibility for an immigration-related benefit, and the guarantee or promise is in writing and attached to the service contract;

[g] i. Represent that a fee may be charged, or charge a fee for the distribution, provision or submission of any official document or form issued or promulgated by a state or federal governmental entity; or for a referral of the customer to another person or entity that is qualified to provide services or assistance which the [immigration assistance service] provider will not provide;

[h] j. Refer, for a fee or other compensation, a customer to an attorney or any other individual or entity that can provide services that such provider cannot provide;

k. Guarantee the expedition of any immigration-related benefit, pursuant to an actual or fabricated relationship with or access to government employees who have the ability to expedite applications or other documentation, or issue a favorable decision for any reasons other than the merits of such application or documentation;

l. Provide information to any person about his or her, or his or her family member's potential eligibility for a particular immigration-related benefit or status, or other governmental benefit, with the intent to induce such person to employ the services of such provider, regardless of whether the information is true or false;

m. Disclose any information to, or [file] submit any forms or documents with, any third party, including immigration or other authorities, on behalf of or relating to the customer without the knowledge [or] and consent of the customer except where such disclosure or such submission is required by law. A provider shall notify the customer in writing when such provider has disclosed any information to or submitted any form or document with immigration or other authorities when such disclosure or submission was required by law and performed without the knowledge and consent of the customer.

[§ 20-772] § 20-777 Written Agreement. No immigration assistance services shall be provided until the customer has executed a written contract with the provider [who will provide such services]. The contract shall be in a language understood by the customer, either alone or with the assistance of an [available] interpreter, and, if that language is not English, an English language version of the contract must also be provided. A copy of the contract shall be provided to the customer immediately upon the customer's execution of the contract. The interpreter shall provide an attestation affirming the accuracy of the translation, to be attached to the contract. The customer has the right to cancel the contract within three business days after his or her execution of the contract, without fee or penalty. The right to cancel the contract within three days without payment of any fee may be waived when services must be provided immediately to avoid a forfeiture of eligibility or other loss of rights or privileges, and the customer furnishes the provider with a separate dated and signed statement, by the customer or his or her representative, describing the need for services to be provided within three days and expressly acknowledging and waiving the right to cancel the contract within three days. The contract may be cancelled at any time after execution. If the contract is cancelled [after] more than three days after execution, or within three days after execution if the right to cancel without fee has been waived, the provider may retain fees for services rendered, and any additional amounts actually expended on behalf of the customer. All other amounts must be returned to the customer within fifteen days after cancellation. The written contract shall be in plain language, in at least twelve point [type] font and shall include the following:

1. The name, address and telephone number of the provider.

2. Itemization of all services to be provided to the customer, as well as the fees and costs to be charged to the customer *for each service*.

3. A statement that original documents [required to be] submitted in connection with an application *for an immigration-related benefit* made to [the federal bureau of citizenship and immigration services or for other certifications, benefits or services provided by government] *any governmental entity*, may not be retained by the provider for any reason, including [payment of] *the customer's failure to pay* fees or costs.

4. A statement that *the provider shall give the customer a signed form affirming receipt of each original document, as well as a complete copy of such document, immediately upon taking possession of such original document for submission or any other purpose.*

5. A statement that the provider shall give the customer a copy of each document [filed with a governmental entity] *prepared with the provider's assistance*.

[5] 6. A statement that the customer is not required to obtain supporting documents through the provider, [but] *and* may obtain such documents himself or herself[.], *along with the statement: "The U.S. government provides information on required forms and documentation for free online and by phone."*

[6] 7. The statement: "You may cancel this contract at any time. You have three (3) business days to cancel this contract *without penalty and get back any fees that you have already paid*. Notice of cancellation [must be in writing, signed by you and mailed by registered or certified] *may be made by completing the cancellation form included in this contract, or by otherwise notifying the provider in writing and delivering such form or notification to the provider in person or by United States mail to (specify address)*. If you cancel this contract [within three days,] you will get back [your] *any documents [and any fees that you paid] you submitted to the provider.*"

8. *Each contract shall contain a separate final page titled "Cancellation Form." The cancellation form shall contain the following statement: "I hereby cancel the contract of (date of contract) between (name of provider, address of provider, and phone number of provider) and (name of customer)." Below the statement shall be a customer signature and date line. Below the signature and date line, the form shall contain the statement required by this paragraph, printed in 12 point font or larger.*

[7] 9. A statement that the provider has financial surety in effect for the benefit of any customer in the event that the customer is owed a refund, or is damaged by the actions of the provider, together with the name, address and telephone number of the surety.

[8] 10. The statement: "The individual providing assistance to you under this contract is not an attorney licensed to practice law or accredited by the [board of immigration appeals] *United States department of justice* to provide representation to you before [the bureau of citizenship and immigration services, the department of labor, the department of state] *the federal government* or any immigration [authorities] *authority* and may not give legal advice or accept fees for legal advice.["] *For a free legal referral call the Office for New Americans hotline at (phone number of the Office for New Americans), the New York State Office of the Attorney General (phone number of the Office of the Attorney General), or your local district attorney or prosecutor.*" *The provider shall be responsible for providing the most recent and accurate information required by this paragraph.*

[9] 11. The statement: "The individual providing assistance to you under this contract is prohibited from disclosing any *of your personal information to*, or [filing] *submitting any forms or documents on your behalf with*, immigration or other authorities without your knowledge and consent *except as required by law.*" *A provider shall promptly notify the customer in writing when such provider has disclosed any information to or submitted any form or document with immigration or other authorities when such disclosure or submission was required by law and done without the knowledge and consent of the customer.*

[10] 12. The statement: "A copy of all forms completed and documents accompanying the forms shall be kept by the service provider for three years. A copy of the customer's file shall be provided to the [client] *customer on demand and without fee.*"

13. *On the same page as the signature line, the statement: "The individual providing assistance to you under the terms of this contract must explain the contents of this contract to you and answer any questions you may have regarding the terms of this contract."*

14. *Each contract shall contain the department's publicly available "Consumer Bill of Rights" on a separate page. The provider shall be responsible for providing the most recent version of the document available on the department's website.*

[§ 20-773] § 20-777.1 Posting of Signs. a. A provider must post signs *conspicuously* at every location where that provider meets with customers. *Such signs shall be made available by the department in English and in the top six limited English proficiency languages spoken by the population of New York city as determined by the department of the city planning and the office of the language services coordinator, based on United States census data. Providers shall post such signs in English and in any language in which services are offered by the provider. To the extent the department has made available a sign in a language required to be posted by such provider, such provider must use such sign. There shall be a separate sign for each language, and each sign shall be posted in a location where it will be visible to customers. Such signs shall* [that states] *state the following: "THE INDIVIDUAL PROVIDING ASSISTANCE TO YOU UNDER THIS CONTRACT IS NOT AN ATTORNEY LICENSED TO PRACTICE LAW OR ACCREDITED BY THE [BOARD OF IMMIGRATION APPEALS] UNITED STATES DEPARTMENT OF JUSTICE TO PROVIDE REPRESENTATION TO YOU BEFORE THE [BUREAU OF] UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, THE DEPARTMENT OF HOMELAND SECURITY, THE DEPARTMENT OF JUSTICE, THE DEPARTMENT OF LABOR, THE DEPARTMENT OF STATE OR ANY IMMIGRATION AUTHORITIES AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."* FOR A FREE LEGAL REFERRAL CALL THE OFFICE FOR NEW AMERICANS HOTLINE AT (PHONE NUMBER OF THE OFFICE FOR NEW AMERICANS). TO FILE A COMPLAINT ABOUT AN IMMIGRATION ASSISTANCE SERVICE PROVIDER CALL NEW YORK STATE OFFICE FOR NEW AMERICANS AT (PHONE NUMBER OF THE OFFICE FOR NEW AMERICANS), THE NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL AT (PHONE NUMBER OF THE OFFICE OF THE ATTORNEY GENERAL), OR YOUR LOCAL DISTRICT ATTORNEY OR PROSECUTOR'S OFFICE AT (PHONE NUMBER OF THE DISTRICT ATTORNEY IN THE COUNTY WHERE THE PROVIDER PROVIDES SERVICES)." *The provider shall be responsible for providing the most recent and accurate information required by this section. A separate sign shall be posted in a location visible to customers in conspicuous size [type] font and [which] that contains the schedule of fees for services offered and the statement: "YOU MAY CANCEL ANY CONTRACT WITHIN 3 BUSINESS DAYS AND GET BACK YOUR DOCUMENTS AND ANY MONEY YOU PAID."*

b. Signs required by this section must be at least 11 inches by 17 inches [and must be posted in a conspicuous location in English and in every other language in which immigration assistance services are provided at the location], *in no less than 60 point font.*

[§ 20-774] § 20-777.2 Advertisements. a. Every provider who advertises immigration assistance services by signs, pamphlets, newspapers or any other means shall post or otherwise include with the advertisement a notice in English and in the language in which the advertisement appears. The notice must be of a conspicuous size and must state: "The individual [providing] *offering to provide immigration assistance [to you] services* is not an attorney licensed to practice law or accredited by the [board of immigration appeals] *United States department of justice* to provide representation [to you] before the [bureau of] *United States citizenship and immigration services, the executive office for immigration review, the department of homeland security, the department of justice,* the department of labor, the department of state or any immigration authorities and may not give legal advice or accept fees for legal advice."

b. No advertisement for immigration assistance services may expressly or implicitly guarantee any particular [government] *governmental* action, including but not limited to the granting of [residency] *employment authorization, lawful permanent resident status* or citizenship [status].

[§ 20-775] § 20-778 Document Retention. Every provider shall retain copies of all documents prepared or obtained in connection with a customer's request for assistance for a period of three years after a written contract is executed by the provider and the customer, whether or not such contract is subsequently cancelled.

[§ 20-776] § 20-779 Surety. Unless otherwise required by New York state law, every provider must maintain in full force and effect, *for the entire period during which the provider provides immigration assistance services and for one year after the provider ceases to do business as a provider of immigration assistance services,* a bond, contract[,] of indemnity, or irrevocable letter of credit, payable to the people of the city of New York, in the principal amount of fifty thousand dollars. Such surety shall be for the benefit of any person who does not receive a refund of fees from the provider to which he or she is entitled, or is otherwise injured by the provider. The Commissioner on behalf of the person or the person in his or her own name may maintain an action against the provider and the surety.

[§ 20-777] § 20-779.1 Penalties. a. (1) Criminal Penalties. Any provider who violates any provision of this subchapter shall be guilty of a class A misdemeanor.

(2). Civil Penalties. Any provider of immigration assistance services who violates any provision of this subchapter or any rule or regulation promulgated hereunder shall be liable for a civil penalty of not less than [two hundred fifty] *five hundred* dollars nor more than [two thousand five hundred] *five thousand* dollars for the first violation and for each succeeding violation a civil penalty of not less than [five hundred] *one thousand* dollars nor more than [five] *ten* thousand dollars.

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation that shall be returnable to the administrative tribunal of the department of consumer affairs.

[§ 20-778] § 20-779.2 Civil Cause of Action. Any person claiming to be injured by the failure of a provider of immigration assistance services to comply with the provisions of this subchapter shall have a cause of action against such provider of immigration assistance services in any court of competent jurisdiction for any or all of the following relief:

- a. *actual* compensatory and punitive damages *or two thousand five hundred dollars, whichever is greater*;
- b. injunctive and declaratory relief;
- c. attorney's fees and costs; and
- d. such other relief as a court deems appropriate.

[§ 20-779] § 20-779.3 Rules. The commissioner may promulgate such rules and regulations as are necessary for the purposes of implementing and carrying out the provisions of this subchapter. Upon a finding by the commissioner that the requirements of state law applicable to providers of immigration services are substantially the same as the requirements of this subchapter, compliance with state law shall be deemed to be compliance with the requirements of this subchapter.

[§ 20-780] § 20-779.4 Severability. If any section, subsection, sentence, clause, phrase or other portion of this subchapter 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 law, which shall continue in full force and effect.

§ 20-779.5 Reporting. a. *In conjunction with the mayor's office of immigrant affairs, the department shall prepare and submit to the mayor and the speaker of the city council a report that includes the following information related to providers of immigration assistance services:*

1. *the number of complaints received related to providers of immigration assistance services, disaggregated by source and type;*
2. *the number of proactive investigations that do not stem from a complaint conducted by the department;*
3. *the number of violations issued, disaggregated by type;*
4. *the number of the violations issued that originated with a consumer complaint;*
5. *the number of violations issued as a result of a proactive investigation by the department;*
6. *the length of time the department required to investigate and determine whether to issue a violation for each complaint received;*
7. *a description of the department's efforts to proactively investigate providers of immigration assistance services;*
8. *a description of the department's efforts to collaborate with other law enforcement agencies on investigation, enforcement, and community education efforts; and*
9. *a description of changing trends in the provision of services and common fraudulent schemes.*

b. *Such report shall be submitted on or before October 1, 2017 and every six months thereafter until the year 2020, and shall include the information required by subdivision a of this section as it relates to the six month period prior to the submission of such report.*

§ 20-779.6 Community Outreach and Education. a. *In conjunction with the mayor's office of immigrant affairs, the department shall engage in community outreach and education efforts to raise awareness about topics including but not limited to common fraudulent schemes committed by providers of immigration assistance services and the department's complaint mechanisms and services.*

§ 20-779.7 Consumer Bill of Rights. a. *In conjunction with the mayor's office of immigrant affairs, the department shall create a "Consumer Bill of Rights" for customers seeking assistance from providers of immigration assistance services. Such bill of rights shall be posted on the department's website in English, as*

well as in the top six limited English proficiency languages spoken by the population of New York city as determined by the department of the city planning and the office of the language services coordinator, based on United States census data.

§ 2. This local law takes effect 120 days after it becomes law.

RAFAEL L. ESPINAL, Jr., *Chairperson*; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, KAREN KOSLOWITZ, RORY I. LANCMAN; Committee on Consumer Affairs, April 4, 2017. *Other Council Members Attending: Council Member Dromm*

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

Report of the Committee on Environmental Protection

Report for Int. No. 359-A

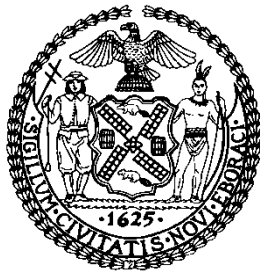
Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring a study of environmental justice areas and the establishment of an environmental justice portal.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on May 29, 2014 (Minutes, page 1903), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 886-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 359-A:



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

PROPOSED INTRO. NO. 359-A

COMMITTEE: ENVIRONMENTAL PROTECTION

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring a study of environmental justice areas and the establishment of an environmental portal

SPONSORS: By Council Members Constantinides, Cornegy, Koo, Rose, Wills, Cumbo, Rodriguez, Mendez, Rosenthal, Deutsch, Treyger, Williams, Palma, King, Johnson, Levin, Dromm, Gentile, Menchaca, Van Bramer, Barron, Chin, Espinal, Lancman, Richards, Vallone, Reynoso, Miller, Koslowitz, Torres, Cohen, Crowley, Levine, Salamanca and Lander.

SUMMARY OF LEGISLATION: Proposed Intro. No. 359-A would require the Environmental Justice (EJ) Interagency Working Group (IWG), as put forth by Proposed Int. No. 359-A, to conduct a comprehensive EJ Study identifying the locations and boundaries of EJ areas within the City, describing environmental concerns affecting these areas and identifying data, studies, programs and other resources that are available and that may be used to advance EJ goals. This legislation would require the IWG to issue recommendations for legislation, policy, budget initiatives and other measures to address environmental concerns affecting EJ communities.

Furthermore, this legislation also requires the IWG to make publicly available online an interactive map showing the boundaries of EJ areas within the City and the locations of sites, facilities and infrastructure which may raise environmental concerns.

Lastly, this legislation requires the Administration to create an Environmental Justice Portal on the City's website, providing easy access to EJ resources including relevant maps, data, studies and information about Agency programs.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$60,000	\$250,000	\$250,000
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It estimated that the cost to cover the coordination, design and production of the EJ Study would be \$60,000. In addition, the Office of Long-term Planning and Sustainability would need to develop an Environmental Justice web portal to display the data, interactive maps and other visuals related to the study at an estimated cost of \$250,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General fund

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

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

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 359 on May 29, 2014 and referred to the Committee on Environmental Protection. The Committee considered the legislation at a hearing on January 28, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 359-A, will be considered by the Committee on April 4, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 359-A will be submitted to the full Council for a vote on April 5, 2017.

DATE PREPARED: April 3, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 359-A:)

Int. No. 359-A

By Council Members Constantinides, Cornegy, Koo, Rose, Wills, Cumbo, Rodriguez, Mendez, Rosenthal, Deutsch, Treyger, Williams, Palma, King, Johnson, Levin, Dromm, Gentile, Menchaca, Van Bramer, Barron, Chin, Espinal, Lancman, Richards, Vallone, Reynoso, Miller, Koslowitz, Torres, Cohen, Crowley, Levine, Salamanca and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a study of environmental justice areas and the establishment of an environmental justice portal

Be it enacted by the Council as follows:

Section 1. Section 3-1001 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2017, in relation to identifying and addressing environmental justice issues, as proposed in introduction number 886-A, is amended by adding a new definition for “disproportionate effect” in appropriate alphabetical order to read as follows:

Disproportionate effect. The term “disproportionate effect” means situations of concern where there exists significantly higher and more adverse health and environmental effects on minority populations or low-income populations.

§ 2. Paragraphs 5 and 6 of subdivision d of section 3-1002 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2017, in relation to identifying and addressing environmental justice issues, as proposed in introduction number 886-A, are amended to read as follows and a new paragraph 7 is added to such subdivision to read as follows:

5. Receive and respond to inquiries, including data requests, and recommendations from the advisory board; [and]

6. Develop an environmental justice plan pursuant to section [3-1003.] 3-1003; and

7. Conduct a study of environmental justice areas pursuant to section 3-1007.

§ 3. Subparagraphs (e) and (f) of paragraph 1 of subdivision a of section 3-1003 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2017, in relation to identifying and addressing environmental justice issues, as proposed in introduction number 886-A, are amended to read as follows and a new subparagraph (g) is added to such paragraph to read as follows:

(e) Methods for promoting equitable distribution of and access to environmental benefits; [and]

(f) Methods for improving research and data collection relating to human health and the environment; and

(g) *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 (i) mitigate or, to the extent possible, eliminate the disproportionate effects identified in the study required by section 3-1007 and (ii) increase utilization of renewable energy sources and energy efficiency measures in environmental justice areas.*

§ 4. Chapter 10 of title 3 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2017, in relation to identifying and addressing environmental justice issues, as proposed in introduction number 886-A, is amended by adding a new section 3-1007 to read as follows:

§ 3-1007 *Environmental justice study and portal. a. 1. By no later than December 31, 2018, and by December 31 in every fifth year thereafter, the interagency working group, with the cooperation of all relevant agencies, shall (i) conduct a study which shall identify and describe opportunities for and means of promoting environmental justice in the city, (ii) submit a report to the mayor and the speaker of the council on the*

findings of such study, and (iii) make a copy of such report publicly available online. Such study shall, at a minimum, evaluate and set forth the following:

- (a) The locations and boundaries of environmental justice areas;*
- (b) A description of environmental justice concerns that may affect environmental justice areas and, for each such concern, (i) identify locations within the city experiencing such concern, if such locations can be reasonably determined, and (ii) propose data collection, research, or analysis that may be undertaken by a city agency to identify locations within the city experiencing the environmental justice concern;*
- (c) An estimate of the current federal, state and local investment per capita in utilization of renewable energy sources in environmental justice areas as compared to an estimate of such investment per capita for all parts of the city located outside such areas;*
- (d) A description of barriers to meaningful participation in environmental decision-making affecting residents of environmental justice areas;*
- (e) Existing city programs and processes that advance environmental justice goals and may be used by the public to participate in city agency decision-making;*
- (f) Existing city programs and processes that allow for public engagement with and participation in decisions made by city agencies regarding siting facilities and infrastructure;*
- (g) Existing city programs, policies, activities and processes that may otherwise implicate environmental justice concerns;*
- (h) Changes that may be made to existing city programs and policies to facilitate participation by populations in environmental justice areas in decision-making that implicates environmental justice concerns;*
- (i) Available data relating to environmental factors, including but not limited to air and water quality, the location and attributes of infrastructure owned, maintained and operated by the city, and concentrations of violations of city environmental regulations, that may reflect environmental problems in environmental justice areas; and*
- (j) Environmental justice programs proposed or being implemented in other municipalities or states within the United States.*

2. Before commencing such environmental justice study, the interagency working group shall present a proposed design and scope for such study to the advisory board, which shall return its recommendations or comments within 30 days. The interagency working group shall include in the final design and scope for such study such working group's responses to all recommendations or comments submitted by such board and shall present to the advisory board and make publicly available online the final design and scope for the environmental justice study before commencing such study.

3. Before finalizing the environmental justice study, the interagency working group shall present such study in draft form to the advisory board, which shall return its recommendations or comments within 60 days. The interagency working group shall include in the final environmental justice study responses to all recommendations or comments submitted by such board.

b. By no later than June 30, 2019, the interagency working group, with the cooperation of all relevant agencies, shall make publicly available online an interactive map that can be used to (i) view the location and boundaries of environmental justice areas; (ii) view the location of facilities and infrastructure identified pursuant to subparagraph (c) of paragraph 1 of subdivision d of section 3-1002, except where identifying the location of such facility or infrastructure would pose a security risk; and (iii) search for such facilities and infrastructure by address, zip code, council district, community district and type of environmental concern. The interagency working group shall thereafter update such map as needed to reflect changes in such data.

c. By no later than December 31, 2018, the office of long-term planning and sustainability, or such other office or agency as the mayor may designate, in consultation with the department of environmental protection, the department of health and mental hygiene and other relevant agencies, shall create and maintain an environmental justice portal on the city's website that provides easy access to the following resources:

- 1. Data, maps and other information from city, state and federal sources, and from other relevant sources, relating to environmental justice concerns;*
- 2. Any study or plan published by the city relating to environmental justice concerns;*
- 3. Agency programs that promote environmental justice and foster community engagement with and participation in agency decision-making that implicates environmental justice concerns; and*
- 4. New York state and federal programs that promote environmental justice.*

§ 5. This local law takes effect on the same date that a local law of the city of New York for the year 2017, in relation to identifying and addressing environmental justice issues, as proposed in introduction number 886-A, takes effect. Nothing in this local law shall be deemed to create a private right of action to enforce its provisions. Nothing in this local law shall be construed to create any right or benefit enforceable against the city of New York or any right to judicial review of any action taken by the city of New York.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, DONOVAN J. RICHARDS, RORY I. LANCMAN, ERIC A. ULRICH; Committee on Environmental Protection, April 5, 2017.

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

Report for Int. No. 886-A

Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to identifying and addressing environmental justice issues.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on September 17, 2015 (Minutes, page 3360), respectfully

REPORTS:

Introduction

On April 5, 2017, the Council, chaired by Council Member Costa Constantinides, will hold a vote on Proposed Int. No. 359-A, in relation to requiring a study of environmental justice areas and the establishment of an environmental justice portal, and Proposed Int. No. 886-A, in relation to identifying and addressing environmental justice issues. The Committee on Environmental Protection previously held a public hearing on these bills January 28, 2016, and passed the bills by a vote of 5-0-0 on April 5, 2017.

Background

On the heels of the civil rights and environmental movements of the 1960s and 1970s, the concept of environmental justice began to emerge in the early 1980s when communities, organizations and leaders noted that some populations in low-income and minority communities experienced adverse health effects in connection to pollution to a greater extent than the general population.¹ A watershed moment in the history of environmental justice occurred when a Jamestown, New York company, owned by Robert Burns, obtained PCB contaminated soil from the Ward Transfer Company for resale.² Due to the ban by the Environmental Protection Agency on the resale of contaminated soil, the company decided to dump the oil along North Carolina's highways in Warren County which had a population that was more than 84% African American.³ When the dumping was discovered, Warren County was also selected as the location where the PCB contaminated soils should be buried in a landfill. This selection did not have a sound scientific basis as the location was only 5-10 feet above an underground aquifer.⁴ The community organized and opposed Warren County as the site for disposal of the PCB contaminated soil. More than 400 local supporters of a community group, Warren County Citizens Concerned about PCBs, were arrested but the protests were unsuccessful. In the end, more than 6,000 truckloads of PCB contaminated soils were disposed of in the community of Afton.

¹National Institute of Environmental Health Sciences, "Advancing Environmental Justice," July 2015, document accessible at http://www.niehs.nih.gov/research/supported/assets/docs/a_c/advancing_environmental_justice_508.pdf

² Bullard, R. D. 1990. *Dumping in Dixie: Race, class, and environmental quality*. Boulder, CO: Westview.

³Id.

⁴ Id.

This event is often credited as the start of the modern environmental justice movement.⁵ Subsequently, the United States General Accounting Office and the United Church of Christ independently conducted investigations to determine whether certain communities faced disproportionate environmental burdens, culminating in the release of reports in 1983⁶ and 1987⁷, respectively, documenting that commercial hazardous waste facilities were located in communities with a population predominantly made up of racial and ethnic minorities more frequently than in other communities.

The Congressional Black Caucus and a coalition of academic, social scientists and political activists found that environmental risk was higher for minority and low-income populations.⁸ They alleged that EPA's inspections were not addressing their communities' needs. In response, the EPA Administrator created the Environmental Equity Workgroup in July 1990 to address the allegation that "racial minority and low-income populations bear a higher environmental risk burden than the general population."⁹ The Workgroup produced a report, "Reducing Risk in All Communities," in June 1992, that supported the allegation and made ten recommendations for addressing the problem. One of the recommendations was to create an office to address these inequities. Thus, the Office of Environmental Equity was established in November 1992. The name was changed to Office of Environmental Justice (OEJ) in 1994. The EPA's environmental justice website describes the creation and goal of OEJ:

On Feb 11, 1994, President Bill Clinton signed *Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,"* to focus federal attention on the environmental and human health conditions of minority and low-income populations with the goal of achieving environmental protection for all communities. The Order directed federal agencies to develop environmental justice strategies to help federal agencies address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. The order is also intended to promote nondiscrimination in federal programs that affect human health and the environment. It aims to provide minority and low-income communities access to public information and public participation in matters relating to human health and the environment. The Presidential Memorandum accompanying the order underscores certain provisions of existing law that can help ensure that all communities and persons across the nation live in a safe and healthy environment.¹⁰

Presidential Executive Order 12898 remains in effect today.

The Environmental Protection Agency (EPA) defines Environmental Justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." EPA has set the goal that Environmental Justice should apply to all communities and persons across the nation.¹¹ According to EPA, Environmental Justice will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn and work.¹² Environmental justice also includes equity in the distribution

⁵ United States Environmental Protection Agency, Environmental Justice homepage, accessed on 11/10/2015 and available at <http://www.epa.gov/environmentaljustice/>

⁶ United States General Accounting Office. 1983. *Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities*. Washington, DC: U.S. General Accounting Office.

⁷ United Church of Christ Commission for Racial Justice. 1987. *Toxic Wastes and Race in the United States: A National Study on the Racial and Socio-Economic Characteristics of Communities Surrounding Hazardous Waste Sites*. New York: United Church of Christ.

⁸ Environmental Protection Agency, *Environmental Equity: Reducing Risk For All Communities*, Volume 2: Supporting Document, pages 6-8, June 1992.

⁹ The history of the Environmental Justice Movement is briefly detailed at: <http://www.nrdc.org/ej/history/hej.asp> and <http://www.epa.gov/environmentaljustice/basics/ejbackground.html>

¹⁰ United States Environmental Protection Agency, webpage on Environmental Justice Background Information: <http://www3.epa.gov/environmentaljustice/basics/ejbackground.html>

¹¹ United States Environmental Protection Agency, webpage on "What is Environmental Justice?": <http://www3.epa.gov/environmentaljustice/>

¹² Id.

of environmental benefits including amenities such as open space and parks.¹³ Since the inception of the environmental justice movement, more than 10,000 law review articles have been written on different aspects of environmental justice.¹⁴ Yet despite the interest both nationally and internationally in environmental justice, the Environmental Protection Agency has recently experienced sharp criticism because EPA's Office of Civil Rights has never once made a formal finding of a civil rights violation in its twenty-two years of existence.¹⁵

The New York State Department of Environmental Conservation (DEC) uses the same definition of environmental justice¹⁶ and has taken a number of steps to demonstrate its commitment to achieving that goal. According to DEC, environmental justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities. DEC has also enacted regulations to ensure that there is an environmental justice analysis prior to the siting of any electric generating facility.¹⁷

DEC has created an Office of Environmental Justice to serve as a vehicle to address environmental justice concerns in the environmental permit review process and across other DEC operations and which awards annual Environmental Justice Community Impact Grants (EJ Grants).¹⁸ The EJ Grants program supports community-based projects that address environmental and/or public health concerns. The program has a particular focus on low-income and minority communities that have historically been burdened by environmental problems. Those environmental problems have traditionally included a large number of regulated facilities or contaminated sites, noise, air and water pollution, health problems and lack of green space and waterfront access. While DEC does have an Office of Environmental Justice, DEC's original workgroup on Environmental Justice which met throughout the state and discussed and proposed solutions for environmental justice concerns in low income communities and communities of color has not met for years.¹⁹

Environmental Justice Communities in New York

In order to better identify where environmental justice communities are located, DEC issued Environmental Justice Policy CP-29 intended to aid the environmental permit process by identifying Potential Environmental Justice Areas. These areas were mapped for every county in the state.²⁰ While the county maps are currently based upon year 2000 Census data, it has been reported that DEC is currently updating their maps to reflect 2010 data.²¹

¹³ Clifford Rechtschaffen, Eileen Gauna and Catherine O'Neil, "Environmental Justice Law, Policy & Regulation," second edition, Chapter 2, Section D.

¹⁴ Research discloses more than 10,828 national and international law review articles mentioning environmental justice and 5,731 articles on environmental justice in Westlaw's Environment and Energy section.

¹⁵ Kristen Lombardi, Taia Buford, Ronnie green, Environmental racism Persists and the EPA is One Reason Why, www.publicintegrity.org/2015/08/03/17668/enrironmental-racism-persists-and-epa-o-..., August, 2, 2015.

¹⁶ New York State Department of Environmental Conservation, Office of Environmental Justice, webpage accessible at <http://www.dec.ny.gov/public/333.html>

¹⁷ Id.

¹⁸ New York State Department of Environmental Conservation, Office of Environmental Justice, webpage at <http://www.dec.ny.gov/public/333.html>

¹⁹ Peggy Shepard, Executive Director of WHEACT, a community based environmental justice organization in New York City. Ms. Shepard was an original member of the New York State DEN Workgroup on Environmental Justice, based upon a conversation in July 2015.

²⁰ New York State Department of Environmental Conservation, "County Maps Showing Potential Environmental Justice Areas" available at <http://www.dec.ny.gov/public/899.html>

²¹ Conversation between Committee Counsel and the NYS DEC Office on Environmental Justice in July of 2015.

Pollution and Environmental Disease in Environmental Justice Communities

The closer a community is located to a source of pollution, the greater the impact of pollution.^{22,23,24} Major sources of pollution and noxious land uses are located in M zones in New York City.²⁵ A review of rezonings and major M zones in New York City shows a higher percentage of minority populations than borough or City averages living in these zones in every county except Manhattan.^{26,27,28,29} M zones and areas most frequently subject to rezoning had lower than average incomes and rates of home ownership relative to other areas.³⁰ The trend in rezonings identified as a result of the review established that years after the rezoning to an M zone averages were even more divergent from the City and borough averages with respect to income, percentage minority population and home ownership rates.³¹

The prevalence of asthma has dramatically increased over the past thirty years despite efforts at education and treatment.³² A study of asthma and air pollution in the Bronx examined exposure to air pollution by creating buffer zone around sources of pollution.³³ One half mile buffers were created around toxic release inventory facilities, one quarter mile buffers were created around other stationary sources of pollution and 150 meter buffers were created around roadways, highways and major truck routes.³⁴ This study found that people within the buffers of noxious land uses were 66% more likely to be hospitalized for asthma, 30% more likely to be poor and 13% more likely to be minority than individuals living outside the buffers.³⁵ Another analysis of the relative air burden of pollution at the county level in the United States found that the proportion of non-Hispanic Blacks in the counties with the worst air quality is more than twice the corresponding portion in those counties with the best air quality.³⁶ This analysis also found that a higher percentage of Hispanic persons, under five years of age and 65 years or older are characteristic of the top twenty percent of counties with the worst air quality.³⁷ The study concluded that air quality protection under the Clean Air Act and its Amendments is uneven across different demographic groups in the United States.³⁸

Children are more likely to bear a greater environmental burden from diseases of environmental origin according to a major report on children and the environment issued by Mt. Sinai Hospital in December of 2013.³⁹ According to Mt. Sinai's report, asthma rates have tripled in the past three decades and are now the

²² Anneclaire DeRoos, Mieke Koehoorn, Lillian Tamburic, Hugh Davies, and Michael Brauer, *Environmental Health Perspectives*, Volume 122, Number 10, October 2014, "Proximity to Traffic, Ambient Air Pollution, and Community Noise in Relation to Incident Rheumatoid Arthritis."

²³ Tegan Boehmer, Centers for Disease Control and Prevention, *Residential Proximity to Major Highways – United States, 2010*," available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/su6203a8.htm>

²⁴ Joshua Rosenbloom, Elissa Wilker, Kenneth Mukamal, Joel Schwartz, Murray Mittleman, *Journal of Vascular Surgery, Circulation* 2012;152:2197-203., "Residential Proximity to Major Roadway and Ten-Year All-Cause Mortality after Myocardial Infarction." available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3664839/>

²⁵ Juliana Maantay, Phd, MUP, *Public Health Matters, Zoning, Equity and Public Health*, *American Journal of public Health*, July 2001, Vol. 91, No. 7,

²⁶ Id.

²⁸ Montrece McNeill Ransom, Amelia Greiner, Chris Kochitzksy, Kristin Major, *Journal of Law, Medicine & Ethics, Using Law, Policy, And Research to Improve the Public's Health* Spring 2011, "Pursuing health equity: Zoning Codes and Public Health."

²⁹ Juliana Maantay, *Journal of Law, Medicine & Ethics*, 30 (2002): 572-593, "Zoning Law, Health, and Environmental Justice: What's the Connection."

³⁰ Zoning, Equity, and Public Health."

³¹ Id.

³² Mt. Sinai Children's Environmental Health Center, *New York State's Children and the Environment, A Report from the Children's Environmental Health Center, Icahn School of Medicine at Mt. Sinai*, December 2013.

³³ Juliana Maantay, Phd, MUP, *Asthma and Air Pollution in the Bronx: methodological and Data Considerations in using GIS for Environmental Justice and Health Research, Health and Place*, 13, (2007), p. 32-56, www.elsevier.com/locate/healthplace.

³⁴ Id.

³⁵ Id.

³⁶ Marie Lynn Miranda, Sharon E. Edwards, Martha H. Keating and Christopher J. Paul, *Making the Environmental Justice Grade: The Relative Burden of Air Pollution Exposure in the United States*, *Int. J. Environ. Res. Public Health*, 2011, 8, 1755-1771; doi: 10.3390/ijerph8061755.

³⁷ Id.

³⁸ Id.

³⁹ Mt. Sinai Children's Environmental Health Center, *New York State's Children and the Environment, A Report from the Children's Environmental Health Center, Icahn School of Medicine at Mt. Sinai*, December 2013.

leading cause of emergency room visits, hospitalizations and school absenteeism.⁴⁰ Asthma is particularly common among minority children and children living in poverty.⁴¹ Birth defects are now the leading cause of infant death and they are believed to be strongly associated with multiple environmental toxicants.⁴² Childhood cancer, once relatively rare, has skyrocketed and now has surpassed traumatic injuries to become the leading cause of death among children ages 5-14 and the second leading cause of death among children ages 1-19.⁴³ Developmental diseases such as Attention Deficit/Hyperactivity Disorder and autism spectrum disorders (ASD) are believed to be associated with environmental exposures according to the National Academy of Sciences.⁴⁴ Developmental disorders in children have become so prevalent that ASD currently affects one in eighty-eight children born in the United States, an increase of 700% since 1992.⁴⁵ More recent studies have found ASD to be even more pervasive among American children affecting one in every 45 children.⁴⁶

Short-term exposure to poor air quality in environmental justice communities can cause adverse health impacts. Such exposure is associated with acute asthma attacks, emergency room visits and hospitalizations, increased mortality, decreased lung function, heart attacks, cardiac arrhythmias and premature death.⁴⁷ Even prenatal exposure to air pollution can cause fetal injury including premature birth, increased risk of cancer and sudden infant death syndrome.⁴⁸

Sources of Air Pollution in Environmental Justice Communities

Airport Impacts

New York City hosts two international airports. Both airports are adjacent to environmental justice communities. In addition, as a result of the expansion in global aviation, there are proposals routinely made to enlarge these airports.⁴⁹ Airport air pollution is similar in scope to that generated by local power plants, incinerators, and refineries, yet is exempt from many of the rules other industrial polluters must follow. According to the Natural Resources Defense Council, many airports rank among the top 10 industrial air pollution sources in their respective cities and living near an airport is like having a power plant as a neighbor.⁵⁰ Nationwide, planes at airports emit more than 1 percent of smog-forming gases. However while pollution from other sources is stabilizing or decreasing, the pollution from planes at airports continues to grow due to the tremendous growth in air travel and the lack of controls on airport pollution.⁵¹ For example, one 747 plane arriving and departing from an airport in New York City produces as much smog as a car driven over 5,600 miles, and as much pollutant nitrogen oxides as a car driven nearly 26,500 miles.⁵² While the government has effectively required cars to undergo emissions inspections (with resulting improvements in emissions and efficiency), airplanes have not received the same scrutiny. Meanwhile, air travel is increasing in popularity twice as fast as car travel and is projected to double within the next 20 years.⁵³ Airports are one of the largest sources of pollution in the United States according to a detailed study by researchers at Columbia University.⁵⁴ A significant percentage of airport emissions come from airplane idling⁵⁵ and the increase in

⁴⁰ Id. at p. 10.

⁴¹ Id.

⁴² Id.

⁴³ Id.

⁴⁴ Id. at p. 17.

⁴⁵ Id. at p. 14.

⁴⁶ Ariana Eunjung Cha, Autism Cases in U.S. Jump to 1 in 45: Who gets the Diagnosis, in 8 simple charts, The Washington Post, November 12, 2015, <http://www.washingtonpost.com/news/to-your-health/wp/2015/11/13/>

⁴⁷ Id. at p. 30.

⁴⁸ Id. at 31.

⁴⁹ Jangu Banatvala, Unhealthy Airports, The Lancet, p. 464, Vol. 364 No. 9435 ISSN: 0140-6736, August 2007.

⁵⁰ Natural Resources Defense Council, Flying Off Course: Environmental impacts of America's Airports, October 1996, Survey 125 of the busiest U.S. Airports, www.nrdc.org.

⁵¹ Congressman Joseph Crowley, LaGuardia Airport: Can the Airport and the Community Coexist?, United States House of Representatives

⁵² Id.

⁵³ Id.

⁵⁴ Wolfram Schlenker, W. Reed Walker, Airports, Air Pollution and Contemporaneous Health, National Bureau of Economics, www.nber.org/papers/w17684 (2011).

⁵⁵ Id.

demand for air travel has led to very large increases in airport congestion. The Columbia study found that a one standard deviation increase in daily airplane taxi time increases carbon monoxide (CO) pollution by 23% of a standard deviation in areas within 10 kilometers of the airport.⁵⁶ Their study found that a one standard deviation increase in pollution explains one third of the daily admissions for asthma within 10 kilometers of one of California's twelve largest airports.⁵⁷ The adverse health impacts identified in the study burden the general adult population in addition to children and the elderly. This study was unique in that it focused on inpatient as well as emergency room data for asthma attacks and not just outpatient data which may underestimate the relationship between pollution and health.⁵⁸ The Columbia study recommended that EPA's CO standard should be lowered and that pollution from airplane idling should be addressed.

In June of 2015, the EPA proposed to regulate aircraft emissions in much the same way as power plants, saying they are a threat to human health because they contain pollutants that help cause global warming.⁵⁹ Using its authority under the Clean Air Act, the EPA finding of endangerment to human health clears the way for possible adoption of international emissions standards.⁶⁰

A 2008 study by New York University School of Medicine examined the impacts of the airport on the community surrounding LaGuardia Airport.⁶¹ That study found that particulate matter concentrations were higher during active airport operating hours and the percent increase varied inversely with distance from the airport.⁶² It also found that residents living near the airport were exposed to noise levels as much as four times greater than those experienced by residents in a similarly situated community not near an airport.⁶³ Neither airports nor airlines are held accountable for their ground-level aircraft emissions.⁶⁴ Finally highway noise, aircraft noise and airport related motor vehicle traffic was determined to be a major contributor to the adverse impacts of airports on people in the surrounding communities.⁶⁵

Lead in Aviation Fuel

A final unaddressed impact to residential neighborhoods near airports comes from leaded aviation fuel. In 2008, EPA promulgated new lead standards but many states failed to submit updated state implementation plans to address the new lead air quality standards.⁶⁶ Despite scientific consensus that there is no safe level of lead exposure for children, smaller planes still use leaded aviation fuel and neither EPA nor the Federal Aviation Administration has mandated the immediate removal of lead in aviation fuel.⁶⁷ A geospatial analysis of the effects of aviation gasoline on childhood blood lead levels found that children living within 1,000 meters of airports at which planes use leaded aviation gas have elevated blood lead levels.⁶⁸ The study concluded that there was a significant association between potential exposure to lead emissions from aviation gas and blood lead levels in children.⁶⁹

Small Area Sources Cumulative Impacts

The DEP issues more air permits for small areas sources in New York City than does the State Department of Environmental Conservation or the Environmental Protection Agency but the issuance of these permits is

⁵⁶ Id. at p. 2.

⁵⁷ Id. at p. 3.

⁵⁸ Id.

⁵⁹ EPA to Regulation Emissions from US Airliners, www.voanews.com, June 10, 2015.

⁶⁰ Id.

⁶¹ Cohen, BS, Bronzaft AL, Heikkinen M, Goodman, j, Nadas A., Airport-related Air pollution and Noise, J Occup Environ Hyg. 2008 May; 5 (5):D61.

⁶² Id.

⁶³ Id.

⁶⁴ Natural Resources Defense Council, Flying Off Course: Environmental impacts of America's Airports, October 1996, Survey 125 of the busiest U.S. Airports, www.nrdc.org.

⁶⁵ Id.2

⁶⁶ Center for biological Diversity, EPA Challenged for Failure to Implement Clean Air Act Standards for Lead, www.biologicaldiversity.org/news/press_releases/2012/lead-06-27-2012.html.

⁶⁷ Federal Aviation Administration, Aviation Gasoline, FAA Issues Request for Unleaded Replacements for general Aviation Gasoline. The FAA has set a goal for replacement of leaded aviation fuel by 2018.

⁶⁸ Marie Lynn Miranda, Rebecca Anthopolos and Douglas Hastings, A Geospatial Analysis of the Effects of Aviation Gasoline on Childhood Blood Lead Levels, Environ Health Perspect. 2011 October, 119(10): 1513-1516, published online 2011 July 13, www.ncbi.nlm.nih.gov/pmc/articles/PMC3230438/?report_claSSIC.

⁶⁹ Id.

purely ministerial, and DEP is unable to consider the cumulative impacts of such sources within a community. However, these are the sources that are often located closest to community residents and the cumulative impacts of environmental pollution weigh heavily on environmental justice communities.⁷⁰ New Jersey not only recognized that “low income and people of color communities” face significant environmental and health problems as a result of the cumulative impacts of pollution but identified a model, a modified version of the Faber & Kreig Model of Relative Risk Ranking that can be used in cumulative risk assessment to identify areas in need of relief.⁷¹ The model can be used to educate and involve municipal officials and empower communities to more fully participate in their environmental health protection.

Traffic Impacts

Traffic related particle pollution is known to cause adverse health effects. In fact as early as 1988 the International Agency for Research on Cancer (IARC) classified diesel exhaust as a probable human carcinogen and in 2012 IARC declared diesel exhaust as carcinogenic to humans.⁷² Experts who have studied the impacts of residential exposure to traffic and adverse birth outcomes have found a statistically significant association between low birth weight, spontaneous abortion and African Americans living within fifty meters of road with annual average daily traffic counts of 15,200 or more vehicles.⁷³ Research by Columbia University recently found that prenatal exposure to air pollutants from motor vehicles, residential boilers and fossil fuel plants resulted in an increased risk of behavioral problems related to attention deficit hyperactivity disorder (ADHD) in children.⁷⁴

Mitigation of Poor Air Quality Impacts in Environmental Justice Communities

In order to address environmental justice burdens, better and more recent data is often needed. With air quality, along with other environmental exposures the dangers are sometimes unseen and unnoticed. Communities with concerns about pollution might benefit from more information, more data and more inclusion in environmental decision-making that impacts environmental justice communities. In some cases environmental justice communities could use help with better analysis of the existing data.

Environmental justice communities could also benefit from greater consideration of the impacts of pollution including small area sources and areas with high rates of environmental disease as well as improved notice and better inclusion in the decision-making as it pertains to the distribution of environmental benefits.^{75,76} According to Congressman Crowley, better investigation by the DOHMH or even DEC of the causes and increases in environmentally caused and exacerbated diseases, including respiratory diseases, cardiovascular diseases and cancers would be helpful.⁷⁷ A health Impact Assessment of the issues facing the environmental justice communities, such as was prepared for the Santa Monica Airport, might be useful as a first step to mitigate adverse health impacts.⁷⁸ Environmental justice areas could also benefit from shared information about and equitable distribution of environmental resources including grants from the state and federal government, loans, training programs and greater access to business development opportunities in the

⁷⁰New Jersey Department of Environmental Protection, Strategies for Addressing Cumulative Impacts in Environmental Justice Communities, March 2009.

⁷¹ Id.

⁷² Carol Kelly, Balancing Economic Development with Air Pollution Curbs, Environmental Factor, April 2013, <http://www.niehs.nih.gov/news/newsletter/2013/4/spotlight-goods/index.htm>

⁷³ Rochelle S. Green, Brian Malig, Gayle Windham, Laura Fenster, Bart Ostro and Shanna Swan, Residential Exposure to Traffic and Spontaneous Abortion, Environmental Health Perspectives, Children’s Health, Volume 117, Issue 12, December 2009.

⁷⁴ Prenatal Exposure to Air Pollution Pollutants Raises the Risk of ADHD-Related Problems in Childhood, Environmental Protection Agency, Research Grants, <http://www2.epa.gov/research-grants/prenatal-exposure-air-pollutants-raises-risk-adhd-rel...> The study followed 233 non-smoking pregnant women in New York City.⁷⁵

⁷⁵ Executive Order 12898 of February 11, 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations;

⁷⁶ Samara Swanston, Vermont Law Review, Spring 1999, 23 Vt. L. Rev. 545, “Symposium: Environmental Justice: Mobilizing for the 21st Century: Environmental Justice and Environmental Quality Benefits: The Oldest, Most Pernicious Struggle and Hope for Burdened Communities.”

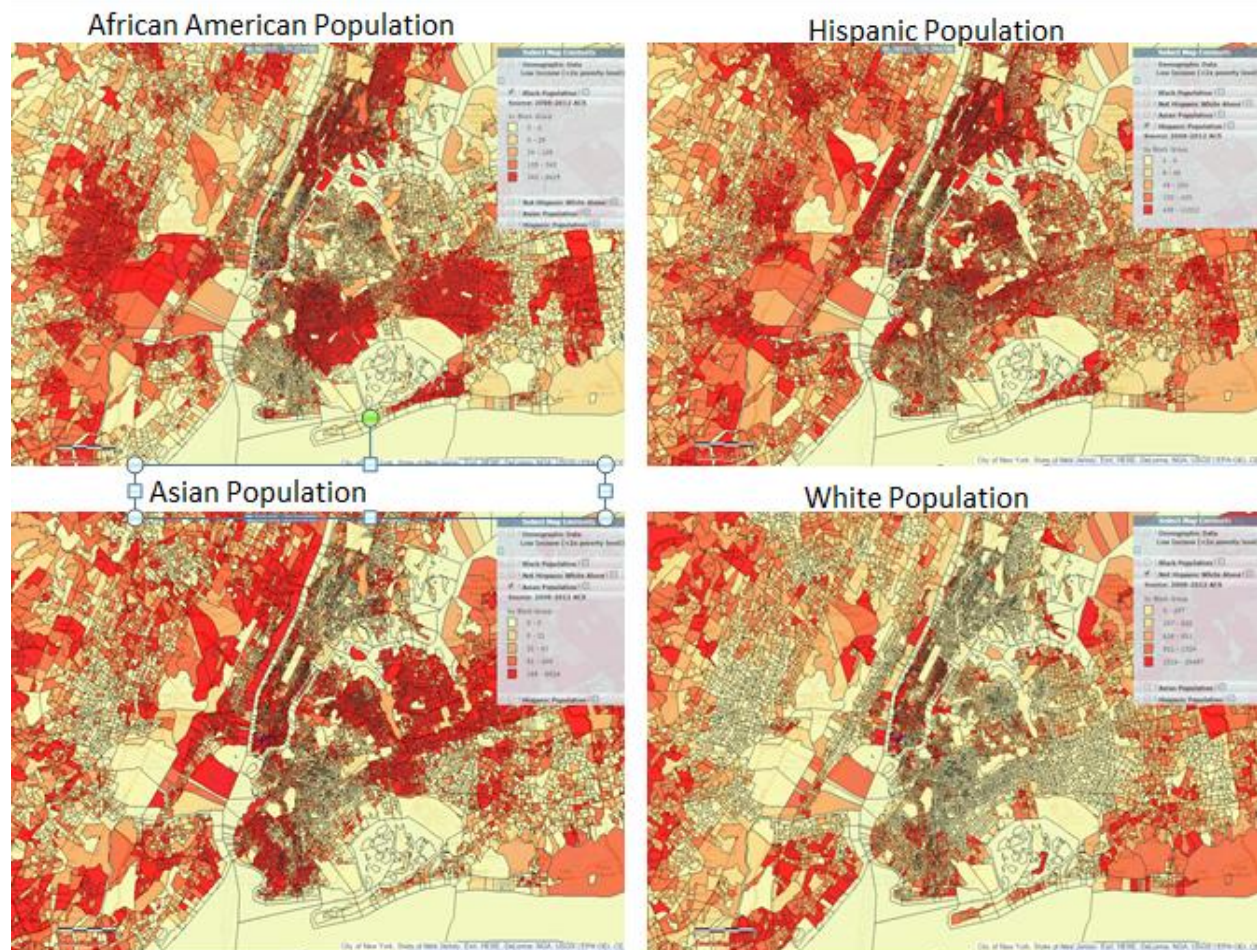
⁷⁷ Congressman Joseph Crowley, LaGuardia Airport: Can the Airport and the Community Coexist?, United States House of Representatives, at pp. 13-14, Department of Community Medicine, Mount Sinai Hospital,

⁷⁸ Santa Monica Airport Health Impact Assessment, February 2010

environmental field. For example, a more equitable distribution of tree cover can reduce disparities associated with heat-risk related land cover in relation to residential segregation. A nationwide study of tree canopy and impervious surface for densely populated urban areas in the United States and Puerto Rico found non-Hispanic Blacks, Asians and Hispanics to be living in greater heat-risk related land cover conditions in comparison to non-Hispanic Whites.⁷⁹

The proposed introductions seek to accomplish the aims of identifying environmental justice communities, ensuring their just treatment where they live, work and play and helping usher these communities into a world being rapidly changed by climate. Furthermore these local laws would help level the playing field for the most vulnerable groups and will institutionalize consideration of environmental justice by executive agencies, members of community boards from environmental justice communities and non-governmental organization actively working on issues of environmental justice. What follows is a series of maps highlighting potential environmental justice communities and issues.

New York City Demographic Maps

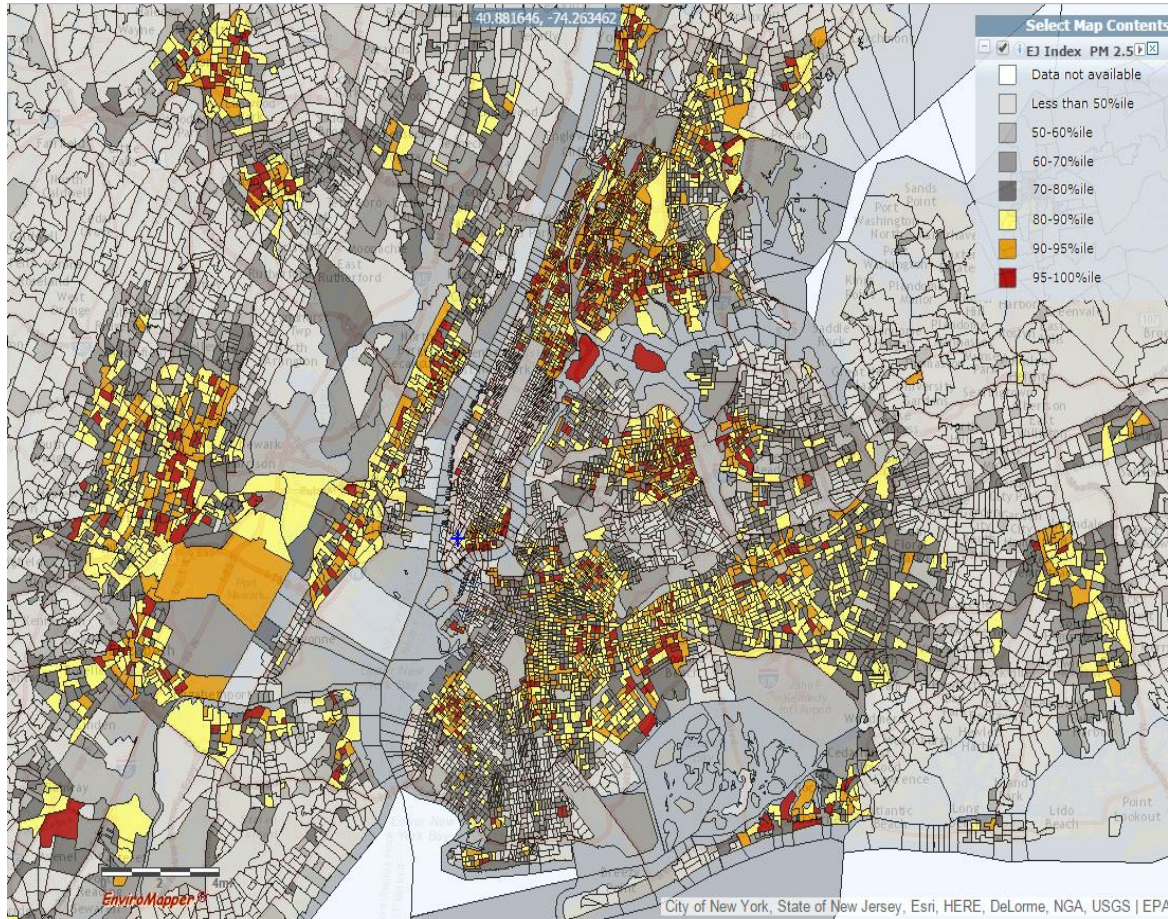


Source: United States Environmental Protection Agency, “EJ Screen” tool, available at <http://ejscreen.epa.gov/mapper/>. This tool generates maps such as the ones above based on data from the Census Bureau's American Community Survey 2008-2012. According to data from the 2010 U.S. Census, in 2010, New York City's total population was 8, 175,133. The City's white population was 2,722,904 (33.3%),

⁷⁹ Bill M. Jesdale, Rachel Morello-Frosch, and Lara Cushing, The Racial/Ethnic Distribution of Heat Risk-Related Land Cover in Relation to Residential Segregation, *Environmental Health Perspectives*, Volume 121, Number 7, July 2013.

black population was 1,861,295 (22.8%), Asian or pacific islander population was 1,030,914 (12.6%) and Hispanic population was 2,336,076 (28.6%).⁸⁰

PM2.5 level in air

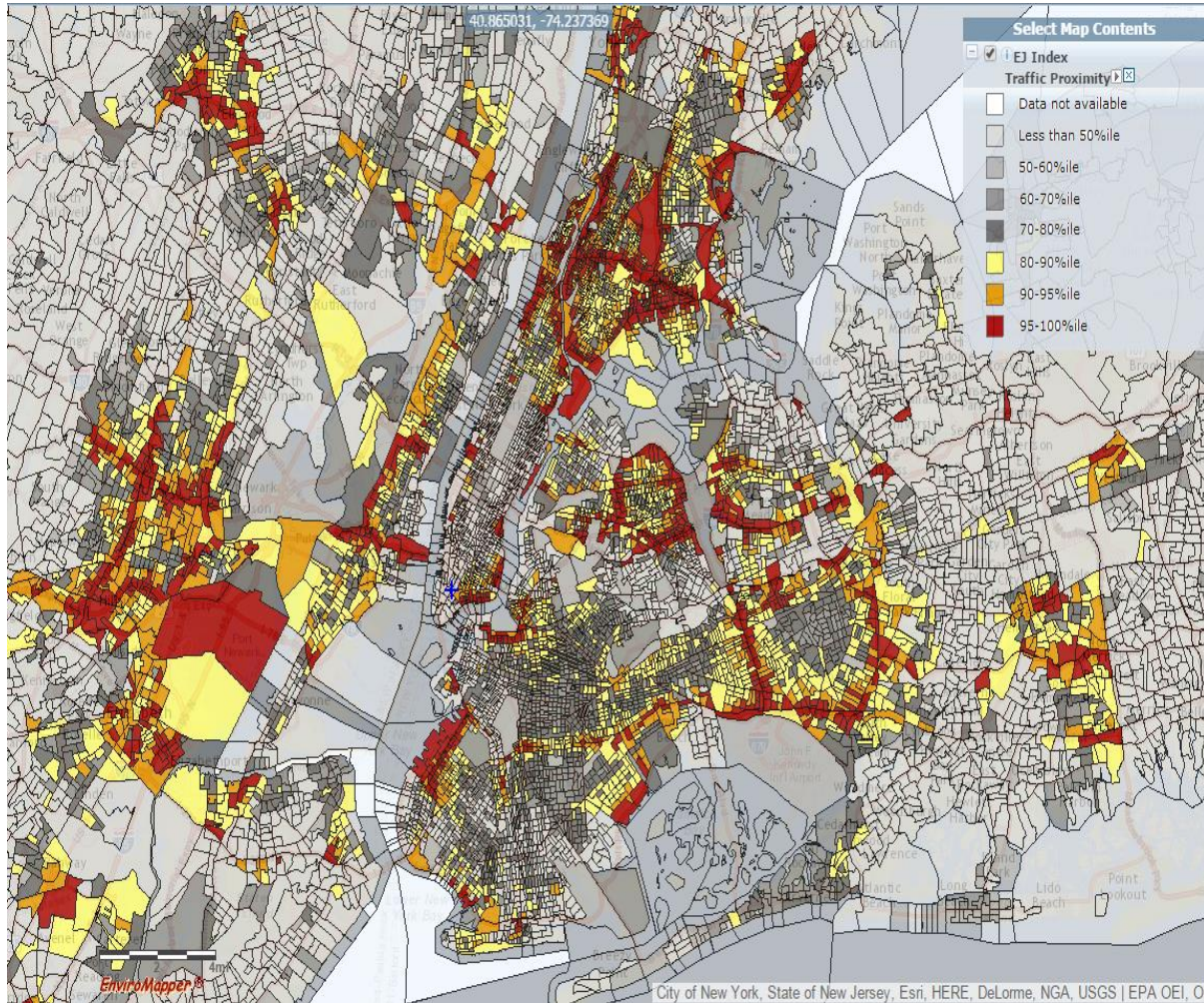


Source: United States Environmental Protection Agency, “EJ Screen” tool, available at <http://ejscreen.epa.gov/mapper/>. The EJ index is a number that combines environmental and demographic information for a place. There is an EJ Index for each environmental indicator (PM, or particulate matter, in this map). The EJ Index highlights which block groups contribute the most toward low-income/minority residents nationwide having a higher environmental indicator (PM) score on average than the rest of the US population. To calculate a single EJ Index for one block group, EJSCREEN multiplies the environmental indicator by demographic information. This demographic information includes percent low-income and percent minority (as the Demographic Index), and total population of the block group. This is the formula for the index:

$$\text{EJ Index} = (\text{Environmental Indicator}) \times (\text{Demographic Index for Block Group} - \text{Demographic Index for US}) \times (\text{Population Count for Block Group})$$

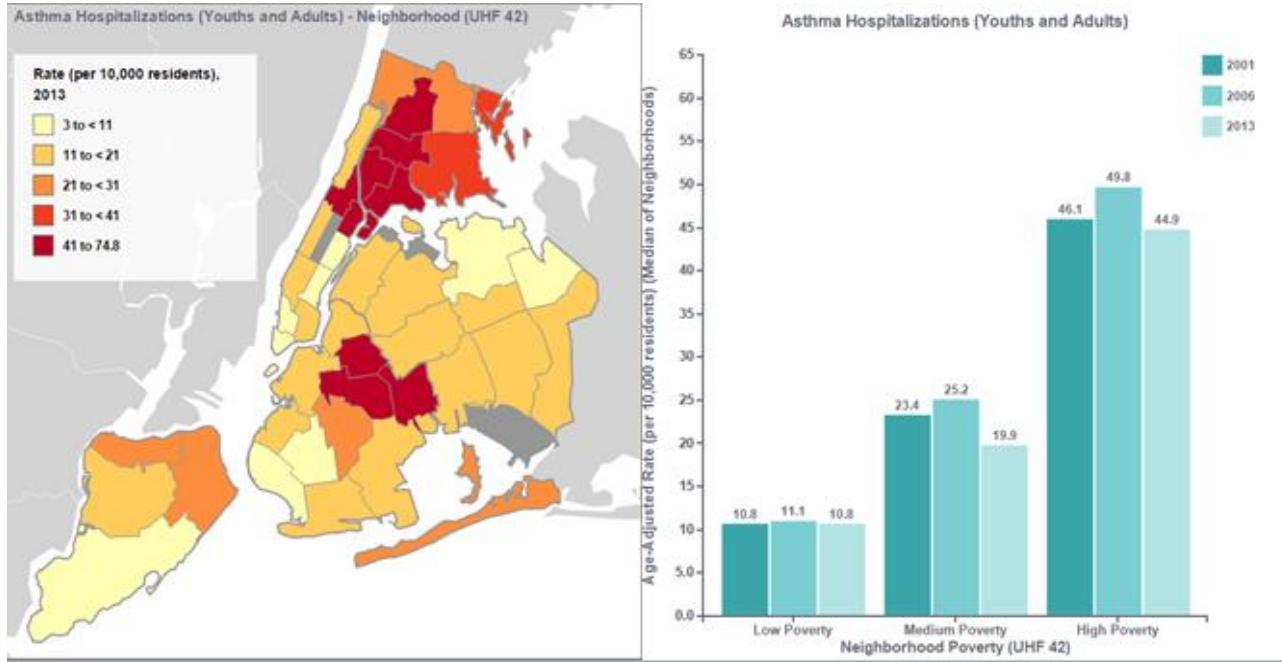
⁸⁰ U.S. Census Bureau, 2010 and 2000 Census Public Law 94-171 Files and 1990 STF1.

Traffic Proximity



Source: United States Environmental Protection Agency, “EJ Screen” tool, available at <http://ejscreen.epa.gov/mapper/>. The EJ index is a number that combines environmental and demographic information for a place. There is an EJ Index for each environmental indicator (Traffic Proximity, in this map). The EJ Index highlights which block groups contribute the most toward low-income/minority residents nationwide having a higher environmental indicator (Traffic Proximity) score on average than the rest of the US population. To calculate a single EJ Index for one block group, EJSCREEN multiplies the environmental indicator by demographic information. This demographic information includes percent low-income and percent minority (as the Demographic Index), and total population of the block group. This is the formula for the index: $EJ\ Index = (Environmental\ Indicator) \times (Demographic\ Index\ for\ Block\ Group - Demographic\ Index\ for\ US) \times (Population\ Count\ for\ Block\ Group)$

Asthma Hospitalization Rates



Source: New York City Department of Health and Mental Hygiene, Environmental & Health Data Portal, accessible at

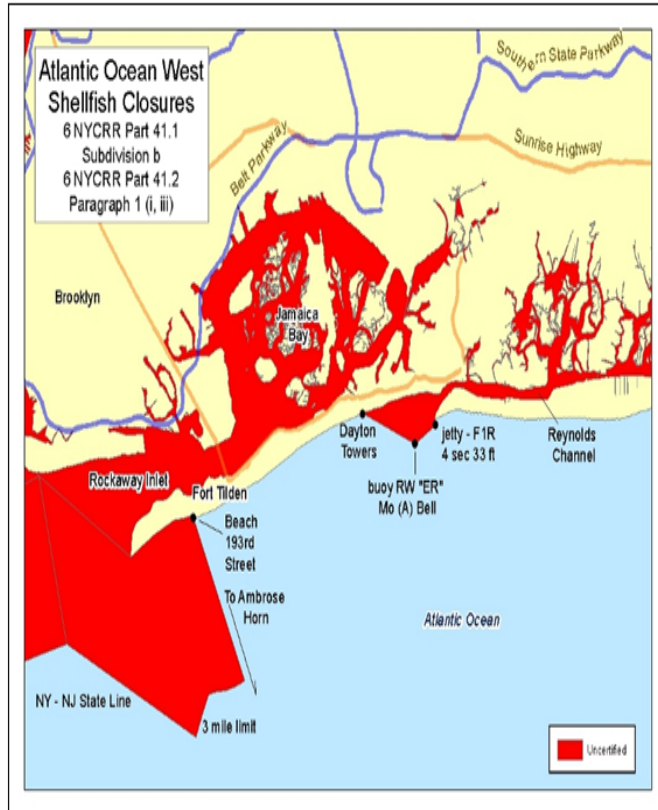
<http://a816dohbsp.nyc.gov/IndicatorPublic/VisualizationData.aspx?id=86,4466a0,11,Disparities.Age-Adjusted%20Rate.years=2001;2006;2013,dataLink=Neighborhood%20Poverty>

Map of Shellfishable Locations in New York City

(a) ALL shellfish lands in Westchester, Bronx, Kings, New York, Richmond and Queens Counties, are in such sanitary condition that the shellfish thereon shall not be taken for use as food and such are designated as uncertified areas except for those shellfish lands listed below in subdivision (b) which are designated as certified.

(b) Atlantic Ocean.

(1) All that area of the Atlantic Ocean within the three-mile New York State jurisdictional limit, lying easterly of a line originating at the southeasternmost corner of the Silver Gull Club building (located at the foot of and to the west of Beach 193rd Street, at the western limit of Fort Tilden, in Rockaway Point, local landmarks) and extending southeasterly to tower AMBROSE-HORN (located at the approach to Ambrose Channel) and all that area of the Atlantic Ocean within the three-mile New York State jurisdictional limit lying southerly and westerly of a line extending southwesterly from F1R 4 sec 33 ft. (located at the tip of the jetty at the southern entrance to East Rockaway Inlet) to Buoy RW "ER" Mo (A) BELL and thence continuing northwesterly to the southeasternmost end of the southeasternmost apartment building of Dayton Towers (located at 7400 Shore Front Parkwa Arverne, local names and local landmarks) is in such sanitary condition that the shellfish thereon may be taken for use as food, and such area is designated as certified.






Source: New York State Department of Environmental Conservation


<http://www.dec.ny.gov/outdoor/103483.html#12837> While only a limited area of waterfront in the entire City is in a sanitary condition suitable for shellfishing, access to a quarter mile of the shellfishing area is controlled by, and limited to, members of the Silver Gull Beach Club, a private club and authorized concessioner of the National Park Service. Rates for passes for the beach club range from \$30.00 per day, \$530.00 per season to \$4,860.00 for a cabana on the beach.

Access to Healthy Fishing Resources


NYC UPPER Bay, Rivers and Kills


Waterbody	 Fish	 Men Over 15 & Women Over 50	 Women Under 50 & Children Under 15
Arthur Kill Bronx River East River Gowanus Canal Harlem River Hudson River south of Tappan Zee Bridge Kill Van Kull Newark Bay Newtown Creek Raritan Bay west of Wolfe's Pond Park Upper New York Bay	American eel	DONT EAT	DONT EAT
	Atlantic needlefish	Up to 1 meal/month	DONT EAT
	Blue crabs	Up to 6 crabs/week DONT EAT tomalley	DONT EAT
	Bluefish	Up to 1 meal/month	DONT EAT
	Carp	Up to 1 meal/month	DONT EAT
	Channel catfish	DONT EAT	DONT EAT
	Gizzard shad	DONT EAT	DONT EAT
	Goldfish	Up to 1 meal/month	DONT EAT
	Rainbow smelt	Up to 1 meal/month	DONT EAT
	Striped bass	DONT EAT: Newark Bay, Arthur Kill, Kill Van Kull Up to 1 meal/month: from other waters listed to the left	DONT EAT
	White catfish	DONT EAT	DONT EAT
	White perch	DONT EAT: Newark Bay, Arthur Kill, Kill Van Kull, Upper New York Bay, Western Raritan Bay Up to 1 meal/month: from other waters listed to the left	DONT EAT
	Crab or lobster tomalley	DONT EAT	DONT EAT
	Other fish not listed	Up to 4 meals/month	DONT EAT


Check the DEC website for updated regulations and special restrictions for certain species:
www.dec.ny.gov/outdoor/fishing.html





The waters listed in the table (page 4) are bolded on this map.


American eel



Atlantic needlefish



Blue crab



Bluefish



Carp



Channel catfish



Gizzard shad


Goldfish


Rainbow smelt


Striped bass


White catfish

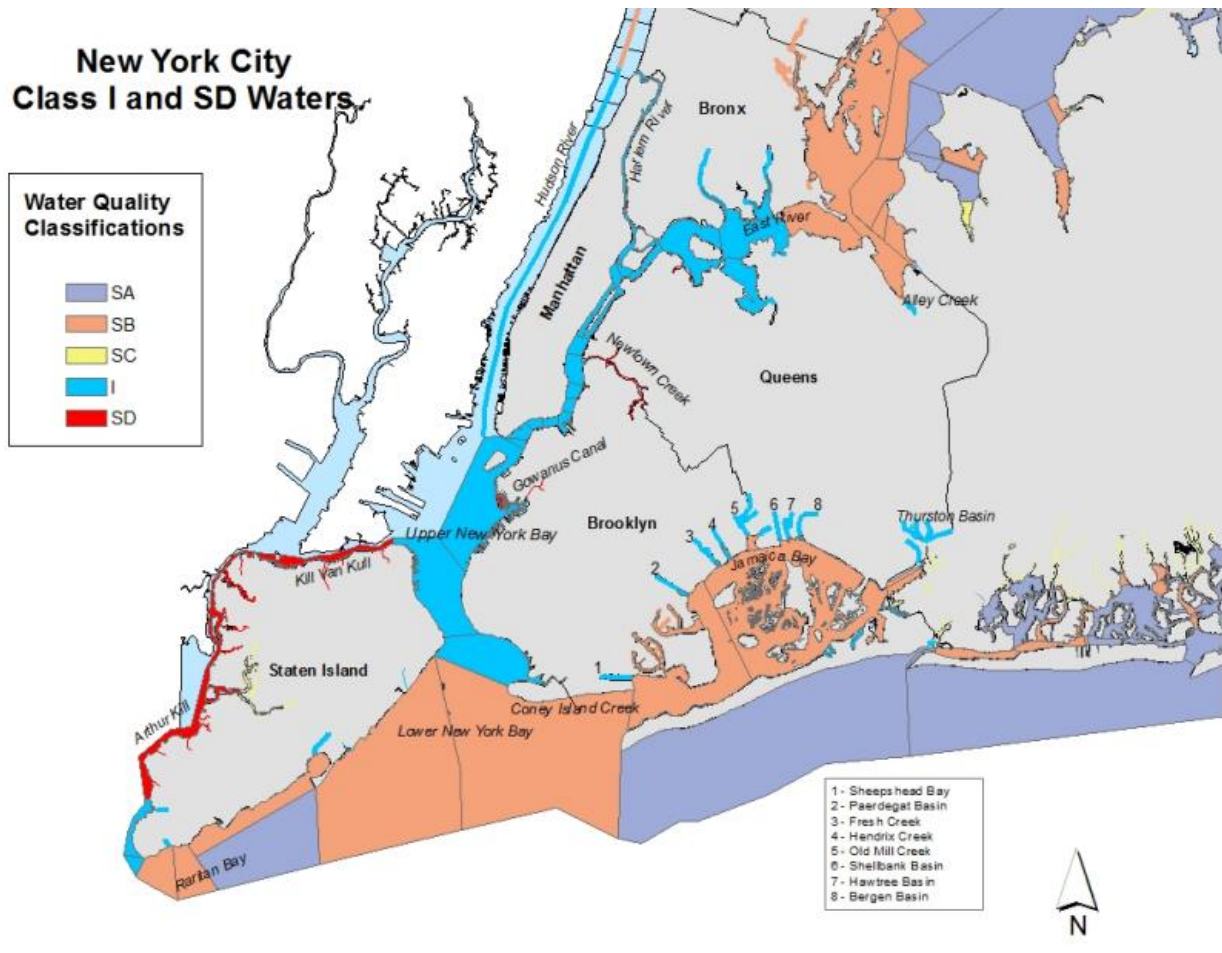

White perch

What about tributaries and connected waters?

The health advice also applies to tributaries and connected waters if there are no dams, falls or barriers to stop the fish from moving upstream. This is because chemicals remain in fish when they move from one waterbody to another. If you are not sure about possible fish barriers near waters where you are fishing, call your DEC office listed on the back of this booklet.

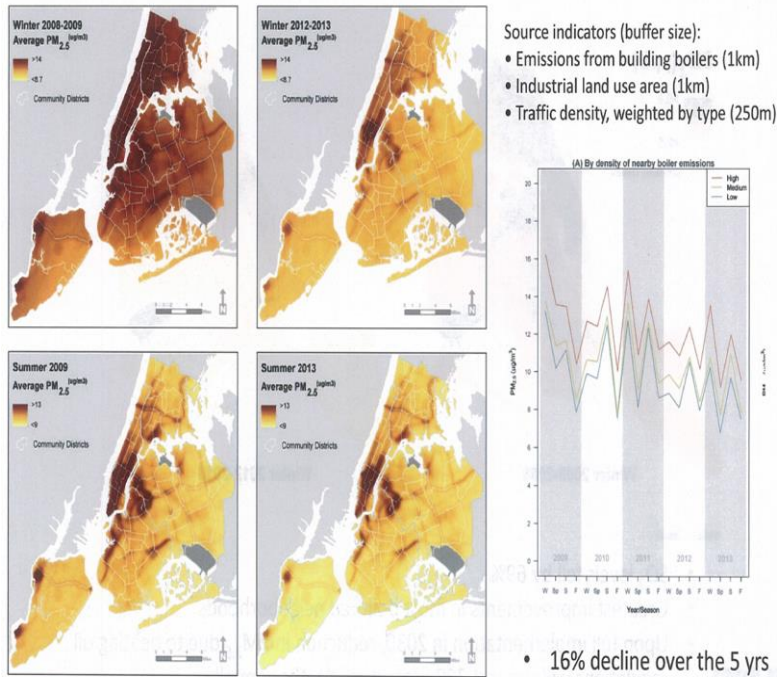
This map shows that some sections of the City have limited access to healthy fish resources relative to other sections of the City. The best access to healthy fish is available to those who have boats or resources to use party fishing boats which go out into the Atlantic Ocean. Source: New York State Department of Health, "Health Advice on Eating Fish You Catch," available at health.ny.gov/fish

Swimmable Waters



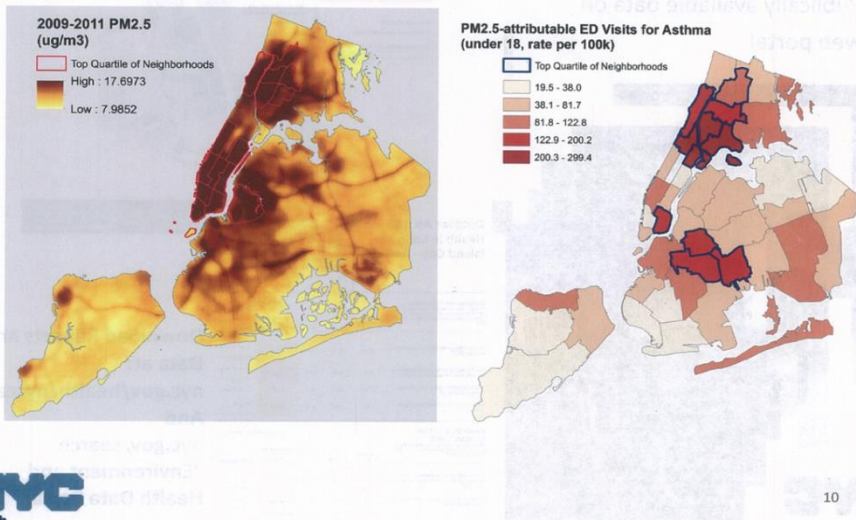
In the map above, the only areas that are swimmable waters pursuant to the Clean Water Act are those labeled SA (light purple), according to the New York State Department of Conservation. Source: NYSDEC, Rulemaking for Class I and Class SD Waters: Meeting CWA Swimmable Goal (6 NYCRR Parts 701 and 703) Presentation Slides, available at http://www.dec.ny.gov/docs/water_pdf/classisdrulmkgslides.pdf

Estimate city-wide pollution levels, sources and trends



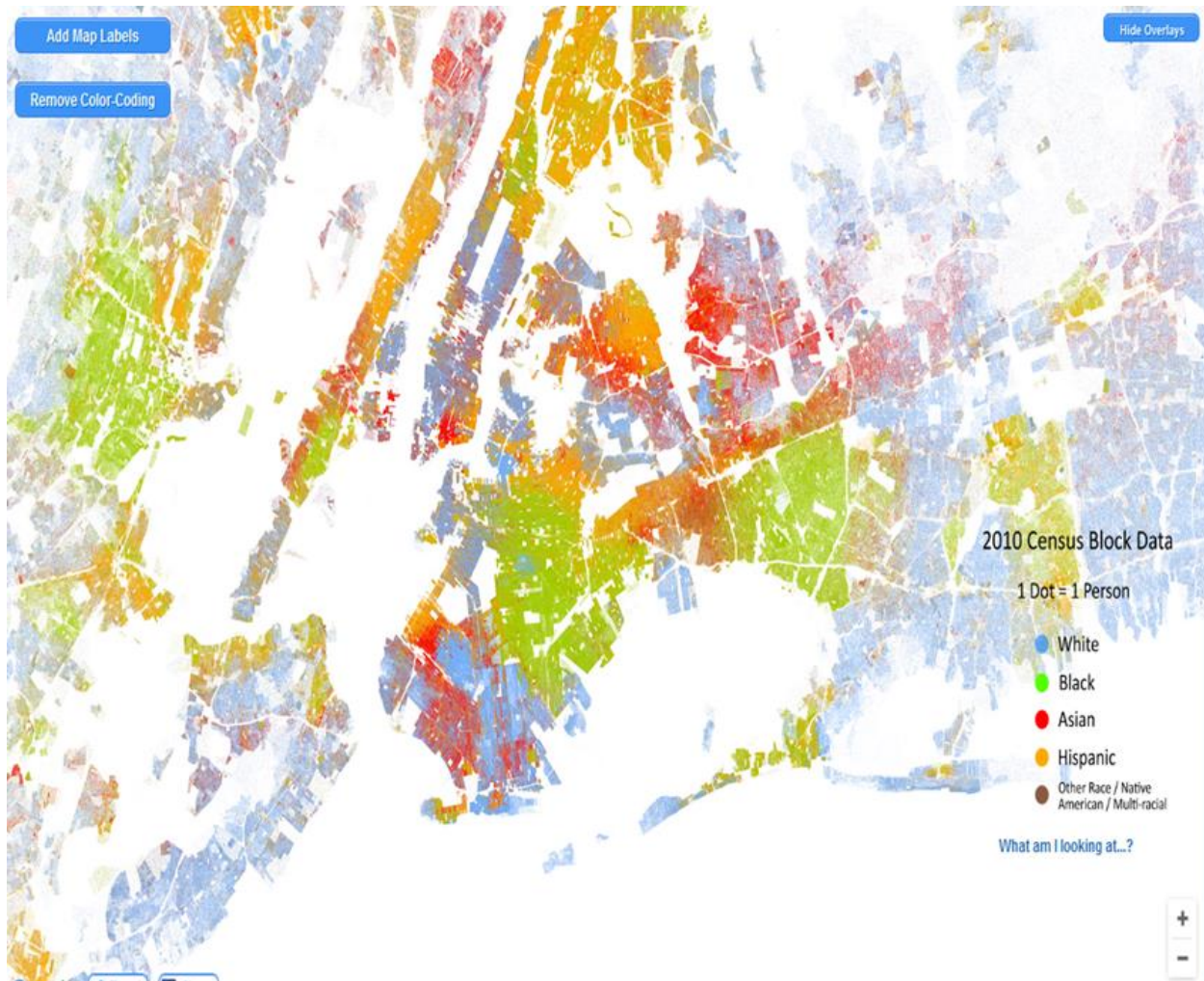
Source: New York State Department of Health and Mental Hygiene.

The most polluted neighborhoods and the most vulnerable neighborhoods overlap but not the same



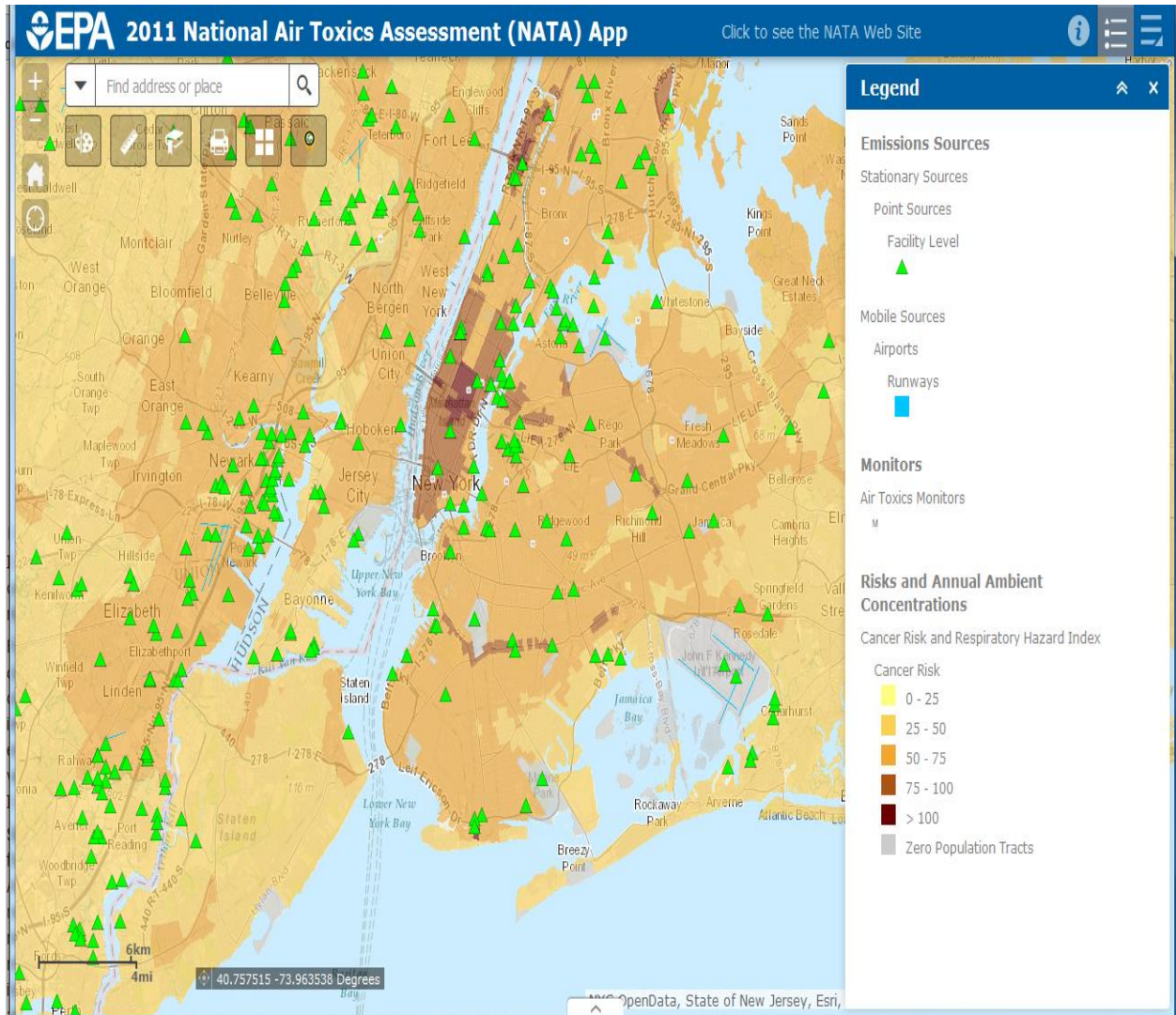
Source: New York City Department of Health and Mental Hygiene, Environmental & Health Data Portal, accessible at <http://a816-dohbesp.nyc.gov/IndicatorPublic/>

Demographics and Access to Waterfronts



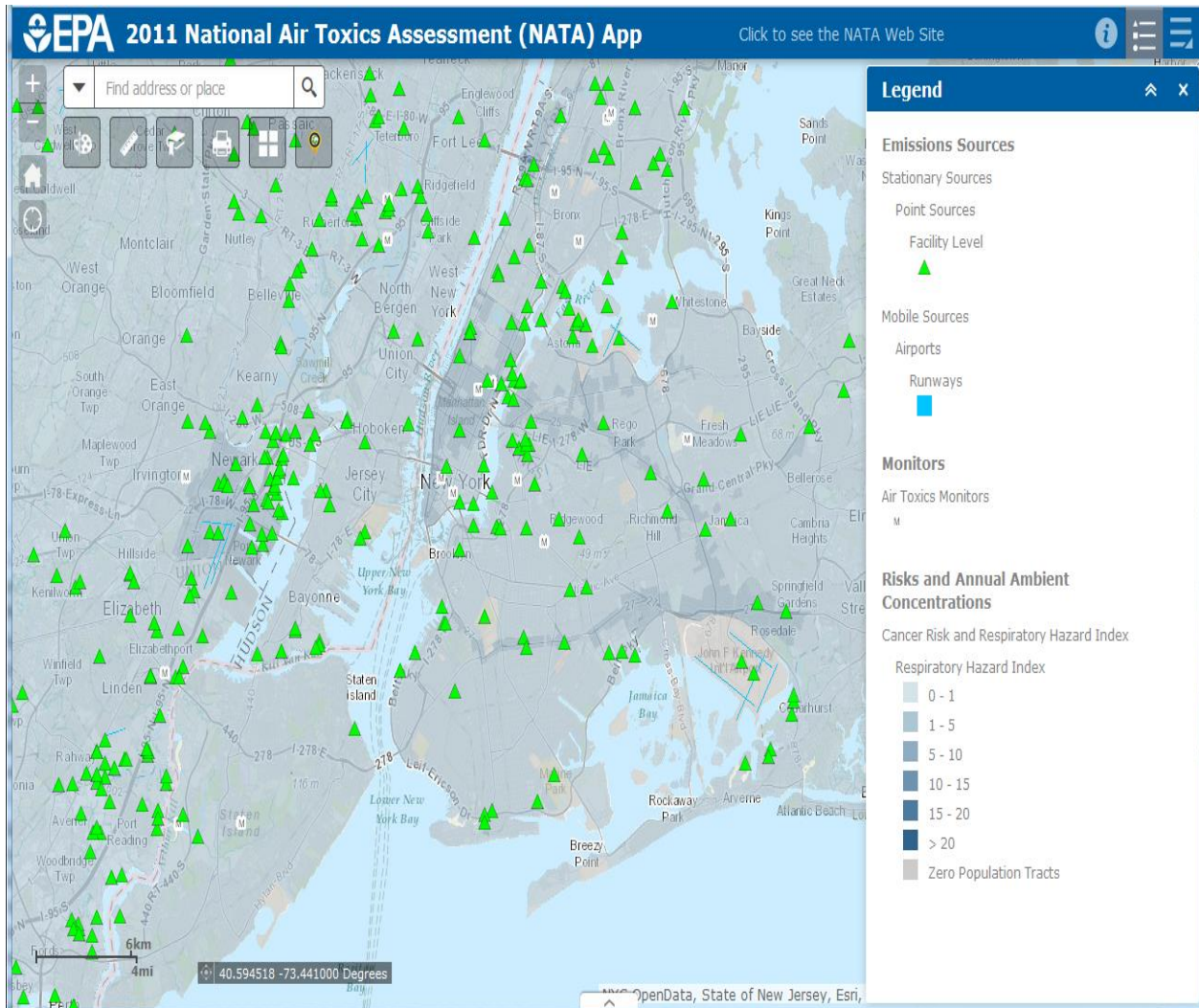
The map above shows white, black, Asian and Hispanic populations and their proximity to waterfronts. Source: University of Virginia, Weldon Cooper Center for Public Service, "The Racial Dot Map." Available at: <http://demographics.coopercenter.org/DotMap/index.html>

Cancer Risk and the Location of Emissions Sources



The map above shows relative cancer risk in each section of the City and the location of point sources of emissions. The map was created using the United States Environmental Protection Agency's National Air Toxics Assessment "2011 NATA Map" application, which can be found at <http://www.epa.gov/national-air-toxics-assessment/2011-nata-map>.

Respiratory Risk and the Location of Emission Sources



The map above shows the relative distribution of respiratory hazards in each section of the City and the location of point sources of emissions. The map was created using the United States Environmental Protection Agency's National Air Toxics Assessment "2011 NATA Map" application, which can be found at <http://www.epa.gov/national-air-toxics-assessment/2011-nata-map>.

Summary of Proposed Int. No. 886-A

The bill amends title 3 of the administrative code by adding a new chapter 10. Section one of the bill adds definitions.

Section two of the bill requires the mayor to establish an Interagency Working Group (IWG) consisting of representatives from City agencies relevant to EJ, including DEP, DOHMH, Planning, DOT, DSNY and DOB, and sets forth basic duties of the IWG. It also requires that the IWG be chaired by a special coordinator of EJ, who will be appointed by the Mayor.

Section three of the bill requires the IWG to develop a comprehensive Environmental Justice Plan (EJ Plan) that, at a minimum, among other things, provides guidance on incorporating EJ concerns into City decision-making, identifies possible Citywide initiatives for promoting EJ and provides specific recommendations for City agencies to bring their operations, programs and projects in line with EJ concerns. This section of the bill also sets a schedule for the drafting, finalization and updates to the EJ Plan. The IWG must prepare a draft EJ Plan by December 31, 2019; must finalize the EJ Plan by December 31, 2019; must issue progress reports respecting implementation of the EJ Plan by June 30, 2022 and by June 30 every year thereafter; must draft a revised EJ Plan by December 31, 2024 and by December 31 of every fifth year thereafter; and must finalize a revised EJ Plan by December 31, 2025 and by December 31 in every fifth year thereafter.

Section four of the bill requires that, to the extent practicable, each agency covered by the environmental justice plan shall conduct its programs, policies and activities in accordance with the environmental justice plan, provided that the application of such plan to any such agency shall be consistent with the powers and duties of such agency as set forth in the charter and all applicable laws.

Section five of the bill provides direction for the IWG to follow with respect to research, data collection and data analysis.

Section six of the bill establishes an EJ Advisory Board (AB) consisting of Mayoral and Speaker appointees, all of whom must have EJ qualifications. The AB must, at a minimum, and among other things, make recommendations to the IWG concerning ways to promote EJ, will hold public hearings to fact-find and will closely consult the IWG during development of the EJ Plan.

Section seven of the bill provides that this local law takes effect immediately upon enactment.

Changes to Proposed Int. No. 886-A

- Technical changes were made to improve consistency, accuracy and readability.
- The bill now amends title 3 of the administrative code, rather than title 24.
- The definitions of the terms "environmental justice" and "environmental justice area" were amended; the definition of "minority community" was added.
- The list of city agencies that are required to be part of the Interagency Working Group was amended.
- A provision was added that will require the appointment of an environmental justice coordinator within a city agency.
- The bill was amended such that the city will be required to create a single comprehensive environmental justice plan, rather than environmental justice plans for each city agency.
- The minimum content that the environmental justice plan is required to include was amended.
- The timeframe for the development of the environmental justice plan was amended.
- A provision that would have allowed city agencies to petition the mayor for an exemption from requirements imposed by this bill was deleted.
- The structure and specifics of the Advisory Board established by this bill were amended.

Summary of Proposed Int. No. 359-A

Section one of the bill amends section 3-1001 of the administrative code, as added by a local law of the city of New York for the year 2017 in relation to identifying and addressing environmental justice issues, as proposed in introduction number 886-A, by adding a new definition for “disproportionate effect.”

Section two of the bill amends section 3-1002 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2017, in relation to identifying and addressing environmental justice issues, as proposed in introduction number 886-A, by adding a new paragraph that requires the Interagency Working Group (IWG) to conduct an environmental justice study.

Section three of the bill requires the IWG, as proposed in introduction number 886-A, to issue recommendations for legislation, policy, budget initiatives and other measures to address environmental concerns affecting environmental justice communities.

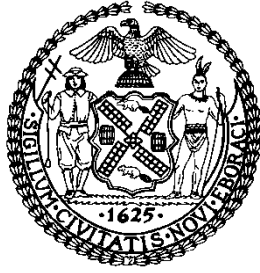
Section four of the bill requires that by December 31, 2018, and December 31 every fifth year thereafter, the IWG must conduct a study identifying opportunities to promote environmental justice; must submit such report to the mayor and speaker and make such report publicly available online. At a minimum, among other things, the report must include the locations and boundaries of environmental justice areas, a description of environmental justice concerns, affecting these areas and identifying data, studies, programs and other resources that are available and that may be used to advance environmental justice goals. The bill provides that the IWG must present to the Advisory Board, as proposed by introduction 886-A, a design and scope of such study providing 30 days to allow comments. Before finalizing the study the IWG must present a draft to the Advisory Board and allow 60 days for further comments. This section of the bill also requires the IWG to make publicly available online an interactive map with information about environmental justice areas and concerns by June 30, 2019. The section requires that by December 31, 2018, the mayor’s office of long term planning and sustainability or another office designated by the mayor must create and maintain an environmental justice portal on the City’s website.

Section five of the bill provides that this local law takes effect immediately upon enactment.

Changes to Proposed Int. No. 359-A

- Technical changes were made to improve consistency, readability and to reconcile the bill with Proposed- Int. No. 886-A.
- A definition for the term “disproportionate effect” was added to this bill; definitions for the terms “adverse environmental impact,” “environmental justice,” “low-income community,” “minority community,” and “potential environmental justice community” were deleted from this bill.
- A detailed process whereby the Interagency Working Group will exchange information with the Advisory Board during scoping and development of the environmental justice plan was added.
- A provision was added that will require the city to create and maintain on online webportal containing resources regarding environmental justice areas and concerns.

(The following is the text of the Fiscal Impact Statement for Int. No. 886-A:)



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

PROPOSED INTRO. NO. 886-A

COMMITTEE: ENVIRONMENTAL PROTECTION

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to identifying and addressing environmental justice issues

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

SUMMARY OF LEGISLATION: Proposed Intro. No.886-A would require the Mayor to establish an Interagency Working Group (IWG) consisting of representatives from City agencies relevant to Environmental Justice (EJ), including the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of City Planning, the Department of Transportation, the Department of Sanitation and the Department of Buildings. The IWG will be chaired by a special coordinator of EJ, who will be appointed by the Mayor.

Furthermore, this bill requires IWG to develop a comprehensive Environmental Justice Plan (EJ Plan) that provides guidance on incorporating EJ concerns into City decision-making, identifies possible Citywide initiatives for promoting EJ and provides specific recommendations for City agencies to bring their operations, programs and projects in line with EJ concerns. The IWG must update the EJ Plan every five years.

Lastly, this bill would establish an EJ Advisory Board (AB) consisting of Mayoral and Speaker appointees, all of whom must have EJ qualifications. The AB will make recommendations to the IWG concerning ways to promote EJ, will hold public hearings to fact-find and will closely consult the IWG during development of the EJ Plan.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$146,582	\$146,582
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated the cost to cover the coordination, design and production of the EJ Plan is \$60,000. In addition, the Office of Long-Term Planning and Sustainability would need to hire a coordinator to oversee development of such plan at an estimated cost of \$86,582 (salary \$59,000 and fringe rate \$27,582).

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General fund

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

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

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 886 on September 17, 2015 and referred to the Committee on Environmental Protection. The Committee considered the legislation at a hearing on January 28, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 886-A, will be considered by the Committee on April 4, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 886-A will be submitted to the full Council for a vote on April 5, 2017.

DATE PREPARED: April 3, 2017.

(For text of Int No. 359-A and its Fiscal Impact Statement, please see the Report of the Committee on Environmental Protection for Int No. 359-A printed in these Minutes)

Accordingly, this Committee recommends the adoption of Int Nos. 359-A and 886-A.

(The following is the text of Int. No. 886-A:)

Int. No. 886-A

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

A Local Law to amend the administrative code of the city of New York, in relation to identifying and addressing environmental justice issues

Be it enacted by the Council as follows:

Section 1. Title 3 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

*CHAPTER 10
ENVIRONMENTAL JUSTICE*

§ 3-1001 Definitions.

§ 3-1002 Interagency working group.

§ 3-1003 Environmental justice plan.

§ 3-1004 Agency responsibilities.

§ 3-1005 Research, data collection and analysis.

§ 3-1006 Advisory board.

§ 3-1001 Definitions. As used in this chapter:

Advisory board. The term “advisory board” means the advisory board created pursuant to section 3-1006.

Environmental benefit. The term “environmental benefit” shall include, but not be limited to, access to grants, subsidies, loans and other financial assistance relating to energy efficiency or environmental projects; access to open space, green infrastructure and, where relevant, access to waterfronts; and the implementation of environmental initiatives, including climate resilience measures.

Environmental justice. The term “environmental justice” means the fair treatment and meaningful involvement of all persons, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations, policies and activities and with respect to the distribution of environmental benefits. Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.

Environmental justice area. The term “environmental justice area” means a low-income community located in the city or a minority community located in the city.

Environmental justice plan. The term “environmental justice plan” means a plan required by section 3-1003.

Interagency working group. The term “interagency working group” means the interagency working group established pursuant to section 3-1002 of this chapter.

Low-income community. The term “low-income community” means a census block group, or contiguous area with multiple census block groups, having a low-income population equal to or greater than 23.59 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York state department of environmental conservation in the course of setting parameters for the location of potential environmental justice areas within the state of New York and made publicly available on the website of such department.

Low-income population. The term “low-income population” means a population having an annual income that is less than the poverty threshold established by the United States census bureau.

Minority community. The term “minority community” means a census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York state department of environmental conservation in the course of setting parameters for the location of potential environmental justice areas within the state of New York and made publicly available on the website of such department.

Minority population. The term “minority population” means a population that is identified or recognized by the United States census bureau as Hispanic, African-American or Black, Asian and Pacific Islander or American Indian.

§ 3-1002 Interagency working group. a. By no later than three months after the effective date of this section, the mayor shall establish an interagency working group consisting of the heads of the following city agencies, or their designees:

1. The department of environmental protection;
2. The department of parks and recreation;
3. The department of transportation;
4. The department of health and mental hygiene;
5. The department of city planning;
6. The department of buildings;

7. *The department of housing preservation and development;*
8. *The department of sanitation;*
9. *The office of long-term planning and sustainability;*
10. *The New York city commission on human rights; and*
11. *Such other offices within the office of the mayor and such other city agencies as shall be designated by the mayor, including, when appropriate, such offices or agencies with subject matter expertise in environmental policy and/or data analysis.*

b. The mayor shall appoint or designate a special coordinator for environmental justice, who may, in the discretion of the mayor, be within the office of the mayor or within any agency, the head of which is appointed by the mayor, and who shall be the chair of the interagency working group.

c. Staff assistance for the interagency working group shall be provided by the member agencies and offices within the office of the mayor.

d. The interagency working group shall:

1. Provide guidance to agencies on criteria for identifying and interpreting:

(a) Human health data and analyses relevant to city agency programs, activities and policies;

(b) Available data relating to environmental factors within the city, including but not limited to (i) air and water quality and concentrations of violations of city environmental regulations that may reflect environmental justice concerns and (ii) existing studies on environmental justice;

(c) Existing city facilities and infrastructure, and to the extent known existing non-city facilities and infrastructure, located in environmental justice areas that may raise environmental justice concerns;

(d) Opportunities for promoting environmental justice;

2. Coordinate with, provide guidance to, and serve as a clearinghouse for, city agencies as they implement the environmental justice plan, in order to promote consistent and transparent administration, interpretation and enforcement of programs, activities and policies;

3. Assist in coordinating research by, and stimulating cooperation among, agencies conducting data collection, research or other activities in accordance with section 3-1005;

4. Develop interagency model projects that address environmental justice concerns and that evidence cooperation among agencies;

5. Receive and respond to inquiries, including data requests, and recommendations from the advisory board; and

6. Develop an environmental justice plan pursuant to section 3-1003.

§ 3-1003 Environmental justice plan. a. The interagency working group shall develop an environmental justice plan that provides guidance for incorporating environmental justice concerns into city decision-making, identifies possible citywide initiatives for promoting environmental justice and provides specific recommendations for city agencies represented on the interagency working group. Matters treated by such plan shall include, at a minimum:

1. City-wide initiatives:

(a) Methods for promoting environmental justice;

(b) Methods of encouraging greater public engagement with and participation in decision-making that raises environmental justice concerns;

(c) Methods of promoting transparency and consistency in the city's approach to environmental justice;

(d) City-wide and/or inter-agency projects that address environmental justice concerns;

(e) Methods for promoting equitable distribution of and access to environmental benefits; and

(f) Methods for improving research and data collection relating to human health and the environment;

2. Agency-specific recommendations:

(a) Changes to an agency's programs, policies, activities or processes that will promote environmental justice, including but not limited to:

(1) Consideration of capital projects that address environmental justice concerns in or provide environmental improvements to environmental justice areas;

(2) Agency enforcement actions that can be strengthened or expanded to address environmental justice concerns;

(3) Agency-specific methods of promoting greater public participation and transparency in agency decision-making that raises environmental justice concerns, including the siting of agency facilities; and

(b) A description of any amendments to laws or rules that would facilitate implementation of any of the recommendations made pursuant to subparagraph (a) of this paragraph.

b. 1. By December 31, 2019, the interagency working group shall (i) provide the advisory board with a draft environmental justice plan, (ii) provide a copy of such plan to the mayor and the speaker of the council and (iii) provide a copy of such plan to each city agency covered by such plan. Upon receiving a copy of such plan, each agency covered by such plan shall publish a copy thereof on its website.

2. By June 30, 2020, the advisory board shall:

(a) Review such plan;

(b) Hold public hearings on such plan in accordance with section 3-1006; and

(c) Provide the interagency working group with recommendations and comments relating to such plan and convey public comments received at public hearings conducted by such board on such plan.

3. By December 31, 2021, the interagency working group shall (i) finalize the environmental justice plan, which shall include responses to all recommendations submitted to the interagency working group by the advisory board, (ii) provide a copy of such plan to the advisory board, (iii) provide a copy of such plan to the mayor and the speaker of the council and (iv) provide a copy of such plan to each agency covered by such plan. Upon receiving a copy of such plan, each agency covered by such plan shall publish a copy thereof on its website.

4. By June 30 in 2022, and by June 30 in every year thereafter, the interagency working group shall report to the advisory board, the mayor and the speaker of the council on progress in implementing the environmental justice plan.

c. 1. By December 31, 2024, and by December 31 in every fifth year thereafter, the interagency working group shall (i) provide the advisory board with draft revisions to the most recent environmental justice plan, (ii) provide a copy of such revisions to the mayor and the speaker of the council and (iii) provide a copy of such revisions to each agency covered by such plan. Upon receiving a copy of such revisions, each agency covered by such plan shall publish a copy thereof on its website.

2. By June 30, 2025, and by June 30 in every fifth year thereafter, the advisory board shall:

(a) Review such revisions;

(b) Hold public hearings on such revisions in accordance with section 3-1006; and

(c) Provide the interagency working group with recommendations and comments relating to such revisions and convey public comments received at public hearings conducted by such board on such revisions.

3. By December 31, 2025, and by December 31 in every fifth year thereafter, the interagency working group shall (i) finalize the revisions to the environmental justice plan, which shall include responses to all recommendations submitted to the interagency working group by the advisory board, (ii) provide a copy of such revised plan to the advisory board, (iii) provide a copy of such revised plan to the mayor and the speaker of the council and (iv) provide a copy of such revised plan to each agency covered by such plan. Upon receiving a copy of such revised plan, each agency covered by such revised plan shall publish a copy thereof on its website.

4. The interagency working group may revise the environmental justice plan more frequently than set forth in this subdivision, provided that (i) at least 60 days before finalizing such revision, such working group provides a copy of the proposed revision to the advisory board, (ii) the finalized revision includes responses to all recommendations submitted to the interagency working group by the advisory board, (iii) such working group provides a copy of the finalized revision to the advisory board, the mayor, the speaker of the council and each agency covered by the environmental justice plan as revised. Upon receiving a copy of such plan, each agency covered by such plan shall publish a copy thereof on its website.

§ 3-1004 Agency responsibilities. To the extent practicable, each agency covered by the environmental justice plan shall conduct its programs, policies and activities in accordance with the environmental justice plan, provided that the application of such plan to any such agency shall be consistent with the powers and duties of such agency as set forth in the charter and all applicable laws.

§ 3-1005 Research, data collection and analysis. a. The interagency working group, in consultation with the advisory board, shall identify and consider existing data, research and analysis that relates to environmental justice concerns raised by city agency programs, policies, facilities, and activities and that may inform city agency decisions regarding programs, policies, facilities, and activities.

b. The interagency working group, in consultation with the advisory board, shall identify data collection, research, or analysis that may be undertaken by a city agency that relates to environmental justice concerns and may inform city agency decisions regarding programs, policies, facilities, and activities, and shall work with city agencies to facilitate such data collection, research, or analysis.

c. Information collected pursuant to this subdivision shall be made available to the public as practicable, unless prohibited by law.

d. City agencies shall, whenever practicable and appropriate, use existing data systems and coordinate with other agencies and with federal, state or other local governments to share information and eliminate unnecessary duplication of efforts.

§ 3-1006 Advisory board. a. There is hereby established an advisory board on environmental justice that shall consist of the following members:

- 1. Seven members appointed by the mayor;*
- 2. Seven members appointed by the speaker of the council; and*
- 3. One member who shall serve as the chair of such board and who shall be appointed by the mayor in consultation with such speaker.*

b. Each member of the advisory board shall be:

- 1. An individual who is, at the time of appointment, a director, member or employee of an organization engaged primarily in work promoting environmental justice;*
- 2. A resident of an environmental justice area;*
- 3. A member of a community board representing a community district that is located in whole or in part in an environmental justice area; or*
- 4. A faculty member of an academic institution located within the city and who specializes in one of the environmental sciences, environmental health, environmental justice, human rights or urban planning.*

c. The mayor and the speaker of the council shall consult and, to the extent practicable, ensure that the advisory board includes at least one member, appointed pursuant to paragraph one or two of subdivision a of this section, who is a resident of or a member of a community board representing a community district located in whole or in part in each borough of the city.

d. 1. Advisory board members shall serve without compensation.

2. The initial appointment of advisory board members shall be completed by no later than six months after the effective date of the local law that added this section.

3. Advisory board members shall serve terms of three years.

4. Any vacancy on the advisory board shall be filled in the manner of original appointment.

e. The advisory board shall:

1. Consult with the interagency working group in the preparation of the environmental justice plan and any revisions thereto;

2. Review and comment on the draft environmental justice plan and any revisions thereto before its finalization by the interagency working group;

3. Hold public hearings pursuant to subdivision f of this section;

4. Convey public comments received at such hearings as well as its own comments regarding the draft environmental justice plan and any revisions thereto to the interagency working group;

5. Make recommendations to the interagency working group concerning any matter considered by, or action to be taken by, the interagency working group or for otherwise promoting environmental justice;

6. Review proposed and final environmental justice plans, and proposed revisions thereto, and make recommendations to the interagency working group relating to such plans and proposed revisions; and

7. Recommend agencies or offices for inclusion in the interagency working group.

f. 1. The advisory board shall hold public meetings, as it deems appropriate, for the purpose of (i) fact-finding, (ii) receiving public comments, (iii) discussing recommendations submitted to, or to be submitted to, the interagency working group and (iv) promoting environmental justice.

2. The advisory board shall hold at least two such meetings in each year; provided that if the local law adding this paragraph is enacted on or after June 30 in any year, the advisory board need only hold at least one meeting in such year.

3. During the review of a draft environmental justice plan pursuant to paragraph 2 of subdivision b of section 3-1003 or the review of revisions to a final environmental justice plan pursuant to paragraph 2 of

subdivision c of such section, the advisory board shall hold at least one such meeting on such plan or revisions in each borough in which all or part of at least one environmental justice area is located.

4. The advisory board shall provide notice to the public at least three weeks before such meetings, where practicable.

§ 2. This local law takes effect immediately. Nothing in this local law shall be deemed to create a private right of action to enforce its provisions. Nothing in this local law shall be construed to create any right or benefit enforceable against the city of New York or any right to judicial review of any action taken by the city of New York.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, DONOVAN J. RICHARDS, RORY I. LANCMAN, ERIC A. ULRICH; Committee on Environmental Protection, April 5, 2017.

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

Report of the Committee on Finance

Report for Int. No. 1454

Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to the establishment of the New Dorp business improvement district.

The Committee on Finance, to which the annexed proposed local law was referred on February 1, 2017 (Minutes, page 331), respectfully

REPORTS:

BACKGROUND

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts (“BIDs”).

BIDs are specifically defined areas of designated properties. They use the City’s real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those that the City provides. The additional services would be designed to enhance the area and to improve local business. Normally, a BID’s additional services would be in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising).

Under the process established by the Law, the City Council adopted Resolution 1357 on February 1, 2017, which set a public hearing date of Wednesday, February 15, 2017 for the legislation that would authorize the establishment of the New Dorp BID.

Prior to the Council’s action, the Community Board for the district in which the proposed BID is located -- Community Board 2 of Staten Island -- voted to approve the establishment of the proposed BID on November 15, 2016. The City Planning Commission (“CPC”) also reviewed the proposed BID and held a public hearing on November 30, 2016. The CPC approved a resolution on January 4, 2017 (Calendar No. 8), which certified the CPC’s unqualified approval of the establishment of the BID.

Resolution 1357 also directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record or a newspaper of general circulation not less than 10 nor more than 30 days before the public hearing. The New Dorp BID Steering Committee was directed to mail the Resolution or its summary to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills for property within the BID, and to occupants

of each building within the proposed extended district, also not less than 10 nor more than 30 days before the public hearing. Finally, the New Dorp BID Steering Committee was also directed to publish in a newspaper of general circulation a notice stating the time and place of the hearing and stating the increase in the amount to be expended annually in the District not less than 10 days prior to the hearing.

The public hearing to consider both the plan itself and the enacting legislation, according to the provisions of the law, was closed without a vote. The Committee was then required to wait at least 30 days before it could again consider and possibly vote to approve this legislation. The 30-day period immediately after this public hearing served as an objection period. Any property owner may, during this time period, formally object to the plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such plan.

When the Committee considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the district included within the district?; and
4. Is the establishment of the district in the best interests of the public?

If the Committee finds in the affirmative on these four questions and the number of objections required to prevent the creation of such district are not filed, then the legislation can be adopted.

This local law takes effect after the requirements contained in Section 25-408 of the Administrative Code are complied with.

NEW DORP BID DETAILS

The proposed New Dorp BID is located along New Dorp Lane and adjacent commercial streets in the New Dorp neighborhood of the borough of Staten Island (the New Dorp BID). The proposed boundaries of the New Dorp BID follow New Dorp Lane from Richmond Road to Hylan Boulevard, and along New Dorp Plaza (which is bisected by railroad tracks).¹ Along New Dorp Plaza, the BID area runs from Steele Avenue west of the tracks and from Jacques Avenue east of the tracks to Ross Avenue. The center of the proposed BID is the New Dorp Station of the Staten Island Railway (SIR).²

The proposed BID contains 146 properties and 180 businesses, most of which are small and family-owned.³ New Dorp Lane and New Dorp Plaza contain restaurants, boutiques and other specialized retail, health, legal and real estate services, beauty salons, and dance, yoga and karate studios, as well as a number of banks, two churches, a public library, two gas stations and a municipal parking lot near the SIR station.⁴ The commercial strip is surrounded by low-density residential neighborhoods.⁵ The BID also includes two properties fronting Hylan Boulevard.⁶

In its first year of operation, the BID proposes to offer: a sanitation program to supplement City sanitation services; marketing and promotion services, which may include special events, street, TV or online advertising; beautification; economic development initiatives (including free Wi-Fi), storefront façade design and heritage tourism links; and advocacy.⁷ The BID will solicit additional support for programs and events

¹ New York City Department of City Planning, City Planning Commission, *IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the New Dorp BID Steering Committee pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning the establishment of the New Dorp Business Improvement District, Borough of Staten Island, Community District 2 1* (Jan. 4, 2017), available at <http://www1.nyc.gov/assets/planning/download/pdf/about/cpc/170130.pdf>

² Id. at 2.

³ Id.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Id. at 3.

from elected officials and private funders.⁸ In the future, the BID may propose improvements such as sidewalk plantings, plaques identifying the district, trash receptacles, benches, and wayfinding signage.⁹

The BID projects a first-year budget of \$135,000.¹⁰ The BID Steering Committee agreed to an assessment formula where commercial or mixed-use properties would contribute a rate for each foot of property frontage.¹¹ This would result in an estimated average assessment of \$17 per foot per year per property.¹² The median projected first yearly assessment would be \$778 and the average would be \$1,080.¹³ Government and not-for-profit properties are exempt from an assessment, and purely residential properties would contribute \$1 per year.¹⁴ The proposed BID's budget would be allocated in the following manner: hiring salaried staff (36 percent); marketing and promotions (37 percent), sanitation (16 percent), and economic development (11 percent).¹⁵

FEBRUARY 15, 2017 HEARING

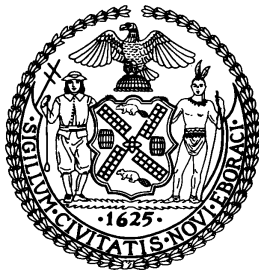
On February 15, 2017, as set forth in Resolution 1357, the Finance Committee held a public hearing to consider Intro. 1454 that would establish the New Dorp BID. Representatives of SBS and the New Dorp Merchants Group testified in support of the proposed BID's establishment. As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the Plan with the Office of the City Clerk began. Copies of objection forms were made available at the Office of the City Clerk which is located at 1 Centre Street in Manhattan.

APRIL 5, 2017 HEARING

The objection period for the establishment of the New Dorp BID closed on March 20, 2017 at 5:00 p.m. According to the City Clerk, out of the 142 owners of record located in the proposed BID, only one property owner filed a valid objection to the establishment of the BID.

Since the number of objections required to prevent the creation of the BID have not been filed with the City Clerk, at today's hearing, if the Committee and the full Council finds in the affirmative on the four questions outlined on pages 3 and 4 of this report, then the legislation can be adopted, and the BID will be established.

(The following is the text of the Fiscal Impact Statement for Int. No. 1454:)



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

**INTRO. NO: 1454
COMMITTEE: Finance**

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id. at 4.

¹⁵ Id.

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the New Dorp business improvement district. **Sponsors:** Council Members Ferreras-Copeland and Matteo (by request of the Mayor).

SUMMARY OF LEGISLATION: Intro. No. 1454 would establish a business improvement district in the borough of Staten Island to be known as the New Dorp Business Improvement District (the "BID"). The proposed boundaries of the BID would follow New Dorp Lane from Richmond Road to Hylan Boulevard and along New Dorp Plaza. The BID would contain 146 properties and 180 businesses, most of which are small and family-owned.

EFFECTIVE DATE: This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the City of New York, which requires that the New York State Comptroller conduct a review to determine that the relevant tax and debt limitations will not be exceeded by the establishment of the District.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2018

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the administrative code of the city of New York, proceeds authorized to be assessed by the District are collected by the City on behalf of the BID. None of these proceeds are those of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The New Dorp BID will be funded through a self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2017 will be \$135,000. This amount will cover the BID's expenses, as proposed by its first year budget. Subsequent budgets will be determined on a yearly basis, with a maximum cost of improvements to operate the BID of \$1,350,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Small Business Services

ESTIMATE PREPARED BY: William Kyeremateng, Economist, Finance Division

ESTIMATE REVIEWED BY: Crilhien Francisco, Unit Head, Finance Division
Nathaniel Toth, Deputy Director, Finance Division
Eric Bernstein, Council, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 1454 by the Council on February 1, 2017, and was referred to the Committee on Finance. A hearing was held by the Committee on February 15, 2017 and the legislation was laid over to allow for the statutory 30-day objection period. Intro. No. 1454 will be considered again by the Committee on April 5, 2017 and, upon a successful vote by the Committee, Intro. No.

1454 will be submitted to the full Council for a vote on April 5, 2017.

DATE PREPARED: April 3, 2017

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1454:)

Int. No. 1454

By Council Members Ferreras-Copeland and Matteo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the New Dorp business improvement district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-490 to read as follows:

§ 25-490 *New Dorp business improvement district.* a. *The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Staten Island, the New Dorp business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. *Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the New Dorp business improvement district is based.*

c. *The district plan shall not be amended except in accordance with chapter four of this title.*

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, April 5, 2017.

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

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

Report for Res. No. 1431

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on April 5, 2017, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 14, 2016, the Council adopted the expense budget for fiscal year 2017 with various programs and initiatives (the “Fiscal 2017 Expense Budget”). On June 26, 2015, the Council adopted the expense budget for fiscal year 2016 with various programs and initiatives (the “Fiscal 2016 Expense Budget”). On June 25, 2014, the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”).

Analysis. This Resolution, dated April 5, 2017, approves the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, approves the changes in the designation of certain organizations receiving funding for a certain initiative in accordance with the Fiscal 2015 Expense Budget, amends the description for the Description/Scope of Services of certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget.

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

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2017 Expense Budget, as described in Chart 1; sets forth the change in the designation of a certain organization receiving youth discretionary funding pursuant to the Fiscal 2017 Expense Budget, as described in Chart 2; sets forth the new designation and changes in the designation of funding pursuant to certain initiatives in the Fiscal 2017 Expense Budget, as described in Charts 3-16; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary and funding for certain initiatives pursuant to the Fiscal 2016 Expense Budget, as described in Chart 17-19; sets forth the changes in the designation of certain organizations receiving funding pursuant to a certain initiative in the Fiscal 2015 Expense Budget, as described in Chart 20; amends the description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, as described in Chart 21; amends the description for the Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget, as described in Chart 22.

Specifically, Chart 1 sets forth the new designation and the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget.

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

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

Chart 4 sets forth the change in the designation of a certain organization receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2017 Expense Budget.

Chart 5 sets forth the change in the designation of a certain organization receiving funding pursuant to the Borough-wide Needs Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 6 sets forth the change in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 7 sets forth the change in the designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 8 sets forth the new designation and change in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2017 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 9 sets forth the removal of funds of a certain organization receiving funding pursuant to the Bail Fund Initiative in accordance with the Fiscal 2017 Expense Budget. Such funds were transferred to the New York Family Unity Project Initiative in Chart 10. Some of these changes will be effectuated upon a budget modification.

Chart 10 sets forth the new designation of certain organizations receiving funding pursuant to the New York Family Unity Project Initiative in accordance with the Fiscal 2017 Expense Budget. Such funds were transferred from the Bail Fund Initiative in Chart 9. Some of these changes will be effectuated upon a budget modification.

Chart 11 sets forth the change in the designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 12 sets forth the change in the designation of certain organizations receiving funding pursuant to the Developmental, Psychological and Behavioral Health Services Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 13 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the LGBT Inclusive Curriculum in accordance with the Fiscal 2017 Expense Budget.

Chart 14 sets forth the change in the designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 15 sets forth the change in the designation of a certain organization receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 16 sets forth the change in the designation of certain organizations receiving funding pursuant to the Art as a Catalyst for Change Initiative in accordance with the Fiscal 2017 Expense Budget.

Chart 17 sets forth the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget.

Chart 18 sets forth the change in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 19 sets forth the change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 20 sets forth the change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 21 amends the description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget.

Chart 22 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2015 Expense Budget.

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

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

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

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1431:)

Preconsidered Res. No. 1431

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

By Council Member Ferreras-Copeland.

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

Whereas, On June 26, 2015 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2016 with various programs and initiatives (the "Fiscal 2016 Expense Budget"); and

Whereas, On June 25, 2014 the City Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”); and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2017 and Fiscal 2015 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

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

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

Resolved, That the City Council approves sets forth the change in the designation of a certain organization receiving Anti-Poverty Initiative funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Borough-wide Needs Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 7; and be it further

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

Resolved, That the City Council approves the removal of funds from a certain organization pursuant to the Bail Fund Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the New York Family Unity Project Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Developmental, Psychological and Behavioral Health Services Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the LGBT Inclusive Curriculum in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Young Women’s Leadership Development Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art as a Catalyst for Change Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving Domestic Violence and Empowerment (DoVE) Initiative funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving Parks Equity Initiative funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving Food Pantries Initiative funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local, aging and youth discretionary in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 22.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Ulrich	Howard Beach Motor Boat Club	11-2336232	DYCD	(\$4,000.00)	260	005			*
Ulrich	Sports and Arts in Schools Foundation, Inc.	11-3112635	DYCD	\$4,000.00	260	312			
Grodenschik	Queens Village Hollis Bellerose Volunteer Ambulance Corps, Inc	23-7366237	FDNY	(\$5,000.00)	057	005			
Grodenschik	Queens Village Hollis Bellerose Volunteer Ambulance Corps, Inc.	23-7366237	FDNY	\$5,000.00	057	005			
Perkins	West Harlem Environmental Action, Inc.	13-3600068	DYCD	(\$5,000.00)	260	005			*
Perkins	West Harlem Environmental Action, Inc.	13-3800068	DYCD	\$5,000.00	260	005			
Levine	West Harlem Environmental Action, Inc.	13-3600068	DYCD	(\$5,000.00)	260	005			*
Levine	West Harlem Environmental Action, Inc.	13-3800068	DYCD	\$5,000.00	260	005			
Levin	Hosh Yoga, Inc.	26-4701960	DOE	(\$3,500.00)	040	402			*
Levin	Hosh Yoga, Inc.	26-4791960	DOE	\$3,500.00	040	402			
Chin	Washington Square Park Conservancy, Inc.	46-1406128	DPR	(\$5,000.00)	846	006			*
Chin	Department of Parks and Recreation	13-6400434	DPR	\$5,000.00	846	006			

* Indicates pending completion of pre-qualification review.

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

CHART 2: Youth Discretionary - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Deutsch	New York United Jewish Association, Inc.	26-2302157	DYCD	(\$5,000.00)	260	312			*
Deutsch	New York United Jewish Association, Inc.	26-2647383	DYCD	\$5,000.00	260	312			
Rose	Varsity Club of Staten Island, Inc.	13-3999327	DYCD	(\$3,000.00)	260	312			*
Rose	Varsity Club of Staten Island, Inc.	13-3993270	DYCD	\$3,000.00	260	312			

* Indicates pending completion of pre-qualification review.

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

CHART 3: Anti-Poverty Initiative - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Levine	Centro Altagracia de Fe y Justicia**	16-1765323	DYCD	(\$4,000.00)	260	005			
Levine	Department of Parks and Recreation**	13-6400434	DPR	\$4,000.00	846	006			

* Indicates pending completion of pre-qualification review.

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

CHART 4: Speaker's Initiative to Address Citywide Needs - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring		*
							Organization	Fiscal Conduit EIN	
Speaker	Queens Village Hollis Bellerose Volunteer Ambulance Corps, Inc	23-7366237	FDNY	(\$5,000.00)	057	005			
Speaker	Queens Village Hollis Bellerose Volunteer Ambulance Corps, Inc.	23-7366237	FDNY	\$5,000.00	057	005			

* Indicates pending completion of pre-qualification review.

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

CHART 5: Borough-wide Needs Initiative - Fiscal 2017

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Staten Island Delegation	Varsity Club of Staten Island, Inc.	13-3999327	DYCD	(\$3,000.00)	260	312			*
Staten Island Delegation	Varsity Club of Staten Island, Inc.	13-3993270	DYCD	\$3,000.00	260	312			

* Indicates pending completion of pre-qualification review.

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

CHART 6: HIV/AIDS Faith Based Initiative - Fiscal 2017

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Queens Delegation	Jamaica Service Program for Older Adults, Inc. (JSPOA)	51-0204121	DOHMH	(\$22,400.00)	816	112	*
Queens Delegation	AIDS Center of Queens County, Inc.	11-2837894	DOHMH	\$11,200.00	816	112	
Queens Delegation	Greater Allen AME Cathedral of New York	11-2527706	DOHMH	\$11,200.00	816	112	*
Brooklyn Delegation	Grace Baptist Church	03-0570707	DOHMH	(\$13,021.00)	816	112	*
Brooklyn Delegation	Grace Baptist Church	03-0570727	DOHMH	\$13,021.00	816	112	*

* Indicates pending completion of pre-qualification review.

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

CHART 7: Digital Inclusion and Literacy Initiative - Fiscal 2017

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Williams	Digital Girl, Inc.	47-8822307	DYCD	(\$20,000.00)	260	005	
Williams	Digital Girl, Inc.	47-2288307	DYCD	\$20,000.00	260	005	

* Indicates pending completion of pre-qualification review.

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

CHART 8: Adult Literacy Initiative - Fiscal 2017

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Department of Education	13-6400434	DOE	\$173,196.00	040	401	
Department of Education	13-6400434	DOE	(\$463,300.00)	040	402	
Department of Education	13-6400434	DOE	\$100,000.00	040	416	
Department of Education	13-6400434	DOE	\$100,000.00	040	454	
Department of Youth and Community Development**	13-6400434	DYCD	(\$785,600.00)	260	005	
New York Public Library - Bronx**	13-6400434	NYPL	\$70,000.00	037	004	
Queens Borough Public Library**	13-6400434	QBPL	\$60,000.00	039	001	
SCO Family of Services	11-2777066	DYCD	\$100,000.00	260	005	
Central Queens YM & YWHA, Inc.	11-1633509	DYCD	\$50,000.00	260	005	
Greater Ridgewood Youth Council, Inc.	11-2518141	DYCD	\$50,000.00	260	005	
Haitian Americans United for Progress, Inc.	11-2423857	DYCD	\$50,000.00	260	005	
Southern Queens Park Association, Inc.	11-2432846	DYCD	\$50,000.00	260	005	
New Immigrant Community Empowerment (NICE)	11-3560625	DYCD	\$50,000.00	260	005	
Catholic Charities Community Services, Archdiocese of New York	13-5562185	DYCD	\$100,000.00	260	005	
Asian Americans for Equality	13-3187792	DYCD	\$50,000.00	260	005	
Chinese American Planning Council, Inc.	13-6202692	DYCD	\$30,000.00	260	005	
Sunnyside Community Service, Inc.	51-0189327	DYCD	\$30,000.00	260	005	
Korean American Family Services	13-3609811	DYCD	\$30,000.00	260	005	
East Side House, Inc.	13-1623989	DYCD	\$50,000.00	260	005	
Phipps Neighborhoods, Inc.	13-2707665	DYCD	\$70,000.00	260	005	
BronxWorks, Inc.	13-3254484	DYCD	\$35,704.00	260	005	

* Indicates pending completion of pre-qualification review.

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

CHART 9: Bail Fund Initiative - Fiscal 2017

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Liberty Fund, Inc.**	38-3974312	MOCJ	(\$105,000.00)	098	002	

* Indicates pending completion of pre-qualification review.

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

CHART 10: New York Family Unity Project Initiative - Fiscal 2017

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Bronx Defenders, The**	13-3931074	DSS/HRA	\$35,000.00	069	107	
Brooklyn Defender Services**	11-3305406	DSS/HRA	\$35,000.00	069	107	
Legal Aid Society**	13-5562265	DSS/HRA	\$35,000.00	069	107	

* Indicates pending completion of pre-qualification review.

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

CHART 11: Crisis Management System - Fiscal 2017

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Police Athletic League, Inc. - I.S. 117 Joseph H. Wade 17K568	13-5596811	DOE	(\$40,000.00)	040	402	
Police Athletic League, Inc. - I.S. 117 Joseph H. Wade 09X117	13-5596811	DOE	\$40,000.00	040	402	

* Indicates pending completion of pre-qualification review.

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

CHART 12: Developmental, Psychological and Behavioral Health Services Initiative - Fiscal 2017

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Jamaica Service Program for Older Adults, Inc. (JSPOA)	51-0204121	DOHMH	(\$204,103.00)	816	120	*
Jewish Board of Family and Children's Services, Inc.	13-5564937	DOHMH	\$204,103.00	816	120	

* Indicates pending completion of pre-qualification review.

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

CHART 13: LGBT Inclusive Curriculum - Fiscal 2017

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Teachers College Columbia University	13-1624202	DOE	(\$32,588.00)	040	454	*
Department of Education	13-6400434	DOE	\$7,588.00	040	454	
Hetrick-Martin Institute, Inc.	13-3104537	DOE	\$25,000.00	040	454	

* Indicates pending completion of pre-qualification review.

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

CHART 14: Naturally Occurring Retirement Communities (NORCs) - Fiscal 2017

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Jewish Association for Services for the Aged (JASA) - Penn South Program for Seniors (Mutual Redevelopment House	13-2620896	DFTA	(\$20,000.00)	125	003	
Penn South Social Services, Inc. - Mutual Redevelopment Houses	13-3413349	DFTA	\$20,000.00	125	003	

* Indicates pending completion of pre-qualification review.

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

CHART 15: Young Women's Leadership Development Initiative - Fiscal 2017

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Digital Girl, Inc.	47-8822307	DYCD	(\$26,000.00)	260	312	*
Digital Girl, Inc.	47-2288307	DYCD	\$26,000.00	260	312	

* Indicates pending completion of pre-qualification review.

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

CHART 16: Art as a Catalyst for Change Initiative - Fiscal 2017

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
New Heritage Theatre Group, Inc. - Eagle Academy	13-2683678	DCLA	(\$18,000.00)	126	003	
New Heritage Theatre Group, Inc. - Eagle Academy for Young Men III	13-2683678	DCLA	(\$18,000.00)	126	003	
New Heritage Theatre Group, Inc. - Harlem Renaissance	13-2683678	DCLA	\$18,000.00	126	003	
New Heritage Theatre Group, Inc. - Thurgood Marshall Academy for Learning and Social Change	13-2683678	DCLA	\$18,000.00	126	003	

* Indicates pending completion of pre-qualification review.

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

CHART 17: Local Initiatives: - Fiscal 2016

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Reynoso	83rd Precinct Youth Council, Inc.	26-3865791	DYCD	(\$5,000.00)	260	312			*
Reynoso	83rd Precinct Youth Council, Inc.	11-3294999	DYCD	\$5,000.00	260	312			*
Johnson	Friends of Downtown Parks NYC	46-1974668	DPR	(\$5,000.00)	846	006			
Johnson	Department of Parks and Recreation	13-6400434	DPR	\$5,000.00	846	006			

* Indicates pending completion of pre-qualification review.

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

CHART 18: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2016

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Miller	Clergy United for Community Empowerment	11-3030795	MOCJ	(\$43,482.00)	098	002	
	Mayor's Office of Criminal Justice	13-6400434	MOCJ	\$43,482.00	098	002	

* Indicates pending completion of pre-qualification review.

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

CHART 19: Parks Equity Initiative - Fiscal 2016

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Johnson	Clinton Housing Development Company, Inc. - Dewitt Clinton Park	13-2851988	DPR	(\$12,000.00)	846	006	
Johnson	Department of Parks and Recreation	13-6400434	DPR	\$12,000.00	846	006	

* Indicates pending completion of pre-qualification review.

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

CHART 20: Food Pantries Initiative - Fiscal 2015

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Brooklyn Delegation	Southside mission		DYCD	(\$6,000.00)	260	005	*
Brooklyn Delegation	Southside Mission of Transfiguration Church	11-2306447	DYCD	\$6,000.00	260	005	
Brooklyn Delegation	Blessed Sacrament		DYCD	(\$8,000.00)	260	005	*
Brooklyn Delegation	Blessed Sacrament Church	11-1667600	DYCD	\$8,000.00	260	005	
Brooklyn Delegation	Bethany House/St. Christopher		DYCD	(\$5,875.00)	260	005	*
Brooklyn Delegation	Bethany House/St. Christopher	11-2777066	DYCD	\$5,875.00	260	005	
Brooklyn Delegation	Crown Ministries		DYCD	(\$6,000.00)	260	005	*
Brooklyn Delegation	Crown Ministries International, Inc.	20-3463572	DYCD	\$6,000.00	260	005	
Brooklyn Delegation	Holy Cross Parish		DYCD	(\$5,775.00)	260	005	*
Brooklyn Delegation	Holy Cross Parish	11-1666822	DYCD	\$5,775.00	260	005	
Brooklyn Delegation	Holy Innocents Church, Inc		DYCD	(\$5,775.00)	260	005	*
Brooklyn Delegation	Holy Innocents Church, Inc.	11-1666825	DYCD	\$5,775.00	260	005	
Brooklyn Delegation	Horeb DSA Church		DYCD	(\$5,775.00)	260	005	*
Brooklyn Delegation	Horeb Seventh Day Adventist Church	25-1919336	DYCD	\$5,775.00	260	005	
Brooklyn Delegation	Our Lady of Angels R.C. Church		DYCD	(\$5,000.00)	260	005	*
Brooklyn Delegation	Our Lady of Angels R.C. Church	11-2047151	DYCD	\$5,000.00	260	005	
Brooklyn Delegation	St. Therese Food Pantry		DYCD	(\$7,218.75)	260	005	*
Brooklyn Delegation	St. Catherine of Genoa-St. Therese of Lisieux Catholic Academy - Food Pantry	452732865	DYCD	\$7,218.75	260	005	
Manhattan Delegation	Probase, Inc.		DYCD	(\$5,000.00)	260	005	*
Manhattan Delegation	Probase, Inc.	13-3187568	DYCD	\$5,000.00	260	005	
Brooklyn Delegation	Mt. Moriah Church of God in Christ		DYCD	(\$3,500.00)	260	005	*
Brooklyn Delegation	Mt. Moriah Church of God in Christ	11-2622069	DYCD	\$3,500.00	260	005	
Brooklyn Delegation	Open Door Outreach Ministry		DYCD	(\$6,500.00)	260	005	*
Brooklyn Delegation	Open Door Church of God in Christ	11-2488377	DYCD	\$6,500.00	260	005	

* Indicates pending completion of pre-qualification review.

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

CHART 21: Purpose of Funds Changes - Fiscal 2017

Source	Member	Organization - Program	EIN Number	Agency	Amount	New Purpose of Funds	*
Parks Equity Initiative	Cohen	City Parks Foundation	13-3561657	DPR	(\$10,000.00)	Funds to be used to support Friends of Mosholu Parkland (\$5,000) and Bedford-Mosholu Community Association (\$5,000).	
Parks Equity Initiative	Cohen	City Parks Foundation	13-3561657	DPR	\$10,000.00	Funds to be used to support Friends of Mosholu Parkland (\$2,500) and Bedford-Mosholu Community Association (\$7,500).	
Parks Equity Initiative	Koo	City Parks Foundation	13-3561657	DPR	(\$10,000.00)	Funds to work with the Beautify Historic Flushing Volunteer and Community Group for Margaret I. Carman Green / Weeping Beech Park.	
Parks Equity Initiative	Koo	City Parks Foundation	13-3561657	DPR	(\$10,000.00)	Funds to work with the Beautify Historic Flushing Volunteer and Community Group for Margaret I. Carman Green / Weeping Beech Park.	
Parks Equity Initiative	Koo	City Parks Foundation	13-3561657	DPR	\$10,000.00	Funds to work with the Beautify Historic Flushing Volunteer and Community Group for Margaret I. Carman Green / Weeping Beech Park, the Bowne House and surrounding grounds, and the purchase of benches.	
Parks Equity Initiative	Koo	City Parks Foundation	13-3561657	DPR	\$10,000.00	Funds to work with the Beautify Historic Flushing Volunteer and Community Group for Margaret I. Carman Green / Weeping Beech Park, the Bowne House and surrounding grounds, and the purchase of benches.	
Parks Equity Initiative	Reynoso	Ridgewood Bushwick Senior Citizens Council	27-0626902	DPR	(\$10,000.00)	Funds will be used to support park maintenance and beautification in Maria Hernandez Park, and fall programming including Calabazafest.	
Parks Equity Initiative	Reynoso	Ridgewood Bushwick Senior Citizens Council	27-0626902	DPR	\$10,000.00	Funds will be used to support Spring programming at Maria Hernandez Park including farmers market staffing and acquisition of market materials (tables, tents, chairs).	
Parks Equity Initiative	Chin	Friends of Downtown Parks NYC, Inc.	46-1974668	DPR	(\$10,000.00)	To provide maintenance and programming for Desalvio Playground and Washington Market Park.	
Parks Equity Initiative	Chin	Friends of Downtown Parks NYC, Inc.	46-1974668	DPR	\$10,000.00	To provide maintenance and programming for parks and playgrounds in Council District 1.	
Parks Equity Initiative	Vacca	Council on the Environment, Inc. - PS 71X	13-2765465	DOE	(\$10,000.00)	To fund an educator who will bring 10-lesson Seed to Plate curriculum to the elementary school, PS71 X.	
Parks Equity Initiative	Vacca	Council on the Environment, Inc. - PS 71X	13-2765465	DOE	\$10,000.00	To fund an educator who will bring 10-lesson Seed to Plate curriculum to the elementary school, PS71 X, and to facilitate the purchase of tools and materials necessary to construct and develop a garden at the school.	
Parks Equity Initiative	Torres	City Parks Foundation	13-3561657	DPR	(\$10,000.00)	Funds will go towards It's My Park / Clean Up Project at two parks within City Council District 15. City Parks Foundation will partner with a local non-profit and/or a "Friends of" group for the events.	
Parks Equity Initiative	Torres	City Parks Foundation	13-3561657	DPR	\$10,000.00	Funds will go towards It's My Park/Clean Up Project at (1) Slattery Playground and (2) Ciccarone Park in Council District 15. City Parks Foundation will partner with local non-profit or "Friends of" groups for the events.	
Aging	Cumbo	Crown Heights Jewish Community Council, Inc.	23-7390996	DFTA	(\$30,000.00)	Funding will be used to provide social services to seniors.	
Aging	Cumbo	Crown Heights Jewish Community Council, Inc.	23-7390996	DFTA	\$30,000.00	Funding of \$24,000 will be used to provide social services to seniors, and \$6,000 will be used for enhancements to the food pantry.	
Aging	Rodriguez	ARC XVI Fort Washington, Inc.	13-2745426	DFTA	(\$29,000.00)	Funding to support costs associated with providing additional personal care workers to enhance senior programming.	
Aging	Rodriguez	ARC XVI Fort Washington, Inc.	13-2745426	DFTA	\$29,000.00	Funding to support costs associated with providing additional personal care workers to enhance senior programming and to support senior immigrant population.	
Local	Cabrera	Ballroom Basix USA, Inc.	27-5265003	DOE	(\$10,000.00)	Funding to support SIX (6) 1500 Ballroom BaSIX residencies to 2-3 different middle schools in the council district.	
Local	Cabrera	Ballroom Basix USA, Inc.	27-5265003	DOE	\$10,000.00	Funding to support Ballroom BaSIX residencies at IS 206X and PS/MS 15X.	

* Indicates pending completion of pre-qualification review.

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

CHART 22: Purpose of Funds - Fiscal 2015

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds *
Aging	Perkins	Abyssinian Development Corporation	13-3552154	DFTA	(\$4,250.00)	ADC NNORC, The program will invest funds to provide program activities, office *
Aging	Perkins	Abyssinian Development Corporation	13-3552154	DFTA	\$4,250.00	Funding to support general operating expenses and programming/activities for seniors.
Local	Rodriguez	Centro Altagracia de Fe y Justicia	16-1765323	DYCD	(\$5,000.00)	Staffing and programming expenses related to social change *
Local	Rodriguez	Centro Altagracia de Fe y Justicia	16-1765323	DYCD	\$5,000.00	Funding to support general operating expenses and programming.
Local	Rodriguez	Community Association of Progressive Dominicans	13-3266145	DYCD	(\$5,000.00)	Employ youth in nursing institutions *
Local	Rodriguez	Community Association of Progressive Dominicans	13-3266145	DYCD	\$5,000.00	Funding to support general operating expenses related to youth nursing program.
Local	Miller	Cultural Collaborative Jamaica, Inc.	11-3635991	DYCD	(\$7,500.00)	CCJ's request is for three community/economic development programs in Southeast Queens. They are Arts in the Parks, City Speaks (spoken word) Jamaica* Arts Music Summer (JAMS) Festival and Holidays On The Avenue. Funding will be used towards artists fees and equipment.
Local	Miller	Cultural Collaborative Jamaica, Inc.	11-3635991	DYCD	\$7,500.00	Funding to support community/economic programming including Arts in the Parks, City Speaks (spoken word) Jamaica Arts Music Summer (JAMS) Festival and Holidays On The Avenue.
Aging	Richards	First Church of God, Inc.	11-2973310	DFTA	(\$8,000.00)	Seniors in the community and church. Also mentoring the youth. Doing arts and crafts, cooking, recreational activities. Enabling Seniors to go shopping, go on picnics and the theater. *
Aging	Richards	First Church of God, Inc.	11-2973310	DFTA	\$8,000.00	Seniors in the community and church. Also mentoring the youth. Doing arts and crafts, cooking, recreational activities. Enabling Seniors to go shopping, go on picnics and the theater.
Youth	Richards	First Church of God, Inc.	11-2973310	DYCD	(\$7,500.00)	Purchasing equipment needed for trades and utilizing trained teachers, technicians * and mentors to guide the youth in the different areas of skilled development.
Youth	Richards	First Church of God, Inc.	11-2973310	DYCD	\$7,500.00	Funding to support costs associated with Purchasing equipment needed for trades and utilizing trained teachers, technicians and mentors to guide the youth in the different areas of skilled development.
Youth	Deutsch	Flatbush Shomrim Safety Patrol, Inc.	20-3244567	DYCD	(\$15,000.00)	Teens-at-risk outreach *
Youth	Deutsch	Flatbush Shomrim Safety Patrol, Inc.	20-3244567	DYCD	\$15,000.00	Funding to support operational expenses for outreach and programming for teens-at risk.
Local	Menchaca	Friends of the Brooklyn New School / Brooklyn School for Collaborative Studies	30-0085525	DYCD	(\$5,000.00)	Funds will be used to support the operational costs of the organization, including *
Local	Menchaca	Friends of the Brooklyn New School / Brooklyn School for Collaborative Studies	30-0085525	DYCD	\$5,000.00	Funds will be used to support the operational expenses for community programming and presentations.

Aging	Rodriguez	HANAC, Inc.	11-2290832	DFTA	(\$10,000.00)	improve their quality of life, health and well-being of Seniors by fostering their *
Aging	Rodriguez	HANAC, Inc.	11-2290832	DFTA	\$10,000.00	Funding to support operational expenses for senior programming in an effort to improve quality of life, health and well-being and independence.
Local	Perkins	Impac Tenants Association	56-2637684	DYCD	(\$3,500.00)	To expand afterschool activities—including the rebuilding of the children’s playground and build a multi-service learning recreational center for the residents * and children of Impac Houses and of Harlem Community.
Local	Perkins	Impac Tenants Association	56-2637684	DYCD	\$3,500.00	Funding to support the expansion afterschool activities—including the rebuilding of the children’s playground and build a multi-service learning recreational center for the residents and children of Impac Houses and of Harlem Community.
Local	Cumbo	Public Housing Communities, Inc.	20-3937275	DYCD	(\$3,500.00)	Funding to help participants obtain security licenses, small business start up grants which will be used to pay for their business registration fees, business insurance, * basic equipment and supplies.
Local	Cumbo	Public Housing Communities, Inc.	20-3937275	DYCD	\$3,500.00	Funding to support operational expenses for programming related to security training and small business training/seminars.

* Indicates pending completion of pre-qualification review.

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

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, April 5, 2017.

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

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

Report for LU No. 599

Report of the Committee on Finance in favor of a Resolution approving Bronxview at Serviam Heights, Block 3291, Lot 4; Bronx, Community District No. 7, Council District No. 15.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 5, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

April 5, 2017

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

FROM: Eric Bernstein, Counsel, Finance Division

RE: Finance Committee Agenda of April 5, 2017 - Resolution approving a tax exemption for two Land Use items (Council Districts 7 and 15)

Item 1: Bronxview at Serviam Heights

Bronxview at Serviam Heights (the “Project”) will consist of one new residential building located on a privately-owned lot at 2885 Marion Avenue, between East 198th Street and East 199th Street in the Bedford Park neighborhood of the Bronx. Upon completion, the building will provide 114 units of affordable housing. Furthermore, there will be approximately 7,190 square feet of community facility space on the first floor. There will be no commercial space in the Project.

The property was acquired by the current owner, Bronxview Housing Development Fund Corporation, from Ursuline Bedford Park Convent on November 30, 2016 for \$2,500,000. The area is comprised of a single tax lot that was created on December 21, 2015, with no record of prior exemptions or Council action.

Summary:

- Borough – Bronx
- Block 3291, Lot 4
- Council District – 15
- Council Member – Torres
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 144 (including one superintendent’s unit)
- Type of Exemption-Article XI Tax Exemption, Full, 40-year term
- Population – low-income rental households
- Sponsor – Bronxview Housing Development Fund Corporation
- Purpose – new construction
- Cost to the City –\$5M
- Housing Code Violations-N/A
- Anticipated AMI targets:
 - 60% AMI-57 units
 - 90% AMI-34 units
 - 110% AMI-22 units

Item 2: Casa Cecilia

Casa Cecilia (the “Project”) consists of two buildings with a total of 35 units (including one superintendent’s unit), located on West 153rd Street in the West Harlem neighborhood of Manhattan. In April 1993, Sister Cecilia Schneider Community Housing Development Fund Corporation acquired the Project with financing from the New York State Homelessness Housing and Assistance Corporation. In 1996, the Project entered into an Extended Use Agreement with the New York State Homes & Community Renewal (“HCR”) in connection to tax credits. The Project also received J-51 exemption benefits in 1993, which expired in 2007.

The Project is now planning to apply for a full Article XI exemption, due to the expiration of its J-51 abatements in 2013. Since that time, the Project has been unable to pay its real property taxes. The term of the exemption will be 40 years, dating retroactively from July 1, 2013 (the date the J-51 abatements expired). Upon the approval of the Article XI exemption, the Project will be subject to a 40-year Regulatory Agreement with HPD requiring the Project to continue to provide housing for low-income and formerly homeless individuals. Upon the expiration of the HCR Regulatory Agreement (April 26, 2016), all of the units will be restricted to households at or below 100% AMI upon vacancy.

Summary:

- Borough – Manhattan
- Block 2084, Lots 49 and 53
- Council District – 7
- Council Member – Levine
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 35 (including one superintendent’s unit)
- Type of Exemption-Article XI Tax Exemption, Full, 40-year term
- Population – low-income and formerly homeless rental households
- Sponsor – Sister Cecilia Schneider Community Housing Development Fund Corporation
- Purpose – preservation
- Cost to the City –\$2.4M

- Housing Code Violations:
 - Class A-2
 - Class B-12
 - Class C-1
- Anticipated AMI targets: 60% AMI (100% AMI upon vacancy after expiration of HCR Regulatory agreement in April 2026).

(For text of the coupled resolution for LU No. 600, please see the Report of the Committee on Finance for LU No. 600 printed in these Minutes; for text of the coupled resolution for LU No. 599, please see below)

Accordingly, this Committee recommends the adoption of LU Nos. 599 and 600.

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

Res. No. 1435

Resolution approving an exemption from real property taxes for property located at (Block 3291, Lot 4) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 599).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 20, 2017 that the Council take the following action regarding a housing project located at (Block 3291, Lot 4) Bronx (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Community Facility Space” shall mean those portions of the Exemption Area required to be used as a community facility under the Regulatory Agreement.
 - b. “Company” shall mean Bronxview LLC.
 - c. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.

- e. “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 3291, Lot 4 on the Tax Map of the City of New York.
 - f. “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.
 - g. “HDFC” shall mean Bronxview Housing Development Fund Corporation.
 - 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 Company.
 - 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 the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), 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. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a temporary certificate of occupancy for all of the residential areas in such building on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the 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.

4. 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.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, April 5, 2017.

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

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

Report for LU No. 600

Report of the Committee on Finance in favor of a Resolution approving Casa Cecilia, Block 2084, Lots 49 & 53; Manhattan, Community District No. 9, Council District No. 7.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 5, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for LU No. 599 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1436

Resolution approving an exemption from real property taxes for property located at (Block 2084, Lots 49 and 53) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 600).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 20, 2017 that the Council take the following action regarding a housing project located at (Block 2084, Lots 49 and 53) 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 July 1, 2013.
 - 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 2084, Lots 49 & 53 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “HDFC” shall mean Sister Cecilia Schneider Community Housing Development Fund Corporation.
 - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. “Owner” shall mean the HDFC or any future owner of the Exemption Area.
 - h. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area on and after the date such regulatory agreement is executed.
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. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area

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

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the 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.
4. 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.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, April 5, 2017.

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

Report of the Committee on Land Use

Report for L.U. No. 579

Report of the Committee on Land Use in favor of approving Application No 20175215 HKM (N 170205 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Young Men's Christian Association Building, located at 181 West 135th Street (Block 1920, Lot 7), as an historic landmark, Borough of Manhattan, Community Board 10, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on February 15, 2017 (Minutes, page 530) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 10

20175215 HKM (N 170205 HKM)

Designation by the Landmarks Preservation Commission [DL-492/LP-1848] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Young Men's Christian Association (YMCA) Building, West 135th Street

Branch (now Jackie Robinson YMCA Youth Center), located at 181 West 135th Street (a/k/a 179-183 West 135th Street) (Tax Map Block 1920, Lot 7), as an historic landmark.

PUBLIC HEARING

DATE: March 9, 2017

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 28, 2017

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 29, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Salamanca.

Against:

None

Abstain:

Wills

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

Res. No. 1437

Resolution affirming the designation by the Landmarks Preservation Commission of the Young Men’s Christian Association (YMCA) Building, West 135th Street Branch, (now Jackie Robinson YMCA Youth Center), located at 181 West 135th Street (a/k/a 179-183 West 135th Street) (Tax Map Block 1920, Lot 7), Borough of Manhattan, Designation List No. 492, LP-1848 (L.U. No. 579; 20175215 HKM; N 170205 HKM).

By Council Members Greenfield and Koo.

WHEREAS, the Landmarks Preservation Commission filed with the Council on December 23, 2016 a copy of its designation report dated December 13, 2016 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the

Administrative Code of the City of New York of the Young Men's Christian Association (YMCA) Building, West 135th Street Branch (now Jackie Robinson YMCA Youth Center), located at 181 West 135th Street (a/k/a 179-183 West 135th Street), Community District 10, Borough of Manhattan, as a landmark and Tax Map Block 1920, Lot 7, as its landmark site (the "Designation");

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Designation on March 9, 2017; and

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

RESOLVED:

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, March 29, 2017.

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

Report for LU No. 580

Report of the Committee on Land Use in favor of approving Application No 20175216 HKM (N 170206 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Lowe's 175th Street Theater, located at 4140 Broadway (Block 2145, Lot 1), as an historic landmark, Borough of Manhattan, Community Board 12, Council District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on February 15, 2017 (Minutes, page 530) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 12

20175216 HKM (N 170206 HKM)

Designation by the Landmarks Preservation Commission [DL-492/LP-0656] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the United Palace (Loew's 175th Street Theater), located at 4140 Broadway (a/k/a 4140-4156 Broadway, 40-54 Wadsworth Avenue, 651-661 West 175th Street, 650-662 West 176th Street) (Tax Map Block 2145, Lot 1), as an historic landmark.

PUBLIC HEARING

DATE: February 27, 2017

Witnesses in Favor: Ten

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION

DATE: March 28, 2017

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 29, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Salamanca.

Against:

None

Abstain:

Wills

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

Res No. 1438

Resolution affirming the designation by the Landmarks Preservation Commission of the United Palace (Loew's 175th Street Theater), located at 4140 Broadway (a/k/a 4140-4156 Broadway, 40-54 Wadsworth Avenue, 651-661 West 175th Street, 650-662 West 176th Street) (Tax Map Block 2145, Lot 1), Borough of Manhattan, Designation List No. 492, LP-0656 (L.U. No. 580; 20175216 HKM; N 170206 HKM).

By Council Members Greenfield and Koo.

WHEREAS, the Landmarks Preservation Commission filed with the Council on December 23, 2016 a copy of its designation report dated December 13, 2016 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the United Palace (Loew's 175th Street Theater), located at 4140 Broadway (a/k/a 4140-4156 Broadway, 40-54 Wadsworth Avenue, 651-661 West 175th Street, 650-662 West 176th Street), Community District 12, Borough of Manhattan, as a landmark and Tax Map Block 2145, Lot 1, as its landmark site (the "Designation");

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Designation on February 27, 2017; and

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

RESOLVED:

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, March 29, 2017.

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

Report for L.U. No. 581

Report of the Committee on Land Use in favor of approving Application No 20175209 HKQ (N 170209 HKQ) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Protestant Reformed Dutch Church of Flushing, located at 143-11 Roosevelt Avenue (Block 5022, Lot 1), as an historic landmark, Borough of Queens, Community Board 7, Council District 20.

The Committee on Land Use, to which the annexed Land Use item was referred on February 15, 2017 (Minutes, page 530) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**QUEENS - CB 7****20175209 HKQ (N 170209 HKQ)**

Designation by the Landmarks Preservation Commission [DL-492/LP-2137] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Protestant Reformed Dutch Church of Flushing (Bowne Street Community Church) located at 143-11 Roosevelt Avenue (a/k/a 38-01 Bowne Street) (Tax Map Block 5022, p/o Lot 1), as an historic landmark.

PUBLIC HEARING**DATE:** February 27, 2017**Witnesses in Favor:** Eight**Witnesses Against:** Four**SUBCOMMITTEE RECOMMENDATION****DATE:** March 28, 2017

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 29, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Salamanca.

Against:

None

Abstain:

Wills

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

Res No. 1439

Resolution affirming the designation by the Landmarks Preservation Commission of the Protestant Reformed Dutch Church of Flushing (Bowne Street Community Church) located at 143-11 Roosevelt Avenue (a/k/a 38-01 Bowne Street) (Tax Map Block 5022, p/o Lot 1), Borough of Queens, Designation List No. 492, LP-2137 (L.U. No. 581; 20175209 HKQ; N 170209 HKQ).

By Council Members Greenfield and Koo.

WHEREAS, the Landmarks Preservation Commission filed with the Council on December 23, 2016 a copy of its designation report dated December 13, 2016 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Protestant Reformed Dutch Church of Flushing (Bowne Street Community Church), located at 143-11 Roosevelt Avenue (a/k/a 38-01 Bowne Street), Community District 7, Borough of Queens, as a landmark and Tax Map Block 5022, p/o Lot 1, as its landmark site (the "Designation");

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Designation on February 27, 2017; and

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

RESOLVED:

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, March 29, 2017.

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

Report for L.U. No. 582

Report of the Committee on Land Use in favor of disapproving Application No 20175210 HKR (N 170210 HKR) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Lakeman-Cortelyou-Taylor House, located at 2286 Richmond Road (Block 3618, Lot 7 in part), as an historic landmark, Borough of Staten Island, Community Board 2, Council District 50.

The Committee on Land Use, to which the annexed Land Use item was referred on February 15, 2017 (Minutes, page 530) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

STATEN ISLAND - CB 2

20175210 HKR (N 170210 HKR)

Designation by the Landmarks Preservation Commission [DL-492/LP-2444] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Lakeman-Cortelyou-Taylor House located at 2286 Richmond Road (Tax Map Block 3618, p/o Lot 7), as an historic landmark.

PUBLIC HEARING

DATE: February 27, 2017

Witnesses in Favor: Four

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: March 28, 2017

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

In Favor:

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

Against: None
Abstain: None

COMMITTEE ACTION

DATE: March 29, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Koo, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Salamanca.

Against: None
Abstain: Lander
Wills

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

Res No. 1440

Resolution disapproving the designation by the Landmarks Preservation Commission of the Lakeman-Cortelyou-Taylor House located at 2286 Richmond Road (Tax Map Block 3618, p/o Lot 7), Borough of Staten Island, Designation List No. 492, LP-2444 (L.U. No. 582; 20175210 HKR; N 170210 HKR).

By Council Members Greenfield and Koo.

WHEREAS, the Landmarks Preservation Commission filed with the Council on December 23, 2016 a copy of its designation report dated December 13, 2016 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Lakeman-Cortelyou-Taylor House located at 2286 Richmond Road, Community District 2, Borough of Staten Island, as a landmark and Tax Map Block 3618, p/o Lot 7, as its landmark site (the "Designation");

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Designation on February 27, 2017; and

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

RESOLVED:

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, PETER A. KOO, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, March 29, 2017.

Coupled to be Disapproved.

Report for L.U. No. 593

Report of the Committee on Land Use in favor of approving Application No 20175218 HKM (N 170252 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of United Nations Hotel, First Floor Interiors (Block 1337, Lot 7502 and 14), as an interior landmark, Borough of Manhattan, Community Board 6, Council District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 531) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 6

20175218 HKM (N 170252 HKM)

Designation by the Landmarks Preservation Commission [DL-493/LP-2588] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the United Nations Hotel, First Floor Interiors (1 and 2 United Nations Plaza (aka 783-793 First Avenue, 335-343 East 44th Street and 323-333 East 44th Street, 322-334 East 45th Street) (Block 1337, Lots 7502 and 14), as an interior landmark.

PUBLIC HEARING

DATE: March 28, 2017

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 28, 2017

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 29, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Mendez, Koo, Lander, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Salamanca.

Against:

None

Abstain:

Wills

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

Res No. 1441

Resolution affirming the designation by the Landmarks Preservation Commission of the United Nations Hotel, First Floor Interiors, 1 and 2 United Nations Plaza (aka 783-793 First Avenue, 335-343 East 44th Street and 323-333 East 44th Street, 322-334 East 45th Street) (Tax Map Block 1337, Lots 7502 and 14), Borough of Manhattan, Designation List No. 493, LP-2588 (L.U. No. 593; 20175218 HKM; N 170252 HKM).

By Council Members Greenfield and Koo.

WHEREAS, the Landmarks Preservation Commission filed with the Council on January 25, 2017 a copy of its designation report dated January 17, 2017 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the United Nations Hotel, First Floor Interiors, 1 and 2 United Nations Plaza (aka 783-793 First Avenue, 335-343 East 44th Street and 323-333 East 44th Street, 322-334 East 45th Street), Community District 6, Borough of Manhattan, as a landmark and Tax Map Block 1337, Lots 7502 and 14, as its landmark site (the "Designation");

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

WHEREAS, the New York City Planning Commission submitted to the Council on March 10, 2017, its report on the Designation dated March 8, 2017 (the "City Planning Commission Report");

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

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

RESOLVED:

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, March 29, 2017.

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

Report of the Committee on Parks and Recreation

Report for Int. 1112-A

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree maintenance work.

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on March 9, 2016 (Minutes, page 638), respectfully

REPORTS:

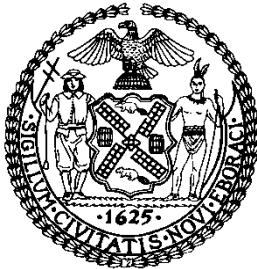
INTRODUCTION

On April 3, 2017, the Committee on Parks and Recreation, chaired by Council Member Mark Levine, will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 1112-A. The Committee previously heard Int. No. 1112 on October 20, 2016 and received testimony from the New York City Department of Parks and Recreation as well as parks advocates and concerned community groups. More information about this bill is available with the materials for that hearing which can be accessed online at <https://goo.gl/YeUFs0>.

PROPOSED INT. NO. 1112-A

Proposed Int. No. 1112-A would require the Parks Department to post on its website information relating to the times, dates, locations and work statuses of various tree maintenance activities including, tree pruning, tree stump removal, tree planting, tree damage repairs and sidewalk damage repair resulting from City- owned trees.

(The following is the text of the Fiscal Impact Statement for Int. No. 1112-A:)



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

PROPOSED INTRO. NO. 1112 – A

COMMITTEE: Parks & Recreation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree maintenance work

Sponsor: By Council Members Matteo, Levine, Borelli, Ulrich, Johnson, Vacca, Constantinides, Cohen, Gibson, Grodenchik, Gentile, Salamanca, Deutsch, Kallos and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. 1112–A would require the Department of Parks and Recreation (DPR) to post on its website information relating to the times, dates, locations and work statuses of various tree maintenance activities including, tree pruning, tree stump removal, tree planting, tree damage repairs and sidewalk damage repairs resulting from City-owned trees.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law.

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

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: Because the DPR would use existing resource to implement this local law, it is estimated that there would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division,
Department of Parks & Recreation

ESTIMATE PREPARED BY: Kenneth Grace, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1112 on March 9, 2016 and referred to the Committee on Parks and Recreation. A hearing was held by the Committee on Parks and Recreation on October 20, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1112-A, will be considered by the Committee on Parks and Recreation on April 3, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1112-A will be submitted to the full Council for a vote on April 5, 2017.

DATE PREPARED: March 31, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1112-A:)

Int. No. 1112-A

By Council Members Matteo, Levine, Borelli, Ulrich, Johnson, Vacca, Constantinides, Cohen, Gibson, Grodenchik, Gentile, Salamanca, Deutsch, Kallos, Rosenthal, Mealy, Vallone, Levin, Menchaca and Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree maintenance work

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 18-146 to read as follows:

§ 18-146 *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 stump removal and street tree planting;*

2. *The date, location and status of each street tree pruning, 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.*

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.

MARK LEVINE, *Chairperson*; DARLENE MEALY, FERNANDO CABRERA, JAMES G. VAN BRAMER, ANDREW COHEN, ALAN N. MAISEL; Committee on Parks and Recreation, April 3, 2017.

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

Report of the Committee on Technology

Report for In. No. 564-A

Report of the Committee on Technology in favor of approving and adopting, as amended, a Local Law in relation to online submission of applications for permits, licenses and registrations and a single web portal for such applications.

The Committee on Technology, to which the annexed proposed amended local law was referred on November 25, 2014 (Minutes, page 4173), respectfully

REPORTS:

I. INTRODUCTION

On March 29, 2017, the Committee on Technology, chaired by Council Member James Vacca, will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 564-A.

The Committee previously heard Int. No. 564 on May 3, 2016 and received testimony from the Department of Information Technology & Telecommunications (DoITT) and BetaNYC. More information about this bill is available with the materials for that hearing, which can be accessed online at <https://goo.gl/CwUzGI>.

II. PAPERLESS GOVERNMENT SERVICES

In 1998, Congress passed the ‘Government Paperwork Elimination Act,’¹ which required that, when practicable, Federal agencies use electronic forms, filing and signatures in the conduct of their business, with a goal to “preclude agencies or courts from systematically treating electronic documents and signatures less favorably than their paper counterparts.”² This followed the earlier ‘Paperwork Reduction Act’ of 1995,³ and has been supplemented by subsequent Executive Orders, directives, statutes and policies.⁴ Further, President Obama issued a directive in 2012 to all Agency heads that they, “to the fullest extent possible...eliminate paper and use electronic recordkeeping... applicable to all executive agencies and to all records, without regard to security classification or any other restriction,” with a goal of achieving this by December 31, 2019.⁵

A move towards paperless-ness in New York has been seen in many fields, including: pharmaceutical prescriptions,⁶ State legislature votes,⁷ virtual paystubs,⁸ electronic delivery of DMV reminders,⁹ and mandatory e-filing in New York State courts.¹⁰

Counties and municipalities within New York have also adopted tablets, electronic delivery and other paperless methods in place of paper. Ogdensburg touted the long-term cost savings in delivering agendas electronically rather than printing and hand-delivering them.¹¹ Erie County cited greater efficiency and timeliness in switching to electronic transfers of property deeds.¹² Oneida County’s District Attorney’s Office not only went paperless with its current documents and records, it also embarked on a program to digitize its archives to save on storage space.¹³ Others have done so as well.

¹ P.L. 105-277, Title XVII, available at: <https://www.gpo.gov/fdsys/pkg/PLAW-105publ277/html/PLAW-105publ277.htm>

² ‘Implementation of the Government Paperwork Elimination Act,’ OMB, https://www.whitehouse.gov/omb/fedreg_gpea2/

³ 44 U.S.C. 3501 et seq.

⁴ See: <http://www.archives.gov/records-mgmt/policy/prod1afn.html> (Electronic record keeping); https://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/SocialMediaGuidance_04072010.pdf (OMB Memorandum on Social Media and Paperwork Reduction); Executive Order 13571 of 2011 (Streamlining Service Delivery and Improving Customer Service); http://archive.sba.gov/advo/laws/hr327_02.pdf (Small Business Paperwork Relief Act of 2002); <https://www.whitehouse.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records> (Presidential Memorandum on Managing Gov’t Records), etc.

⁵ <https://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf>

⁶ NYS Education Law §6810 and NYS Public Health Law §3302, See also:

http://www.health.ny.gov/professionals/narcotic/electronic_prescribing/

⁷ McKinley, Jesse, ‘Turning Over a New Leaf, New York Assembly Pushes Paper Out and Adopts Tablets,’ *NY Times*, April 22, 2015,

http://www.nytimes.com/2015/04/23/nyregion/new-york-state-assembly-goes-digital-with-bills-on-computers.html?_r=0

⁸ ‘City launches virtual payroll system,’ DC37, http://www.dc37.net/news/pep/5_2009/virtual_payrollsystem.html

⁹ <https://dmv.ny.gov/more-info/get-email-andor-text-reminders>

¹⁰ NYS Laws of 2012, Chapter 184, See: <https://www.nycourts.gov/courts/1jd/supctmanh/EF-Chapter-184.pdf> and also see:

<https://iapps.courts.state.ny.us/nyscef/HomePage>

¹¹ ‘Local New York city council goes paperless,’ *Stria*, July 30, 2013, <http://www.stria.com/stria-media/paperless-initiatives/local-new-york-city-council-goes-paperless/>

¹² ‘Paperless property transactions debut in Erie County,’ <http://www2.erie.gov/ecrpts/index.php?q=paperless-property-transactions-debut-erie-county>

¹³ See: <http://www.ocgov.net/node/2262> and <http://cms.generalcode.com/oneida-county/>

The motivations for these transitions can be varied. While many hold environmental concerns regarding the use, and waste, of paper products derived from tree pulp¹⁴ there have also been counter-arguments that the current paper industry is a more sustainable one, with the majority of today's paper being made from recycled sources.¹⁵ Nevertheless, motivations for going paperless can often be far removed from environmental concerns alone. For example, it was hoped that the New York State electronic prescription law might help combat fraud and the illegal distribution of prescription drugs.¹⁶ Yet, such efforts have also been criticized when electronic methods fully supplant paper methods, such as for possibly ignoring the needs of seniors or those left behind by the digital divide who lack access to computers.¹⁷

III. PERMITS, LICENSES AND APPLICATIONS IN NYC

In New York City, the applications for many permits and licenses have been placed online, although a significant number can still only be filed either by mail or in person. NYC Business created an online portal that links to several hundred applications,¹⁸ but some applications are not available through the portal. The availability of other applications varies by agency.

As an example of the variety of approaches that can be found, the Department of Parks and Recreation (DPR) links to eleven permits or requests on their 'Permits and Services' webpage.¹⁹ Of these, most can be applied for online but several cannot.²⁰ Specifically, farmers market permits,²¹ metal detector permits,²² and boating & marina permits²³ do not have an online application option. Tennis permits can be renewed online, single-play tickets can be applied for online, and specific courts at some parks can be reserved online but new permits for adults, seniors and juniors all must be applied for either in-person or by mail.²⁴ Additionally, even when DPR itself favors online applications for a specific permit type, that permit may require approvals from other agencies or entities and those parties may not use online applications. For instance, a film shoot request can be filed online for any park, including six of the seven conservancy parks through their own separate processes, but not for Battery Park in Manhattan, which seemingly requires that a pdf be printed out and mailed.²⁵ And, while a 'Special Event' permit request can be filed online,²⁶ if the event includes amplified

¹⁴ For Example, The World Wildlife Federation:

http://wwf.panda.org/about_our_earth/deforestation/forest_sector_transformation/pulp_and_paper/

¹⁵ Moodie, Alison, 'Is digital really greener than paper?' *The Guardian*, <http://www.theguardian.com/sustainable-business/digital-really-greener-paper-marketing>

¹⁶ Eisinger, Dale, 'No More Paper Prescriptions: Docs Fight Fraud by Going Electronic,' *The Daily Beast*, Dec. 18, 2014,

<http://www.thedailybeast.com/articles/2014/12/18/no-more-paper-prescriptions-docs-fight-fraud-by-going-electronic.html>

¹⁷ Rep. Sean Duffy and Rep. Michael Michaud, 'Federal Efforts to Go Paperless Ignore Seniors' Needs and Digital Divide,'

Rollcall.com, Dec. 2, 2013, http://www.rollcall.com/news/federal_efforts_to_go_paperless_ignore_seniors_needs_and_digital_divide-229381-1.html

¹⁸ <https://www1.nyc.gov/nycbusiness/index>

¹⁹ 'Permits and Services' <http://www.nycgovparks.org/permits>

²⁰ **Online:** Field and Court Permit Requests (<https://www.nycgovparks.org/permits/field-and-court/request>), Parks Special Event Permit (<https://nyceventpermits.nyc.gov/Parks/>), Film Shoot Requests for non-Conservancy Parks (<http://www.nycgovparks.org/permits/film-and-photo-guidelines>), Visual Work Releases (<http://www.nycgovparks.org/permits/visual-work-release>), Tree Service Requests (<http://www.nycgovparks.org/services/forestry>), Wood Debris Removal (<http://www.nycgovparks.org/services/forestry/wood-debris/information>); **Mixed:** Tennis Permits and Renewals (<http://www.nycgovparks.org/permits/tennis-permits>), Research Permits (NYS DEC requires a paper application in some circumstances) (<http://www.nycgovparks.org/permits/research/>); **Offline only:** Farmers Market Permits (<http://www.nycgovparks.org/permits/farmers-market>), Metal Detector Permits (<http://www.nycgovparks.org/permits/metal-detector>), Boating & Marina Permits (<http://www.nycgovparks.org/permits/boating-marinas-permits>)

²¹ Available at (through a pdf retaining the names of both a former Mayor and Commissioner):

http://www.nycgovparks.org/sub_permits_and_applications/images_and_pdfs/farmers_market_permit_application.pdf

²² Available at: <http://www.nycgovparks.org/permits/metal-detector>

²³ Available at: <http://www.nycgovparks.org/permits/boating-marinas-permits>

²⁴ 'Tennis Permits and Renewal Applications,' <http://www.nycgovparks.org/permits/tennis-permits>

²⁵ **Online:** Brooklyn Bridge Park (<http://www.brooklynbridgepark.org/pages/film-and-photography-permits>), Bryant Park

(http://www.bryantpark.org/hold-an-event/photo_video_shoots.html), Central Park (<http://www.centralparknyc.org/about/park-information/filming-and-photography.html>), High Line (<http://www.thehighline.org/press>), Hudson River Park

(<https://www.hudsonriverpark.org/about-us/using-your-park/permits/film-or-photo>); **Unclear:** Prospect Park

(<https://www.prospectpark.org/visit-the-park/general-info/permits/film-and-photo-shoots/>); **Offline only:** Battery Park

(<http://bpcparks.org/wp-content/uploads/2015/04/Professional-film-and-video-permit-application.pdf>)

²⁶ See: <http://www.nycgovparks.org/permits>

sound then a New York Police Department (NYPD) ‘Sound Permit Application’²⁷ would be required and if it involves the sale of food or merchandise then a ‘Temporary Use Authorization’²⁸ from DPR’s Revenue Division would be required, neither of which can be applied for online.

Other agencies have a similar pattern for their applications. The NYPD permit for parades (when more than 10 days before the event)²⁹ can be filed online, but the permits for sound devices³⁰ and the various licenses for firearms³¹ cannot. The Department of Buildings (DOB) maintains an e-filing website called ‘The HUB’ for the submission and review of digital plans for proposed construction projects, including the use of online meeting software, although not every type of permit or review can be obtained there.³² Similarly, the Department of Health and Mental Hygiene accepts many applications online, either in full or part, but still accepts some by mail only.³³

Some similarities can be observed in applications that are required to be filed offline, such as the submission of original documents being part of the application, requiring proof of identity, and signed or notarized forms. Some applications, such as the process for applying for an IDNYC card, include all three and can only be done in person.³⁴ Public safety concerns and other requirements can also limit the ability to place certain applications online.³⁵ It appears that some agencies, such as the Department of Consumer Affairs, have addressed this issue by dividing applications for licenses into basic information intake that can be done online and, when necessary, an off-line component where fingerprints or documents can be presented in person.³⁶

IV. Proposed Int. No. 564-A

Proposed Int. No. 564-A would require that an office designated by the Mayor review the feasibility of establishing online applications for all permits, licenses, and registrations issued by city agencies. This bill would take effect immediately after enactment. For more detailed information, please review the full text of the bill, which is attached below.

(The following is the text of the Fiscal Impact Statement for Int. No. 564-A:)

²⁷ Available at:

http://www.nyc.gov/html/nypd/downloads/pdf/permits/PD_656-041A_Sound_Device_Application.pdf

²⁸ Available at: <http://www.nycgovparks.org/pagefiles/76/TUA-FAQ.pdf>

²⁹ Available at: http://www.nyc.gov/html/nypd/html/permits/parade_permits.shtml

³⁰ Available at:

http://www.nyc.gov/html/nypd/downloads/pdf/permits/PD_656-041A_Sound_Device_Application.pdf

³¹ See: Handgun licenses (http://www.nyc.gov/html/nypd/html/firearms_licensing/handgun_licensing_information.shtml), Rifle/Shotgun licenses (http://www.nyc.gov/html/nypd/html/firearms_licensing/rifle_licensing_information.shtml), and Special Theatrical permits (http://www.nyc.gov/html/nypd/downloads/pdf/permits/Special_theatrical_permit_instructions_3.pdf)

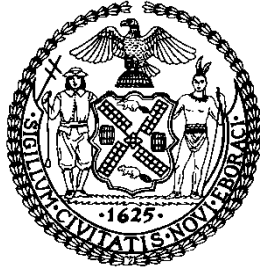
³² ‘The HUB Enrollment,’ <http://www1.nyc.gov/site/buildings/industry/the-hub.page> (Examples of exclusions include fire alarms, enlargements and curb-cuts for small construction projects and jobs filed on properties calendared with the Landmarks Preservation Commission)

³³ For Example: ‘Exhibiting Exotic Animals,’ available at: <https://www1.nyc.gov/nycbusiness/description/exhibiting-exotic-animals/apply>

³⁴ ‘Application Materials,’ IDNYC, <http://www1.nyc.gov/site/idnyc/card/application-materials.page>

³⁵ For Example: Fingerprint requirements for handgun licenses (http://www.nyc.gov/html/nypd/html/firearms_licensing/handgun_licensing_information.shtml)

³⁶ For example: ‘Home Improvement Contractor,’ wherein online submission of a basic application can be started, pending an offline exam, fingerprinting and possibly document submission, available at: <http://www1.nyc.gov/site/dca/businesses/license-checklist-home-improvement-contractor.page>



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

PROPOSED INTRO. NO: 564-A
COMMITTEE: Technology

TITLE: A Local Law in relation to online submission of applications for permits, licenses and registrations and a single web portal for such applications

SPONSORS: By Council Members Vacca, Chin, Eugene, Koo, Rosenthal, Grodenchik, Salamanca, Treyger, Menchaca and Borelli

SUMMARY OF LEGISLATION: Proposed Int. No. 564-A would require that an office designated by the Mayor review the feasibility of establishing online applications for all permits, licenses, and registrations issued by city agencies. Such review would also include an evaluation of the feasibility to create and maintain a single web portal to access such applications and a plan and timeline for creating such web portal. Findings for the review shall be reported to the mayor and the council on or before June 1, 2018.

EFFECTIVE DATE: This local law would take effect immediately upon signing.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation. The review can be conducted using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: John Russell, Unit Head

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on November 25, 2014 as Intro. No. 564 and referred to the Committee on Technology. The legislation was considered at a hearing on May 3, 2016 and was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 564-A, will be voted on by the Committee on Technology at a hearing on March 29, 2017. Upon successful vote by the Committee, Proposed Intro. No. 564-A will be submitted to the full Council for a vote on April 5, 2017.

DATE PREPARED: March 28, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 564-A:)

Int. No. 564-A

By Council Members Vacca, Chin, Eugene, Koo, Rosenthal, Grodenchik, Salamanca, Treyger, Menchaca, Palma, Levin, Kallos and Borelli.

A Local Law in relation to online submission of applications for permits, licenses and registrations and a single web portal for such applications

Be it enacted by the Council as follows:

Section 1. a. On or before June 1, 2018, an office designated by the mayor shall, in conjunction with the department of information technology and telecommunications and with the cooperation of relevant city agencies, review the feasibility of establishing online applications for all permits, licenses and registrations issued by city agencies. Such review shall include, but need not be limited to, the following:

1. A list of which permits, licenses and registrations may currently be applied for online and which may not;

2. For each permit, license or registration that may not currently be applied for online:

(a) An evaluation of the feasibility of allowing online applications for such permit, license or registration, including but not limited to, an evaluation of (i) technical issues, such as software, information technology infrastructure and web compatibility, (ii) issues related to the privacy or security of information in such applications and (iii) costs of allowing online applications for such permit, license or registration;

(b) If such office determines that allowing online applications for such permit, license or registration would be feasible, a plan and timeline for allowing such online applications;

(c) If such office determines that allowing online applications for such permit, license or registration would not be feasible, a description of the reasons for such determination, including a description of the obstacles to allowing such online applications;

3. A description of any web portals used to apply online for permits, licenses and registrations;

4. An evaluation of the feasibility of creating and maintaining a single web portal that can be used to access the application for each permit, license or registration for which online applications are accepted, including but not limited to technical issues, such as software, information technology infrastructure and web compatibility; and

5. A plan and timeline for creating and maintaining such a portal to the extent feasible.

b. On or before June 1, 2018, such office shall report to the mayor and the council on the findings of such review.

§ 2. This local law takes effect immediately.

JAMES VACCA, *Chairperson*; ANNABEL PALMA, BARRY S. GRODENCHIK, JOSEPH C. BORELLI; Committee on Technology, March 29, 2017.

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

Report of the Committee on Youth Services

Report for Int. No. 708-A

Report of the Committee on Youth Services in favor of approving and adopting, as amended, a Local Law in relation to establishing a task force on disconnected youth.

The Committee on Youth Services, to which the annexed proposed amended local law was referred on March 11, 2015 (Minutes, page 797), respectfully

REPORTS:

INTRODUCTION

On April 4, 2017, the Committee on Youth Services, Chaired by Council Member Mathieu Eugene, will hold a hearing on Proposed Int. No. 708-A, a local law to establish a taskforce on disconnected youth. This will be the second hearing on this legislation. The first hearing was held on November 22, 2016. At the hearing, witnesses invited to testify included representatives from the Department of Youth and Community Development (DYCD), the Mayor's Center for Economic Opportunity (CEO), the Young Men's Initiative, advocates, and service providers.

BACKGROUND

For many young adults aged 18-24, this period of their life marks the time that many finish their education and take formal steps to enter the labor market.¹ While many youth decide to continue their education and pursue a college degree, others prefer to enter the job market. Studies have shown that full-time employment at an early age can translate to significantly higher wages as an adult.² Part-time work for young people who are enrolled in school also has a strong correlation to their wages after they complete their education.³ Conversely, long periods of unemployment among youth have been shown to have severe negative effects on their future employment and earnings.⁴

CHARACTERISTICS OF OSOW YOUTH

In New York City (City), there are an estimated 172,000 young adults who are out of school and out of work (OSOW). An additional 133,000 young adults work in low-wage jobs with limited opportunities for advancement.⁵ Collectively, these young adults comprise 35% of the City's 18 to 24 youth population.⁶ Many have been ill-equipped by public education and cut-off from opportunities to explore their career interests and define their identities as workers.⁷ Currently, 65% of OSOW youth don't have a high school diploma, while

¹ JobsFirstNYC, *Barriers to Entry: The Increasing Challenges Faced by Young Adults in the New York City Labor Market*, 2013, available at, http://fiscalpolicy.org/wp-content/uploads/2013/04/JFNYC_Barriers_to_Entry_5-2-13.pdf

² *Id.* at 3.

³ *Id.*

⁴ *Id.*

⁵ JobsFirstNYC, *Unleashing the Economic Power of the 35 Percent*, 2, July 2014, available at, http://www.jobsfirstnyc.org/uploads/Unleashing_the_Economic_Power_of_the_35_Percent_JobsFirstNYC_July_2014v2.pdf

⁶ JobsFirstNYC, *Unleashing the Economic Power of the 35 Percent*, 2, July 2014, available at, http://www.jobsfirstnyc.org/uploads/Unleashing_the_Economic_Power_of_the_35_Percent_JobsFirstNYC_July_2014v2.pdf

⁷ *Id.*

only 37% have a high school diploma.⁸ Most of these youth are forced to accept the grim reality of living life on the economic margins which means they may never be able to achieve economic self-sufficiency, contribute to their economies, or be able to support themselves and their families.⁹

The OSOW youth population consists of three subgroups; (1) the unemployed (39%),¹⁰ (2) those not working or in the labor force for family care reasons (approximately 37%).¹¹ Most of these youth are caring for their own children, while others are taking care of siblings, parents, grandparents, or other family members.¹² (3) Those who are not in the labor force (NILF) for other reasons (24%).¹³ NILF youth are usually less educated and poorer but may have some work experience.¹⁴ While many of the NILF youth are discouraged workers who gave up their job search because they felt their chances were too remote to find jobs, the difficulty in finding employment is the common strand that explains the status of many OSOW youth.¹⁵ In 2010 to 2011, the population of OSOW youth increased to 47% from less than 41% in 2000 to 2001, underscoring how difficult it is for young adults to find work in the last decade.¹⁶ These high rates of OSOW youth are in sharp contrast to the education attainment of other young adults in the past decade. For example, young adults aged 21-24 years old acquiring a four year degree rose from 25% in 2000 to 37% at the end of the decade.¹⁷ Conversely, the percentage of youth without a high school education fell from 18% to 12%.¹⁸ Despite those gains, the number of OSOW youth remains high.¹⁹

OSOW youth are disproportionately concentrated in 18 of the City's 55 communities that are considered opportunity deserts characterized by high poverty, high overall unemployment, and lower levels of educational attainment.²⁰ These communities are also predominantly Black and Latino.²¹ The rates of OSOW youth in these communities far exceed the citywide average, a result of past and present injustices that have disconnected them from mainstream institutions such as school and the labor market.²² Additionally, OSOW youth are far more likely to live in households whose incomes are below the federal poverty line than all other youth (34% versus 24%).²³ For OSOW youth growing up in these communities, their family, peer networks, and communities at large can also negatively reinforce the idea that academic or professional success is not attainable.²⁴ The predicament of OSOW youth is further complicated by their involvement in the criminal justice system.²⁵ Many have criminal records for possession of relatively small amounts of marijuana discovered as a result of the stop and frisk operations.²⁶ As a result, without access to good schools, mentors, and the labor market, it becomes difficult for many youth to break the patterns of inequity that have been institutionalized over time.²⁷

Additionally, for OSOW youth, finding employment has been particularly difficult due to the City's shifting job trends.²⁸ Job growth has been concentrated in sectors characterized by low wages, while sectors that hired less educated young adults and older workers while paying a middle-class wage have been

⁸ JobsFirstNYC, *Barriers to Entry: The Increasing Challenges Faced by Young Adults in the New York City Labor Market*, 7, 2013, available at, http://fiscalpolicy.org/wp-content/uploads/2013/04/JFNYC_Barriers_to_Entry_5-2-13.pdf

⁹ *Id.*

¹⁰ *Id.* at 4

¹¹ *Id.*

¹² *Id.* at 8.

¹³ JobsFirstNYC, *Barriers to Entry: Increasing Challenges Faced by Young Adults in the New York City Labor Market*, 4, 2013, available at, http://fiscalpolicy.org/wp-content/uploads/2013/04/JFNYC_Barriers_to_Entry_5-2-13.pdf

¹⁴ *Id.* at 8.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 7.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ JobsFirstNYC, *Unleashing the Economic Power of the 35 Percent*, 14, July 2014, available at, http://www.jobsfirstnyc.org/uploads/Unleashing_the_Economic_Power_of_the_35_Percent_JobsFirstNYC_July_2014v2.pdf

²⁶ *Id.*

²⁷ JobsFirstNYC, *Barriers to Entry: Increasing Challenges Faced by Young Adults in the New York City Labor Market*, 7, 2013, available at, http://fiscalpolicy.org/wp-content/uploads/2013/04/JFNYC_Barriers_to_Entry_5-2-13.pdf

²⁸ *Id.* at 5.

declining.²⁹ As a result, more adult and experienced workers are funneled into jobs that were traditionally occupied by less educated and less experienced workers.³⁰ For example, sectors that have experienced the largest growth include retail, health, education, social services, etc.³¹ These are also the same sectors where 3 out of every 5 young adults work, and where two-thirds of young adults with less education (high school or less) find employment.³²

THE CITY'S EMPLOYMENT CHALLENGE

The City was able to rebound economically from the recent national economic recession. As of October 2015, the City was home to 4.26 million jobs, and the unemployment rate was 4.8%, which was at its lowest since the recession, wages rose by 4% with almost all the job sectors contributing to that growth.³³ However, nearly one-third of the 364,450 private sector jobs added between 2009 and October 2015 were in the low-wage sectors,³⁴ contributing to the nearly one million working City residents making less than \$20,000 per year.³⁵ This surplus of low wage workers with no viable means of getting ahead has contributed to poor working conditions that are bad for both workers and businesses. At the other end of the spectrum, employers offering high skill quality jobs in industries such as healthcare, technology, and modern manufacturing are facing a shortage of skilled labor.³⁶ For the City, this represents an opportunity to strengthen its labor market and economy.³⁷

Currently, the City's workforce system is not designed to address these challenges.³⁸ For the past 20 years, the workforce system shifted from job training to job placement without any strategic focus on high-value economic sectors.³⁹ Additionally, the workforce system failed to adapt its practices to the changing market conditions.⁴⁰ For example, approximately two-thirds of the \$500 million spent annually on workforce services was allocated to programs that connect jobseekers to entry level positions with low wages and limited prospects for advancement.⁴¹ Only 7% of that budget is dedicated to training programs that provide skills geared towards career track jobs with opportunities for advancement.⁴²

Also, the fragmented state of the workforce has made it difficult to address unemployment challenges in the City.⁴³ For years, City agencies have maintained disparate goals and processes which lead to uncoordinated program offerings and confusion among jobseekers and employers.⁴⁴ Moreover, connecting the City's economic development investments and spending to potential employment and career advancement opportunities has been a challenge for the City.⁴⁵

Currently, the City operates 17 Workforce1 Centers⁴⁶ under the Department of Small Business Services (SBS) which prepares and connects qualified candidates to employment opportunities.⁴⁷ There are 20

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ NYC, *Career Pathways: Progress Update*, 5, 2015, available at, <http://www1.nyc.gov/assets/careerpathways/downloads/pdf/Career-Pathways-Progress-Update.pdf>

³⁴ *Id.* at 5.

³⁵ NYC, *Career Pathways: One City Working Together*, 11, available at, <http://www1.nyc.gov/assets/careerpathways/downloads/pdf/career-pathways-full-report.pdf>

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ JobsFirstNYC, *A Network of Youth Opportunity Centers*, 1, available at, http://www.jobsfirstnyc.org/uploads/A_NETWORK_OF_YOUTH OPPORTUNITY CENTERS.pdf

⁴⁷ NYC Small Business Services, *WORKFORCE1*, available at, <http://www.nyc.gov/html/sbs/html/seekers/seekers.shtml>

Job Centers under the Human Resources Administration (HRA)⁴⁸ which offer employment services that help job seekers by providing training, resume writing, literacy, and job search support.⁴⁹ The Department of Education (DOE) has five Referral Centers for High School Alternatives.⁵⁰ However, none of these are specifically tailored to address the unique challenges facing OSOW youth.⁵¹ Only DYCD and the Mayor's Center for Economic Opportunity (CEO), have programs that are designed to address the needs of OSOW youth. Both programs accept a limited number of applicants.

THE CITY'S EFFORTS TO ADDRESS CURRENT EMPLOYMENT ISSUES

To address these challenges, Mayor Bill de Blasio's Administration (the Administration) has taken the following steps.⁵² First, the Administration established the Mayor's Office of Workforce Development to serve as the coordinating entity for the City's workforce initiatives.⁵³ Secondly, Mayor de Blasio then convened the Jobs for New Yorkers Task Force (the Task Force) comprised of members from government agencies, businesses, educational institutions, organized labor, nonprofits, and philanthropy, to articulate goals for the new workforce system.⁵⁴

The task force developed several recommendations for building a workforce system.⁵⁵ These recommendations include:

1. Supporting career advancement and income mobility by helping jobseekers and incumbent workers address educational needs and develop high-demand skills;
2. Ensuring that businesses in the City can find the talent they need within the five boroughs;
3. Improving the quality of low-wage jobs to benefit both workers and their employers;
4. Leveraging the City's economic development investments and purchasing power to place more New Yorkers into jobs; and
5. Functioning as a coherent system that rewards job quality instead of the quantity of job placements by using system-wide job outcome data.

To achieve this, the Task Force made three recommendations in key policy areas; (1) build skills employers seek, (2) improve job quality, and (3) increase system and policy coordination.⁵⁶

To build skills employers need, the workforce system will significantly expand its capacity to provide job-relevant skills and education.⁵⁷ To accomplish this, the City will implement two interrelated and mutually-dependent strategies called Industry Partnerships and Career Pathways.⁵⁸ Industry partnerships will consist of industry experts focused on addressing mismatches between labor market supply and demand in six economic sectors,⁵⁹ namely healthcare, technology, industrial/manufacturing, construction, retail, and food service.⁶⁰ To define and fulfill labor demand relevant to those sectors, Industry Partnerships will work to determine the skills and qualifications that employers require.⁶¹ The focus will be on training more City residents for jobs

⁴⁸ JobsFirstNYC, *A Network of Youth Opportunity Centers*, 1, available at, http://www.jobsfirstnyc.org/uploads/A_NETWORK_OF_YOUTH OPPORTUNITY CENTERS.pdf

⁴⁹ NYC Human Resources Administration, *Employment Services*, available at, <http://www1.nyc.gov/site/hra/help/employment-services.page>

⁵⁰ JobsFirstNYC, *A Network of Youth Opportunity Centers*, 1, available at, http://www.jobsfirstnyc.org/uploads/A_NETWORK_OF_YOUTH OPPORTUNITY CENTERS.pdf

⁵¹ *Id.*

⁵² NYC, *Career Pathways: One City Working Together*, 11, available at, <http://www1.nyc.gov/assets/careerpathways/downloads/pdf/career-pathways-full-report.pdf>

⁵³ *Id.* at 12.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.* at 12.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at 13.

⁶¹ *Id.*

with career potential and improving the quality of low-wage occupations.⁶² This will also include creating ongoing “feedback loops,” or a platform that will enable them to determine the skills and qualifications employers need while continuously updating the curricula, training, and credential attainment programs to respond to the market conditions.⁶³ As part of its overall strategy, Industry Partnerships will collaborate with organized labor, educational institutions, service providers, philanthropy, and City agencies.⁶⁴

Career Pathways is a new system-wide framework that aligns education and training with specific advancement opportunities for a broad range of jobseekers.⁶⁵ All City agencies that have workforce development programs will reorient their services toward career progression instead of focusing on job placement.⁶⁶ This will include sector-focused training programs, skills training, job-relevant curricula, and work-based learning opportunities.⁶⁷

Additional recommendations made by the Task Force included:

- Investing \$60 million annually by 2020 in bridge programs that prepare low-skill jobseekers for entry level and middle-skill job training;
- Tripling the City’s training investment to \$100 million annually by 2020 in career-track, middle-skill occupations, including greater support for incumbent workers who are not getting ahead;
- Improving and expanding Career and Technical Education (CTE) and college preparedness programs, adjusting CUNY’s alternative credit policy, and investing in career counseling to increase educational persistence and improve support for students’ long-term employment prospects; and
- Increasing work-based learning opportunities for youth and high-need jobseekers.⁶⁸

To improve job quality, the City will support the economic stability of its residents concentrated in low wage jobs by building on recently passed Living Wage and Paid Sick Leave Legislation.⁶⁹ Additionally, the workforce system will pursue a “raise the floor” strategy that rewards good business practices and promotes a baseline level of stability for low-wage workers.⁷⁰ The City will achieve this goal by creating a standard that recognizes “high-road employers” who have good business practices, with the goal of assessing at least 500 local businesses by the end of 2015.⁷¹

To increase system and policy coordination, the City’s economic development investments and contracts must be aligned with training and employment services to deliver value to both entities that receive public subsidies, and to job seekers and current workers.⁷² This will also require agencies that are administering workforce programs to function cohesively by sharing metrics, definitions, requirements, processes, and data systems.⁷³ To meet this goal, the City will reimburse workforce agencies on the basis of job *quality* placements as opposed to job *quantity* placements by aligning service providers under system-wide data infrastructure that measures job outcomes such as full-time work, wage growth, and job continuity.⁷⁴ The City will also maximize local opportunities through the City’s contracts and economic development investments by establishing a “first look” hiring process and enforcing targeted hiring provisions in social service contracts.⁷⁵

As of the last *Career Pathways Progress Update*, the Administration’s Center for Youth Employment (CYE) was focused on expanding employment opportunities for vulnerable youth in foster care and the shelter system; deepening employer engagement in youth workforce programs as host sites, funders, and through

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.* at 13.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.* at 14.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.* at 14.

⁷⁵ *Id.*

partners; supporting career and technical education programs within the DOE; and binding the disparate programs across City agencies that provide workforce services for youth into a coherent and functional system.⁷⁶ Hence, while the City's efforts promise to modify the current workforce system, it is clear there are no new programs designed to specifically target OSOW youth and their unique needs.

EMPLOYER CONCERNS

Employers have long understood the value that young people bring to the workplace. For example, many employers understand that young employees are creative, quick learners, especially with regard to technology, are flexible in terms of scheduling, and they lower labor costs.⁷⁷ More importantly, employers, especially small businesses, appreciate the importance of a highly skilled and well-educated work force vital to fill the human capital needs for future economic growth. For example, through 2020, the City is projected to gain 284,000 jobs that will require a bachelor's degree or more, while an additional 201,000 jobs will require an associate's degree or some college, and 72,000 jobs will require a high school degree.⁷⁸ Before the end of this decade, employer demand for employees with an associate degree will increase by 21%.⁷⁹

However, many employers have cited concerns about the lack of skilled labor to meet their demands. One of the most commonly cited concerns was the lack of preparation and support for young adult workers.⁸⁰ Many employers noted that while they appreciated the ability of workforce providers (providers) to internalize their hiring needs and send qualified candidates, the provider's goals conflicted with their own goals.⁸¹ Rather than send a candidate to help the business improve its bottom line, the service's goal was designed to keep the young adult out of trouble.⁸² As a result, many young adults were more prepared to perform well on the interview but lacked the skills necessary to work in the new environment.⁸³ Employers observed that many of the candidates were not equipped with soft skills such as the ability to communicate well, being able accept constructive criticism, the interpersonal skills necessary to navigate the work environment, and specific occupational skills critical to the employer's needs.⁸⁴ To address this issue, some community based organizations like JobsFirstNYC⁸⁵ and the Lower East Side Employment Network (LESEN)⁸⁶ have taken steps to address employer concerns by taking the time to understand the employer's needs and work culture.⁸⁷ This has translated into enormous savings in time and money and better employee retention rates for the employer.⁸⁸

DYCD's AND CEO's OSOW PROGRAMS.

DYCD has two programs that target OSOW youth, Out of School Youth (OSY)⁸⁹ and the Young Adult Internship Program (YAIP),⁹⁰

⁷⁶ NYC, Career Pathways: Progress Update, 22, available at, <http://www1.nyc.gov/assets/careerpathways/downloads/pdf/Career-Pathways-Progress-Update.pdf>

⁷⁷ JobsFirstNYC, *Going Beyond the Bottom Line: Employer Perspectives on the Young Adult Workforce Development System in New York City*, 2, June 2012, available at, <http://www.jobsfirstnyc.org/uploads/JFNYCGoingBeyondtheBottomLine060412.pdf>

⁷⁸ Partnership for New York City, *NYC Jobs Blueprint*, 47, 2013, available at, <http://www.pfnyc.org/reports/2013-blueprint-web.pdf>

⁷⁹ *Id.*

⁸⁰ JobsFirstNYC, *Going Beyond the Bottom Line: Employer Perspectives on the Young Adult Workforce Development System in New York City*, 2, June 2012, available at, <http://www.jobsfirstnyc.org/uploads/JFNYCGoingBeyondtheBottomLine060412.pdf>

⁸¹ *Id.* at 3.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.* at 2.

⁸⁵ *Id.* at 3.

⁸⁶ JobsFirstNYC, *Innovations in the Field, Lower East Side Employment Network*, 6, 2015, available at, <http://www.jobsfirstnyc.org/uploads/JFNYCCaseStudiesLESENCompressed.pdf>

⁸⁷ JobsFirstNYC, *Going Beyond the Bottom Line: Employer Perspectives on the Young Adult Workforce Development System in New York City*, 2, June 2012, available at, <http://www.jobsfirstnyc.org/uploads/JFNYCGoingBeyondtheBottomLine060412.pdf>

⁸⁸ *Id.* at 7-8.

⁸⁹ NYC DYCD, *Out of School Youth(OSY) Program*, available at, <http://www1.nyc.gov/site/dycd/services/jobs-internships/out-of-school-youth-osy-program.page>

OSY, funded through the federal government's Workforce Innovation and Opportunity Act (WIOA),⁹¹ is a yearlong program for low-income youth between the ages of 16-24 who are neither working nor in school.⁹² The program offers occupational skills training in many industries such as construction, food service, tourism, and retail as well as assistance with GED preparation, support services, and job and college placement.⁹³ Participants also receive twelve months of follow-up services after completing the program.⁹⁴ For the 2016 fiscal year (FY), OSY had a total of 1,543 participants of which 804 were male and 739 were female.⁹⁵ Of this number, 729 were high school dropouts, 732 were high school graduates, and 82 had a GED.⁹⁶ 294 were between the ages of 16-18 years old, 756 were between the ages of 19-21, and 493 were between the ages of 22-24.⁹⁷ 148 were White, 857 were Black, 512 were Hispanic or Latino, 26 were American Indian or Alaskan Native, 130 were Asian, and 6 were Native Hawaiian or Other Pacific Islander. 396 people did not include their ethnic background.⁹⁸

Funded through the Mayor's Center for Economic Opportunity (CEO), the YAIP provides job-ready 16-24 year olds who are not working or in school placement in a short-term internship opportunity.⁹⁹ The YAIP offers 14 weeks of paid orientation, training and work, followed by 9 months of follow-up services and assistance in permanent jobs, training programs, and educational opportunities.¹⁰⁰ YAIP programs are located in community-based organizations in all five boroughs and offer placements in many industries including construction, hospitality, healthcare, and retail. For the 2016 FY, there were a total of 3231 applications, of which 1803 applicants enrolled.¹⁰¹ There were 903 males, 901 females, and 4 who were listed as other.¹⁰² By race, 1,088 were Black, 134 were Hispanics, 107 were White, 94 were Asian/Pacific Islander, and 385 were listed as other.¹⁰³ Of the 1,803 applicants, 1487 participants completed the internship.¹⁰⁴

Another City program under CEO aimed at helping OSOW youth is Project Rise which targets OSOW youth between the ages of 18-24 years old who do not have a high school diploma or GED and have a reading level between the sixth and eighth grade.¹⁰⁵ Project Rise was modeled after two CEO programs, the Young Adult Literacy Program (YALP)¹⁰⁶ and the YAIP. An evaluation of both programs revealed that half of the young adults who completed the program remained engaged in education or job placements nine months after they complete their internships.¹⁰⁷

⁹⁰ NYC DYCD, *Young Adult Internship Program (YAIP)*, available at, <http://www1.nyc.gov/site/dycd/services/jobs-internships/young-adult-internship-program-yaip.page>

⁹¹ The United States Department of Labor, *The Workforce Innovation and Opportunity Act Overview*, available at, <https://www.doleta.gov/wioa/Overview.cfm>; (WIOA is designed to help job seekers access employment, education, training, and support to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy); see also *The Workforce Innovation and Opportunity Act; Investing in America's Competitiveness*, available at, http://edworkforce.house.gov/uploadedfiles/workforce_innovation_and_opportunity_act_-_one_pager.pdf (the legislation also requires improved outreach to disconnected youth by focusing on youth program services on OSOW youth, high school dropout recovery efforts, and attaining postsecondary credentials).

⁹² NYC DYCD, *Out of School Youth(OSY) Program*, available at, <http://www1.nyc.gov/site/dycd/services/jobs-internships/out-of-school-youth-osy-program.page>

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ DYCD provided information via email. The demographics also reflect applicants who identified with more than one racial group.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ NYC DYCD, *Young Adult Internship Program (YAIP)*, available at, <http://www1.nyc.gov/site/dycd/services/jobs-internships/young-adult-internship-program-yaip.page>

¹⁰⁰ *Id.*

¹⁰¹ DYCD provided information via email.

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ NYC CEO, *Project Rise*, available at, http://www.nyc.gov/html/ceo/html/initiatives/sif_rise.shtml

¹⁰⁶ *Id.* (YALP provides instruction for youth with low literacy and numeracy skills).

¹⁰⁷ *Id.*

CONCLUSION

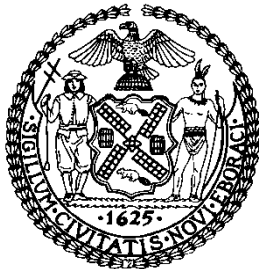
There is little doubt that the City is facing a youth employment crisis that, if left unchecked, promises to ensure that these young New Yorkers will continue to reside on the periphery of the City's economic prosperity unable to be part of the City's economic success. The numerous findings highlighted in this report strongly suggest that a renewed level of focus and a new approach is desperately needed to tackle the educational and employment needs of the young people buttressed by support services designed to address the unique challenges faced by OSOW youth.

At today's hearing, the Committee will examine how effective OSY, YAIP, and Project Rise are in addressing issues that confront OSOW youth. Additionally, the committee will seek to learn whether the City has any additional programs that are directed towards OSOW youth.

ANALYSIS OF PROPOSED INT. NO. 708-A

This legislation would establish a disconnected youth task force. The task force would be composed of twenty-five members, six of whom would be appointed by the Mayor and five would be appointed by the Speaker of the City Council. The task force will meet no less than four times prior to submitting its first report on March 1, 2018. The task force will then meet biennially until submitting its final report on March 1, 2022. The task force will cease to exist after issuing its final report.

(The following is the text of the Fiscal Impact Statement for Int. No. 708-A:)



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

**PROPOSED INTRO. NO.: 708 – A
COMMITTEE: Youth Services**

TITLE: A Local Law in relation to establishing a task force on disconnected youth.

Sponsor: By Council Members Eugene, Chin, Rose, Lander, Kallos and Cohen.

SUMMARY OF LEGISLATION: Proposed Intro. 708-A would establish a disconnected youth task force, composed of 25 members, to provide the Mayor and the Council with a report that analyzes current laws, policies and programs that affect disconnected youth, as well as provide recommendations on how the City could better serve this population. The proposed task force would be convened and would be required to submit its report no later than March 1, 2018, and no later than March 1 biennially thereafter.

The term “disconnected youth” describes young people between the ages of 16 and 24 who are neither attending school nor employed. Of the 25 members of the proposed task force, representation would include commissioners or their designees from several relevant City agencies, such as the Department of Youth and Community Development (DYCD), the Department of Small Business Services (SBS), the Department of Education (DOE), the Administration for Children’s Services (ACS), the Department of Probation (DOP), the Human Resources Administration (HRA), the Department of Health and Mental Hygiene (DOHMH), the Department of Homeless Services (DHS), the Mayor’s Office of Criminal Justice (MOCJ), the Center for Economic Opportunity (CEO), the Mayor’s Center for Youth Employment (CYE) and the Mayor’s Office of Workforce Development (WKDEV). The chancellor of the City University of New York (CUNY) or their designee would also be invited to participate.

The proposed task force would meet no less than four times before issuing a report outlining its assessment of current obstacles, the quality and type of programs currently available, and the educational and skill levels sought by employers in high growth industries. Additionally, reports would include recommendations regarding the improvement of existing programs, data collection methods, mentoring or related services, and the strengthening or establishment of new partnerships to support programming.

EFFECTIVE DATE: This local law would take effect immediately and remain in effect until March 1, 2022, when it would be deemed repealed upon submission of the final report required by the local law.

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

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jessica Ackerman, Senior Financial Analyst

ESTIMATE REVIEWED BY: Regina Ryan, Deputy Director

Eric Bernstein, Counsel
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 708 by the Council on March 11, 2015, and was referred to the Committee on Youth Services. The Committee held a hearing on November 22, 2016 and the legislation was laid over. Intro. 708 was subsequently amended, and the amended version, Proposed Intro. No. 708-A, will be considered by the Committee on April 4, 2017. Upon a successful vote by the Committee, Proposed Intro. 708-A will be submitted to the full Council for a vote on April 5, 2017.

DATE PREPARED: April 3, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 708-A:)

Int. No. 708-A

By Council Members Eugene, Chin, Rose, Lander, Kallos, Cohen, Levin and Menchaca.

A Local Law in relation to establishing a task force on disconnected youth

Be it enacted by the Council as follows:

Section 1. a. For the purposes of this section, “disconnected youth” means youth between the ages of 16 and 24 years who are neither attending school nor employed.

b. There shall be a task force on disconnected youth whose purpose is to examine the obstacles to education and employment for disconnected youth and to make recommendations regarding measures to improve outcomes for disconnected youth. Members of the task force shall serve without compensation and shall be appointed no later than 30 days after the enactment of this local law. The task force shall be composed of 25 members and shall include:

1. The commissioner of youth and community development or their designee;
2. The commissioner of small business services or their designee;
3. The chancellor of the city school district of the city of New York or their designee;
4. The commissioner of the administration for children services or their designee;
5. The commissioner of probation or their designee;
6. The commissioner of the human resources administration or their designee;
7. The commissioner of health and mental hygiene or their designee;
8. The commissioner of homeless services or their designee;
9. The executive director of the mayor’s office of criminal justice or their designee;
10. The chancellor of the city university of New York or their designee shall be invited to participate;
11. The executive director of the center for economic opportunity or their designee;
12. The executive director of the mayor’s center for youth employment or their designee;
13. The executive director of the mayor’s office of workforce development or their designee;
14. The deputy mayor for strategic policy initiatives or their designee;
15. Four additional members shall be appointed by the mayor, including two members who shall represent organizations whose mission is to provide assistance to youth aging out of foster care and youth involved in the criminal justice system; one shall represent the business community; and one shall represent the young men’s initiative;

16. Four members shall be appointed by the speaker of the council, including two members who shall represent organizations whose mission is advocating for disconnected youth; one member shall represent the business community; and one member shall represent the young women's initiative; and

17. Three additional members who are youth leaders between the ages of 16 and 24 at the time of their appointment shall be appointed, two by the mayor and one by the speaker of the council.

c. Upon appointment of all the members, the task force shall elect a chair from its membership by a majority vote at the first meeting of such task force. The task force shall meet not less than four times prior to submitting the report required pursuant to subdivision d of this section. The task force may establish its own guidance and procedures with respect to the conduct of its meetings and other affairs not inconsistent with law.

d. No later than March 1, 2018, and no later than March 1 biennially thereafter, the task force shall issue a report to the mayor and the speaker of the council. Such report shall include, but not be limited to, providing guidance on the following topics:

1. An assessment of the obstacles that prevent disconnected youth from pursuing educational opportunities or entering the workforce, including but not limited to, issues related to housing, childcare, health care and substance abuse, criminal justice, transportation, wages, and language and cultural barriers.

2. An analysis and discussion on how to address any such obstacles;

3. Recommendations for how to better inform the public on the availability of services for disconnected youth;

4. A review of the quality, and the type of programs that serve disconnected youth, including whether they adequately address the education and skills disconnected youth need to attain and retain work;

5. The costs related to implementing programs for disconnected youth;

6. Recommendations regarding how to improve existing programs serving disconnected youth;

7. Recommendations regarding how to improve data collection for disconnected youth programs and make the data publicly available;

8. Recommendations on effective follow-up services such as mentoring, work related peer support groups, further education or training, career pathway development, support for maintaining a job, and recommendations regarding the length of time such services should be offered to any disconnected or formerly disconnected youth;

9. An analysis of the education levels and skills sought by employers;

10. Identifying the most effective ways that disconnected youth programs can meet employer needs;

11. Recommendations on the creation of partnerships between programs for disconnected youth and employers that can serve as a job pipeline for participants;

12. Identifying high growth industries that generate living wage jobs for youth; and

13. Identifying ways to foster and strengthen partnerships between public and private providers that serve disconnected youth.

§ 2. This local law takes effect immediately and remains in effect until March 1, 2022, when it is deemed repealed, following the submission of the final report required by subdivision d of section one of this local law.

MATHIEU EUGENE, *Chairperson*; ANNABEL PALMA, DARLENE MEALY, MARGARET S, CHIN, DAVID G. GREENFIELD, ANDY L. KING, LAURIE A. CUMBO; Committee on Youth Services, April 4, 2017.

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

GENERAL ORDER CALENDAR**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Charlene Checo	636 West 172nd Street #53 New York, N.Y. 10032	10
Linda Fraguada	2144 Crotona Parkway #3C Bronx, N.Y. 10460	15
Jasmine Hansen	47-57 58th Lane Woodside, N.Y. 11377	26
Mohammed Rahman	109-29 Lefferts Blvd Ozone Park, N.Y. 11420	28
Ellen A. Yates	101 Preston Avenue State Island, N.Y.	51

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Iris M. Fontanez	100 Beekman Street New York, N.Y. 100038	1
Lorraine Catalano	30 Cornelia Street #19 New York, N.Y. 10014	3
Thomas K. Duane	345 8th Avenue #19A New York, N.Y. 10001	3
Diana P. Townsend	525 East 14th Street #1F New York, N.Y. 10009	4
John A. Devlin	205 West 95th Street #1A New York, N.Y. 10025	6

Julie Leung	65 West 90th Street New York, N.Y. 10024	6
Gloria Quinones	217 West 62nd Street New York, N.Y. 10023	6
Julia Garcia	55 LaSalle Street #1 ID New York, N.Y. 10027	7
Latreva Vonzella Mumford	420 East 102nd Street #11E New York, N.Y. 10029	8
Gamalier M. Silva	420 East 146th Street #308 Bronx, N.Y. 10455	8
Ivy Soto	325 Pleasant Avenue #3A New York, N.Y. 10035	8
Gwendolyn Moore	1900 Lexington Avenue #10J New York, N.Y. 10035	9
Tina Kambitsis	213 Bennett Avenue #1M New York, N.Y. 10040	10
Maribel Rivera	75 West Mosholu Parkway North #6K Bronx, N.Y. 10467	11
Judith Arlene Schultz	3400A Paul Avenue #13G Bronx, N.Y. 10468	11
Ruth Brantley	140 Erdman Place #14D Bronx, N.Y. 10475	12
Cortney A. Thornhill	3550 White Plains Road #8 Bronx, N.Y. 10467	12
Andrea B. Siegel	780 Pelham Parkway South #C11 Bronx, N.Y. 10462	13
Loizaida DeJesus	2121 Grand Concourse #6B Bronx, N.Y. 10453	14
Theresa Emeterio	1827 Loring Place South Bronx, N.Y. 10453	14
Blanca Daly	2300 Olinville Avenue #18 Bronx, N.Y. 10467	15
Regiha V. Dillard	1747 Clay Avenue #20 Bronx, N.Y. 10457	15

Rosalind Wiley	800 Grand Concourse #4VS Bronx, N.Y. 10451	16
Norma Iris Rosado	1323 West Farms Road #1E Bronx, N.Y. 10459	17
Yolanda L. Taylor	1315 Prospect Avenue #4C Bronx, N.Y. 10459	17
Iris N. Hernandez	436 Beach Avenue Bronx, N.Y. 10473	18
Eleni Patras	154-01 9th Avenue #1L Queens, N.Y. 11357	19
Georgianna Timal	33-23 171st Street Flushing, N.Y. 11358	19
Huiling Zheng	46-57 156th Street Flushing, N.Y. 11355	20
Demetrias Gamble	98-38 57th Avenue #12M Queens, N.Y. 11368	21
Mahilthini Neomi Ranjan	88-49 205th Street Hollis, N.Y. 11423	23
Scott Krikawa	39-65 51st Street #2E Woodside, N.Y. 11377	26
Anthony B. Hart	115-44 147th Street Queens, N.Y. 11436	28
Kearia Hill	150-37 113th Avenue Jamaica, N.Y. 11433	28
Timur Benjamin	118-60 Metropolitan Avenue #3L Kew Gardens, N.Y. 11415	29
Walter E. Clayton Jr.	68-60 76th Street Queens, N.Y. 11379	30
Emil Cohill	50-23 59th Place Woodside, N.Y. 11377	30
Mayyi Flores	65-31 70th Avenue Queens, N.Y. 11385	30

Frank Zito	65-47 77th Street Queens, N.Y. 11379	30
Tracey Michelle Jordan	144-31 226th Street #2 Queens, N.Y. 11413	31
Brazeyl Readon	243-50 Mayda Road Rosedale, N.Y. 11422	31
Rosemary Ciulla-Frisone	164-15 96th Street Howard Beach, N.Y. 11414	32
Marion Rago	131 Nassau Avenue Brooklyn, N.Y. 11222	33
Judelk Pena	43 Central Avenue #3F Brooklyn, N.Y. 11206	34
Daisy A. James	1092 President Street #5 Brooklyn, N.Y. 11225	35
Michelle Stevens	33 Lafayette Avenue #15B Brooklyn, N.Y. 11238	35
Rosaria L. Garcia	50 Crescent Street Brooklyn, N.Y. 11208	37
Beatrice A. DeSapio	288 17th Street Brooklyn, N.Y. 11215	38
Norma J. Rogers	973 Jefferson Avenue #1 Brooklyn, N.Y. 11221	41
Farrah Brown	406 Hinsdale Street Brooklyn, N.Y. 11207	42
Louise Benevento	1037 74th Street Brooklyn, N.Y. 11228	43
Edith M. Gugliemelli	1336 85th Street Brooklyn, N.Y. 11228	43
Sheri Kai	1615 East 10th Street #1F Brooklyn, N.Y. 11223	44
Annetta Cooper	5995 Shore Parkway #6A Brooklyn, N.Y. 11236	46
Pelham G. Naidu	1674 East 49th Street Brooklyn, N.Y. 11234	46

Corine Phillips	5415 Fillmore Avenue Brooklyn, N.Y. 11234	46
Jaqueline Ham	2007 Surf Avenue #7A Brooklyn, N.Y. 11224	47
Frances Rizzo	2261 East 4th Street Brooklyn, N.Y. 11223	47
Moshe Steinberg	1956 61st Street Brooklyn, N.Y. 11204	47
Pearl Steiner	2035 83rd Street Brooklyn, N.Y. 11214	47
Yuilya Blokhina	159 Corbin Place Brooklyn, N.Y. 11235	48
Lisa Caranci	2066 Homecrest Avenue Brooklyn, N.Y. 11229	48
Stephen Moran	3712 Shore Parkway Brooklyn, N.Y. 11235	48
Larisa Prizimenter	1925 Quentin Road Brooklyn, N.Y. 11229	48
Lena Allen-Moore	700 Victory Blvd #7K Staten Island, N.Y. 10301	49
Monique A. Debs-Fonte	65 Benedict Avenue Staten Island, N.Y. 10314	49
James P. Molinaro	85 Lyman Avenue Staten Island, N.Y. 10305	50
Francine Misseri-Olito	73 Mayberry Promenade Staten Island, N.Y. 10312	51

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

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

- | | | |
|------|----------------------------------|--|
| (1) | Int 359-A - | A study of environmental justice areas and the establishment of an environmental justice portal. |
| (2) | Int 564-A - | Online submission of applications for permits, licenses and registrations and a single web portal for such applications. |
| (3) | Int 708-A - | A task force on disconnected youth. |
| (4) | Int 746-A - | Preventing the unauthorized practice of immigration law. |
| (5) | Int 886-A - | Identifying and addressing environmental justice issues. |
| (6) | Int 1112-A - | Tree maintenance work. |
| (7) | Int 1253-A - | Employee's salary history. |
| (8) | Int 1454 - | New Dorp business improvement district. |
| (9) | Res 1431 - | Designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (10) | L.U. 579 & Res 1437 - | App. 20175215 HKM (N 170205 HKM) Manhattan, Community Board 10, Council District 9. |
| (11) | L.U. 580 & Res 1438 - | App. 20175216 HKM (N 170206 HKM) Manhattan, Community Board 12, Council District 10. |
| (12) | L.U. 581 & Res 1439 - | App. 20175209 HKQ (N 170209 HKQ) Queens, Community Board 7, Council District 20. |
| (13) | L.U. 582 & Res 1440 - | App. 20175210 HKR (N 170210 HKR) Staten Island, Community Board 2, Council District 50
(Coupled to be Disapproved). |

- (14) **L.U. 593 & Res 1441 -** App. **20175218 HKM (N 170252 HKM)** Manhattan, Community Board 6, Council District 4.
- (15) **L.U. 599 & Res 1435 -** Bronx, Community District No. 7, Council District No. 15.
- (16) **L.U. 600 & Res 1436 -** Manhattan, Community District No. 9, Council District No. 7.
- (17) **Resolution approving various persons Commissioners of Deeds.**

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

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

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

The following was the vote recorded for **Int. Nos. 359-A and 886-A:**

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

Negative – Borelli and Matteo – **2**.

The following was the vote recorded for **Int. No. 1253-A:**

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vacca, Vallone, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

Negative – Borelli, Ulrich and Matteo – **3**.

The following was the vote recorded for disapproving **LU No. 582 & Res. No. 1440**:

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

Abstention – Lander – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int. Nos. 359-A, 564-A, 708-A, 746-A, 886-A, 1112-A, 1253-A, and 1454.

RESOLUTIONS

presented for voice-vote

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

Report for voice-vote item Res No. 1393-A

Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving a Resolution, as amended, calling upon President Donald Trump to fully fund the Corporation for Public Broadcasting, the Institute of Museum and Library Services, the National Endowment for the Arts and the National Endowment for the Humanities, and not to eliminate or diminish any of these agencies in any form.

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed amended resolution was referred on March 1, 2017 (Minutes, page 663), respectfully

REPORTS:

Introduction

On April 3, 2017, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member Jimmy Van Bramer, will hold a hearing on Proposed Res. No. 1393-A, a resolution calling upon President Donald Trump to fully fund the Corporation for Public Broadcasting, the Institute of Museum and Library Services, the National Endowment for the Arts and the National Endowment for the Humanities, and not to eliminate or diminish any of these agencies in any form. Witnesses invited to testify include the Department of Cultural Affairs (DCLA); members of the Cultural Institutions Group (CIG);

¹ various arts and cultural advocates, groups, institutions and organization; the New York Public Library; the Brooklyn Public Library; the Queens Library; library advocates; recent federal grant recipients; and other interested parties.

Proposed Res. No. 1393-A

Proposed Res. No. 1393-A would acknowledge that, as president-elect, Donald Trump announced a plan to reduce federal spending by \$10.5 trillion over ten years. Proposed Res. No. 1393-A would also acknowledge that President Donald Trump is now considering eliminating the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH), and privatizing the Corporation for Public Broadcasting (CPB) in effort to reduce domestic spending.

Proposed Res. No. 1393-A would note that the NEA, established by Congress in 1965, in an independent federal agency dedicated to expanding equal access to the arts, promoting arts education, and affirming and celebrating America's rich and diverse cultural heritage. Proposed Res. No. 1393-A would also note that the NEA accomplishes this goal by grant making and local partnerships that support thousands of organizations, performances and activities in every congressional district. Proposed Res. No. 1393-A would indicate that 40% of all NEA program funds are distributed through state arts agencies and, with millions in state appropriations, more than 23,000 grants in 5,000 communities across the United States (U.S.) were funded in 2017. Proposed Res. No. 1393-A would also indicate that 36% of grants are awarded to organizations that reach underserved populations such as people with disabilities and veterans, 33% serve low-income audiences, and 40% of NEA-supported activities take place in high-poverty neighborhoods.

Proposed Res. No. 1393-A would note that the NEH, also established by Congress in 1965, is an independent federal agency dedicated to supporting research, education, preservation and public programs in

¹ The CIG is comprised of 33 member institutions that exist in a public-private partnership with the city. The CIG includes art and natural history museums, historical societies, theaters, concert halls, performing art centers, botanical gardens and zoos. Member institutions operate as nonprofit organizations whose mandate is to provide cultural services to all New Yorkers. See <http://www.nyc.gov/html/dcla/html/funding/institutions.shtml>.

the humanities through grant making and partnerships with 56 state and territory humanities councils to strengthen local programs. Proposed Res. No. 1393-A would also note that the NEH typically awards grants to cultural institutions, including museums, archives, libraries, institutions of higher education, public television and radio stations, and to individual scholars, for “scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future. Proposed Res. No. 1393-A would indicate that the NEH supports community lectures, book festivals, family literacy programs, town hall discussions and traveling exhibitions; the creation of museum and library exhibitions and the preservation of valuable heritage collections.

Proposed Res. No. 1393-A would note that the CPB, established by Congress in 1967, is a private, nonprofit corporation that acts as the steward of the federal government’s investment in public broadcasting and the largest single source of funding for public radio and television, including National Public Radio (NPR) and the Public Broadcasting Service (PBS), and related online and mobile services. Proposed Res. No. 1393-A would also note that the CPB’s mission is “to ensure universal access to non-commercial, high-quality content and telecommunications services” and it does so by “[supporting] diverse programs and services that inform, education, enlighten and enrich the public.” Proposed Res. No. 1393-A would indicate that the CPB distributes more than 70% of its funding to 580 grantees representing 1,489 locally-owned public radio and television stations. Proposed Res. No. 1393-A would acknowledge that the CPB also funds technological innovations to make content more accessible on platforms beyond radio and television stations, such as NPR’s mobile apps, which provide access to programming from hundreds of public radio stations across the country, and PBS LearningMedia, a resource that aggregates quality educational content aligned with common core state standards for educators. Proposed Res. No. 1393-A would also acknowledge that each month, over 170 million Americans watch, listen to, or access online public media as well as that annually, 89% of U.S. households watch public television and 82% of American children ages 2 through 8 watch PBS stations.

Proposed Res. No. 1393-A would reveal that together, the budgets for the NEA, the NEH and the CPB account for only \$741 million, less than one-tenth of one percent of the \$4 trillion that the Congressional Budget Office (CBO) projects the federal government will spend in 2017.

Proposed Res. No. 1393-A would note that the Republican Study Committee’s report, “A Balanced Budget for a Stronger America,” recommends eliminating the Institute of Museum and Library Services (IMLS).

Proposed Res. No. 1393-A would note that the IMLS, established by Congress in 1996, is an independent federal agency that provides support to further empower museums and libraries to support civic life. Proposed Res. No. 1393-A would note that the IMLS is also responsible for conducting policy research, analysis and data collection to extend and improve museum, library and information services across the country as well as developing interagency collaborations to achieve national policy. Proposed Res. No. 1393-A would indicate that the IMLS is the primary federal support for an estimated 35,000 museums of all disciplines, including aquariums, botanic gardens, children’s museums, history, science and technology centers and zoos, and 123,000 libraries of all types, including academic, public, research and tribal. Proposed Res. No. 1393-A would further indicate that in 2016, the IMLS received appropriations totaling \$230 million, which accounts for almost 0.006 percent of the \$4 trillion that the CBO projects that the federal government will spend in 2017.

Proposed Res. No. 1393-A would acknowledge that New York City (NYC), home to a wealth of cultural amenities, including art galleries, museums and theaters, is an important center for film, dance, literature, music, opera, theater and the visual arts, making it the global cultural capital it is today. Proposed Res. No. 1393-A would also acknowledge that according to the Alliance for the Arts, arts-motivated visitors are one of the strongest factors in NYC’s growing tourism market.

Proposed Res. No. 1393-A would reveal that according to a 2015 Center for an Urban Future (CUF) Report, NYC’s creative industries have outpaced traditional indicators, such as finance, insurance and legal services, to become one of the fastest growing segments of its economy. Proposed Res. No. 1393-A would also reveal that the CUF also reports that of NYC’s 20 largest industries, the creative sector comprises the largest share of the nation’s total jobs, accounting for 8.6% of national jobs in 2013, up from 7.1% in 2003.

Proposed Res. No. 1393-A would note that library services in NYC are provided by three independent systems which collectively operate four research library centers in Manhattan and 217 local library branches across the five boroughs. Proposed Res. No. 1393-A would acknowledge that NYC libraries are also

multipurpose community and information centers, safe havens for children after school. Proposed Res. No. 1393-A would indicate that, according to the IMLS' website, in fiscal year 2016 three grants totaling \$564,980 were awarded to NYC libraries, including the New York Public Library, which received \$295,010 to "develop and deliver a blended learning early literacy staff training in partnership with the NYC Early Childhood Professional Development Institute at the City University of New York."

Proposed Res. No. 1393-A would recognize that museums, cultural institutions, libraries and public media are relevant and vital institutions that connect, education, engage and inform; they can bring history to life, they celebrate art, culture and heritage, and promote better understanding as well as encourage curiosity, dialogue and self-reflection, all of which are especially vital given the current contentious political climate. Proposed Res. No. 1393-A would finally assert that the elimination or diminishment of any of these agencies would seriously stymie creative expression, cultural diversity, enrichment and equity.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res No. 1393-A:)

Res. No. 1393-A

Resolution calling upon President Donald Trump to fully fund the Corporation for Public Broadcasting, the Institute of Museum and Library Services, the National Endowment for the Arts and the National Endowment for the Humanities, and not to eliminate or diminish any of these agencies in any form.

By Council Members Van Bramer, Levin, Dromm, Cohen, Koslowitz, Salamanca, Menchaca, Koo and Kallos.

Whereas, As president-elect, Donald Trump announced a plan to reduce federal spending by \$10.5 trillion over ten years; and

Whereas, President Donald Trump is now considering eliminating the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH), and privatizing the Corporation for Public Broadcasting (CPB) in effort to reduce domestic spending; and

Whereas, The NEA, established by Congress in 1965, is an independent federal agency dedicated to expanding equal access to the arts, promoting arts education, and affirming and celebrating America's rich and diverse cultural heritage; and

Whereas, The NEA accomplishes this goal by grant making and local partnerships that support thousands of organizations, performances and activities in every congressional district; and

Whereas, Forty percent of all NEA program funds are distributed through state arts agencies and, with millions in state appropriations, more than 23,000 grants in 5,000 communities across the United States (U.S.) were funded in 2017; and

Whereas, Thirty-six percent of grants are awarded to organizations that reach underserved populations such as people with disabilities and veterans, 33% serve low-income audiences, and 40% of NEA-supported activities take place in high-poverty neighborhoods; and

Whereas, The NEH, also established by Congress in 1965, is an independent federal agency dedicated to supporting research, education, preservation and public programs in the humanities through grant making and partnerships with 56 state and territory humanities councils to strengthen local programs; and

Whereas, The NEH typically awards grants to cultural institutions, including museums, archives, libraries, institutions of higher education, public television and radio stations, and to individual scholars, for "scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future;" and

Whereas, The NEH supports community lectures, book festivals, family literacy programs, town hall discussions and traveling exhibitions; the creation of museum and library exhibitions and the preservation of valuable heritage collections; and

Whereas, The CPB, established by Congress in 1967, is a private, nonprofit corporation that acts as the steward of the federal government's investment in public broadcasting and the largest single source of funding for public radio and television, including National Public Radio (NPR) and the Public Broadcasting Service (PBS), and related online and mobile services; and

Whereas, The CPB's mission is "to ensure universal access to non-commercial, high-quality content and telecommunications services" and it does so by "[supporting] diverse programs and services that inform, education, enlighten and enrich the public;" and

Whereas, The CPB distributes more than 70% of its funding to 580 grantees representing 1,489 locally-owned public radio and television stations; and

Whereas, The CPB also funds technological innovations to make content more accessible on platforms beyond radio and television stations, such as NPR's mobile apps, which provide access to programming from hundreds of public radio stations across the country, and PBS LearningMedia, a resource that aggregates quality educational content aligned with common core state standards for educators; and

Whereas, Each month, over 170 million Americans watch, listen to, or access online public media; and

Whereas, Annually, 89% of U.S. households watch public television and 82% of American children ages 2 through 8 watch PBS stations; and

Whereas, Together, the budgets for the NEA, the NEH and the CPB account for only \$741 million, less than one-tenth of one percent of the \$4 trillion that the Congressional Budget Office (CBO) projects the federal government will spend in 2017; and

Whereas, The Republican Study Committee's report, "A Balanced Budget for a Stronger America," recommends eliminating the Institute of Museum and Library Services (IMLS); and

Whereas, The IMLS, established by Congress in 1996, is an independent federal agency that provides support to further empower museums and libraries to support civic life; and

Whereas, The IMLS is also responsible for conducting policy research, analysis and data collection to extend and improve museum, library and information services across the country as well as developing interagency collaborations to achieve national policy; and

Whereas, The IMLS is the primary federal support for an estimated 35,000 museums of all disciplines, including aquariums, botanic gardens, children's museums, history, science and technology centers and zoos, and 123,000 libraries of all types, including academic, public, research and tribal; and

Whereas, In 2016, the IMLS received appropriations totaling \$230 million, which accounts for almost 0.006 percent of the \$4 trillion that the CBO projects that the federal government will spend in 2017; and

Whereas, New York City (NYC), home to a wealth of cultural amenities, including art galleries, museums and theaters, is an important center for film, dance, literature, music, opera, theater and the visual arts, making it the global cultural capital it is today; and

Whereas, According to the Alliance for the Arts, arts-motivated visitors are one of the strongest factors in NYC's growing tourism market; and

Whereas, According to a 2015 Center for an Urban Future (CUF) Report, NYC's creative industries have outpaced traditional indicators, such as finance, insurance and legal services, to become one of the fastest growing segments of its economy; and

Whereas, The CUF also reports that of NYC's 20 largest industries, the creative sector comprises the largest share of the nation's total jobs, accounting for 8.6% of national jobs in 2013, up from 7.1% in 2003; and

Whereas, Library services in NYC are provided three independent systems which collectively operate four research library centers in Manhattan and 217 local library branches across the five boroughs; and

Whereas, NYC libraries are also multipurpose community and information centers, safe havens for children after school; and

Whereas, According to the IMLS' website, in fiscal year 2016 three grants totaling \$564,980 were awarded to NYC libraries, including the New York Public Library, which received \$295,010 to "develop and deliver a blended learning early literacy staff training in partnership with the NYC Early Childhood Professional Development Institute at the City University of New York;" and

Whereas, Museums, cultural institutions, libraries and public media are relevant and vital institutions that connect, education, engage and inform; they can bring history to life, they celebrate art, culture and heritage,

and promote better understanding as well as encourage curiosity, dialogue and self-reflection, all of which are especially vital given the current contentious political climate; and

Whereas, Elimination or diminishment of any of these agencies would seriously stymie creative expression, cultural diversity, enrichment and equity; now, therefore, be it

Resolved, That the Council of the City of New York calls upon President Donald Trump to fully fund the Corporation for Public Broadcasting, the Institute of Museum and Library Services, the National Endowment for the Arts and the National Endowment for the Humanities, and not to eliminate or diminish any of these agencies in any form.

JAMES G. VAN BRAMER, *Chairperson*; ELIZABETH S. CROWLEY, JULISSA FERRERAS-COPELAND, PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, COSTA G. CONSTANTINIDES, LAURIE A. CUMBO, HELEN K. ROSENTHAL. Committee on Cultural Affairs, Libraries and International Intergroup Relations, April 3, 2017.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 2 Council Members formally noted their objection to the passage of this item:
Council Members Borelli and Matteo.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1530

By The Speaker (Council Member Mark-Viverito) and Council Members Rosenthal, Dromm, Levine, Menchaca and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to creating a rebuttable presumption regarding harassment and repealing subparagraph g of paragraph 48 of subdivision a of section 27-2004 of such code

Be it enacted by the Council as follows:

Section 1. The opening paragraph 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 7 for the year 2008, is amended to read as follows:

48. Except where otherwise provided, the term “harassment” shall mean any act or omission by or on behalf of an owner that [(i)] *substantially interferes with or disturbs the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a dwelling unit and that causes or is intended to cause any person lawfully entitled to occupancy of [a] such dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, [and (ii) includes one or more of] provided that there shall be a rebuttable presumption that the following acts or omissions constitute harassment:*

§ 2. Clause (5) of 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 81 for the year 2015, is amended to read as follows:

(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; *or*

§ 3. Clause (4) of subparagraph f-3 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 81 for the year 2015, is amended to read as follows:

(4) knowingly falsifying or misrepresenting any information provided to such [person; or] *person*.

§ 4. Subparagraph g of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York is REPEALED.

§ 5. This local law shall take effect 120 days after its enactment, 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. 1531

By The Speaker (Council Member Mark-Viverito) and Council Members Crowley, Dromm, Richards, Levin, Lancman and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to efficiently facilitate the processing of bail payments

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 9-148 to read as follows:

§ 9-148 Bail payments and processing.

a. The department shall accept cash bail payments immediately and continuously after an inmate is admitted to the custody of the department, except on such dates in which such inmate appears in court other than an arraignment in criminal court.

b. The department shall release any inmate for whom bail or bond has been paid or posted within two hours of such payment or the department's receipt of notice thereof, whichever occurs later. Such timeframe may be extended, but in any event shall be forthwith, when:

- 1. The inmate receives discharge planning services prior to release;*
- 2. The inmate has a warrant or hold from another jurisdiction or agency;*
- 3. The inmate is being transported at the time bail or bond is paid or posted;*
- 4. The inmate is not in departmental custody at the time bail or bond is paid or posted;*
- 5. The inmate requires immediate medical or mental health treatment;*
- 6. Section 520.30 of the criminal procedure law necessitates a delay.*

c. The department shall accept cash bail payments at any courthouse unless the department accepts cash bail at another location within one half mile of such courthouse during all operating hours of such courthouse and at least two hours subsequent to such courthouse's closing. Such acceptance may include the operation of machines capable of accepting cash deposits and deposits made through a debit card or similar device, provided that such machines operate at all hours.

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

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1532

By Council Members Cabrera, Gentile and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to the licensing of electronic cigarette retail dealers

Be it enacted by the Council as follows:

Section 1. Subdivision qq of section 17-502 of the administrative code of the city of New York, as added by local law number 152 for the year 2013, is amended to read as follows:

qq. "Electronic cigarette" means [an electronic] *a battery-operated device that heats a liquid, gel, herb, and/or other substance, which may but need not include nicotine, and delivers vapor for inhalation. Electronic cigarette shall include any refill, cartridge, and any other component of an electronic cigarette. Electronic cigarette shall not include any product approved by the United States food and drug administration for sale as a drug or medical device, or any product approved for use pursuant to section 3362 of the public health law.*

§ 2. Section 17-513.3 of the administrative code of the city of New York, as added by local law number 152 for the year 2013, is amended to read as follows:

§ 17-513.3 Retail tobacco store [and retail electronic cigarette store] registration.

It shall be unlawful for any individual to operate a retail tobacco store [or a retail electronic cigarette store] without having registered with the department in accordance with the rules of the department.

§ 3. Section 17-513.4 of the administrative code of the city of New York, as added by local law number 152 for the year 2013, is amended to read as follows:

§ 17-513.4 Retail tobacco store [and retail electronic cigarette store] verification.

The department shall promulgate rules and regulations necessary to establish a system for review and verification of total annual gross sales of retail tobacco stores [and retail electronic cigarette stores].

§ 4. Subdivision bb of section 17-702 of the administrative code of the city of New York, as added by local law number 94 for the year 2013, is amended to read as follows:

bb. “Electronic cigarette” means a battery-operated device that [contains] *heats a liquid, gel, herb, and/or other substance, which may but need not include nicotine,* and delivers vapor for inhalation. Electronic cigarette shall include any refill, cartridge, and any other component of an electronic cigarette. *Electronic cigarette shall not include any product approved by the United States food and drug administration for sale as a drug or medical device, or any product approved for use pursuant to section 3362 of the public health law.*

§ 5. Chapter 2 of Title 20 of the administrative code of the city of New York is amended by adding a new subchapter 35 to read as follows:

SUBCHAPTER 35
ELECTRONIC CIGARETTE RETAIL DEALERS

§ 20-560 *Definitions. As used in this subchapter, the following terms have the following meanings:*

Electronic cigarette. The term “electronic cigarette” means a battery-operated device that heats a liquid, gel, herb, and/or other substance, which may but need not include nicotine, and delivers vapor for inhalation. Electronic cigarette shall include any refill, cartridge, and any other component of an electronic cigarette. Electronic cigarette shall not include any product approved by the food and drug administration for sale as a drug or medical device, or any product approved for use pursuant to section 3362 of the public health law.

Electronic cigarette retail dealer. The term “electronic cigarette retail dealer” means any person engaged in the retail sale of electronic cigarettes. For the purposes of this subchapter, the possession or transportation at any one time of more than 20 electronic cigarettes by any person other than a manufacturer or a person delivering electronic cigarettes in the regular course of business for a manufacturer or electronic cigarette retail dealer, shall be presumptive evidence that such person is an electronic cigarette retail dealer.

Person. The term “person” means any individual, partnership, society, association, joint-stock company, corporation, limited liability company, 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.

Pharmacy. The term “pharmacy” means “pharmacy” as defined in subdivision one of section 6802 of the education law.

§ 20–561 *License. a. License required of electronic cigarette retail dealers.*

1. It shall be unlawful for any person to engage in business as an electronic cigarette retail dealer without first having obtained a license as hereinafter prescribed for each place of business wherein such person engages in the retail sale of electronic cigarettes in the city.

2. It shall be unlawful for a person to permit any premises under such person's control to be used by any other person in violation of paragraph one of subdivision a of this section.

3. It shall be unlawful for a pharmacy to obtain a license to engage in business as an electronic cigarette retail dealer.

b. License application.

1. In order to obtain a license to engage in business as an electronic cigarette retail dealer, a person shall file an application with the commissioner for a license for each place of business that the person desires to have for the retail sale of electronic cigarettes in the city. The application for each license or renewal thereof shall be made upon such form as prescribed by the commissioner and shall contain such information as the commissioner shall require.

2. The person must have been engaged in the retail sale of electronic cigarettes as of the enactment date of the local law that added this section.

3. The license application must be filed within 90 days from the effective date of the local law that added this section. After the 90 day enrollment period expires, applications for licenses to engage in business as an electronic cigarette retail dealer will not be accepted and licenses will no longer be issued.

c. Fee and license term.

1. There shall be a biennial fee of \$340 for a license to engage in the business of an electronic cigarette retail dealer at each place of business where electronic cigarettes are sold in the city.

2. A license shall expire on November 30 of each odd-numbered year.

d. Issuance of license and renewal of such license.

1. A license or renewal thereof shall be issued to a person to conduct the business of an electronic cigarette retail dealer for each place of business where such person engages in the retail sale of electronic cigarettes in the city only where:

(A) an applicant for a license or renewal thereof meets all the requirements prescribed herein and any criteria in addition thereto established by the commissioner by rule as deemed necessary to effectuate the purposes of this subchapter;

(B) an applicant satisfies the commissioner that such person is fit and able to conduct the business of an electronic cigarette retail dealer; and

(C) the commissioner has not received notification from the commissioner of health and mental hygiene that the applicant is not in full compliance with any provisions of chapter seven of title 17 of this code or any rules promulgated by the commissioner of health and mental hygiene to effectuate the purposes of such provisions.

2. An electronic cigarette retail dealer license shall not be assignable and shall be valid only for the persons in whose names it is issued and for the transaction of business in the place of business designated therein and shall at all times be conspicuously displayed at the place of business for which it is issued.

e. Exceptions to the enrollment period for electronic cigarette retail dealer license applications. Notwithstanding subdivision b of this section, if an electronic cigarette retail dealer license becomes void pursuant to section 20-110 or 20-111, the person or organization who became the beneficial owner of 10 percent or more of the stock of the organization to which a license has been granted, or the succeeding partnership, as applicable, may apply for a license after the 90 day enrollment period. Such application must be received within three months of the change of ownership.

§ 20-562 Violations.

a. In addition to the enforcement authorized by section 17-710 and chapter one of this title, for a second violation of section 17-704.1 or subdivision a of section 17-706 involving the unlawful delivery or sale of electronic cigarettes occurring on different days and any subsequent violations occurring on different days at the same place of business within a three-year period, any person who engages in business as an electronic cigarette retail dealer shall be subject to the mandatory revocation of the electronic cigarette retail dealer license for such place of business. Any violation of section 17-704.1 or subdivision a of section 17-706 involving the unlawful delivery or sale of electronic cigarettes by any license holder at a place of business shall be included in determining the number of violations by such license holder and by any subsequent license holder at the same place of business unless the subsequent license holder provides the commissioner with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision b of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises. An electronic cigarette retail dealer license shall be revoked at the same hearing at which an electronic cigarette retail dealer is found liable for a second violation or subsequent violations at the same place of business within a three-year period.

b. For the purposes of this subdivision, the term "arm's length transaction" shall have the same definition as in subdivision e of section 17-710.

§ 6. This bill takes effect 180 days after it becomes law, except that the department of consumer affairs and the department of health and mental hygiene 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 Health.

Int. No. 1533

By Council Members Chin and Reynoso.

A Local Law to amend the New York city charter, in relation to notice and reporting requirements for summary actions involving urban renewal plans

Be it enacted by the Council as follows:

Section 1. Paragraphs l and m of subdivision 6 of Section 1802 of the New York city charter are amended to read as follows:

(l) exercise such other powers and duties as may be prescribed by law in relation to the management, demolition or sealing or other treatment of residential real property of the city; [and]

(m) employ professional community and other personnel to manage residential real property of the city[.];

§ 2. Section 1802 of the New York city charter is amended by adding new subdivisions n and o to read as follows:

(n) *not less than 60 days and not more than 120 days prior to the expiration date of an urban renewal plan established pursuant to article fifteen of the general municipal law, provide notice of such expiration date to the affected borough president, council member, and community board; and*

(o) *establish a publicly accessible online database including the following information about all urban renewal plans now or previously in effect pursuant to article 15 of the general municipal law: (i) the city planning commission application number and name of such urban renewal plan; (ii) the date of final approval by the relevant governing body; (iii) the duration; (iv) the expiration date of such plan ; (v) the city planning application numbers of all approved applications to extend the duration of such plan and extended expiration dates; (vi) the status of any pending application to extend the duration of such plan and city planning commission application number; (vii) the status of any planned acquisition, demolition, or removal of structures; (viii) the status of any dispositions or planned dispositions of land; and (ix) the status of any planned relocation of tenants.*

§ 3. This local law becomes effective 120 days after it becomes law.

Referred to the Committee on Land Use.

Int. No. 1534

By Council Members Cohen, Richards, Levin and Torres.

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. 1535

By Council Members Constantinides and Richards.

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 plant 100,000 trees in environmental justice communities within five years

Be it enacted by the Council as follows:

Section 1. Title 18 of the administrative code of the city of New York is amended by adding a new section 18-106.1 to read as follows:

§ 18-106.1 Tree planting; prioritization of environmental justice communities. a. As used in this section, the following terms have the following meanings:

Environmental justice. The term “environmental justice” means the fair treatment and meaningful involvement of all persons, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Low-income community. The term “low-income community” means a census block group, or a contiguous area comprising multiple census block groups, in which 23.59 percent or more of the population has an annual household income that is at or below the poverty level set by the United States department of health and human services.

Minority community. The term “minority community” means a census block group, or a contiguous area comprising multiple census block groups, in which 51.1 percent or more of the population is non-white or Hispanic.

Potential environmental justice community. The term “potential environmental justice community” means a minority or low-income community located within the city.

b. Within five years after the effective date of this local law, the commissioner shall plant 100,000 trees in potential environmental justice communities.

1. Within two years after the effective date of this local law, and again within four years after such date, the commissioner shall report to the mayor and the council on the department’s progress in complying with this section, including the number of trees planted to date and any common or recurring barriers to planting trees in such communities.

2. If the commissioner determines that it is not possible to meet the requirements of this section, the commissioner, within 90 days after the end of the five-year period prescribed in this section, shall report to the mayor and council the number of trees planted in potential environmental justice communities during the five-year period and the barriers that prevented the commissioner from complying with this section.

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

Referred to the Committee on Parks and Recreation.

Int. No. 1536

By Council Members Cumbo, the Public Advocate (Ms. James), Crowley, Williams, Kallos, Rosenthal, Miller, Rodriguez, Treyger, Constantinides, Richards, Grodenchik, Menchaca, Lancman, Salamanca, Torres,

Cohen, Levin, Koslowitz, Espinal, Barron, Rose, Reynoso, Johnson, Cabrera, Dromm, Garodnick, Vacca, Gentile, Perkins, Eugene and Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to reporting of pay and employment equity data

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 a new section 12-208 to read as follows:

§ 12-208 Pay and employment equity data. a. Not later than July 15, 2018, and on or before July 15 annually thereafter, all city agencies shall provide to the department of citywide administrative services information relevant to pay and employment equity. Such information for each employee within such agency shall include:

- 1. the date of hire;*
- 2. the current job category as determined by the department of citywide administrative services, when applicable;*
- 3. the current job title category provided by the United States department of labor and the federal equal employment opportunity commission, as follows: officials and managers; professionals; technicians; sales workers; office and administrative support; craft workers; operatives; laborers; and service workers;*
- 4. the job title and initial compensation, before expected deductions and expected bonuses and overtime compensation, upon date of hire;*
- 5. the current job title and total current compensation, before deductions, and including bonuses and overtime compensation;*
- 6. the start date of such employee's currently held position;*
- 7. the total number of hours worked;*
- 8. the gender of such employee, where available; and*
- 9. the racial group of such employee, where available;*

b. The department shall issue a report to the mayor and the speaker of the council no later than January 15, 2019, and no later than January 15 annually thereafter, and shall make such report available to the public. Such report shall include, but not be limited to the following:

- 1. disaggregated data from each agency as provided by subdivision a;*
- 2. aggregated results of such data;*
- 3. recommended legislative, regulatory, and other changes to agency policies to address problems associated with pay and employment equity and to close or eliminate gaps in pay and job inequalities for city employees.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 1537

By Council Members Dromm 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 information regarding alternate learning centers

Be it enacted by the Council as follows:

Section 1. 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 Annual report on alternate learning centers. a. Definitions. For purposes of this section, the following terms have the following meanings:

Alternate learning center. The term “alternate learning center” means a school administered under the authority of the department providing instructional programs for students in grades 6 through 12 who are on superintendent’s suspension.

PBIS de-escalation. The term “PBIS de-escalation” means positive behavior interventions and supports employed for the purpose of supporting student’s social, emotional and academic success.

Restorative justice. The term “restorative justice” means an approach to discipline that focuses on repairing harm with an emphasis on learning and community involvement.

Superintendent’s suspension. The term “superintendent’s suspension” means any period of student suspension that exceeds five days during which time the student attends an alternate learning center.

b. Annual reporting. By November 1 of each year, the department shall submit to the council and post on its website a report containing the following data for each alternate learning center, with such data calculated as of the end of the immediately preceding school year:

1. The total number of students who attended the center;
2. The number and percentage of total students who attended the center two or more times;
3. The number of teachers trained in restorative justice and PBIS de-escalation techniques, respectively;
4. The number and percentage of total students who have attended a center for:
 - (i) Up to 30 days;
 - (ii) Between 31 and 60 days;
 - (iii) Between 61 and 90 days; and
 - (iv) 91 or more days;
5. The average ratio of teachers to students;
6. The average number of credits accumulated per student;
7. For students with an IEP:
 - (i) The number and percentage of total students; and
 - (ii) The number and percentage of students with an IEP whose behavior was a manifestation of their disability and resulted in a suspension;
8. The number and percentage of total students who were involved in any court proceedings;
9. The number and percentage of total students who were on probation;
10. The number and percentage of total students who were discharged to, or previously spent time in the custody of, the department of corrections or administration for children’s services limited secure or non-secure detention.
11. The number and percentage of total students who had a hearing before the issuance of a superintendent’s suspension;
12. The types of offenses for which students received a superintendent’s suspension; and
13. Whether protocols were followed for transition back to the school from which a student was suspended.

c. Demographic information. The data provided pursuant to paragraphs 1 and 2 of subdivision b of this section shall be disaggregated by:

1. Grade level;
2. Race or ethnicity;
3. Gender; and
4. For students who are English language learners, primary home language.

d. Privacy of student information. 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 and 9 students, or allows another category to be narrowed to between 0 and 9 students, the number shall be replaced with a symbol.

§ 2. This local law takes effect 45 days after it becomes law.

Referred to the Committee on Education.

Int. No. 1538

By Council Members Dromm 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 list on its website the name and contact information of the designated respect for all liaison at each school

Be it enacted by the Council as follows:

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

*CHAPTER 11
RESPECT FOR ALL LIAISON CONTACT INFORMATION*

§ 21-975 Respect for all liaison contact information. a. Definitions. For purposes of this chapter, the term “respect for all liaison” means the staff member designated by the principal of a school to whom reports by students or staff members of student-on-student discrimination, harassment, intimidation and bullying can be made and who serves as a resource for students and staff on this issue.

b. Name and contact information. The department shall list on its website the name, email address, phone number and school location of each school’s respect for all liaison. The department shall list on each school’s individual website the name, email address and phone number of the respect for all liaison designated for that school.

c. Updates. The department shall update the names and contact information provided under subdivision b of this section at least monthly, as necessary.

§ 2. This local law takes effect 45 days after it becomes law.

Referred to the Committee on Education.

Int. No. 1539

By Council Member Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to the sale and financing of used automobiles by secondhand automobile dealers

Be it enacted by the Council as follows:

Section 1. Section 20-264 of subchapter 11 of Chapter 2 of Title 20 of the administrative code of the city of New York, is amended to read as follows:

§ 20-264. Definitions. *a. As used in this subchapter, the following terms have the following meanings:*

[a.]Dealer in second-hand articles. [Whenever used in this subchapter, t]The [words]term “dealer in second-hand articles” [shall] means any person who, in any way or as a principal broker or agent:

- 1. Deals in the purchase or sale of second-hand articles of whatever nature, or*
- 2. Accepts or receives second-hand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise, or*
- 3. Deals in the purchase or sale of any second-hand manufactured article composed wholly or in part of gold, silver, platinum or other metals, or*
- 4. Deals in the purchase or sale of old gold, silver, platinum or other precious metals, or*
- 5. 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*

6. Engages in melting previous metals for the purpose of selling, or
7. Deals in the purchase or sale of pawnbroker tickets or other evidence of pledged articles, or
8. Not being a pawnbroker deals in the redemption or sale of pledged articles, or
9. Deals in the purchase or sale of any used electrical appliance, electronic equipment or component parts.

Secondhand automobile dealer. The term "secondhand automobile dealer" means a dealer in second-hand articles that deals in the purchase or sale of second-hand automobiles.

b. Nothing contained in this subchapter shall be construed to apply to:

1. Pianos, books, magazines, rugs, tapestries, artists' burlaps, painting, sculpture, drawings, etchings and engravings;
2. The first purchase or sale in the city of any imported second-hand article;
3. The acceptance or receipt of merchandise which is not second-hand as a return, exchange, or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the resale of such merchandise;
4. The acceptance or receipt of second-hand merchandise as a return, trade-in, exchange, or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent sale or exchange of such merchandise to any person other than an ultimate consumer;
5. The first sale, at retail of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory rebuilt merchandise.

c. The burden of proof that an article was originally purchased from the person accepting or receiving it, that it was the first subsequent sale or exchange thereof to a person other than an ultimate consumer or that it was a first sale at retail of such factory rebuilt merchandise shall be upon the person asserting the same. Evidence of an existing trade-practice in the city, if any, shall be admissible for the purpose of determining whether or not merchandise is second-hand.

§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-268.1 to read as follow:

§ 20-268.1 Financing terms for purchase of secondhand automobiles.

a. Definitions. For the purposes of this section:

Financing. The term "financing" means any agreement, including a loan, installment agreement, or deferred payment plan where the buyer agrees to make payments subsequent to the execution of a contract for sale, regardless of whether the payments are made to the secondhand automobile dealer or to a third-party assigned the agreement.

Retail installment contract. The term "retail installment contract" means an agreement, entered into in the city of New York, pursuant to which the title to, the property or a security interest in or a lien upon an automobile, which is the subject matter of a retail instalment sale, is retained or taken by a secondhand automobile dealer from a buyer as security, in whole or in part, for the buyer's obligation. The term includes such an agreement wherever entered into if executed by the buyer in the city of New York and if solicited in person by a salesman or other person acting on his own behalf or that of the secondhand automobile dealer. The term also includes a contract whereby a security interest in favor of the secondhand automobile dealer is created or retained and a contract for the bailment or leasing of an automobile by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or for no other or for a nominal consideration has the option of becoming, the owner of the automobile upon full compliance with the terms of the contract.

Retail installment sale. The term "retail installment sale" means a sale of a secondhand automobile by a secondhand automobile dealer to a buyer for a time sale price payable in two or more instalments, payment of which is secured by a retail instalment contract. The cash sale price of the automobile, the amount, if any, included for insurance, official fees and credit service charge shall together constitute the time sale price.

b. Disclosure. 1. Prior to the execution of any retail installment contract for the purchase of a secondhand automobile, a secondhand automobile dealer that offers financing to a buyer of a secondhand automobile or assists the buyer to obtain financing from a lender shall provide to such buyer in writing all disclosure required by the federal truth in lending act and article 9 of the personal property law in addition to the following disclosure, in at least 12-point type, in the language in which the retail installment contract was negotiated, and the receipt of which such buyer must acknowledge by signing or initialing in writing:

READ BEFORE YOU SIGN

- *DO NOT SIGN IF ANY SPACES ARE LEFT BLANK. YOU ARE ENTITLED TO A COPY OF THIS CONTRACT.*
- *YOU ARE NOT REQUIRED TO OBTAIN FINANCING THROUGH THE DEALER. YOU MAY SEEK FINANCING FROM ANOTHER LENDER OR PAY CASH FOR THE AUTOMOBILE.*
- *THE LOWEST ANNUAL PERCENTAGE RATE OFFERED BY A FINANCE COMPANY TO YOU FOR THE PURCHASE OF THIS AUTOMOBILE WAS (INSERT AMOUNT)%.*
- *YOU ARE BEING CHARGED A \$ (INSERT AMOUNT) FEE BY THE DEALER TO ARRANGE FINANCING IN CONNECTION WITH YOUR PURCHASE OF THE AUTOMOBILE.*
- *THIS IS A CONTRACT BETWEEN YOU AND THE DEALER. AFTER YOU SIGN THIS CONTRACT, THE DEALER MAY TRANSFER THIS CONTRACT TO ANOTHER PARTY, WHICH WILL OBTAIN THE RIGHT TO RECEIVE PAYMENTS FROM YOU DUE UNDER THE CONTRACT. THE DEALER MUST NOTIFY YOU OF THE PARTY THAT RECEIVES THAT RIGHT IMMEDIATELY AFTER THE TRANSFER OCCURS.*

c. No mandatory financing. A secondhand automobile dealer shall not require a consumer to accept financing or assistance in obtaining financing from a lender as a condition for the purchase of an automobile.

d. Conditional sale contract. No retail installment contract for the purchase of a secondhand automobile shall include a term rendering the contract voidable, subject to modification or otherwise not binding upon the secondhand automobile dealer because of the dealer's inability or unwillingness to sell, assign or otherwise transfer the contract to a third party after execution of the contract.

e. Payment price packing. 1. A secondhand automobile dealer shall not falsely represent to a consumer of an automobile that the dealer cannot or will not provide financing unless the purchase includes additional goods, accessories, services, products or insurance sold in conjunction with the purchase of the automobile including, but not limited to, extended warranties, security products, protectants, credit life or gap insurance, or that such additional goods, accessories, services, products or insurance are free or included in the price of the automobile or the financing.

2. Prior to the execution of any retail installment contract, a secondhand automobile dealer shall clearly and conspicuously disclose in a form prescribed by the commissioner and signed or initialed in writing by the buyer:

(a) The price of each additional item, including goods, accessories, service, products or insurance offered for sale with the automobile; and

(b) The total cost and monthly payments, including financing, to purchase the automobile (i) with each such additional item included, (b) without any such items included, and (c) with all such items included.

f. False information provided to lender or finance company. A secondhand automobile dealer, or employees or agents thereof shall not in connection with the sale or offer for sale of a secondhand automobile:

1. Prepare, participate, assist or direct any person to prepare, participate or assist in the submission of a false, misleading, or deceptive credit application or contract to a lender or finance company; or

2. Request or allow a buyer to sign a blank or incomplete credit application or contract.

g. Waiver prohibited. No retail installment contract or other contract related to the purchase of a secondhand automobile may require the buyer to waive any of the protections provided by this section.

h. Records and reports. 1. A secondhand automobile dealer shall maintain the following records relating to the sale of a secondhand automobile for six years after the date on which each retail installment contract, loan or credit agreement was entered into by the buyer:

(a) A copy of all documents related to the sale of each automobile, including the bill of sale, retail installment contract, and other documents prescribed by the commissioner pursuant to rule.

(b) A copy of every written disclosure provided to and signed or initialed by the buyer pursuant to this section.

2. The commissioner may conduct inspections and audits of the records to be kept pursuant to this subsection in order to monitor compliance with this section.

3. A secondhand automobile dealer shall maintain a report, updated monthly and in a format to be designated by the commissioner. The report shall be made available upon request, and shall be submitted to the department on a schedule to be prescribed by rule, but in no instance less than once in every 12 month period. The report shall include:

(a) The total number of secondhand automobiles sold;

(b) The total number of secondhand automobile sales that were financed by the secondhand automobile dealer; and

(c) Such further information as the commissioner may prescribe by rule.

§ 3. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-268.2 to read as follow:

§ 20-268.2 Automobile contract cancellation option agreements.

a. A secondhand automobile dealer shall not execute a contract for sale without offering the buyer an automobile contract cancellation option agreement that allows such buyer to return the automobile without cause.

b. A secondhand automobile dealer may not charge a buyer more than \$50 for the contract cancellation option.

c. To comply with subdivision a, an automobile contract cancellation option agreement shall be contained in a document separate from any sales, purchase, or financing agreement or contract, and shall contain, at a minimum, the following:

1. The name of the secondhand automobile dealer and the buyer;

2. A description of the secondhand automobile and the vehicle identification number of such automobile;

3. A statement specifying that the buyer may exercise the right to cancel the purchase under the automobile contract cancellation option agreement and return the automobile to the secondhand automobile dealer no later than the dealer's close of business on the second day following the day on which the automobile was originally delivered to the buyer;

4. A statement that clearly and conspicuously specifies the dollar amount of any restocking fee the buyer must pay to the secondhand automobile dealer to exercise the right to cancel the purchase under the automobile contract cancellation option agreement. The restocking fee shall not exceed \$200. The dealer shall apply the price paid by the buyer for the automobile contract cancellation option agreement toward any restocking fee. The price for purchase of the contract cancellation option agreement is not otherwise subject to setoff or refund;

5. A statement specifying the maximum number of miles that the automobile may be driven after its original delivery by the secondhand automobile dealer to the buyer to remain eligible for cancellation. A secondhand automobile dealer may not specify fewer than 250 miles in the automobile contract cancellation option agreement;

6. A statement specifying whether the secondhand automobile dealer provided the original titling and registration documents to the buyer at the time of sale. If the secondhand automobile dealer provided the original titling and registration documents to the buyer at the time of sale, the buyer must acknowledge the receipt of such documents by signing or initialing the automobile contract cancellation option agreement next to this statement;

7. A statement that the buyer has the right to cancel the purchase and obtain a full refund, minus the purchase price for the automobile contract cancellation option agreement and that the right to cancel will apply only if, within the two-day period specified in the automobile contract cancellation option agreement, the following are personally delivered to the secondhand automobile dealer by the buyer:

(a) A written notice signed by the buyer, pursuant to paragraph 8 of this subdivision, exercising the right to cancel the purchase;

(b) Any restocking fee specified in the automobile contract cancellation option agreement minus the purchase price for the automobile contract cancellation option agreement;

(c) All original automobile titling and registration documents, if the secondhand automobile dealer provided such original documents to the buyer; and

(d) the automobile, free of all liens and encumbrances, other than any lien or encumbrance created by or incident to the contract for sale, any loan arranged by the secondhand automobile dealer, or any purchase money loan obtained by the buyer from a third party, and in the same condition as when it was delivered by such dealer to the buyer, reasonable wear and tear and any defect or mechanical problem that manifests or becomes evident after delivery that was not caused by the buyer excepted, and which must not have been driven beyond the mileage limit specified in the automobile contract cancellation option agreement. The automobile contract cancellation option agreement may also provide that the buyer will execute documents reasonably necessary to effectuate the cancellation and refund and as reasonably required to comply with applicable law;

8. A written notice that a buyer may elect to sign in the event such buyer decides to exercise the option to cancel offered in the automobile contract cancellation option agreement. Such notice shall clearly and conspicuously specify the last date and time by which the option to cancel may be exercised, followed by a line for the buyer's signature. A particular form of statement is not required, but the following statement is sufficient: "By signing below, I elect to exercise my right to cancel the purchase of the automobile described in this agreement." The buyer's delivery to the secondhand automobile dealer of the automobile contract cancellation option agreement with the buyer's signature following this written notice shall constitute sufficient written notice exercising the right to cancel the purchase pursuant to paragraph 7, subparagraph (a). Such dealer shall provide the buyer with a duplicate of the statement required by this paragraph to enable the buyer to return the signed cancellation notice and retain a copy of the automobile contract cancellation option agreement.

d. 1. No later than the second day following the day on which the buyer exercises the option to cancel the purchase in compliance with the automobile contract cancellation option agreement, the secondhand automobile dealer shall cancel the contract and provide such buyer with a full refund, including any sales tax collected in connection with the purchase.

2. If the buyer entered the automobile contract cancellation option agreement, the secondhand automobile dealer shall retain any automobile the buyer provided to such dealer as a down-payment or trade-in until the buyer exercises the option to cancel or the right to cancel expires. If the buyer exercises the option to cancel the purchase, the secondhand automobile dealer shall return to the buyer, no later than the day following the day on which the buyer exercises the option to cancel the purchase, any automobile the buyer provided to such dealer as a down-payment or trade-in. If such dealer inadvertently sold or otherwise transferred title to such automobile as a result of bona fide error, notwithstanding reasonable procedures designed to avoid that error, such sale or transfer of title shall not be considered a violation of this paragraph, and the full refund described in paragraph 1 of this subdivision shall include the retail market value of such automobile provided as a down-payment or trade-in, or its value as stated in the contract or purchase order, whichever is greater.

e. Notwithstanding subdivision a of this section, a secondhand automobile dealer is not required to offer an automobile contract cancellation option agreement to a person who exercised the option to cancel the purchase of an automobile from such dealer pursuant to an automobile contract cancellation option agreement during the immediately preceding 30 days.

f. A secondhand automobile dealer is not required to give notice to a subsequent buyer of the return of a vehicle pursuant to this section. This subdivision does not abrogate or limit any disclosure obligation imposed by any other law.

g. This section does not affect or alter the legal rights, duties, obligations, or liabilities of the buyer, the secondhand automobile dealer, or such dealer's employees, agents or assignees, that would exist in the absence of an automobile contract cancellation option agreement. The buyer is the owner of the automobile upon delivery and until such automobile is returned to the secondhand automobile dealer pursuant to an automobile contract cancellation option agreement.

h. Nothing in this section is intended to affect the ability of the buyer to rescind the contract or revoke acceptance under any other law.

i. A secondhand automobile dealer shall maintain a copy of each executed automobile contract cancellation option agreement and all documents related to such agreement for six years after the date the

agreement was executed by the buyer. The commissioner may conduct inspections and audits of the records to be kept pursuant to this section in order to monitor compliance.

j. The first page of any bill of sale shall include the following notice in bold and in at least 12-point type:

§ 4. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-268.3 to read as follow:

***THERE IS NO COOLING-OFF PERIOD UNLESS YOU
OBTAIN A CONTRACT CANCELLATION OPTION.***

You cannot cancel this contract after you sign below simply because you change your mind, decide the vehicle costs too much, or wish you had acquired a different vehicle.

However, New York City law does require a secondhand automobile dealer to offer to all buyers a 2 day contract cancellation option on secondhand automobiles, subject to certain conditions. See the automobile contract cancellation option agreement for details.

§ 20-268.3 Automobile contract documents to be provided in advance.

a. A secondhand automobile dealer that negotiates a contract with a buyer, including, but not limited to, a retail installment contract, bill of sale, automobile contract optional cancellation agreement, or service contract, must provide to the buyer, in advance of execution, a copy of that contract, and all documents incorporated or referenced in that contract, in the language used by such dealer and the buyer to negotiate that contract.

§ 5. Section 20-275 of the administrative code of the city of New York, as amended by local law number 44 for the year 2015, is amended to read as follows:

a. Any person who [shall] violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be guilty of a class A misdemeanor and upon the first conviction be subject to a fine of at least [five hundred dollars]\$500 and upon any subsequent conviction be subject to a fine of [one thousand dollars]\$1000, [and/or] imprisonment of at least [fifteen]15 days, or both. Any person who violates sections 20-268.1, 20-268.2 or 20-268.3 of this subchapter or any rule or regulation issued thereunder shall be guilty of a class A misdemeanor and upon the first conviction be subject to a fine of at least \$500, imprisonment of at least 15 days, or both, and upon any subsequent conviction be subject to a fine of \$1000 and imprisonment of at least 30 days.

b. 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]\$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 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within [thirty]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 section 20-271 of this subchapter or any rule or regulation issued thereunder. 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]15 days of receiving written notification of such determination.

c. Any person who violates sections 20-268.1, 20-268.2 or 20-268.3, or the rules promulgated thereto, shall be subject to a civil penalty of not less than \$500 nor more than \$1,000 for each violation.

d. The commissioner may suspend or revoke a secondhand automobile dealer license if the licensee violates the requirements of sections 20-268.1, 20-268.2, 20-268.3 or 20-271, or the rules promulgated thereto, provided, however, that the commissioner shall suspend or revoke a secondhand automobile dealer license upon the third violation by the licensee within three years of the first violation.

§ 6. This local law takes effect 120 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, prior to such date.

Referred to the Committee on Consumer Affairs.

Preconsidered Res. No. 1431

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

By Council Member Ferreras-Copeland.

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

Whereas, On June 26, 2015 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2016 with various programs and initiatives (the "Fiscal 2016 Expense Budget"); and

Whereas, On June 25, 2014 the City Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the "Fiscal 2015 Expense Budget"); and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2017 and Fiscal 2015 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

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

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

Resolved, That the City Council approves sets forth the change in the designation of a certain organization receiving Anti-Poverty Initiative funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Borough-wide Needs Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 7; and be it further

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

Resolved, That the City Council approves the removal of funds from a certain organization pursuant to the Bail Fund Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the New York Family Unity Project Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Developmental, Psychological and Behavioral Health Services Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the LGBT Inclusive Curriculum in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art as a Catalyst for Change Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving Domestic Violence and Empowerment (DoVE) Initiative funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving Parks Equity Initiative funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving Food Pantries Initiative funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local, aging and youth discretionary in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 22.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 1431 printed in these Minutes).

Int. No. 1540

By Council Members Garodnick, Williams, Espinal, Gentile, Levin, Johnson, Salamanca, Richards, Menchaca, Koslowitz, Vacca, Constantinides, Rosenthal, Lander, Chin, Miller and Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to post and distribute a consumer bill of rights to prospective buyers

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 section 20-268.4 to read as follow:

§ 20-268.4 Secondhand automobile dealer to post consumer bill of rights.

a. On or before October 1, 2017, the department shall create a consumer bill of rights and promulgate rules setting out the manner in which secondhand automobile dealers shall post and distribute such bill of rights. The department shall include in the bill of rights, at minimum, the following:

1. Every secondhand automobile dealer in New York city is required to offer an automobile contract cancellation option agreement;

2. Prospective secondhand automobile buyers are not required to accept financing from a secondhand automobile dealer and have the right to pay for such automobile in cash or seek a loan from another lender;

3. Every secondhand automobile dealer must sell a secondhand automobile at the price advertised, quoted or posted on the automobile;

4. Prospective secondhand automobile buyers may file a complaint or retrieve the complaint history of a secondhand automobile dealer by calling "311" and referencing the license number of such dealer;

5. Prospective secondhand automobile buyers are entitled to a "Used Car Buyer Guide," as well as various warranties and rights under New York state laws, including the "Used Car Lemon Law";

6. Prospective secondhand automobile buyers are entitled to various disclosures, including a disclosure on the first page of the contract for sale that states the lowest annual percentage rate offered to such buyer by a financing company and any fees or markups being charged by the secondhand automobile dealer in connection with the purchase or financing of a secondhand automobile;

7. Every secondhand automobile dealer must provide to a prospective secondhand automobile buyer, in writing, the itemized cost of each additional good or service being offered by such dealer, including the monthly and total cost of financing with and without each such additional good or service.

b. Every secondhand automobile dealer must post conspicuously a consumer bill of rights in their place of business in such manner as shall be prescribed by the rules and regulations of the commissioner. Prior to the execution of any sale or purchase agreement or retail installment contract for the purchase of a secondhand automobile, the secondhand automobile dealer must separately provide the prospective buyer a copy of the consumer bill of rights printed on a single page, in the language used by such dealer and buyer to negotiate the sale or financing agreement, in at least 12-point type, the receipt of which the prospective buyer must acknowledge by signing or initialing in writing. Such dealer shall provide such buyer with the signed or initialed copy of the consumer bill of rights.

c. A secondhand automobile dealer shall maintain the original signed or initialed copy of each consumer bill of rights, in electronic or paper form, for six years after the date it was signed by the buyer. The commissioner may conduct inspections and audits of the records to be kept pursuant to this section in order to monitor compliance.

§ 2. This local law takes effect 120 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, prior to such date.

Referred to the Committee on Consumer Affairs.

Int. No. 1541

By Council Members Gibson, Crowley, The Speaker (Council Member Mark-Viverito), Dromm, Levin, Richards, Lancman and Menchaca.

A Local Law to permit the delay of the formal admission of inmates to the custody of the department of correction in order to facilitate the posting of bail

Be it enacted by the Council as follows:

Section 1. a. In order to facilitate the posting of bail, the department of correction may delay the transportation of an inmate for admission to a housing facility:

1. For not less than four and not more than 12 hours following the inmate's arraignment in criminal court if either (i) the department of correction or (ii) a not-for-profit corporation under contract with the city to provide pretrial and other criminal justice services, including interviewing adult defendants before such persons are arraigned on criminal charges, has made direct contact with a person who reports that he or she will post bail for the inmate.

2. For not more than 12 hours following the inmate's arraignment in criminal court if neither (i) the department of correction or (ii) a not-for-profit corporation under contract with the city to provide pretrial and other criminal justice services, including interviewing adult defendants before such persons are arraigned on criminal charges, the department of correction has made direct contact with a family member or other person who reports that he or she will post bail for the inmate within the next four hours,

b. Such delay is not permissible for any inmate that:

1. Appears or claims to have a health or mental health condition that requires attention during the time period of such delay;

2. Appears to be physically incapacitated due to drug or alcohol intoxication;

3. Requests medical attention or appears to require immediate medical attention;

4. Has bail set in an amount of 10,000 dollars or more; or

5. Expresses that they will not be able to post bail within 12 hours or otherwise indicates that they do not wish to be subject to such delay.

§ 2. The department of correction shall submit a report to the council every 6 months for three years subsequent to this local law taking effect regarding the implementation of section 1 of this local law. Such report shall include but not be limited to the following information:

1. The locations in which the department has systematically implemented the provisions of section 1 of this local law;

2. In such locations, the number of inmates whose formal admission to a housing facility process was delayed pursuant to section 1 of this local law;

3. The number and percentage of such inmates who posted bail during such delay, the number and percentage of such inmates who posted bail after such delay, and for those inmates who posted bail after such delay, the period of time that elapsed between their arraignment and posting of bail; and

4. The number of inmates whose admission to a housing facility formal admission process was delayed and who required medical treatment during such period of delay.

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

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1542

By Council Members Gibson, Johnson, Lancman, Cohen and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to use evidence based identification techniques

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-166 to read as follows:

§ 14-166. *Identification procedures.*

a. Definitions. As used in this section, the following terms have the following meanings:

Administrator. The term “administrator” means a member of service employed by the department that conducts an identification procedure.

Double blind. The term “double blind” means an identification procedure in which neither the administrator nor the eyewitness knows the identification of the suspect in such procedure.

Identification procedure. The term “identification procedure” means a lineup or photo array.

b. Identification procedure. In conducting an identification procedure, the administrator shall:

1. instruct the witness orally or in writing about the details of the identification procedure;

2. advise the witness that: (a) the person who committed the crime may or may not be in the identification procedure; (b) the witness will be required to provide a statement of confidence at the conclusion of the identification procedure; (c) the individual may not appear exactly as they did on the day of the incident; (d) the administrator of the identification procedure does not know who the suspect is; (e) the witness is not obligated to make an identification; and (f) upon completion of the identification procedure, that the witness shall not discuss the procedure with other individuals involved in the case;

3. if a positive identification is made: (a) elicit from the witness a statement of confidence indicating how certain the witness is of the identification prior to any confirmation of the identification; and (b) document the witness statement; and

4. prepare documentation of (a) any identification procedure with a color photograph; (b) the date, time, location and people present in the viewing room with the witness and suspect; (c) any statements or physical reactions made by the witness during the identification procedure;

c. Double blind. All identification procedures shall be conducted in a double blind fashion, unless in extraordinary circumstances in which conducting a double blind procedure is not feasible. If the identification procedure is not double blind, the administrator shall document the reasons why it was not feasible.

d. Reporting. 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 use of double blind identification procedures for the prior calendar year. Such annual report shall include, but not be limited to, the following information:

1. the number of identification procedures conducted, in total and disaggregated by the type of procedure;

2. the number of lineups and photo arrays conducted, disaggregated by whether such lineups were conducted in a double blind fashion; and

3. the reasons why any lineups and photo arrays that were not conducted in a double blind fashion were so conducted.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1543

By Council Members Gibson, Lancman, Menchaca, Cohen, Gentile, Levin and Ricahrds.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to record interrogations

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-166 to read as follows:

§ 14-166. Interrogation procedures.

a. Recording. The department shall video and audio record all custodial interrogations in a place of detention of suspects arrested for index crimes and sex offenses as defined in article 130 of the penal law. For the purpose of this section, "a place of detention" means a location within a department precinct or facility where persons are held in detention in connection with criminal charges which have been or may be filed against them and are interrogated by a public servant.

b. Duration of the recording. The recording shall begin prior to a suspect entering the place of detention and shall end upon the suspect's exit from the place of detention. If at the start of any custodial interrogation, the officer or detective conducting the interrogation is unaware that the suspect may have committed an index crime or sex offense and becomes aware of such commission during the course of such interrogation, such officer or detective shall begin recording at the time such officer or detective had reason to believe that the suspect has committed such offense

c. Exceptions. Notwithstanding subdivision a of this section, the department is not required to record a custodial interrogation upon good cause. Good cause shall include:

- 1. equipment malfunction;*
- 2. if an officer or detective determines that recording the interrogation would jeopardize the safety of any person or an ongoing investigation;*
- 3. if such suspect requests not to be recorded, or refuses to participate in the custodial interrogation if it is recorded and such refusal or request is memorialized.*

d. Legal proceedings. If during legal proceedings a defendant moves to suppress evidence obtained in the course of a custodial interrogation, failure to comply with this section may be considered a factor in determining the suppression of evidence.

e. Reporting. No later than March 1, 2017 and by every March 1 thereafter, the department shall publish on the department's website and provide to the council an annual report regarding interrogation procedures for the prior calendar year. Such annual report shall include, but not be limited to, the following information:

- 1. the number of arrests for index and sex offenses as defined in article 130 of the penal law, in total and disaggregated by precinct;*
- 2. the number of custodial interrogations in a place of detention of suspects of index crimes and sex offenses as defined in article 130 of the penal law;*
- 3. the number and rate of recorded custodial interrogations in a place of detention of suspects of index crimes and sex offenses as defined in article 130 of the penal law, in total and disaggregated by precinct;*
- 4. the number of custodial interrogations in a place of detention of suspects of index crimes and sex offenses as defined in article 130 that were not recorded, in total and disaggregated by the reason or reasons such interrogation was not recorded.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1544

By Council Member Johnson.

A Local Law to amend the administrative code of the city of New York, in relation to regulating tobacco products by establishing price floors, minimum package sizes, and prohibiting delivery to consumers

Be it enacted by the Council as follows:

Section 1. Section 17-176.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2013, is amended to read as follows:

§ 17-176.1. Prohibition on the sale of discounted cigarettes and tobacco products.

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 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.

[“Cigarette price floor” means the minimum price, including all applicable taxes, for which one package of twenty cigarettes or more may be sold by a retail dealer.]

“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 four pounds per thousand or has a cellulose acetate or other integrated filter.

[“Little cigar price floor” means the minimum price, including all applicable taxes, for which one package of twenty little cigars or more may be sold by a retail dealer.]

“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.

“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 [11-1301 of the code, and any employee or other agent of such retail dealer] 20-201.

“Shisha” means any product made primarily of tobacco or other leaf, or any combination thereof, 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, little cigar, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, tobacco-containing 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.

b. Prohibition on the sale of cigarettes for less than the listed price. No person shall:

(1) honor or accept a price reduction instrument in any transaction related to the sale of cigarettes to a consumer;

(2) sell or offer for sale cigarettes to a consumer through any multi-package discount or otherwise provide to a consumer any cigarettes for less than the listed price in exchange for the purchase of any other cigarettes by the consumer;

(3) sell, offer for sale, or otherwise provide any product other than cigarettes to a consumer for less than the listed price in exchange for the purchase of cigarettes by the consumer; or

(4) sell, offer for sale, or otherwise provide cigarettes to a consumer for less than the listed price.

c. Prohibition on the sale of tobacco products for less than the listed price. No person shall:

(1) honor or accept a price reduction instrument in any transaction related to the sale of tobacco products to a consumer;

(2) sell or offer for sale tobacco products to a consumer through any multi-package discount or otherwise provide to a consumer any tobacco product for less than the listed price in exchange for the purchase of any other tobacco product by the consumer;

(3) sell, offer for sale, or otherwise provide any product other than a tobacco product to a consumer for less than the listed price in exchange for the purchase of a tobacco product by the consumer; or

(4) sell, offer for sale, or otherwise provide tobacco products to a consumer for less than the listed price.

d. Price floors for cigarettes and [little cigars]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 defined in section 17-704, for a price less than the applicable price floor described in this subdivision. Such price floor shall include all applicable taxes. Any such price floor may be modified pursuant to paragraph 7 of this subdivision.*

(1) [Prohibition on the sale of cigarettes below the cigarette price floor. No person shall sell or offer for sale a package of cigarettes to a consumer for a price less than the cigarette price floor.] The cigarette price floor shall be \$[10.50]13 per package of cigarettes[, provided that the cigarette price floor may be modified pursuant to paragraph three of this subdivision].

(2) [Prohibition on the sale of little cigars below the little cigar price floor. No person shall sell or offer for sale a package of little cigars for a price less than the little cigar price floor.] The little cigar price floor shall be equal to the cigarette price floor.

(3) *The cigar price floor shall be computed by multiplying the number of cigars in a package by \$2 for each cigar in such package, provided that the cigar price floor shall be at least \$8.*

(4) *The smokeless tobacco price floor shall be \$8 per package of smokeless tobacco.*

(5) *The shisha price floor shall be \$17 per package of shisha, regardless of whether such shisha contains tobacco.*

(6) *The loose tobacco price floor shall be \$17 per package of loose tobacco.*

(7) *The department may modify by rule the [cigarette price floor and little cigar price floor]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 [cigarettes or little cigars]any of these products. The department may also increase any of the price floors by no more than 20 percent per product once every three years, based on an evaluation of relevant data, in order to promote reductions in the rates of smoking and use of tobacco products and shisha.*

e. The department shall promulgate any rules as may be necessary for the purpose of carrying out this section.

f. Penalties. (1) Any person who violates subdivision b, c, or d of this section or any rule promulgated pursuant to any of such subdivisions shall be liable for a civil penalty in the following amounts:

(i) one thousand dollars for a first violation within a five-year period;

(ii) two thousand dollars for a second violation within a five-year period; and,

(iii) five thousand dollars for a third violation within a five-year period.

(2) No person shall be liable under this section for more than one violation of any of subdivisions b, c, or d during a single day.

(3) A violation of subdivision b, c, or d of this section by a retail dealer shall constitute a basis, pursuant to section 20-206 of the code, for the suspension or revocation of the license issued to such retail dealer for the place of business where such violation occurred.

g. Enforcement. The department, the department of consumer affairs, and the department of finance shall enforce the provisions of this section at the tribunals that are authorized to hear violations issued by such departments.

§ 2. Subdivision k of section 17-702 of the administrative code of the city of New York, as added by local law number 83 for the year 1992, is amended to read as follows:

k. "Retail dealer" means "retail dealer" as defined in section [11-1301 of the code, and any employee or other agent of such retail dealer]20-201.

§ 3. Section 17-704 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

§ 17-704 [Out-of-package sales prohibited]*Minimum package sizes.*

a. [All cigarettes and tobacco products sold or offered for sale by a retail dealer shall be sold or offered for sale] 1. *No retail dealer shall sell or offer for sale any cigarettes or tobacco products unless such cigarettes or tobacco products are sold in the package, box, carton or other container provided by the manufacturer, importer or packager which bears a health warning required by federal statute, rule or consent order.*

2. *No retail dealer shall sell or offer for sale cigarettes unless the cigarettes are sold in a package of at least twenty cigarettes.*

b. No retail dealer shall sell or offer for sale a cigar unless the cigar is sold in a package of at least four cigars, provided that this subdivision shall not apply to the sale or distribution of [an individual cigar] *cigars* whose listed price, as defined in section 17-176.1[of this code], is [greater than three dollars] *no less than the cigar price floor.*

c. No retail dealer shall sell or offer for sale a little cigar unless the little cigar is sold in a package of at least twenty little cigars.

d. *No retail dealer shall sell or offer for sale smokeless tobacco unless it is sold in a package no less than 1.2 ounces for smokeless chewing tobacco or 0.32 ounces for snus.*

e. *No retail dealer shall sell or offer for sale shisha, regardless of whether such shisha contains tobacco, unless the shisha is sold in a package of no less than 3.5 ounces.*

f. *No retail dealer shall sell or offer for sale loose tobacco unless the loose tobacco is sold in a package of no less than 10 ounces.*

§ 4. Subchapter 1 of chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-704.1 to read as follows:

§ 17-704.1 *Prohibition on delivery. No retail dealer or electronic cigarette retail dealer shall deliver by foot, bicycle or any motor vehicle cigarettes, tobacco products or electronic cigarettes to a person who is not: (i) a person licensed as a cigarette tax agent or wholesale dealer under article 20 of the tax law or registered retail dealer under section 480-a of the tax law; (ii) an export warehouse proprietor pursuant to chapter 52 of the internal revenue code or an operator of a customs bonded warehouse pursuant to section 1311 or 1555 of title 19 of the United States code; or (iii) a person who is an officer, employee or agent of the United States government, the state of New York or a department, agency, instrumentality or political subdivision of the United States or the state of New York and presents himself or herself as such, when such person is acting in accordance with such person's official duties. For purposes of this section, a person is a licensed or registered agent or dealer described in this section if such person's name appears on a list of licensed or registered agents or dealers published by the department of taxation and finance, or if such person is licensed or registered as an agent or dealer under article 20 of the tax law.*

§ 5. Paragraph 4 of subdivision a of section 17-710 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

(4) Any person found to be in violation of section 17-704, 17-704.1, 17-705 or subdivision a or b of section 17-706 shall be liable for a civil penalty of not more than one thousand dollars for the first violation, and not more than one thousand dollars for each additional violation found on that day; and not more than two thousand dollars for the second violation and each subsequent violation at the same place of business within a three-year period. Any person found to be in violation of subdivision c of section 17-706 shall be liable for a civil penalty of not more than five hundred dollars in any single day.

§ 6. Paragraph 5 of subdivision a of section 17-710 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

(5) In addition, for a second violation of any of sections 17-703, 17-703.2, *subdivision a of section 17-704, 17-704.1*, 17-705 or subdivision a or b of section 17-706 occurring on a different day and any subsequent violations occurring on different days at the same place of business within a three-year period, any person who engages in business as a retail dealer shall be subject to the mandatory revocation of [his or her cigarette] *such dealer's retail dealer* license for such place of business. Any violation of section 17-703, 17-703.2, *subdivision a of section 17-704, 17-704.1*, 17-705 or subdivision a or b of section 17-706 by any license holder at a place of business shall be included in determining the number of violations by such license holder and by any subsequent license holder at the same place of business unless the subsequent license holder provides the commissioner of the department that has commenced the proceeding to recover a civil penalty pursuant to subdivision b of this section with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision e of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises. A [cigarette] *retail dealer* license shall be revoked at the same hearing at which a retail dealer is found liable for a second violation or subsequent violations at the same place of business within a three-year period.

§ 7. Subdivision b of section 17-710 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-703, [17-703.1,]17-703.2, *subdivision a of section 17-704, 17-704.1*, 17-705 or *subdivision a or b of section 17-706* [of this subchapter] shall be commenced by the service of a notice of violation which shall be returnable to the [health tribunal] *hearings division* at the office of administrative trials and hearings [where the department of health and mental hygiene issues such notice, the adjudication division of the department of consumer affairs where that department or a designated employee of any authorizing agency issues such notice,] or an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice. Such notice shall contain a statement that any hearing for a second violation or subsequent violation of any of [such]the sections *described in paragraph (5) of subdivision a* at the same place of business within a three-year period shall also constitute a hearing for the revocation of a retail dealer's [cigarette] license where the retail dealer is found to be in violation of any such sections. The department of health and mental hygiene, the department of consumer affairs and the department of finance shall notify each other within thirty days of a final determination that a retail dealer has been found to be in violation of section 17-703, [17-703.1,]17-703.2, *subdivision a of section 17-704, 17-704.1*, 17-705 or *subdivision a or b of section 17-706* [of this subchapter]. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-708 shall be returnable to the [health tribunal]*hearings division* at the office of administrative trials and hearings. Such tribunal shall have the power to impose the civil penalties prescribed by subdivision a of this section. The [adjudication division of the department of consumer affairs, the health tribunal]*hearings division* at the office of administrative trials and hearings and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance shall have the power to impose the civil penalties prescribed by subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, *subdivision a of section 17-704, 17-704.1*, 17-705 or *subdivision a or b of section 17-706* [of this subchapter].

§ 8. This local law takes effect 180 days after it becomes law, except that the department of health and mental hygiene 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 Health.

Int. No. 1545

By Council Members King, Richards and Cumbo.

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.

Res. No. 1432

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.4299, an act to amend the Education Law, in relation to establishing the New York college debt repayment program.

By Council Member King.

Whereas, At the end of 2016, the Federal Reserve Bank of New York (FRBNY) reported that more than 44 million American borrowers had over \$1.3 trillion in college student loan debt, of which 11.2 percent was delinquent or in default; and

Whereas, Nationally, the average college student borrower has \$26,700 in student loan debt and the average college student in the Class of 2016 has \$37,172 in student loan debt, a six percent increase from last year; and

Whereas, In New York, according to a 2016 report by the State Comptroller, from 2006 to 2015 student loan debt more than doubled to \$82 billion and the number of student loan borrowers rose by more than 41 percent to 2.8 million; and

Whereas, As of 2015, the average New York City (NYC) borrower had \$35,100 in student loan debt, a 43 percent increase from 2006; and

Whereas, The delinquency rate among NYC student loan borrowers rose by more than 30 percent from 2006 to 14.5 percent in 2015; and

Whereas, Nationally, average tuition, fees, room and board costs nearly doubled for in-state students at public four-year institutions, and by 14 percent at four year institutions from 2004-05 through 2013-14, according to the National Center for Education Statistics; and

Whereas, In New York, average tuition, fees, room and board costs grew by nearly 55 percent for in-state students at public four-year institutions, and by more than 50 percent at private four-year institutions from 2005-06 through 2014-15; and

Whereas, These increasing costs for college students were more than twice the rate of inflation over the same decade; and

Whereas, From 1990 to 2015, student debt for bachelor's degree recipients aged 22 to 27 employed full-time significantly outpaced wage growth as median wages increased by 1.6 percent while median debt rose by 164 percent, after adjusting for inflation; and

Whereas, As student debt grows, it is projected that the cost of higher education will continue to outpace inflation and wage growth; and

Whereas, A.4299, introduced by State Assembly Member Marcos Crespo and pending in the New York State Assembly, would establish the New York college debt repayment program; and

Whereas, The legislation would effectively expand the New York State 529 College Savings Program to allow beneficiaries and their families to continue contributing to individual tax-free investment accounts for qualified higher education expenses after leaving college; 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.4299, an act to amend the Education Law, in relation to establishing the New York college debt repayment program.

Referred to the Committee on Education.

Int. No. 1546

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. 1547

By Council Members Lander, Johnson, Levine and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to expanding the retail dealer license to include retailers of tobacco products and setting caps on retail dealer licenses

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council finds that tobacco use is a leading risk factor for preventable premature death in the United States and the City of New York, having killed an estimated 12,000 people in the city in 2014. Smoking-related illnesses cause a significant burden in health care costs and lost productivity. Every year, tobacco-related health care costs New York State \$10.4 billion, of which Medicaid covers only \$3.3 billion, and an additional \$6 billion in lost productivity. The accumulated savings for the State resulting from the decline in smoking prevalence between 2001 and 2010 was \$32.5 billion.

Given the substantial human and economic costs associated with tobacco use, the City has a compelling interest in continuing with its efforts to reduce tobacco use among adults and to prevent youth from starting to use tobacco products. Since 2002, New York City has employed a comprehensive, multifaceted tobacco control program incorporating high cigarette excise taxes, educational media campaigns, a cessation program that helps people to quit, and regulations on the sale and use of tobacco products. The City has succeeded in reducing the prevalence of adult smoking from 21.5% in 2002 to 14.3% in 2015. While this demonstrates the impact of the City's interventions on adults, an estimated 934,000 adults in the City still smoke cigarettes.

Smoking prevalence among NYC public high students also declined substantially from 17.6% in 2001 to 5.8% in 2015. However, 15,000 youth still smoke cigarettes. Youth increasingly consume tobacco through various forms, including cigars, smokeless tobacco, and hookah pipes. Youth cigar use, at 5.7%, is comparable to cigarette smoking. Youth smokeless tobacco use increased from 2.2% in 2007 to 3.1% in 2015, and 16.1% of high school students had smoked a hookah pipe in 2014. Although City law regulates the sale of other tobacco products, the City's cigarette retail dealer license is a prerequisite solely for selling cigarettes; it is not required to sell other tobacco products.

There are more than 2,700 pharmacies in New York City, and approximately 600 of them have a retail dealer license to sell cigarettes. Pharmacies provide a critical service of dispensing medications, and pharmacists are dedicated to optimizing medication use and improving health. The co-location of the sale of deadly and addictive products runs counter to the services provided by pharmacists to improve health. In addition, studies show that when pharmacies have stopped selling tobacco products, tobacco sales in the affected area have declined significantly.

Overall, the City has a high level of tobacco retail density with approximately 9,000 licensed cigarette retailers within approximately 300 square miles. The Council further finds, based on a number of studies, that easy access to tobacco retailers makes it harder for smokers to quit, particularly in low-income areas. In addition, weekly youth exposure to tobacco retail settings doubles the odds of youth smoking. Therefore, reducing the number of tobacco retailers over time is likely to reduce tobacco use and, in turn, morbidity.

The Council hereby declares that the enactment of this law is necessary to reduce the number of retailers selling tobacco products in New York City. This law will expand the scope of the existing retail dealer license for cigarettes to cover all tobacco products and restrict the availability of new retail dealer licenses, decreasing their numbers over time through attrition.

§ 2. Paragraph 4 of subdivision a of section 17-177 of the administrative code of the city of New York, as added by local law number 67 for the year 1990, is amended to read as follows:

(4) "Retail dealer" means "retail dealer" as defined in section [11-1301 of the administrative code] 20-201.

§ 3. Subdivision d of section 17-177 of the administrative code, as added by local law number 67 for the year 1990, is amended to read as follows:

d. Identification of vending machines. A wholesale dealer or retail dealer shall post a durable sign on any vending machine which such dealer is licensed to own, operate or maintain. Such sign shall be visible to the

general public and provide the applicable [cigarette] license number and expiration date and the license holder's name, place of business and phone number.

§ 4. Paragraph 1 of subdivision f of section 17-177 of the administrative code, as added by local law number 67 for the year 1990, is amended to read as follows:

f. Violations and penalties. (1) Any person found to be in violation of this section shall be liable for a civil penalty of not more than three hundred dollars for the first violation; not more than five hundred dollars for the second violation; and not more than one thousand dollars for the third and all subsequent violations. In addition, for a third and subsequent violations, any person who engages in business as a wholesale dealer or retail dealer shall be subject to the suspension of his or her [cigarette] license, for a period not to exceed one year, after notice and the opportunity for a hearing before the commissioner of finance or his or her designee. A wholesale dealer who owns, operates or maintains a vending machine placed in violation of subdivision b or paragraph (1) of subdivision c of this section shall be liable only if he or she has knowledge of the violation. The department shall promptly give written notice to the wholesale dealer identified on the sign required by subdivision d of this section of any such violation by an owner of the premises, or his or her employee or agent. For purposes of this section, such notice shall be prima facie evidence that the wholesale dealer has knowledge of future violations of subdivision b or paragraph (1) of subdivision c of this section.

§ 5. Subdivision c of section 17-702 of the administrative code of the city of New York is REPEALED.

§ 6. Subdivision k of section 17-702 of the administrative code of the city of New York, as added by local law number 83 for the year 1992 and renumbered by local law number 69 for the year 2009, is amended to read as follows:

k. "Retail dealer" means "retail dealer" as defined in section [11-1301 of the code, and any employee or other agent of such retail dealer]20-201.

§ 7. Paragraph 5 of subdivision a of section 17-710 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

(5) In addition, for a second violation of any of sections 17-703, 17-703.2, 17-704, 17-705 or subdivision a or b of section 17-706 occurring on a different day and any subsequent violations occurring on different days at the same place of business within a three-year period, any person who engages in business as a retail dealer shall be subject to the mandatory revocation of his or her [cigarette] license for such place of business. Any violation of section 17-703, 17-703.2, 17-704, 17-705 or subdivision a or b of section 17-706 by any license holder at a place of business shall be included in determining the number of violations by such license holder and by any subsequent license holder at the same place of business unless the subsequent license holder provides the commissioner of the department that has commenced the proceeding to recover a civil penalty pursuant to subdivision b of this section with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision e of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises. A [cigarette] license shall be revoked at the same hearing at which a retail dealer is found liable for a second violation or subsequent violations at the same place of business within a three-year period.

§ 8. Subdivision b of section 17-710 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-705 or 17-706 of this subchapter shall be commenced by the service of a notice of violation which shall be returnable to the health tribunal at the office of administrative trials and hearings where the department of health and mental hygiene issues such notice, the adjudication division of the department of consumer affairs where that department or a designated employee of any authorizing agency issues such notice, or an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice. Such notice shall contain a statement that any hearing for a second violation or subsequent violation of any of such sections at the same place of business within a three-year period shall also constitute a hearing for the revocation of a retail dealer's [cigarette] license where the retail dealer is found to be in violation of any such sections. The department of health and mental hygiene, the department of consumer affairs and the department of finance shall notify each other within thirty days of a final determination that a retail dealer has been found to be in violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-705 or 17-706

of this subchapter. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-708 shall be returnable to the health tribunal at the office of administrative trials and hearings. Such tribunal shall have the power to impose the civil penalties prescribed by subdivision a of this section. The adjudication division of the department of consumer affairs, the health tribunal at the office of administrative trials and hearings and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance shall have the power to impose the civil penalties prescribed by subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-705 or 17-706 of this subchapter.

§ 9. Subdivision b of section 17-716 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

b. Any person who violates section 17-715 of this subchapter shall be liable for a civil penalty of not more than one thousand dollars for the first violation, and not more than one thousand dollars for each additional violation found on that day; and not more than two thousand dollars for the second violation at the same place of business within a three-year period, and not more than two thousand dollars for each additional violation found on that day; and not more than five thousand dollars for the third and all subsequent violations at the same place of business within a three-year period. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a three-year period, any person who engages in business as a retail dealer, as such term is defined in section 20-201 of the code, shall be subject to the mandatory suspension of his or her [cigarette] license, issued pursuant to section 20-202 of the code, for such place of business, for a period not to exceed one year. [A cigarette]Such license shall be suspended at the same hearing at which a retail dealer is found liable for a third violation or subsequent violations at the same place of business within a three-year period.

§ 10. Section 17-717 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

§ 17-717 Enforcement. The department, the department of consumer affairs and the department of finance shall enforce the provisions of this subchapter. A proceeding to recover any civil penalty authorized pursuant to section 17-716 of this subchapter shall be commenced by the service of a notice of violation returnable to the health tribunal at the office of administrative trials and hearings where the department issues such a notice or to the adjudication division of the department of consumer affairs where such department issues such a notice or to an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. Such notice shall contain a statement that any hearing for a third violation or subsequent violation of section 17-715 of this subchapter at the same place of business within a three-year period shall also constitute a hearing for the suspension of a retail dealer's [cigarette] license where the retail dealer is found to be in violation of such section. The health tribunal at the office of administrative trials and hearings, the adjudication division of the department of consumer affairs and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance shall have the power to render decisions and to impose the remedies and penalties provided for in section 17-716 of this subchapter, in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings. The department, the department of consumer affairs and the department of finance shall notify each other within thirty days of finding that a retail dealer has been found liable for any section of this subchapter.

§ 11. The heading of subchapter 1 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 2 for the year 2000, is amended to read as follows:

[RETAIL CIGARETTE]TOBACCO RETAIL DEALERS

§ 12. Section 20-201 of the administrative code of the city of New York, as added by local law number 2 for the year 2000, is amended to read as follows:

§ 20-201 Definitions. Whenever used in this subchapter:

[a.]"Agent" means any person authorized to purchase and affix adhesive or meter stamps under chapter thirteen of title eleven of this code who is designated as an agent by the commissioner of finance.

[b.]"Cigarette" shall mean 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.

[c.]"Commissioner of finance" means the commissioner of finance of the [City of New York]city.

"Community district" means each of the community districts established pursuant to chapter 69 of the charter.

"Community district retail dealer cap" means the maximum number of retail dealers permitted to obtain a license to sell cigarettes or tobacco products within a community district.

[d.]"Dealer" shall mean any wholesale dealer or retail dealer as hereinafter defined.

"Good standing" means any retail dealer that has not been found to have violated subdivision a of section 20-202, subdivision a or b of section 11-1303, section 17-703, section 17-703.2, section 17-704, section 17-705, subdivision a or b of section 17-706 or section 17-715 on more than one day during the previous three consecutive years.

[e.]"Person" shall mean any individual, partnership, society, association, joint-stock company, corporation, limited liability company, 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.

[f.]"Retail dealer" shall mean any person other than a wholesale dealer engaged in selling cigarettes *or tobacco products, and includes any employee or other agent of such retail dealer.* 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 one hundred tobacco products, which shall include individual tobacco products, packages of tobacco products, 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.

[g.]"Sale or purchase" shall mean 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.

"Tobacco product" means "tobacco product" as defined in section 17-702.

[h.]"Wholesale dealer" shall mean any person who sells cigarettes 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.

§ 13. Section 20-202 of the administrative code of the city of New York, as added by local law number 2 for the year 2000 and subdivision d as amended by local law number 97 for the year 2013, is amended to read as follows:

§ 20-202 License. a. License required of retail dealers.

1. It shall be unlawful for any person to engage in business as a retail dealer without first having obtained a license as hereinafter prescribed for each place of business wherein such person sells cigarettes *or tobacco products* in the city.

2. It shall be unlawful for a person to permit any premises under such person's control to be used by any other person in violation of paragraph one of subdivision a of this section.

b. License application. In order to obtain a license to engage in business as a retail dealer, a person shall file an application with the commissioner for a license for each place of business that he or she desires to have for the retail sale of cigarettes or tobacco products in the city. The application for each license or renewal thereof shall be made upon such form as prescribed by the commissioner and shall contain such information as the commissioner shall require.

c. Fee and license term. 1. There shall be a biennial fee of one hundred ten dollars for a license to engage in the business of a retail dealer at each place of business where cigarettes or tobacco products are sold in the city.

2. All even-numbered licenses shall expire on December 31 of the even-numbered year, and all odd-numbered licenses shall expire on December 31 of the odd-numbered year, next succeeding the year in which the license is issued.

d. Issuance of license.

1. A license shall be issued to a person to conduct the business of a retail dealer for each place of business where such person engages in selling cigarettes *or tobacco products* in the city only where:

(A) an applicant for a license or renewal thereof meets all the requirements prescribed herein and any criteria in addition thereto established by the commissioner by rule as he or she deems necessary to effectuate the purposes of this subchapter;

(B) an applicant satisfies the commissioner that such person is fit and able to conduct the business of a retail dealer; [and]

(C) the commissioner has not received notification from the commissioner of finance or the commissioner of the department of health and mental hygiene that such applicant is not in full compliance with any provisions of chapter thirteen of title eleven of this code[,] or chapter forty of title eleven of this code relating to the sale of cigarettes *or tobacco products, section 17-176 or section 17-176.1 of this code* or chapter seven of title seventeen of this code, or any rules promulgated by the commissioner of finance or the commissioner of the department of health and mental hygiene to effectuate the purposes of such chapters; *and*

(D) *the number of licenses in the community district in which the place of business of such applicant is located is lower than the community district retail dealer cap.*

2. A retail dealer license shall not be assignable and shall be valid only for the persons in whose names it is issued and for the transaction of business in the place designated therein and shall at all times be conspicuously displayed at the place for which it is issued.

3. Where a license for any place of business licensed pursuant to this subchapter has been revoked, the commissioner shall refuse to issue a license required under this subchapter[, for a period of two years after such revocation,] for such place of business [or for any part of the building that had contained such place of business and was connected therewith], unless the applicant for such license demonstrates with documentary proof, to the satisfaction of the commissioner, that the applicant acquired the premises or business through an arm's length transaction.

4. For purposes of revocation of retail dealer licenses pursuant to section 17-710 of the code, any violation of section 17-703, 17-703.2, *subdivision a of 17-704*, 17-705 or subdivision a or b of section 17-706, or for purposes of suspension of retail dealer licenses pursuant to section 17-716 of the code, any violation of section 17-715, by any license holder at a place of business shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the commissioner with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises.

5. For purposes of paragraphs 3 and 4 of *subdivision d of this section [20-202]*, "arm's length transaction" means a sale of a fee or all undivided interests in real property, or lease of any part thereof, or a sale of a business, in good faith and for valuable consideration, that reflects the fair market value of such real property or lease, or business, in the open market, between two informed and willing parties, where neither is under any compulsion to participate in the transaction, unaffected by any unusual conditions indicating a reasonable possibility that the sale or lease was made for the purpose of permitting the original licensee to avoid the effect of violations on the premises. The following sales or leases shall be presumed not to be arm's length transactions unless adequate documentation is provided demonstrating that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises:

(1) a sale between relatives; or

(2) a sale between related companies or partners in a business; or

(3) a sale or lease affected by other facts or circumstances that would indicate that the sale or lease is entered into for the primary purpose of permitting the original licensee to avoid the effect of violations on the premises, or revocation of a license, such as a sale or lease entered into while there are violations pending against the original licensee that could result in revocation or suspension of the license.

e. Community district retail dealer cap.

1. *The commissioner shall establish a community district retail dealer cap for each community district in the city. The initial community district retail dealer cap shall be fifty percent of the total number of licenses issued to retail dealers in the community district on the effective date of the local law that added this subdivision, as determined by the department.*

2. *The department, in conjunction with the department of health and mental hygiene, shall evaluate community district retail dealer caps every two years and any time community district boundaries change. The factors to be considered in this evaluation include the number of retail dealers and the prevalence of cigarette smoking and use of other tobacco products. If, based on the evaluation, the department of health and mental hygiene recommends further reductions to the community district retail dealer cap, the department of health and mental hygiene shall advise the city council of such recommendations.*

3. *The commissioner may promulgate rules governing the application process related to the issuance of new licenses after the establishment of a community district retail dealer cap.*

4. *Exceptions for certain new licenses. Notwithstanding subdivision e of this section, if a retail dealer license becomes void pursuant to section 20-110 or 20-111, the person or organization who became the beneficial owner of ten percent or more of the stock of the organization to which a license had been granted, or the succeeding partnership, as applicable, may apply for a license, provided that the previous licensee had operated for five consecutive years immediately preceding submission of the application under the same retail dealer license, and the place of business is in good standing. Such application must be received within three months of the change of ownership.*

§ 14. Subdivision c of section 20-207 of the administrative code of the city of New York, as added by local law number 97 for the year 2013, is amended to read as follows:

c. The commissioner, after *providing* notice and [hearing] *an opportunity to be heard*, shall be authorized to order the sealing of any premises where any person has been found:

1. to have engaged in unlicensed activities in violation of this subchapter on at least two occasions within a three-year period; or

2. to have violated any of [sections] *subdivision a of section 17-704, section 17-705*, subdivision a or b of section 17-706 or 17-715 on at least three occasions within a three-year period.

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

Referred to the Committee on Health.

Res. No. 1433

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, Rosenthal, Cumbo and Johnson.

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 (IFEBC), 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.

Int. No. 1548

By Council Members Levine, Rosenthal, Richards, Menchaca and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include repeatedly contacting or visiting a tenant at unusual hours

Be it enacted by the Council as follows:

Section 1. Clause (4) of subparagraph f-3 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 81 for the year 2015, is amended to read as follows:

(4) knowingly falsifying or misrepresenting any information provided to such person; [or]

§ 2. Paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, is amended by adding a new subparagraph f-4 to read as follows:

f-4. repeatedly contacting or visiting any person lawfully entitled to occupancy of such unit at such unusual hours or in such a manner as can reasonably be expected to abuse or harass such person; or

§ 3. This local law takes effect 90 days after its enactment, 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. 1549

By Council Members Menchaca, Rosenthal, Levine, Richards and Levin

A Local Law to amend the administrative code of the city of New York, in relation to repeated acts of harassment

Be it enacted by the Council as follows:

Section 1. Subparagraph b 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 7 for the year 2008, is amended to read as follows:

b. repeated interruptions of discontinuances of essential services, or an interruption or discontinuance of an essential service for an extended duration or of such significance as to substantially impair the habitability of such dwelling unit, *including any prior interruption or discontinuance of an essential service for an extended duration or of such significance as to substantially impair the habitability of another dwelling unit in such building;*

§ 2. Subparagraph d 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 7 for the year 2008, is amended to read as follows:

d. commencing repeated baseless or frivolous court proceedings against any person lawfully entitled to occupancy of such dwelling unit, *including any prior baseless or frivolous court proceeding against another person entitled to occupancy of a dwelling unit in such building;*

§ 3. This local law shall take 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. 1550

By Council Members Rosenthal, Levine, Menchaca and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to harassment in private dwellings

Be it enacted by the Council as follows:

Section 1. Subdivision n of section 27-2115 of the administrative code of the city of New York is amended to read as follows:

n. The provisions of subdivision d of section 27-2005 of this chapter, subdivision m of this section and subdivision b of section 27-2120 of this chapter shall not apply where a shareholder of record on a proprietary lease for a dwelling unit, the owner of record of a dwelling unit owned as a condominium, or those lawfully entitled to reside with such shareholder or record owner, resides in the dwelling unit for which the proprietary lease authorizes residency or in such condominium unit, as is applicable[, or to private dwellings].

§2. This local law shall take effect 120 days after its enactment, except that the commissioner of housing preservation and development shall 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. 1551

By Council Members Torres, Rosenthal, Levine, Richards, Menchaca and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to unauthorized non-rent fees on rent bills

Be it enacted by the Council as follows:

Section 1. The opening paragraph 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 7 for the year 2008, is amended to read as follows:

48. Except where otherwise provided, the term “harassment” shall mean any act or omission by or on behalf of an owner that (i) causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, *provided that the act described in subparagraph f-4 of this paragraph shall give rise to a rebuttable presumption that such act was intended to cause or did cause any person lawfully entitled to occupancy of a dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy*, and (ii) includes one or more of the following:

§ 2. Subparagraph f-3 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 81 for the year 2015, is amended to read as follows and a new subparagraph f-4 is added to such paragraph to read as follows:

f-3. offering money or other valuable consideration to a person lawfully entitled to occupancy of such dwelling unit to induce such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy while engaging in any of the following types of conduct:

(1) threatening, intimidating or using obscene language;

(2) initiating communication with such frequency, at such unusual hours or in such manner as can be reasonably expected to abuse or harass such person;

(3) initiating communication of such person without the prior written consent of such person; or

(4) knowingly falsifying or misrepresenting any information provided to such person; [or]

f-4. placing non-rent fees on a rent bill where such fees have not been either (i) approved by the New York state division of housing and community renewal or (ii) agreed to in the lease; or

§ 3. 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. 1552

By Council Members Torres, Vacca, Rosenthal, Richards, Salamanca, Rodriguez, Johnson, Perkins and Levin.

A Local Law to amend the New York city building code, in relation to maintaining brake monitors and elevator monitoring systems

Be it enacted by the Council as follows:

Section 1. The New York city amendments to section 8.6.4.6 of ASME A17.1-2000, with supplements A17.1a-2002 and A17.1b-2003, as set forth in section 8.6 of chapter K1 of appendix K of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

**SECTION 8.6
MAINTENANCE, REPAIR, AND REPLACEMENT**

Delete and revise section 8.6.4.6 to read as follows:

8.6.4.6 Brakes

8.6.4.6.1 The driving-machine brake shall be maintained annually to ensure proper operations, including, but not limited to the following:

- (a) residual pads (anti-magnetic pads);
- (b) lining and running clearances;
- (c) pins and levers;
- (d) springs;
- (e) sleeves and guide bushings;
- (f) discs and drums; [and]
- (g) brake coil and plunger[.];
- (h) *brake monitors, if installed; and*
- (i) *elevator monitoring systems, if installed.*

8.6.4.6.1.1 Brake maintenance shall be entered in the maintenance records.

8.6.4.6.1.2 A metal tag indicating the elevator maintenance company and date of service shall be attached to the elevator controller.

8.6.4.6.2 If any part of the driving machine brake is changed or adjusted that can affect the holding capacity or decelerating capacity of the brake when required (see Section 2.24.8.3), it shall be adjusted and checked by means that will verify its proper function and holding capacity.

§ 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. 1553

By Council Members Torres, Vacca, Rosenthal, Richards, Salamanca, Rodriguez, Johnson, Perkins, Levin and Lancman.

A Local Law in relation to requiring the department of buildings to report on the efficacy of elevator brake monitors and remote elevator monitoring systems

Be it enacted by the Council as follows:

Section 1. As used in this local law:

Brake monitor. The phrase “brake monitor” means software or a device that is installed on an elevator and is designed to identify when an elevator brake fails to disengage and which has the capability to shut down the elevator, or reset the elevator.

Remote electronic monitoring system. The phrase “remote electronic monitoring system” means software or a device installed on an elevator that remotely checks whether elevators are properly functioning, and logs all elevator error messages.

§ 2. By no later than December 31, 2017, the department of buildings shall prepare and file with the mayor and the council, and post on its website, a report analyzing whether brake monitors and remote electronic monitoring systems enhance elevator safety and, if so, the feasibility of requiring the installation of such monitors and systems on all elevators in residential buildings.

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1554

By Council Members Torres, Vacca, Rosenthal, Richards, Salamanca, Rodriguez, Johnson, Perkins and Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department and the fire department to notify the New York city housing authority of injuries and fatalities occurring in public housing

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 14-156 to read as follows:

§ 14-156 Department to cooperate with the New York city housing authority. It shall be the duty of the department, and of its officers and members of the force, as the commissioner shall direct, to promptly notify the New York city housing authority of any injury or fatality that occurs on property owned by the New York city housing authority.

§ 2. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-131 to read as follows:

§ 15-131 Department to cooperate with the New York city housing authority. It shall be the duty of the department, and of its officers and members of the force, as the commissioner shall direct, to promptly notify the New York city housing authority of any injury or fatality that occurs on property owned by the New York city housing authority.

§ 3. This local law takes effect 120 days after it becomes law, except that the police commissioner and the fire 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 Public Housing.

Int. No. 1555

By Council Members Torres, Vacca, Rosenthal, Richards, Salamanca, Rodriguez, Johnson, Perkins, Levin and Lancman.

A Local Law to amend the New York city charter, in relation to establishing a New York city housing authority ombudsperson within the department of buildings

Be it enacted by the Council as follows:

Section 1. Chapter 26 of the New York city charter is amended by adding a new section 650 to read as follows:

§ 650. New York city housing authority ombudsperson. There shall be in the department the position of New York city housing authority ombudsperson whose duties shall include, but not be limited to:

- 1. monitoring the New York city housing authority's compliance with the New York city construction codes, and reporting on such compliance to the commissioner;*
- 2. making recommendations to the commissioner with respect to such compliance;*
- 3. establishing a system to receive comments and complaints from the public with respect to such compliance; and*
- 4. investigating such comments and complaints and taking appropriate action.*

§ 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 Public Housing.

Res. No. 1434

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 Members Vallone and Gentile.

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.

Int. No. 1556

By Council Members Williams, Cumbo, Rosenthal, Dromm, Menchaca and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to penalties for tenant harassment

Be it enacted by the Council as follows:

Section 1. Subparagraph 2 of paragraph m of section 27-2115 of the administrative code of the city of New York, as added by local law number 47 for the year 2014, is amended to read as follows:

(2) If a court of competent jurisdiction finds that conduct in violation of subdivision d of section 27-2005 of this chapter has occurred, it may determine that a class c violation existed at the time that such conduct occurred. Notwithstanding the foregoing, such court may also issue an order restraining the owner of the property from violating such subdivision and direct the owner to ensure that no further violation occurs, in accordance with section 27-2121 of this chapter. Such court shall impose a civil penalty in an amount not less than [one thousand dollars] *two thousand dollars* and not more than ten thousand dollars for each dwelling unit in which a tenant or any person lawfully entitled to occupancy of such unit has been the subject of such violation, and such other relief as the court deems appropriate, provided that where a petitioner establishes that there was a previous finding of a violation of subdivision d of section 27-2005 against such owner and such finding was made (i) within the preceding five year period and (ii) on or after the effective date of the local law that added this clause, such court shall impose a civil penalty in an amount not less than [two thousand dollars] *four thousand dollars* and not more than ten thousand dollars. It shall be an affirmative defense to an allegation by a tenant of the kind described in subparagraphs b, c and g of paragraph forty-eight of subdivision a of section 27-2004 of this chapter that (i) such condition or service interruption was not intended to cause any lawful occupant to vacate a dwelling unit or waive or surrender any rights in relation to such occupancy, and (ii) the owner acted in good faith in a reasonable manner to promptly correct such condition or service interruption, including providing notice to all affected lawful occupants of such efforts, where appropriate.

§ 2. This local law shall take 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.

Preconsidered L.U. No. 599

By Council Member Ferreras-Copeland:

Bronxview at Serviam Heights, Block 3291, Lot 4; Bronx, Community District No. 7, Council District No. 15.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 600

By Council Member Ferreras-Copeland:

Casa Cecilia, Block 2084, Lots 49 & 53; Manhattan, Community District No. 9, Council District No. 7.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 601

By Council Member Greenfield:

Application No. 20175241 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Coliemore Inc., d/b/a Five Mile Stone, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1640 2nd Avenue, Borough of Manhattan, Community Board 8, Council District 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

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

L.U. No. 602

By Council Member Greenfield:

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

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 603

By Council Member Greenfield:

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

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 604

By Council Member Greenfield:

Application No. 20175318 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at Block 2458, Lots 13, 35, and 49, Borough of the Bronx, Community Board 4, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions

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

ANNOUNCEMENTS

Thursday, April 6, 2017

[Committee on Parks and Recreation](#).....10:00 a.m.

Int 270 - By Council Members Palma and Cohen - **A Local Law** in relation to renaming two thoroughfares and public places in the Borough of the Bronx, East 177th Street, and to amend the official map of the city of New York accordingly.

Res 994 - By Council Members Cohen, Levine, Rodriguez, Palma and Menchaca - **Resolution** calling upon the Metropolitan Transportation Authority and all other appropriate entities to support a Hudson River Greenway between Spuyten Duyvil and Yonkers to provide riverfront access in a continuous stretch concurrent with the Metro-North line extending from Manhattan to Westchester.

Committee Room – 250 Broadway, 16th Floor

Mark Levine, Chairperson

[Committee on Public Safety](#).....10:00 a.m.

Oversight - Examining Enforcement Issues With Revenge Porn.

Proposed Int 927-A - By Council Members Garodnick, Gibson, Torres, Williams, Chin, Koo, Rose, Rodriguez and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the maintenance of an information sharing system regarding civil actions, claims, complaints, and investigations alleging improper police conduct.

Int 1267 - By Council Members Lancman, Garodnick, Richards, Chin, Dromm, Cumbo, Cornegy, Johnson, Crowley, Williams, Menchaca, Salamanca, Maisel and Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to criminalizing the non-consensual disclosure of sexually explicit images.

Council Chambers – City Hall

Vanessa L. Gibson, Chairperson

[Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services](#) jointly with the [Committee on Youth Services](#)1:00 p.m.

Oversight - Youth Suicide

Proposed Res 1374-A - By Council Member Cohen - **Resolution** establishing June 8 annually as Teen Mental Health Awareness Day in the City of New York.

Council Chambers – City Hall

Andrew Cohen, Chairperson
Mathieu Eugene, Chairperson

Wednesday, April 19, 2017

[Subcommittee on Zoning & Franchises](#)..... 9:30 a.m.

[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16th Floor

Donovan Richards, Chairperson

[Committee on Housing and Buildings](#)10:00 a.m.

Int 3 - By Council Members Chin, Koslowitz, Rosenthal, Lancman, Richards, Johnson, Levine, Reynoso, Mendez, Maisel, Van Bramer and Rodriguez - **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.

Proposed Int 347-A - By Council Members Rosenthal, Williams, Chin, Johnson, Levine, Reynoso, Torres, Rodriguez, Dromm, Kallos, Lander, Rose, Menchaca and Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to remedies for the breach of the duty of an owner to refrain from harassment of tenants.

Int 926 - By Council Members Garodnick, Chin, Espinal, Johnson, Kallos, Levin, Levine, Menchaca, Reynoso, Rosenthal, Constantinides, Koo, Rose, Lander, Rodriguez, Richards, Mendez and Van Bramer - **A Local Law** in relation to creating a task force on construction work in occupied multiple dwellings.

Proposed Int 931-A - By Council Members Kallos, Chin, Johnson, Levin, Levine, Menchaca, Mendez, Reynoso, Rosenthal, Rose, Lander, Lancman, Rodriguez, Richards and Van Bramer - **A Local Law** to amend the administrative code of the city of New York, in relation to building violations adjudicated before the office of administrative trials and hearings.

Int 936 - By Council Members Levine, Mendez, Chin, Johnson, Kallos, Levin, Menchaca, Reynoso, Rosenthal, King, Rose, Lander, Lancman, Rodriguez, Miller, Richards, Garodnick, Van Bramer and Cumbo - **A Local Law** to amend the administrative code of the city of New York and the New York city building code, in relation to tenant protection plans.

Int 938 - By Council Members Reynoso, Chin, Johnson, Kallos, Levin, Levine, Menchaca, Mendez, Rosenthal, Gentile, Koo, Koslowitz, Lander, Rodriguez, Rose, Richards and Van Bramer - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring increased oversight of construction contractors who have engaged in work without a required permit.

Int 960 - By Council Members Mendez, Chin, Lander, Espinal, Johnson, Kallos, Levin, Levine, Menchaca, Reynoso, Rosenthal, Cumbo, Gentile, Koo, Palma, Rodriguez, Rose, Richards, Garodnick and Van Bramer - **A Local Law** to amend the New York city administrative code, in relation to creating a safe construction bill of rights.

Int 1523 - By Council Members Rosenthal, Levin and Salamanca - **A Local Law** to amend the New York city charter, in relation to the creation of an office of the tenant advocate within the department of buildings.

Int 1530 - By The Speaker (Council Member Mark-Viverito) - **A Local Law** to amend the administrative code of the city of New York, in relation to creating a rebuttable presumption regarding harassment and repealing subparagraph g of paragraph 48 of subdivision a of section 27-2004 of such code.

Int 1548 - By Council Member Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include repeatedly contacting or visiting a tenant at unusual hours.

Int 1549 - By Council Member Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to repeated acts of harassment.

Int 1550 - By Council Member Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to harassment in private dwellings.

Int 1551 - By Council Members Torres and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to unauthorized non-rent fees on rent bills.

Int 1556 - By Council Member Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to penalties for tenant harassment.

Council Chambers – City Hall

Jumaane D. Williams, Chairperson

[Committee on Waterfronts](#) 10:00 a.m.
Oversight - Dredging Projects in the City’s Waterways.
 Committee Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... 11:00 a.m.
[See Land Use Calendar](#)
 Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

★ *Deferred*

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

~~**Int 1278** – By Council Members Chin, Koo, Menchaca, Salamanca, Treyger, Barron, Palma, Richards and Vacca – **A Local Law** to amend the administrative code of the city of New York, in relation to the posting of a performance summary card for social adult day cares.~~

~~**Int 1519** – By Council Members Koslowitz, The Speaker (Council Member Mark Viverito), Chin, Levin and Salamanca – **A Local Law** to amend the administrative code of the city of New York, in relation to supplemental nutrition assistance program enrollment at senior centers.~~

~~**Res 112** – By Council Members Johnson, Chin, Cohen, Eugene, Gentile, Koo, Rose, Vallone, Mendez, Menchaca and Ulrich – **Resolution** calling upon the Department for the Aging to restore the congregate weekend meal program and conduct a public awareness campaign to promote congregate and home delivered meals.~~

~~**Res 262** – By Council Members Ulrich, Espinal, Chin, Constantinides, Dromm, Eugene, Gentile, Koo, Laneman, Levine, Vallone, Williams, Rodriguez, Mendez, Richards, Miller, Rosenthal and Menchaca – **Resolution** calling upon the Department for the Aging to ensure that halal meals are available as part of the home delivered meals program.~~

[Committee on Aging](#)

~~**Res 1225** – By Council Members Chin, Barron and Palma – **Resolution** calling upon the New York State Legislature to significantly increase funding for the New York State Long Term Care Ombudsman Program.~~

~~**Res 1226** – By Council Members Chin and Palma – **Resolution** calling upon the New York State Legislature to pass and the Governor to sign A.5820-A, in relation to violations of safety conditions in adult care facilities.~~

~~Committee Room – City Hall Margaret Chin, Chairperson~~

[Committee on Courts and Legal Services](#) 1:00 p.m.

Oversight - Examining the Process of Mayoral Judicial Appointments
 Committee Room – 250 Broadway, 14th Floor Rory Lancman, Chairperson

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

Proposed Int 1028-A - By Council Members Cumbo, Chin, Koo, Lander, Mendez and Torres - **A Local Law** to amend the administrative code of the city of New York, in relation to creating a sexual health education task force.

Int 1347 - By Council Members Cornegy, Wills, Torres, Richards, Cumbo, Mendez, Chin, Rodriguez, Rosenthal and Eugene - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute information regarding the gifted and talented programs and exam.

Res 1415 - By Council Members Palma, the Speaker (Council Member Mark-Viverito) and Levin - **Resolution** calling upon the New York State Education Department to convene a task force to assess the cultural relevance of state learning standards across subject areas in elementary, middle, and high school and explore the grounding of standards in core content that challenges racism, ableism, and sexism, and is LGB and TGNC-affirming.

Council Chambers – City Hall Daniel Dromm, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#)..... 1:00 p.m.
See Land Use Calendar
 Committee Room – 250 Broadway, 16th Floor Rafael Salamanca, Chairperson

Thursday, April 20, 2017

[Committee on General Welfare](#)..... 10:00 a.m.
Oversight - Reforms to Homeless Services, One Year Later
Int 622 - By Council Members Crowley, Eugene, Koo, Rose, Rosenthal and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to educate homeless persons on domestic violence and child abuse.
Int 1066 - By Council Members Espinal, Johnson, Levin, Palma and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of homeless service to conduct quarterly point-in-time counts of the unsheltered homeless population.
Int 1443 - By Council Members Torres, Levin, Salamanca, Chin, Johnson, Menchaca, Espinal, Richards, Gentile, Reynoso, Grodenchik, Cabrera, Cohen and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that certain Department of Homeless Services employees be trained in administering opioid antagonists.
Int 1460 - By Council Members Levin, Salamanca, Richards, Barron and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the formation of an interagency coordinating council to combat homelessness.
 Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

★ **Note Topic Deferred**
[Committee on Higher Education](#).....10:00 a.m.
 ★**Oversight**—~~Earning an Associate Degree in High School: Pros and Cons~~
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Inez Barron, Chairperson

[Committee on Technology](#) jointly with the
[Committee on Public Safety](#) and the
[Committee on Fire and Criminal Justice Services](#) 10:00 a.m.
Oversight - Upgrading the City’s 911 System
 Council Chambers – City Hall
 James Vacca, Chairperson
 Vanessa L. Gibson, Chairperson
 Elizabeth Crowley, Chairperson

[Committee on Land Use](#) 11:00 a.m.
All items reported out of the Subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – City Hall David G. Greenfield, Chairperson

[Committee on Economic Development](#)1:00 p.m.
Oversight - Preparing for the Impact of Federal Travel Bans on New York City’s Economy.
 Council Chambers – City Hall Daniel Garodnick, Chairperson

Monday, April 24, 2017

[Committee on Transportation](#).....10:00 a.m.
 Agenda to be announced
 Council Chambers – City Hall Ydanis Rodriguez, Chairperson

★ ***Addition***

[Committee on Public Housing](#) jointly with the
[Committee on Oversight and Investigations](#) 10:00 a.m.

Oversight – Examining DOI’s Report on NYCHA’s Permanent Exclusion Policy.

Int 1207 - By Council Members Gibson, Torres, Chin, Rosenthal and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on persons who have been permanently excluded from public housing.

Committee Room – 250 Broadway, 16th Floor

Ritchie Torres, Chairperson
Vincent J. Gentile, Chairperson

[Committee on Women’s Issues](#)..... 10:00 a.m.

Int 1500 - By The Speaker (Council Member Mark-Viverito) and Council Members Cumbo, Johnson, Levin and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to gender and racial equity assessments.

Int 1512 - By Council Members Dromm, The Speaker (Council Member Mark-Viverito), Levin, Salamanca, Cumbo and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to training for city agencies to promote gender and racial equity.

Int 1520 - By Council Members Lander, Levin, Cumbo and Menchaca - **A Local Law** to amend the New York city charter, in relation to measuring and addressing gender and racial inequality in New York City.

Res 542 – By Council Members Cumbo, Johnson, Ferreras-Copeland, Chin, Espinal, Eugene, Lander, Mendez, Richards, Rose, Rosenthal, Rodriguez, Menchaca and Levin - **Resolution** calling upon the United States Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Committee Room – City Hall

Laurie Cumbo, Chairperson

[Committee on Environmental Protection](#) 1:00 p.m.

Int 1465 - By Council Members Torres, Constantinides, Salamanca and Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to phasing out the use of fuel oil grade no. 4.

Committee Room – City Hall

Costa Constantinides, Chairperson

[Committee on Small Business](#)..... 1:00 p.m.

Int 1499 - By The Speaker (Council Member Mark-Viverito) and Council Member Cornegy - **A Local Law** in relation to requiring the commissioners of housing preservation and development, buildings, sanitation and consumer affairs to create a list of violations for which civil penalties may be waived through a penalty mitigation program.

Int 1501 - By Council Members Barron and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to reducing civil penalties where retail establishments agree to make their restrooms publicly available.

Int 1504 - By Council Members Constantinides, Cornegy and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of an energy efficiency program for multiple dwellings.

Int 1507 - 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.

Int 1508 - 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.

Int 1515 - By Council Members Grodenchik and Cornegy - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of an energy efficiency program for businesses.

Int 1516 - By Council Members Johnson and 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 businesses.

Int 1518 - By Council Members King and Cornegy - **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.

Int 1521 - By Council Members Reynoso, Cornegy and Salamanca - **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.

Int 1526 - By Council Members Treyger, Cornegy, Reynoso and Salamanca - **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 left over food.

Council Chambers – City Hall

Robert Cornegy, Chairperson

Committee on Technology.....1:00 p.m.

Oversight - Privacy of City Data

Committee Room – 250 Broadway, 16th Floor

James Vacca, Chairperson

Tuesday, April 25, 2017

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*

.....*Agenda – 1:30 p.m.*

Shortly after the start of this Meeting, Council Member Ferreras-Copeland presented a birthday cake to the Speaker (Council Member Mark-Viverito). Council Member Ferreras-Copeland noted that the cake was made at a Dominican bakery in Corona, Queens. The Speaker (Council Member Mark-Viverito) thanked everyone for their birthday songs and wishes.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, April 25, 2017.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int. Nos. 179-A, 289-A, 834-B, 975-A, 1181-A, 1240-A, 1308-A, 1315-A, 1317-A, 1318-A, 1320-A, 1321-A, 1323-A, 1326, 1327-A, 1333-B, 1338-A, 1339-A, 1344-A, all adopted by the Council at the February 15, 2017 Stated Meeting, were returned unsigned by the Mayor on Monday March 20, 2017. These bills had become law on Saturday, March 18, 2017 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 Local Laws Nos. 26 to 45 of 2017, respectively.

Int. Nos. 247-A, 267-A, 748-B, 820-A, 873-A, 882-A, 1071-A, 1161-A, 1162-A, 1172-A, 1198-A, 1280-B, 1474-A, and 1475-A were signed into law by the Mayor on March 21, 2017 as, respectively, Local Law Nos. 46 to 59 of 2017. Int. Nos. 267-A, 820-A, 873-A, 1161-A, 1162-A, 1172-A, and 1280-B were adopted by the Council at the March 1, 2017 Stated Meeting. Int. Nos. 247-A, 748-B, 882-A, 1071-A, 1198-A, 1474-A, and 1475-A were adopted by the Council at the March 16, 2017 Stated Meeting.