

THE COUNCIL

STATED MEETING OF

THURSDAY, NOVEMBER 13, 2014

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING*

of

Thursday, November 13, 2014, 2:01 p.m.

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

Council Members

Melissa Mark-Viverito, Speaker

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

Excused: Council Members King, Palma (Excused on Medical Leave), Wills and Ignizio.

The Public Advocate (Ms. James) assumed the Chair as the Acting President Pro Tempore and Presiding Officer.

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 47 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 Minister Dominique Bryant, Victorious Triumphant Word International Church, 2533 Atlantic Avenue, Brooklyn, N.Y. 11207.

Let all hearts and minds be clear.
Heavenly Father, as we stand in unity
on this November 13, 2014,
we approach your throne boldly
to honor your presence in this room.

We honor you for being the Creator
of the heavens and the earth;
we honor you as the omniscient,
omnipotent and omnipresent God
and because you're all knowing,
all powerful and all present,
we dedicate this meeting
on this day before you.
Father, as the leaders in this great city
gather together today
to discuss the pertinent issues
that affect the lives of their constituents,
I ask that you would pour unto them
the wisdom that they will need
to create the laws that will govern and shake
the very integrity and lifeline of this city.
I ask that you will impregnate them
with the knowledge and understanding
of the many needs that plagues the lives
of the many people who call this city home.
Father, I pray that you will guide
and direct this meeting
so that it will be full of wisdom,
positivity, productivity and respect
for one another as public servants.
Father, we thank you in advance
for the accomplished work
that will result from this meeting,
facilitated through a collaborative mindset
and shared goal for the advancement of this great city.
We thank you that because of the unity
represented in this room
you have and will continue to command
the blessings in this city;
with many blessings,
Amen.

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

During the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Mark-Viverito) asked for a Moment of Silence in memory of those 265 individuals who lost their lives following the crash of Flight 587 on November 12, 2001.

* * *

ADOPTION OF MINUTES

Council Member Miller moved that the Minutes of the Stated Meeting of October 7, 2014 be adopted as printed.

During the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Mark-Viverito) recognized and praised Deputy Chief of Staff Margaret Nelson for her years of service to the Council as well as for her crucial role in a number of Council accomplishments. The Speaker (Council Member Mark-Viverito) wished Ms. Nelson the best of luck in her new upcoming position as Chief of Staff to the Commissioner of the Parks Department. During the Meeting, the Public Advocate (Ms. James) and a number of Council Members commended Ms. Nelson for all her efforts and wished her well.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-188

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license AGP Transportation Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

October 22, 2014

The Honorable Speaker Melissa Mark-Viverito
Attention: Mr. Gary Altman
Council of the City of New York
250 Broadway, 15th Floor
New York, New York 10007

Re: Taxi & Limousine Commission
For-Hire Vehicle Base License approvals

Dear Speaker Mark-Viverito:

Please be advised that on October 16, 2014 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

NEW (2):	LICENSE #	COUNCIL DISTRICT
AGP Transportation Inc./d.b.a. La Puma	B02759	26
Allesride, Inc.	B02785	22
RENEWALS (12):	LICENSE #	COUNCIL DISTRICT
810 Car Svce Corp	B01016	42
A & R Golden Exp Inc.	B01091	44
Delancey Car Service Inc./d.b.a. Delancey Car Service	B00225	01
Dial 7 Car & Limousine Service Inc.	B00887	26
Kew Garden Operating Corp	B00183	29
La New Express Inc.	B02047	44
La Ranchera Express Corp.	B02427	37
Lakeview Cars Inc./d.b.a. Clove Lake Cars	B01268	49
Mega Mex Inc.	B02163	40
Queens Village Inc.	B00031	27
Tiffany's Car Service Inc.	B02462	20
Wakefield Lsg Maint Corp	B00597	11

The complete application packages compiled for the above bases are available for your review upon request. If you wish to receive a copy please contact Ms. Angelique Meola, Business Licensing Unit, at businessunit@tlc.nyc.gov. Please find enclosed herein the original applications for the approved base stations.

Very truly yours,

Christopher Tormey
Director of Applicant Licensing
Licensing & Standards Division
Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-189

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Allesride, Inc., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-190

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 810 Car Svce Corp., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-191

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license A & R Golden Exp Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-192

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Delancey Car Service Inc., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-193

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Dial 7 Car & Limousine Service Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-194

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Kew Garden Operating Corp., Council District 29, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-195

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license La New Express Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-196

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license La Ranchera Express Corp., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-197

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Lakeview Cars Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-198

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Mega Mex Inc., Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-199

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Queens Village Inc., Council District 27, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-200

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Tiffany's Car Service Inc., Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-201

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Wakefield Lsg Maint Corp., Council District 11, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-188 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Environmental Protection

Report for Int. No. 378

Report of the Committee on Environmental Protection in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to reducing greenhouse gases by eighty percent by two thousand fifty.

The Committee on Finance, to which the annexed proposed local law was referred on June 11, 2014 (Minutes, page 2020), respectfully

REPORTS:

Introduction

On November 12, 2014 the Committee on Environmental Protection, chaired by Council Member Donovan Richards, will hold a hearing and a vote on Int. No. 378-2014, in relation to reducing greenhouse gases by eighty percent by 2050.

Background

There is strong scientific evidence that climate change is occurring at a rapid rate.^{1,2,3} The current trend of warming in Earth's climate system over the last several decades is clear and unprecedented – the ocean and atmosphere have warmed, sea level has risen, and snow and ice levels have decreased.⁴

In the Northern Hemisphere, the temperature at the Earth's surface between 1983-2012 was likely the warmest 30-year period in the last 1400 years, and globally, each of the last three decades has been warmer than any decade since 1850.⁵ Ocean warming accounted for more than 90% of the energy accumulated in the climate system between 1971 and 2010, and it accounts for the majority of the increase in stored-energy within Earth's climate system. The upper level of the ocean (0 to 2,297ft) has warmed from 1971 to 2010, and it is likely that a larger warming trend began in the 1870s.⁶ The cryosphere (portions of the Earth where water is in solid form) is diminishing. Over the last 20-years, Arctic sea ice and Northern Hemisphere snow cover have continued to decrease, ice sheets in the Antarctic and Greenland have lost mass and glaciers worldwide have continued to decrease in extent.⁷ Between 1901 and 2010, mean global sea level rose 7.48 inches, and the rate of sea level rise since the 1850s has been greater than the mean rate during the previous 2000 years.⁸

Over the next 100 years, average global temperature is expected to warm twice as much as it has during the past 100 years.⁹ Global temperatures are projected to increase 2°F to 11.5°F by 2100, depending on various factors.¹⁰ Projections of future sea level rise vary by region, with global sea level expected to rise at a greater rate over the next century than during the past 50 years.¹¹ It is expected that sea ice, snow cover and glaciers will continue to diminish, and permafrost will continue to thaw.¹²

Greenhouse Gas Emissions and Climate Change

The concentration of greenhouse gases in Earth's atmosphere has been and is increasing, and this is a main cause of rapid climate change. When solar radiation reaches Earth's surface it is either reflected back into space or absorbed. Once absorbed, Earth releases some of this radiation into the atmosphere in the form of heat. Greenhouse gases such as carbon dioxide, methane, nitrous oxide and water vapor prevent the loss of this heat back into space. Through this mechanism, which is commonly referred to as the "greenhouse effect," greenhouse gases act like a blanket around the Earth, keeping it warmer than it would otherwise be.¹³

Atmospheric concentrations of nitrous oxide, methane and carbon dioxide have reached levels that are unprecedented in the last 800,000 years.¹⁴ Atmospheric carbon dioxide concentrations have increased by almost 40% since the pre-industrial era, and methane concentrations increased sharply during most of the 20th century, to more than two and a half times pre-industrial levels.¹⁵ Concentrations of nitrous oxide have risen about 18% since the start of the industrial revolution, with a more-rapid increase towards the end of the last century.¹⁶

Since the beginning of the industrial revolution, around 1750, human activity has made an increasing and sizeable contribution to the concentration of greenhouse gases in Earth's atmosphere. This has increased the "greenhouse effect" and caused the temperature of Earth's surface to rise.¹⁷ The principal human activity that is affecting climate change is the emission of greenhouse gases by burning fossil fuels.¹⁸ Besides the burning of fossil fuels, other human activities that contribute to the "greenhouse effect" include deforestation, agriculture, landfills and natural gas releases, fertilizer use, the use of certain chemicals (such as halocarbons) in industrial

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¹ National Aeronautics and Space Administration, "Global Climate Change: Vital Signs of the Planet," <http://climate.nasa.gov/evidence/> accessed 10/18/2014

² National Oceanic and Atmospheric Administration, "Global Climate Change Indicators," <http://www.ncdc.noaa.gov/indicators/> 10/18/2014

³ United States Environmental Protection Agency, "Climate Change Science Overview," <http://www.epa.gov/climatechange/science/overview.html> 10/18/2014

⁴ The Intergovernmental Panel on Climate Change Working Group I Report, "The Physical Science Basis" http://www.climatechange2013.org/images/report/WGIAR5_SPM_FINAL.pdf

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Intergovernmental Panel on Climate Change (2007). Summary for Policymakers. In: Climate Change 2007: The Physical Science Basis.

¹⁰ National Research Council (2010). Advancing the Science of Climate Change . <http://nas-sites.org/americasclimatechoices/sample-page/panel-reports/87-2/>

¹¹ Coastal systems and low-lying areas. In: Climate Change 2007: Impacts, Adaptation, and Vulnerability . Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. http://www.ipcc.ch/publications_and_data/ar4/wg2/en/ch6.html

¹² National Research Council (2011). Climate Stabilization Targets: Emissions, Concentrations, and Impacts over Decades to Millennia. <http://nas-sites.org/americasclimatechoices/other-reports-on-climate-change/2011-2/climate-stabilization-targets/>

¹³ United States Environmental Protection Agency, "Causes of Climate Change." <http://www.epa.gov/climatechange/science/causes.html> accessed 10/17/2014

¹⁴ "Climate Change 2013: The Physical Science Basis."

¹⁵ National Research Council, "Advancing the Science of Climate Change." <http://nas-sites.org/americasclimatechoices/sample-page/panel-reports/87-2/>

¹⁶ Intergovernmental Panel on Climate Change, "Climate Change 2007: The Physical Science Basis." http://www.ipcc.ch/publications_and_data/ar4/wg1/en/ch6.html

¹⁷ USEPA, "Causes of Climate Change."

¹⁸ Id.

processes on products, activities that release carbon monoxide, and the emission of aerosols through activities such as surface mining.¹⁹

According to the United States Environmental Protection Agency, the rate and magnitude of future climate change will primarily depend on: the rate that levels of greenhouse gas concentrations in our atmosphere continue to increase; how strongly factors of the climate such as temperature and sea level respond to projected increases in greenhouse gas concentrations; and natural processes within Earth's climate system, such as changes in the ocean's thermohaline circulation (the circulation of seawater driven by differences in salinity and temperature at different depths of the ocean).²⁰

Impacts of Climate Change

Climate change threatens to impact New York City's public health, critical infrastructure, communities, vulnerable populations, natural systems, buildings and economy. Impacts that are anticipated by experts, such as the Intergovernmental Panel on Climate Change, the National Academy of Sciences,²¹ the United States Environmental Protection Agency,²² the New York State Energy Research and Development Authority,²³ and the New York City Mayor's Office of Long-Term Planning and Sustainability, include severe weather, such as droughts and hurricanes, human health impacts, environmental justice impacts, economic impacts, damage to infrastructure, sea level rise, changes to coastlines and coastal wetlands, disruption of ecosystems and loss of biodiversity.

According to the most recent report issued by the Intergovernmental Panel on Climate Change, if greenhouse gas emissions are allowed to continue increasing at their current rate, damage to public health, displacement of peoples, mass migrations and even death or injury on a wide scale are all possible.²⁴ Climate change impacts can also be expected to slow economic growth, exacerbate poverty problems, and erode food security.²⁵

Locally, Hurricane Sandy was a tragic example of New York City's vulnerability to severe climate change impacts. While it is not possible to attribute any single severe weather event such as Hurricane Sandy to climate change, sea level change that has occurred in the New York City area over time did increase the magnitude and extent of flooding during the storm.²⁶ The New York City Panel on Climate Change projects that by the 2050s, extreme events are likely to worsen; heat waves are likely to increase in frequency, intensity, and duration; heavy downpours are likely to increase in frequency, intensity and duration; and coastal flooding is likely to increase in frequency, extent, and height.²⁷ By the 2050s, New York City is projected to experience a sea level rise of 11 to 24 inches, with a high-end estimate of 31 inches.²⁸ Total annual precipitation in the City is likely to increase by the middle of this century and temperatures are projected to increase 4.0°F to 5.5°F, with a high-end estimate of 6.5°F.²⁹

Climate change will also cause health impacts in New York City. The City's Department of Health and Mental Hygiene projects that, due to climate change, the number of days per year with temperatures in excess of 90 degrees in New York City could increase from 8-9 days, currently, to 40-89 days.³⁰ The City's elderly population, and persons with illnesses such as

heart disease, diabetes, respiratory diseases and psychiatric cognitive disorders will be disproportionately affected by the increased temperature.³¹ High heat days will also increase ozone-related health impacts, according to the Mailman School of Public Health at Columbia University.³² Scientists at the Mailman School analyzed climate change and ozone-related health impacts, and found that climate change alone could increase ozone-related mortality across the New York Metropolitan Region by a median 4.5% in the 2050s, compared with 1990s levels.³³ This number does not take into account the effects of projected population growth and anthropogenic (human-caused) ozone-precursor emissions increases. When projected

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¹⁹ "Climate Change 2007: The Physical Science Basis."

²⁰ United States Environmental Protection Agency, "Future Climate Change" webpage accessed on 10/17/2014 at: <http://www.epa.gov/climatechange/science/future.html#increasinggreenhousegas>

²¹ Climate Change Adaptation In New York City: Building a Risk Management Response, Ann., N.Y. Acad. Sci., 2010, National Academy of Sciences,

²² Coastal Sensitivity to Sea level Rise; A Focus on the Mid-Atlantic Region, U.S. Climate Change Science Program Strategic Plan, Environmental protection Agency, January 2009.

²³ Responding to Climate Change in New York State, NYSERDA, Synthesis Report, 2011.

²⁴ Justin Gillis, Panel's Warning on Climate Risk: Worst is Yet to Come, New York Times, March 31, 2014, www.nytimes.com/2014/04/01/science/earth/climate.html?_r=0.

²⁵ Id.

²⁶ New York City Panel on Climate Change, "Climate Risk Information 2013."

http://www.nyc.gov/html/planyc2030/downloads/pdf/npcc_climate_risk_information_2013_report.pdf

²⁷ Id.

²⁸ Id.

²⁹ Id.

³⁰ Department of Health and Mental Hygiene presentation to the American Public Health Association Webinar Series: Climate Change Adaptation: Addressing Heat Related Mortality among Seniors in New York City, March 2011 (identifying respiratory diseases and diabetes as some of the medical conditions that make the elderly more susceptible to heat related mortality) see also The Interagency Working Group on Climate Change, A Human Health perspective on Climate Change, A Report Outlining the Research Needs on the human Health Effects of Climate Change, April 2010 (identifying cancer, cardiovascular disease and stroke, mental health and stress related disorder, neurological diseases and disorders and weather related morbidity and mortality as an additional areas where public health would likely be impacted by climate change).

³¹ National Institute of Environmental Health Sciences, A Human Health Perspective on Climate Change, A Report Outlining the Research needs on the Human Health Effects of Climate Change, April 22, 2010.

³² Kim Knowlton, Joyce Rosenthal, Christian Hogrefe, Barry Lynn, Stuart Gaffin, Richard Goldberg, Cynthia Rosenzweig, Kevin Civerolo, Jia-Yeong Ku, and Patrick L. Kinney, Assessing Ozone related Health Impacts under a Changing Climate, Environ. Health Perspect. 2004, November: 112 (15) 1557-1563.

³³ Id.

population growth and anthropogenic ozone-precursor emissions increases are taken into account, regional ozone-related mortality is projected to increase by a median 59.9% in the 2050s, compared with 1990s levels.³⁴ This larger impact is largely due to projected growth in the at-risk population.³⁵

Efforts to Mitigate Climate Change

According to the United Nations, only an aggressive push over the next 15 years will be sufficient to bring greenhouse gas emissions under control, and if greater efforts to cut emissions are not implemented soon, future generations that are seeking to limit or reverse climate change will have to depend on technologies that currently do not exist in order to permanently remove greenhouse gases from the atmosphere.³⁶ Unfortunately, to this point, international efforts and treaties to address climate change have fallen short.³⁷

Recognizing the need to act locally, in 2007, New York City released PlaNYC. In so doing, the City embarked on a groundbreaking effort to reduce its emissions of greenhouse gases and address long-term challenges including projected population growth, climate change and the evolving economy.³⁸ The City enacted Local Law 22 of 2008, "The New York City Climate Protection Act," codifying one of PlaNYC's central goals by requiring a 30 percent reduction in City government emissions by the year 2017 below 2006 (base year) levels, and a 30 percent reduction in citywide greenhouse gas emissions by the year 2030 below 2005 (base year) levels.³⁹ Due in large part to PlaNYC initiatives, guided by the mandate of Local Law 22, New York City has reduced its greenhouse gas emissions by 19 percent since 2005 and is almost two-thirds of the way towards achieving a 30 percent reduction by 2030.⁴⁰ "Cleaner generation of electricity and steam were responsible for the majority of emissions reductions, and New Yorkers are using electricity and heating fuel more efficiently in buildings."⁴¹

Despite New York City's local progress, global greenhouse gas emissions continue to accelerate at a rapid rate. The United Nation's Framework Convention on Climate Change set a goal to limit the rise in temperature over the next 100 years to 2°C in order to prevent "dangerous anthropogenic interference with the climate system."⁴² Global emissions would have to be cut by at least 50 percent below 1990 levels by mid-century if we are to achieve this goal.⁴³ To that end, the European Union⁴⁴ and states including California⁴⁵ and New York⁴⁶ have set targets to cut their emissions 80 percent by 2050 from 1990 levels. If New York City adopts Int. No. 378 it will become the largest city to commit to reducing its emissions by 80 percent by 2050, and it will set a path for investment in renewable energy sources and a transition off of fossil fuels.⁴⁷

Discussion of Int. No. 378

The City has previously acted to require a citywide emissions reduction of thirty percent by calendar year 2030, relative to such emissions for the base year. The proposed legislation would amend the administrative code of the city of New York by inserting an additional, more aggressive emissions reduction requirement.

Section two of the bill amends section 24-803 of the administrative code by adding the requirement that citywide emissions shall be reduced by eighty percent, relative to such emissions for the base year, by calendar year 2050. This requirement is an addition to the existing requirement that citywide emissions shall be reduced by thirty percent by the year 2030.

Section two of the bill further amends section 24-803 of the administrative code by adding language that clarifies that PlaNYC is the long-term sustainability plan developed and updated pursuant to section twenty of the New York city charter.

Conclusion

Climate change poses a variety of risks to New York City and the world. In order to mitigate the rate, degree and impacts of climate change, aggressive policies are needed to reduce the emissions of greenhouse gases from human activities. If enacted, Int. No. 378 will strengthen New York City's efforts to mitigate climate change, making New York the largest city in the world to commit to the goal of reducing emissions by eighty percent by 2050.⁴⁸

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³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Justin Gillis, U.N. Lag in Confronting Climate Woes Will Be Costly, New York Times, January 16, 2014, www.nytimes.com/2014/01/17/science/earth/un-says-lag-in-confronting-climate-woes-will-be-costly.html.

³⁸ PlaNYC webpage, "About PlaNYC," <http://www.nyc.gov/html/planyc/html/about/about.shtml>

³⁹ New York City Local Law 22 of 2008: <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=448283&GUID=E252FFD9-2B6E-4D93-865C-96ABDD0D357A&Options=ID|Text|&Search=>

⁴⁰ New York City Mayor's Office, "Inventory of New York City Greenhouse Gas Emissions: September 2014": http://www.nyc.gov/html/planyc/downloads/pdf/NYC_GHG_Inventory_2014.pdf

⁴¹ Id.

⁴² New York City Mayor's Office, "New York City's Pathways to Deep Carbon Reductions – December 2013" http://s-media.nyc.gov/agencies/planyc2030/pdf/nyc_pathways.pdf

⁴³ Id.

⁴⁴ Roadmap 2050 - A Practical Guide to a Prosperous Low-Carbon Europe: http://www.roadmap2050.eu/attachments/files/Volume1_fullreport_PressPack.pdf

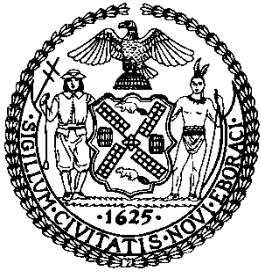
⁴⁵ California Executive Order S-3-05 (2005): <http://gov38.ca.gov/index.php?print-version/executive-order/1861/>

⁴⁶ New York State Executive Order 24 (2009): <http://www.dec.ny.gov/energy/71394.html>

⁴⁷ New York City Mayor's Office, "Built to Last," <http://www.nyc.gov/html/builttolast/assets/downloads/pdf/OneCity.pdf>

⁴⁸ New York City Mayor's Office, "One City Build to Last," <http://www.nyc.gov/html/builttolast/assets/downloads/pdf/OneCity.pdf>

(The following is the text of the Fiscal Impact Statement for Int. No. 378:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

INTRO. NO.: 378

COMMITTEE:
Committee on
Environmental
Protection

TITLE: A local law to amend the administrative code of the city of New York, in relation to reducing greenhouse gases by eighty percent by two thousand fifty.

SPONSOR(S): Council Members Constantinides, Chin, Cumbo, Mendez, Rodriguez, Rose, Rosenthal, Deutsch, Treyger, Kallos, Williams, Miller, Palma, Richards, Espinal, King, Garodnick, Johnson, Levin, Torres, Lancman, Levine, Weprin, Koslowitz, Dromm, Gentile, Koo, Menchaca, Reynoso, Crowley, Cornegy, Vacca, Cohen, Eugene, Vallone, Ferreras, Van Bramer, Arroyo, Lander, Dickens, Ulrich and the Public Advocate (Ms. James).

SUMMARY OF LEGISLATION: This legislation would amend the New York City Climate Protection Act, which currently contains a requirement for New York City to reduce its greenhouse gas emissions citywide by 30 percent by calendar year 2030 as compared to citywide emissions for the base year. This legislation would add an additional requirement to reduce New York City's greenhouse gas emissions citywide by 80 percent by calendar year 2050.

The law currently states that the required emissions reduction should be achieved through the policies, programs and actions outlined in PlaNYC, which is the City's long-term sustainability plan that was developed and is updated as required by the City Charter. The 80 percent emissions reduction by 2050 is also subject to that mandate.

EFFECTIVE DATE: This local law shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
Revenues	\$0	\$0	\$0
Expenditures	\$TBD*	\$TBD*	\$TBD*
Net	\$TBD	\$TBD	\$TBD

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 legislation does not specify exactly how the 80 percent emissions reduction will be achieved, but rather just requires adherence to PlaNYC, it is not possible to determine an exact impact on expenditures at this time.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Kate Seely-Kirk, Principal Legislative Financial Analyst, New York City Council
Finance Division

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director, New York City Council Finance Division

Tanisha Edwards, Chief Counsel, New York City Council Finance Division

Rebecca Chasan, Assistant Counsel, New York City Council Finance Division

LEGISLATIVE HISTORY: Intro. No. 378 was introduced by the Council on June 11, 2014 and referred to the Committee on Environmental Protection. The Committee on Environmental Protection held a hearing on Intro. No. 378 on October 23, 2014 and the legislation was laid over. Intro. No. 378 will be considered by the Committee on Environmental Protection on November 12, 2014 and, upon successful vote by the Committee, Intro. No. 378 will be submitted to the full Council for a vote on November 13, 2014.

DATE PREPARED: November 10, 2014

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 378:)

Int. No. 378

By Council Members Constantinides, Chin, Cumbo, Mendez, Rodriguez, Rose, Rosenthal, Deutsch, Treyger, Kallos, Williams, Miller, Palma, Richards, Espinal, King, Garodnick, Johnson, Levin, Torres, Lancman, Levine, Weprin, Koslowitz, Dromm, Gentile, Koo, Menchaca, Reynoso, Crowley, Cornegy, Vacca, Cohen, Eugene, Vallone, Ferreras, Van Bramer, Arroyo, Lander, Dickens, Barron, Ulrich and the Public Advocate (Ms. James).

A Local Law to amend the administrative code of the city of New York, in relation to reducing greenhouse gases by eighty percent by two thousand fifty.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that the reduction of greenhouse gases that contribute to global warming is critical to the current and future prosperity of New York City. The Council further finds that in view of the rapid progress of climate change events and indicators and in order to increase the effectiveness of New York City measures intended to prepare for and alter the course of adverse climate change impacts on New York City's critical infrastructure and vulnerable citizens, and consistent with the spirit of PlaNYC 2030 and the New York City Climate Protection Act, Local Law 22 of 2008, the reduction of emissions citywide should be increased from a thirty percent reduction in citywide emissions by calendar year 2030, relative to such emissions for the base year, to an eighty percent reduction in citywide greenhouse gas emissions relative to such emissions for the base year by calendar year 2050.

Therefore, the Council finds that it is in the best interests of the City to provide for an increase in future reductions in citywide greenhouse gas emissions.

§ 2. Subdivision a of section 24-803 of the administrative code of the city of New York is amended to read as follows:

§24-803 Reduction of greenhouse gas emissions that contribute to global warming. a. (1) Reduction of emissions citywide. There shall be, at minimum, a thirty percent reduction in citywide emissions by calendar year 2030, and an eighty percent reduction in citywide emissions by calendar year 2050, relative to such emissions for the base year for citywide emissions.

(2) The emissions reduction required by paragraph one of this subdivision shall be achieved through the applicable policies, programs and actions included in PlaNYC, the long-term sustainability plan developed and updated pursuant to section twenty of the New York city charter, and any additional policies, programs and actions to reduce greenhouse gas emissions that contribute to global warming. If the office determines that such emissions reduction is not feasible despite the best efforts of city government, such office shall report such findings and make recommendations with respect to policies, programs and actions that may be undertaken to achieve such reductions.

§ 3. This local law shall take effect immediately.

DONOVAN J. RICHARDS, *Chairperson*; STEPHEN T. LEVIN, COSTA G. CONSTANTINIDES, RORY I. LANCMAN, ERIC A. ULRICH; Committee on Environmental Protection, November 12, 2014.

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

Reports of the Committee on Finance

Report for Int. No. 480

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 authorizing an increase in the amount to be expended annually in the Fordham Road business improvement district, extension of the Fordham Road business improvement district, and amending the district plan of the Fordham Road business improvement district to change the method of assessment upon which the district charge is based.

The Committee on Finance, to which the annexed proposed local law was referred on September 23, 2014 (Minutes, page 3471), respectfully

REPORTS:

ANALYSIS:

Business Improvement Districts (“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 Chapter 4 of Title 25 of the Administrative Code, the City Council adopted Resolution 415, which set a hearing date of Tuesday, October 7, 2014 for the legislation that would authorize an increase in the amount to be expended annually in the Fordham Road Business Improvement District (“Fordham Road BID”), an extension of the Fordham Road BID, and a change in the method of assessment upon which the district charge in the Fordham Road BID is based.

Prior to the Council’s action, the Community Board for the district in which the proposed BID extension is located -- Community Board 6 of the Bronx -- voted to approve the extended district on May 14, 2014. The City Planning Commission (“CPC”) reviewed the extended district plan and held a public hearing on the Plan on June 11, 2014. The CPC approved a resolution on July 9, 2014 (Calendar No. 5), which certified the CPC’s unqualified approval of the extended district plan.

Resolution 415 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 ten nor more than thirty days before this Public Hearing. The Fordham Road Business District Management Association 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 this Public Hearing. Finally, the Fordham Road Business District Management Association 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 hearing to consider both the extended district plan and the enacting legislation is to be closed without a vote. The Committee must then wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after this hearing serves as an objection period. Any property owner may, during this time period, formally object to the extended district 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 extended district object to the plan, then the City Council may not approve the extended district plan.

When the Committee and the full Council 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 extended district’s boundaries benefit from the extension of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the extension of the district included within the proposed extension?; and
4. Is the extension of the district in the best interests of the public?;

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

In addition, pursuant to Section 25-410(b) of the Administrative Code, a BID may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID or improvements, services, maintenance and operation) by means of the adoption of a local law amending the BID’s district plan. So, in addition to the four questions outlined above, the Committee and the full Council must also determine that it is in the public interest to authorize such an increase in the maximum annual amount, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded.

This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2014, provided that the portion of the legislation extending the BID’s boundaries shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of Administrative Code and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2014.

OCTOBER 7, 2014 HEARING

On October 7, 2014, as set forth in Resolution 415, the Finance Committee held a public hearing to consider Intro. No. 480 that would extend the Fordham Road BID, increase the BID’s maximum annual expenditure, and change the method of assessment upon which the district charge is based. Representatives of the Department of Small Business Services and the Fordham Road BID testified in support of the proposed legislation. As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the District 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.

FORDHAM ROAD BID DETAILS

The existing Fordham Road BID was established in 2005 and is located in the borough of the Bronx. It is generally comprised of the regional commercial center of the West Bronx, which runs from Jerome Avenue on the west to Third Avenue on the east and spans Community Boards 5, 6, and 7. The District includes the third busiest retail corridor in New York City and serves over 80,000 visitors a day. It includes over 300 businesses with annual sales revenue of over \$500 million. The retail tenancy is characterized by both small, independent merchants, as well as large, national and regional chain stores.

The existing Fordham Road BID includes 74 tax lots owned by 55 individuals or corporations. The majority of the properties are wholly commercial, but there is one mixed-use property containing approximately 50 housing units and several not-for-profit and educational institutions, such as Fordham University, Monroe College, CUNY on the Concourse, a health care workers’ union, several healthcare facilities, and the Bronx Public Library.

The Fordham Road BID is seeking Council approval to do three things: 1) extend its boundaries; 2) increase the amount of its annual expenditure; and 3) amend the district plan to change the method of assessment upon which the district charge is based to include a maximum cap.

The proposed expansion of the Fordham Road BID would redraw the BID’s boundary lines to include 2 additional tax lots within Community Board 6. The 2 additional tax lots consist of 1 Fordham Plaza, a 14-story office building with numerous retail tenants on the ground floor, and Fordham Plaza, a public plaza that also serves as a major transportation hub.

The proposed increase in the Fordham Road BID’s budget would be from \$625,000 annually to \$670,000 annually. The proposed budget would include the following amounts for various services to be provided:

Sanitation and Maintenance	\$245,000
Marketing, Promotion and Holiday Lighting	\$75,000
Economic Development/New Initiatives	\$8,000
Security	\$20,000
General Administration	\$309,000
Contingency	\$13,000

The proposed amendment to the extended district plan to change the method of assessment upon which the district charge is based consists of a proposal that a cap be placed on all assessments so that the maximum annual assessment to be paid by any individual property shall not exceed \$45,000. Government and not-for-profit owned property devoted to public or not-for-profit use, including the newly included Fordham Plaza, would remain exempt from assessment.

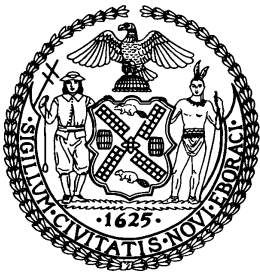
Under these proposed terms, the lowest assessment payment is projected to be approximately \$700 while the highest payment will be \$45,000. The average and median assessments are projected to be approximately \$9,500 and \$6,200, respectively.

NOVEMBER 13, 2014 HEARING

The objection period for the extension of the BID closed on November 6, 2014 at 5:00 p.m. According to the City Clerk, out of the 54 private property owners located in the proposed extended BID, none filed an objection to the extension 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 page 3 of this report, and finds that the increase in the annual expenditure it is in the public interest and that the relevant tax and debt limits will not be exceeded, then the legislation can be adopted and the BID will be extended and the district plan so amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 480:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

INTRO. NO: 480
COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Fordham Road business improvement district, extension of the Fordham Road business improvement district, and amending the district plan of the Fordham Road business improvement district to change the method of assessment upon which the district charge is based.

Sponsor: By Council Members Ferreras and Torres (by request of the Mayor)

SUMMARY OF LEGISLATION: This legislation would amend Chapter 5 of title 25 of the administrative code of the city of New York by 1) amending section 25-464.1 to increase the amount to be expended annually in a business improvement district (“BID”) in the borough of the Bronx known as the Fordham Road Business Improvement District (the “District”); 2) adding a new section 25-464.2 to extend the boundaries of the District; and 3) adding a new section 25-464.3 to change the method of assessment upon which the district charge is based.

1. Increasing the Amount to be Expended Annually

Currently, the maximum amount that can be expended by the District annually is \$625,000. This legislation would increase that amount to \$670,000.

2. Extending the Boundaries of the District

The expansion of the District would redraw the BID’s boundary lines to include two additional tax lots. The properties on the two additional tax lots consist of 1 Fordham Plaza, a 14-story office building with numerous retail tenants on the ground floor, and Fordham Plaza, a public plaza that also serves as a major transportation hub.

3. Change in Assessment

The change in assessment would place a cap on all assessments so that the maximum annual assessment to be paid by any individual property would not exceed \$45,000. Government and not-for-profit owned property devoted to public or not-for-profit use, including the newly included Fordham Plaza, would remain exempt from assessment.

EFFECTIVE DATE: This local law would take effect immediately and be retroactive to July 1, 2014, provided that section two of the legislation, which would extend the boundaries of the District, 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, and be retroactive to July 1, 2014.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2015

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
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 District. 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 Fordham Road BID will continue to be funded through a self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2015 will be \$670,000. This amount will cover the BID’s expenses, as proposed by its amended budget. This assessment is not funded by the City, and therefore will have no impact on the City’s expenditures.

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: Rebecca Chasan, Assistant Counsel, New York City Council Finance Division

ESTIMATE REVIEWED BY: Tanisha Edwards, Chief Counsel, New York City Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the Council as Intro. No. 480 on September 23, 2014 and referred to the Committee on Finance. A hearing was held by the Committee on October 7, 2014 and the legislation was laid over to allow for the statutory 30-day objection period. Intro. No. 480 will be considered again by the Committee on Finance on November 13, 2014 and, upon a successful vote by the Committee, Intro. No. 480 will be submitted to the full Council for a vote on November 13, 2014.

(For text of the Fordham Road B.I.D. Plan, please refer to the Office of the City Clerk at 141 Worth Street, Executive Offices (1st Floor), New York, N.Y. 10013)

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 480:)

Int. No. 480

By Council Members Ferreras and Torres (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Fordham Road business improvement district, extension of the Fordham Road business improvement district, and amending the district plan of the Fordham Road business improvement district to change the method of assessment upon which the district charge is based.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-464.1 of the administrative code of the city of New York, as added by local law number 9 for the year 2012, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fordham Road business improvement district beginning on July 1, [2011] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [six hundred twenty-five thousand dollars (\$625,000)] *six hundred seventy thousand dollars (\$670,000)*.

§ 2. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-464.2 to read as follows:

§ 25-464.2 *Fordham Road business improvement district; extension of 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 extension of the district; that all the real property benefited is included within the limits of the district; and that the extension 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, the Fordham Road business improvement district in the borough of the Bronx is hereby extended. Such district is extended in accordance with the amended 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 amended district plan upon which the Fordham Road business improvement district, and the extension thereof, is based.*

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

§ 3. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-464.3 to read as follows:

§ 25-463.3 *Fordham Road business improvement district; amendment of the district plan.* a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Fordham Road business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such*

district such change as is set forth in the amended 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, the council shall file with the city clerk the amended district plan containing the change in the method of assessment authorized by subdivision a of this section.

§ 4. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2014; provided that section two of 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 and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2014.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL; Committee on Finance, November 13, 2014. *Other Council Members Attending: Lander and Mendez.*

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.

Preconsidered L.U. No. 144

Report of the Committee on Finance in favor of approving Association for Children with Retarded Mental Development Residential Facilities HDFC, Block 461, Lot 59, Brooklyn; Community District No.6, Council District No. 39.

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 13, 2014, respectfully

REPORTS:

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

November 13, 2014

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

FROM: Rebecca Chasan, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of November 13, 2014 - Resolution approving a tax exemption for two Land Use Items (Council Districts 2 and 39)

Item 1:

Under the proposed project, KB25 Housing Development Fund Company, Inc. (“HDFC”) will acquire the property located on East 25th Street between 1st and 2nd Avenues (Block 931, Lot 17) in Council District 2. The property, which is new construction, will consist of 1 multi-family residential building with 55 units of rental housing for middle-income families.

The HDFC will finance the project through equity provided by Phipps House, which is the sole member of the HDFC. KB25 HDFC will enter into a regulatory agreement with the City’s Department of Housing and Preservation Development (“HPD”) requiring that 22 of the housing units be rented to families whose incomes do not exceed 78% of the Area Median Income (“AMI”), 11 units be rented to families whose incomes do not exceed 120% of AMI, 11 units be rented to families whose incomes do not exceed 145% of AMI, and 11 units be rented to families whose incomes do not exceed 165% of AMI. In 2013, the AMIs for each of those levels were as follows:

	Family of Four	Family of Three	Family of Two	Individual
78% of AMI	\$67,002	\$60,372	\$53,664	\$46,956
120% of AMI	\$103,080	\$92,880	\$82,560	\$72,240
145% of AMI	\$124,555	\$112,230	\$99,760	\$87,290
165% of AMI	\$141,735	\$127,710	\$113,520	\$99,330

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a full 40-year exemption from real property taxation.

This item has the approval of Council Member Mendez.

Summary:

- Council District – 2
- Council Member – Mendez
- Council Member approval – Yes
- Borough – Manhattan
- Block/Lot – 931/17
- Number of Buildings – 1
- Number of Units – 55
- Type of Exemption – Article XI, full 40 years
- Population Served – Rentals for middle-income families
- Sponsor/Developer – KB25 Housing Development Fund Company
- Cost of the Exemption over the Full Exemption Period – \$18,957,897
- Open Violations or Outstanding Debt to the City – None

Item 2:

The ACRMD Lubin Center for Independent Living consists of 1 building with 25 units of rental housing for low-income senior citizens. The Association for Children with Retarded Mental Development Residential Facilities Housing Development Fund Corporation (“HDFC”) developed the project under the Section 202 Supportive Housing Program for the Elderly, with financing and rental subsidies from the United States Department of Housing and Urban Development (“HUD”) and tax exemption from the City. The HDFC would like to refinance its original HUD mortgage in order to fund needed repairs, decrease debt service, and meet other financial obligations. As part of the refinancing, the HDFC and HUD will enter into an agreement which will require that the project continue to provide rental housing for low-income senior citizens. In addition, the HDFC and the City’s Department of Housing and Preservation Development (“HPD”) will enter into a regulatory agreement with the same requirements, specifically that the housing units be rented to senior citizens whose incomes do not exceed 50% of the Area Median Income (“AMI”). In 2013 50% of AMI was \$42,950 for a family of four, \$38,700 for a family of three, \$34,400 for a family of two, and \$30,100 for an individual.

Pursuant to Section 577 of the Private Housing Finance Law, HPD is requesting that the Council grant the property a partial 40-year exemption from real property taxation which will be coterminous with the period of the regulatory agreement.

This item has the approval of Council Member Lander.

Summary

- Council District – 39
- Council Member – Lander
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 461/59
- Number of buildings – 1
- Number of units – 25
- Type of Exemption – Article XI, partial 40 years
- Population Served – Rentals for low-income senior citizens
- Sponsor/Developer – Association for Children with Retarded Mental Development Residential Facilities Housing Development Fund Company
- Cost to the City – \$802,659
- Open Violations or Outstanding Debt to the City – None

(For the coupled resolution for LU No. 145, please see the Report of the Committee on Finance for LU No. 145 printed in these Minutes; for the coupled resolution for LU No. 144, please see below)

Accordingly, this Committee recommends the adoption of LU Nos. 144 and 145.

In connection herewith, Council Members Ferreras and Lander offered the following resolution:

Res. No. 467

Resolution approving a partial exemption from real property taxes for property located at (Block 461, Lot 59) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 144).

By Council Members Ferreras and Lander.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 2, 2014

that the Council take the following action regarding a housing project located at (Block 461, Lot 59) Brooklyn (“Exemption Area”):

Approve a partial 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 owner 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 a partial 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 the date of repayment or refinancing of the HUD Mortgage.
 - (b) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 461, Lot 59 on the Tax Map of the City of New York.
 - (c) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (d) “HDFC” shall mean Association for Children with Retarded Mental Development Residential Facilities Housing Development Fund Corporation.
 - (e) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (f) “HUD” shall mean the Department of Housing and Urban Development of the United States of America.
 - (g) “HUD Mortgage” shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
 - (h) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (i) “Owner” shall mean the HDFC or, with the prior written approval of HPD, any future owner of the Exemption Area.
 - (j) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on October 25, 1984 (Cal. No. 106).
 - (k) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
 - (l) “Shelter Rent” shall mean the total rents received from the commercial and rental occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
 - (m) “Shelter Rent Tax” shall mean an amount equal to ten percent (10%) of Shelter Rent.
 - (n) “Use Agreement” shall mean the use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required

by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.

2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
 - (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - (b) The New Exemption shall not apply to any building constructed on the Exemption Area that was not completed and lawfully occupied on the Effective Date.
 - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the owner of the Exemption Area shall, for itself, its successors and assigns, (i) execute and record the Use Agreement, (ii) execute and record the Regulatory Agreement, and (iii) for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL; Committee on Finance, November 13, 2014.

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.

Preconsidered L.U. No. 145

Report of the Committee on Finance in favor of approving KB25 HDFC, Block 931, Lot 17, Manhattan; Community District No.6, Council District No. 2.

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 13, 2014, respectfully

REPORTS:

(For text of memo, please see the Report of the Committee on Finance for LU No. 144 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 468

Resolution approving a full exemption from real property taxes for property located at (Block 931, Lot 17) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 145).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 5, 2014 that the Council take the following action regarding a housing project located at (Block 931, Lot 17) Manhattan (“Exemption Area”):

Approve a full 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 a full 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 the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the HDFC, in their respective sole discretion, enter into the Regulatory Agreement.
 - (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 931, Lot 17 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 KB25 Housing Development Fund Corporation.
 - (f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the HDFC 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), 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 demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- (b) Nothing herein shall entitle the HDFC to a refund of any real property taxes, which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - (c) The Exemption shall terminate with respect to any building constructed on the Exemption Area which does not have a temporary certificate of occupancy for all dwelling units in the building by three years from the date that HPD and the HDFC enter into the Regulatory Agreement, or within such later period as may be determined by HPD in its sole discretion.
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, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, LAURIE A. CUMBO, COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL; Committee on Finance, November 13, 2014.

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

Reports of the Committee on Housing and Buildings

Report for Int. No. 345-A

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

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on May 14, 2014 (Minutes, page 1686), respectfully

REPORTS:**Introduction**

On November 13, 2014, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing to consider Proposed Int. No. 345-A, and Proposed Int. No. 348-A.

The Committee previously considered Proposed Int. No. 345-A and Proposed Int. No. 348-A at a hearing on October 1, 2014. The Committee received testimony from representatives of the Department of Housing Preservation and Development (HPD), housing advocates, legal service providers, members of the real estate industry, and other interested members of the public.

Proposed Int. No. 345-A

In 2007, the New York City Council passed, and the Mayor signed, Local Law No. 29, which created the Alternative Enforcement Program (AEP). The AEP requires HPD to identify at least 200 distressed multiple dwellings meeting the criteria for the AEP and to work with the owners of such buildings to correct housing maintenance code violations. Criteria for inclusion in the AEP includes the number of hazardous or immediately hazardous violations, the ratio of open hazardous and immediately hazardous violations to dwelling units, and the ratio of unpaid emergency repair charges to dwelling units. As of January 31, 2014, 1200 buildings have gone through at least 12 months of the AEP and 763 buildings were discharged.¹ Last year, however, HPD was unable to find 200 buildings which met the criteria for inclusion in the AEP.²

This legislation would alter the AEP by providing HPD with discretion to determine the criteria for buildings to be included in the AEP and by requiring HPD to identify at least 250 buildings that meet such criteria. It would also require owners of buildings in the AEP to post a notice informing tenants of their building’s

participation in the AEP. The annual budget for the AEP is \$7,664,525, but for Fiscal Year 2015, the City Council added \$750,000 to expand the AEP.

Section one of Proposed Int. No. 345-A would add a new paragraph 3 to subdivision c of section 27-2153 of the Administrative Code of the City of New York (the Code). Section 27-2153 created the AEP and subdivision c deals with the number of buildings that have to be included in the AEP and the criteria for identifying such buildings. New paragraph 3 would require HPD to increase the number of buildings in the AEP from 200 to 250. It would also allow HPD to revise the criteria and add new criteria for inclusion in and exclusion from the AEP.

Section two of Proposed Int. No. 345-A would amend subdivision d of section 27-2153 of the Code. Subdivision d concerns the order in which buildings which meet the criteria for the AEP are included for participation in the AEP. This bill section would amend subdivision d so that HPD would be responsible for determining the order in which buildings should be included in the AEP.

Section three of Proposed Int. No. 345-A would amend subdivision e of section 27-2153 of the Code. Subdivision e deals with classes of buildings which are excluded from participation in the AEP. This bill section would amend subdivision e by excluding buildings that were the subject of a loan from the City, which closed in the past two years, and was given for the purpose of rehabilitation. It would also discharge from the AEP any building that becomes the subject of such a loan, and closes within the first four months after the building has been selected for inclusion in the AEP.

Section four of Proposed Int. No. 345-A would amend subdivision f of section 27-2153 of the Code. This section would amend subdivision f to provide that, when not enough buildings meet the criteria for the AEP, HPD must alter the criteria so that additional buildings can be selected for participation in the AEP, rather than only including buildings that meet the existing criteria.

Section five of Proposed Int. No. 345-A would amend subdivision g of section 27-2153 of the Code. Subdivision g concerns the notices that must be provided once a building is included in the AEP. This section would amend subdivision g to require owners of buildings participating in the AEP to post a sign on the building's main entrance door, or in another conspicuous location in the building. Such sign must state that the building has been placed in the AEP, that occupants may call 311 or the AEP's direct line to make complaints about conditions in the building, the name, telephone number and address of the owner, and the identity of the financial institution that holds the mortgage over the property. This section would require the sign to be in English, Spanish and and, in any other language required by HPD. The owner would be required to post the sign within 15 days of receiving notice of the building's inclusion in the AEP (unless HPD provides for a longer time to comply within such notice) and to maintain the sign until he or she receives written notice from HPD that the building has been discharged from the AEP. This section would make any owner that fails to post and maintain the sign liable for a penalty of two hundred fifty dollars.

Section six of this legislation contains the enactment clause and provides that this local law take effect one hundred and eighty days after its enactment, except that HPD may take measures necessary for its implementation (e.g. promulgate rules) before the effective date.

Changes to Proposed Int. No. 345-A

In addition to various technical edits, Proposed Int. No. 345-A has been substantively amended in the following manner:

- The timeframe for the switch from 200 buildings to 250 building has been changed from year eight of the AEP program (beginning January 1, 2015) to year nine (beginning January 1, 2016).
- The languages in which the sign has to be posted have been changed from English, Spanish, and where more than 50% of the leases are in a different language, that language, to English, Spanish and any other language HPD requires by rule. In addition, where a tenant requests it, the owner must make best efforts to provide the sign in additional languages.
- The civil penalty for failing to post and maintain the sign has been increased from \$200 to \$250.

Proposed Int. No. 348-A

Currently in New York City, if an owner of a multiple dwelling is issued a third immediately hazardous violation for failing to provide heat and hot water as required by law, HPD may charge a \$200 fee for each subsequent inspection that results in a violation.³ Proposed Int. No. 348-A would expand on this, by allowing HPD to charge an inspection fee to owners of buildings with other recurring violations of the housing maintenance code.

Section one of Proposed Int. No. 348-A would state that this local law shall be known and cited as the "Three Strikes Law."

Section two of Proposed Int. No. 348-A would amend subdivision f of section 27-2115 of the Code by adding a new paragraph 8. Subdivision f requires building owners to certify the correction of housing maintenance code violations. New paragraph 8 would allow HPD to charge an inspection fee of \$200 for each inspection that results in a violation where HPD has previously performed two inspections in the same dwelling unit within a twelve-month period, issued a hazardous or immediately hazardous violation at each inspection, and did not receive certificates of correction for at least one such violation. The inspection fee may be increased by rule for inspections performed during the period of October first through May thirty-first. This section would exclude from the fee inspections performed in buildings included in the AEP and in buildings in which an

administrator was appointed by the Court, pursuant to Article 7-A of the Real Property Actions and Proceedings Law. Also excluded are inspections where the owner is already being charged an inspection fee for repeat violations of the City's heat and hot water requirements. Additionally, inspections resulting exclusively in violations for inoperable smoke detectors, inoperable carbon monoxide detectors, double cylinder locks on entry doors of dwelling units, illegal window gates, absence of window guards, or other hazardous or immediately hazardous violations that the department specifies by rule are excluded. Also excluded are violations that have not been certified as corrected due to the tenant refusing to provide the owner with access to make repairs. Finally, this section would make any unpaid inspection fees a debt recoverable from the owner and a lien upon the property and upon the rents and other income of the property.

Section three of this legislation contains the enactment clause and provides that this local law take effect one hundred and eighty days after its enactment, except that HPD may take measures necessary for its implementation (e.g. promulgate rules) before the effective date.

Changes to Proposed Int. No. 348-A

In addition to various technical edits, Proposed Int. No. 348-A has been substantively amended in the following manner:

- The fee sets in at the third inspection which results in a hazardous or immediately hazardous violation rather than the fourth.
- The inspection fee may be raised by HPD rulemaking for inspections performed during the period of October first through May thirty-first (heating season).
- Inspections resulting exclusively in hazardous or immediately hazardous violations for inoperable smoke detectors, inoperable carbon monoxide detectors, double cylinder locks on entry doors of dwelling units, illegal window gates, absence of window guards, or other hazardous or immediately hazardous violations that the department specifies by rule shall be excluded.
- Inspections resulting in a violation that has not been certified as corrected because the tenant refused to provide the owner access to the dwelling unit for repairs are excluded

Update

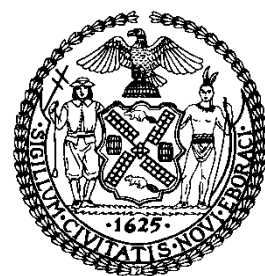
On Thursday, November 13, 2014, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

¹ New York City Department of Housing Preservation and Development, The Alternative Enforcement Program: Rounds 1-6, 3 (2014) <http://www.nyc.gov/html/hpd/downloads/pdf/AEP-report.pdf> (last visited 9/26/14).

² New York City Rent Guidelines Board, 2014 Housing Supply Report, (May 29, 2014) 11 http://www.nycrgb.org/downloads/research/pdf_reports/14HSR.pdf (last visited 9/26/14).

³ NYC Administrative Code §27-2115(k)(iv).

(The following is the text of the Fiscal Impact Statement for Int. No. 345-A:)



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

**LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 345-A

**COMMITTEE:
Housing and
Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the alternative enforcement program.

SPONSOR(S): Council Members Reynoso, Garodnick, Barron, Chin, Dromm, Espinal, Gentile, Gibson, Johnson, Kallos, King, Levin, Maisel, Mendez, Richards, Rodriguez, Rosenthal, Treyger, Van Bramer and Palma

SUMMARY OF LEGISLATION: This legislation would require the Department of Housing Preservation and Development (HPD) to increase the number of distressed buildings identified for participation in the Alternative Enforcement Program (AEP) from 200 to no fewer than 250.

The legislation would also grant HPD the authority to set the criteria, by rule, for which buildings are identified for participation in the AEP and the criteria by which they may be excluded from the program. The legislation would set forth one criterion for exclusion, specifically if a multiple dwelling has received a loan for purposes of rehabilitation from either HPD or the City's Housing Development Corporation within the prior 2 years. Any multiple dwelling that is included in the AEP that

receives such a loan within 4 months of its inclusion in the AEP will be removed from the program.

The legislation would also require the owner of a building identified for participation in the AEP to conspicuously post a sign in English and Spanish notifying tenants that the building has been placed in the AEP. The sign must also include phone numbers to make complaints about the conditions in their units or in the common areas, contact information of the building owner and the identity of the financial institution that holds the mortgage on the property. An owner who fails to comply with the requirement to post and maintain such a sign will be subject to a penalty of \$250.

EFFECTIVE DATE: This local law would take effect 180 days after its enactment, except that the Commissioner of HPD may take measures to implement the legislation, including the promulgation of rules, prior to the effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$750,000	\$0
Net	\$0	\$750,000	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be an impact of \$0 in Fiscal Year 2015 resulting from the enactment of this legislation because the City Council has already allocated \$750,000 to HPD's Fiscal Year 2015 operating budget to cover the cost of expanding the number of buildings eligible for the Alternative Enforcement Program by 50 buildings in this fiscal year. In order to maintain the level of service and number inspections as a result of this legislation in Fiscal Year 2016, it is estimated that it will cost \$750,000 in that fiscal year, as well.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Assistant Counsel, New York City Council Finance Division

Nathan Toth, Deputy Director, New York City Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full council on May 14, 2014 as Intro. No. 345 and was referred to the Committee on Housing and Buildings. On October 1, 2014, the Committee on Housing and Buildings held a hearing to consider the legislation. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 345-A will be considered by the Committee on Housing and Buildings on November 13, 2014. Following a successful vote by the Committee, Proposed Intro. No. 345-A will be submitted to the full Council for a vote on November 13, 2014.

DATE PREPARED: November 12, 2014

(For text of Int No. 348-A and its Fiscal Impact Statement, please see the Report of the Committee on Housing and Buildings for Int No. 348-A printed in these Minutes)

Accordingly, this Committee recommends the adoption of Int No. 345-A and 348-A.

(The following is the text of Int. No. 345-A:)

Int. No. 345-A

By Council Members Reynoso, Garodnick, Barron, Chin, Dromm, Espinal, Gentile, Gibson, Johnson, Kallos, King, Levin, Maisel, Mendez, Richards, Rodriguez, Rosenthal, Treyger, Van Bramer, Palma, Lander, Constantinides and the Public Advocate (Ms. James).

A Local Law to amend the administrative code of the city of New York, in relation to the alternative enforcement program.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 27-2153 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) *Notwithstanding the provisions of paragraphs one and two of this subdivision, in the ninth year of such program, and for each succeeding year, the department shall identify no fewer than two hundred fifty different distressed buildings for participation in the alternative enforcement program and may by rule set criteria for such buildings to participate in the program, which may include, but need not be limited to: the ratio of open hazardous and immediately hazardous violations per dwelling unit, the amount or ratio per dwelling unit of paid or unpaid emergency repair charges and the number of dwelling units that must exist for a building to qualify for participation in the program. The department may by rule add to the criteria set forth in subdivision e of this section relating to which buildings are to be excluded from the program.*

§2. Subdivision d of section 27-2153 of the administrative code of the city of New York, as amended by local law number 7 for the year 2011, is amended to read as follows:

d. For the purposes of subdivisions a and b of this section, those buildings having the highest aggregate ratio of open hazardous and immediately hazardous violations for every dwelling unit shall be the buildings identified first for participation in the program. For the purposes of paragraph one of subdivision c of this section, those buildings having the highest amount of paid and unpaid emergency repair charges and liens incurred within the two-year period prior to identification shall be the buildings identified first for participation in the program. For the purposes of paragraphs two and three of subdivision c of this section, the department shall by rule determine the criteria for which buildings shall be identified first for participation in the program.

§3. Subdivision e of section 27-2153 of the administrative code of the city of New York, as amended by local law number 7 for the year 2011, is amended to read as follows:

e. (1) *Notwithstanding the criteria set forth in subdivisions a, b, and c of this section, a building that is currently the subject of an in rem foreclosure action by the city, or that was the subject of an in rem foreclosure judgment in favor of the city and that was transferred by the city to a third party pursuant to section 11-412.1 of the code within the prior five years, or that is currently the subject of a court order appointing or a proceeding brought by the department seeking the appointment of an administrator pursuant to article 7-a of the real property actions and proceedings law, shall not be included in the alternative enforcement program.*

(2) *Notwithstanding the criteria set forth in subdivisions a, b, and c of this section, a multiple dwelling that is the subject of a loan provided by or through the department or the New York city housing development corporation for the purpose of rehabilitation, as provided in rules of the department, and that has closed within the past two years, shall not be included in the alternative enforcement program, provided further, that a multiple dwelling that has been included in the alternative enforcement program and becomes the subject of such a loan that closes within the first four months after the building has been included in the alternative enforcement program, shall be discharged from such program.*

§4. Subdivision f of section 27-2153 of the administrative code of the city of New York, as added by local law number 29 for the year 2007, is amended to read as follows:

f. Where there are fewer than two hundred fifty buildings that meet the applicable criteria, [only the buildings meeting such criteria shall] *the department shall by rule determine the criteria for additional buildings to participate in the alternative enforcement program.*

§5. Subdivision g of section 27-2153 of the administrative code of the city of New York, as amended by local law number 7 for the year 2011, is amended to read as follows:

g. (1) *The department shall within thirty days of identifying a distressed [buildings] building for participation in the alternative enforcement program provide written notification to the owner of [any] such building [identified for participation in the alternative enforcement program], the occupants of such building and the council member in whose district the building is located, that such building is subject to the requirements of such program and the requirements of this article. Such written notification shall inform such owner of his or her duty to post the notice required by paragraph two of this subdivision and that such owner shall be liable for a civil penalty for failure to comply. The department shall simultaneously provide to such owner information about correcting violations related to mold and vermin, when such violations are applicable to such multiple dwelling, as set forth in paragraphs ii and iii of subdivision i of this section.*

(2) *Within fifteen days after receiving notice from the department in accordance with paragraph one of this subdivision, or such later date as the department may specify in such notice, the owner of a building identified for participation in the alternative enforcement program shall post a sign on the building's main entrance door, or in another conspicuous location in the common area of the building, stating (i) that the building has been placed in the alternative enforcement program, (ii) that occupants may call 311 or the program's direct line to make complaints about the conditions in their units or in the common areas, (iii) the name, telephone number and address of the owner and (iv) the identity of the financial institution that holds the mortgage on the property, if any. Such sign shall be in English, Spanish and in any other language the department may require by rule. Upon request of a tenant occupying a dwelling unit in the building, the owner shall make best efforts to*

provide the sign in a language other than English or Spanish. The owner shall maintain such sign until he or she receives written notice from the department that the building has been discharged from the alternative enforcement program. An owner who fails to comply with the requirement to post and maintain a sign pursuant to this subdivision shall be liable for a penalty of two hundred fifty dollars.

§6. This local law shall take effect one hundred eighty 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 and the identification of buildings, prior to such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, ERIC A. ULRICH; Committee on Housing and Buildings, November 13, 2014. *Other Council Members Attending: Garodnick.*

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. 348-A

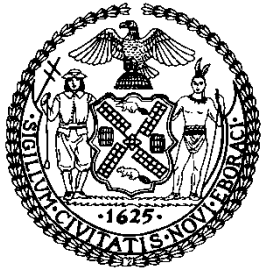
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to inspection fees for certain recurring violations of the housing maintenance code.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on May 14, 2014 (Minutes, page 1688), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 345-A)

The following is the text of the Fiscal Impact Statement for Int. No. 348-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 348-A**

**COMMITTEE:
Housing and
Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to inspection fees for certain recurring violations of the housing maintenance code.

SPONSOR(S): Council Members Torres, Reynoso, Chin, Johnson, Levin, Levine, Mendez, Rosenthal, Garodnick, Constantinides, Palma, Kallos, Rodriguez, Dromm, Richards, Cornegy, Gentile, Miller, Lander and Cohen

SUMMARY OF LEGISLATION: This legislation would allow the Department of Housing Preservation and Development (HPD) to impose an inspection fee of \$200 for the third, and for each subsequent, complaint-based inspection that it performs in a dwelling unit within a 12-month period provided that the prior 2 inspections resulted in the issuance of a hazardous or immediately hazardous violation that have not all been certified as corrected. The legislation would grant HPD the authority, by rule, to increase this fee for inspections performed between October 1st and May 31st.

The fee would not be imposed on certain buildings, including a multiple dwelling that is active in HPD’s alternative enforcement program or Article 7-A program, or if the inspection results exclusively in hazardous or immediately hazardous violations for inoperable smoke detectors, carbon monoxide detectors, double cylinder locks on entry doors of dwelling units, illegal window gates, or absence of window guards.

All fees that remain unpaid shall constitute a debt recoverable from the owner and a lien can be placed upon the property.

EFFECTIVE DATE: This local law would take effect 180 days after its enactment, except that the Commissioner of HPD may take measures to implement the legislation, including the promulgation of rules, prior to the effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be minimal to no impact on revenues as a result of this legislation because full compliance with the legislation is anticipated.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: New York City Department of Housing Preservation and Development

SOURCE OF INFORMATION: New York City Council, Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Assistant Finance Counsel
Nathan Toth, Deputy Director, New York City Council, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full council on May 14, 2014 as Intro. No. 348 and was referred to the Committee on Housing and Buildings. On October 1, 2014, the Committee on Housing and Buildings held a hearing to consider the legislation. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 348-A will be considered by the Committee on Housing and Buildings on November 13, 2014. Following a successful vote by the Committee, Proposed Intro. No. 348-A will be submitted to the full Council for a vote on November 13, 2014.

DATE PREPARED: November 12, 2014

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 348-A:)

Int. No. 348-A

By Council Members Torres, Reynoso, Chin, Johnson, Levin, Levine, Mendez, Rosenthal, Garodnick, Constantinides, Palma, Kallos, Rodriguez, Dromm, Richards, Cornegy, Gentile, Miller, Lander, Cohen, Barron, Gibson and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to inspection fees for certain recurring violations of the housing maintenance code.

Be it enacted by the Council as follows:

Section 1. This local law shall be known and may be cited as the “Three Strikes Law.”

§2. Subdivision f of section 27-2115 of the administrative code of the city of New York is amended by adding a new paragraph 8 to read as follows:

(8) (i) *Notwithstanding any other provision of law, where (A) the department has performed two or more complaint-based inspections in the same dwelling unit within a twelve-month period, (B) each such inspection has resulted in the issuance of a hazardous or immediately hazardous violation, and (C) not all such violations have been certified as corrected pursuant to this section, the department may impose an inspection fee of two hundred dollars for the third and for each subsequent complaint-based inspection that it performs in such dwelling unit within the same twelve-month period that results in the issuance of a hazardous or immediately hazardous violation, provided that the department may by rule increase the fee for inspections performed during the period of October first through May thirty-first. Such inspection fee shall be in addition to any civil penalties that may be due and payable.*

(ii) *Such fee shall not be applicable to inspections (A) performed in a multiple dwelling that is active in the alternative enforcement program pursuant to article ten of subchapter five of this chapter, (B) performed in a multiple dwelling that is subject to a court order appointing an administrator as the result of a proceeding brought by the department pursuant to article seven-a of the New York state real property actions and proceedings law, (C) performed pursuant to subparagraph iv of paragraph one of subdivision k of this section, (D) resulting exclusively in hazardous or immediately hazardous violations for inoperable smoke detectors,*

inoperable carbon monoxide detectors, double cylinder locks on entry doors of dwelling units, illegal window gates, absence of window guards, or such other hazardous or immediately hazardous violations that the department specifies by rule or (E) where an owner has notified the department of his or her objection to such fee pursuant to section 27-2129 of this code, has provided such documentation to the department as it shall prescribe by rule regarding such owner's attempted access for the purpose of making repairs to the dwelling unit that is subject to the inspection fee, and the department has reviewed and approved such objection.

(iii) All fees that remain unpaid shall constitute a debt recoverable from the owner and a lien upon the premises, and upon the rents and other income thereof. The provisions of article eight of subchapter five of this chapter shall govern the effect and enforcement of such debt and lien.

§3. This local law shall take effect one hundred eighty 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, prior to such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, ERIC A. ULRICH; Committee on Housing and Buildings, November 13, 2014. *Other Council Members Attending: Garodnick.*

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

Reports of the Committee on Land Use

Report for L.U. No. 126

Report of the Committee on Land Use in favor of approving Application No. C 140323(A) ZSQ an application submitted by 2030 Astoria Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for special permits pursuant to Zoning Resolution: (i) Section 74-743(a)(1) to allow distribution of floor area without regard for zoning lot lines; (ii) Section 74-743(a)(2) to modify requirements of Section 23-711 (Standard minimum distance between buildings), Section 23-47 (Minimum required rear yards), and Section 23-85 (Inner court regulations); and (iii) Section 74-743(a)(6) to modify requirements of Section 23-86 (Minimum distance between legally required windows and walls or lot lines), to facilitate a mixed-use large scale general development on the Halletts Point Peninsula, Borough of Queens, Community District 1, Council District 22. This application is subject to the review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2014 (Minutes, page 3632), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

C 140323 (A) ZSQ

City Planning Commission decision approving an application submitted by 2030 Astoria Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Section 74-743(a)(1) - to allow the distribution of total allowable floor area under the applicable district regulations without regard for zoning lot lines; Section 74-743(a)(2) - to modify the minimum distance between building requirements of Section 23-711 (Standard minimum distance between buildings), and to allow the location of buildings without regard to the yard requirements of Section 23-47 (Minimum required rear yards) and the court requirements of Section 23-85 (Inner court regulations); and Section 74-743(a)(6) - to modify the requirements of Section 23-86 (Minimum distance between legally required windows and walls or lot lines); in connection with a proposed mixed use development on property generally bounded by a line 280 feet southeasterly of 3rd Street, the U.S. Pierhead and Bulkhead Line, 9th Street, and 27th Avenue (Block 906, Lots 1 and 5; Block 907, p/o Lots 1 and 8; Block 908, Lot 12; Block 909, Lot 35; portions of land underwater adjacent to Blocks 907 and 906) in the proposed R7-3/C2-4, R7A/C2-4, R6B and R6 Districts, within a large-scale general development, within the Halletts Point Peninsula, Borough of Queens.

INTENT

This special permit action, in conjunction with the other related actions, would facilitate the development of a mixed-use, large-scale general development located on the Halletts Point peninsula in Queens Community District 1.

PUBLIC HEARING

DATE: October 20, 2014

Witnesses in Favor: Eighteen

Witnesses Against: Twenty

SUBCOMMITTEE RECOMMENDATION

DATE: November 12, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres

Against: None

Abstain: None

COMMITTEE ACTION

DATE: November 12, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Cohen, Kallos, Reynoso, Torres, Treyger

Against: None

Abstain: Barron

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 12, 2014. *Other Council Members Attending: Constantinides*

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

Report for L.U. No. 127

Report of the Committee on Land Use in favor of approving Application No. C 140324(A) ZSQ submitted by 2030 Astoria Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the Section 62-836 of the Zoning Resolution to modify requirements of Section 62-340 (Height and Setback Regulations On Waterfront Blocks), to facilitate a mixed-use large scale general development on the Halletts Point Peninsula, Borough of Queens, Community District 1, Council District 22. This application is subject to the review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2014 (Minutes, page 3632), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

C 140324 (A) ZSQ

City Planning Commission decision approving an application submitted by 2030 Astoria Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedures for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the height and setback requirements of Section 62-340 (Height and Setback Regulations On Waterfront Blocks) in connection with a proposed mixed use development on property generally bounded by a line 280 feet southeasterly of 3rd Street, the U.S. Pierhead and Bulkhead Line, 9th Street, and 27th Avenue (Block 906, Lots 1 and 5; Block 907, p/o Lots 1 and 8; Block 908, Lot 12; Block 909, Lot 35; portions of land underwater adjacent to Blocks 907 and 906) in the proposed R7-3/C2-4, R7A/C2-4, R6B and R6 Districts, within a large-scale general development.

INTENT

This grant of a special permit, in conjunction with the other related actions, would facilitate the development of a mixed-use, large-scale general development located on the Halletts Point peninsula in Queens Community District 1.

PUBLIC HEARING

DATE: October 20, 2014

Witnesses in Favor: Eighteen **Witnesses Against:** Twenty

SUBCOMMITTEE RECOMMENDATION

DATE: November 12, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres
Against: *None* **Abstain:** *None*

COMMITTEE ACTION

DATE: November 12, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Cohen, Kallos, Reynoso, Torres, Treyger
Against: *None* **Abstain:** Barron

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 12, 2014. *Other Council Members Attending: Constantinides*

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

Report for L.U. No. 128

Report of the Committee on Land Use in favor of approving Application No. C 140322 ZMQ submitted by 2030 Astoria Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9a, changing an M1-1 to an R7-3 with C2-4 overlay, changing an R6 to an R7A with C2-4 overlay, and changing an R6 to an R6B District, to facilitate a mixed-use large scale general development on the Halletts Point Peninsula, Borough of Queens, Community District 1, Council District 22.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2014 (Minutes, page 3633), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1 C 140322 ZMQ

City Planning Commission decision approving an application submitted by 2030 Astoria Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9a.

INTENT

This amendment to the Zoning Map, in conjunction with the other related actions, would facilitate the development of a mixed-use, large-scale general development located on the Halletts Point peninsula in Queens Community District 1.

PUBLIC HEARING

DATE: October 20, 2014

Witnesses in Favor: Eighteen **Witnesses Against:** Twenty

SUBCOMMITTEE RECOMMENDATION

DATE: November 12, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres
Against: *None* **Abstain:** *None*

COMMITTEE ACTION

DATE: November 12, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Cohen, Kallos, Reynoso, Torres, Treyger
Against: *None* **Abstain:** Barron

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 12, 2014. *Other Council Members Attending: Constantinides*

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

Report for L.U. No. 129

Report of the Committee on Land Use in favor of approving Application No. N 140329(A) ZRQ an application submitted by 2030 Astoria Developers, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article II Chapter 3 and Appendix F, relating to Inclusionary Housing, to facilitate a mixed-use large scale general development on the Halletts Point Peninsula, in the Borough of Queens, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2014 (Minutes, page 3633), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1 N 140329 (A) ZRQ

City Planning Commission decision approving an application submitted by 2030 Astoria Developers, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article II Chapter 3 and Appendix F, relating to Inclusionary Housing.

INTENT

This zoning text amendment, in conjunction with the other related actions, would facilitate the development of a mixed-use, large-scale general development located on the Halletts Point peninsula in Queens Community District 1.

PUBLIC HEARING

DATE: October 20, 2014

Witnesses in Favor: Eighteen **Witnesses Against:** Twenty

SUBCOMMITTEE RECOMMENDATION

DATE: November 12, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres
Against: *None* **Abstain:** *None*

COMMITTEE ACTION**DATE:** November 12, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Cohen, Kallos, Reynoso, Torres, Treyger
Against: *None* **Abstain:** Barron

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 12, 2014. *Other Council Members Attending: Constantinides*

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

Report for L.U. No. 130

Report of the Committee on Land Use in favor of approving Application No. N 140325 ZAQ submitted by 2030 Astoria Developers, LLC for the grant of an authorization pursuant to Sections 62-822(a) of the Zoning Resolution to modify the requirements of Section 62-50 (General Requirements for Visual Corridors and Waterfront Public Access Areas) in connection with a mixed-use large scale general development on the Halletts Point Peninsula, Borough of Queens, Community District 1, Council District 22. This application is subject to review of the Council only if called up by a vote of the Council pursuant to 62-822(a) of the NYC Zoning Resolution.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2014 (Minutes, page 3633), respectfully

REPORTS:**SUBJECT****QUEENS CB - 1****N 140325 ZAQ**

City Planning Commission decision approving an application submitted by 2030 Astoria Developers, LLC for the grant of an authorization pursuant to Sections 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions of waterfront public access areas and visual corridor requirements of Section 62-50 (General Requirements for Visual Corridors and Waterfront Public Access Areas) in connection with a proposed mixed use development on property generally bounded by a line 280 feet southeasterly of 3rd Street, the U.S. Pierhead and Bulkhead Line, 9th Street, and 27th Avenue (Block 906, Lots 1 and 5; Block 907, p/o Lots 1 and 8; Block 908, Lot 12; Block 909, Lot 35; portions of land underwater adjacent to Blocks 907 and 906) in R7-3/C2-4, R7A/C2-4, R6B and R6 Districts, within a large-scale general development.

INTENT

This grant of an authorization, in conjunction with the other related actions, would facilitate the development of a mixed-use, large-scale general development located on the Halletts Point peninsula in Queens Community District 1.

PUBLIC HEARING**DATE:** October 20, 2014**Witnesses in Favor:** Eighteen**Witnesses Against:** Twenty**SUBCOMMITTEE RECOMMENDATION****DATE:** November 12, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres
Against: *None* **Abstain:** *None*

COMMITTEE ACTION**DATE:** November 12, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Cohen, Kallos, Reynoso, Torres, Treyger
Against: *None* **Abstain:** Barron

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 12, 2014. *Other Council Members Attending: Constantinides*

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

Report for L.U. No. 131

Report of the Committee on Land Use in favor of approving Application No. C 130384 MMQ submitted by 2030 Astoria Developers LLC pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map to (a) establish 4th Street between 26th Avenue to the edge of a proposed waterfront esplanade and (b) to eliminate 8th Street from 27th Avenue to the U.S. Pierhead and Bulkhead line, including authorization for any acquisition or disposition of real property related thereto, in the Borough of Queens, Community District 1, Council District 22. This application is subject to the review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2014 (Minutes, page 3634), respectfully

REPORTS:**SUBJECT****QUEENS CB - 1****C 130384 MMQ**

City Planning Commission decision approving an application submitted by 2030 Astoria Developers LLC pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the elimination of 8th Street between 27th Avenue and the U.S. Pierhead and Bulkhead line;
- the establishment of 4th Street from 26th Avenue to a point 438.62 feet northeasterly along the westerly street line therefrom; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5021 dated April 17, 2014 and signed by the Borough President.

INTENT

This amendment to the City Map, in conjunction with the other related actions, would facilitate the development of a mixed-use, large-scale general development located on the Halletts Point peninsula in Queens Community District 1.

PUBLIC HEARING**DATE:** October 20, 2014**Witnesses in Favor:** Eighteen**Witnesses Against:** Twenty**SUBCOMMITTEE RECOMMENDATION****DATE:** November 12, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Torres

storage facility.

INTENT

To approve the site selection and acquisition of an approximately 57,785 square foot of privately-owned property for use by the NYC Department of Parks and Recreation as its citywide as repair and storage facility.

PUBLIC HEARING

DATE: November 10, 2014

Witnesses in Favor: Twenty-one **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: November 12, 2014

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

In Favor: Koo, Arroyo, Levin, Barron, Kallos

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: November 12, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger

Against: None **Abstain:** None

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

Res. No. 470

Resolution approving the decision of the City Planning Commission on ULURP No. C 140388 PCX (L.U. No. 136), a site selection and acquisition of property located at 850 East 138th Street (Block 2589, Lot 31), Borough of the Bronx, for use as a repair, maintenance and storage facility.

By Council Members Greenfield and Koo.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2014 its decision dated September 29, 2014 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Parks and Recreation ("DPR") and the New York City Department of Citywide Administrative Services (DCAS) for site selection and acquisition of property located at 850 East 138th Street (Block 2589, Lot 31), Borough of the Bronx (the "Site"), for use as a repair, maintenance and storage facility (ULURP No. C 140388 PCX) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 10, 2014;

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 14DPR012X) issued June 14, 2014 (the "Negative Declaration");

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140388 PCX, incorporated by reference

herein, the Council approves the Decision for the site selection and acquisition of the Site for a DPR repair, maintenance and storage facility.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 12, 2014. *Other Council Members Attending: Constantinides.*

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. 137

Report of the Committee on Land Use in favor of approving Application no. 20155175 CCK, application by The Green-Wood Cemetery, pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law, for approval of the acquisition of land located at 242 25th Street, Borough of Brooklyn, for non-burial purposes, Community Board 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on October 22, 2014, (Minutes, page 3822) and which was subsequently coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 7

20155175 CCK

Application submitted by The Green-Wood Cemetery, pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law for the acquisition of land currently operated as Brooklyn Monument, Inc. located at 242 25th Street (Block 655, Lots 28 and 30), Borough of Brooklyn, for non-burial purposes, in Community District 7, Council District 38.

INTENT

To allow acquisition of the property currently operated by Brooklyn Monument, Inc. for the construction of new offices and relocation of the Green-Wood Cemetery Executive Offices.

PUBLIC HEARING

DATE: November 10, 2014

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

SUBCOMMITTEE RECOMMENDATION

DATE: November 12, 2014

The Subcommittee recommends that the Land Use Committee approve the acquisition of the property by the Green-Wood Cemetery.

In Favor: Koo, Arroyo, Levin, Barron, Kallos

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: November 12, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Dickens, Garodnick, Mealy, Rodriguez, Koo, Levin, Weprin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger

Against: None **Abstain:** None

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

Res. No. 471

Resolution approving the acquisition of property located at 242 25th Street (Block 655, Lots 28 and 30), Borough of Brooklyn, for the construction of new offices and the relocation of the Green-Wood Cemetery Executive Offices (Application No. 20155175 CCK; L.U. No. 137).

By Council Members Greenfield and Koo.

WHEREAS, the Green-Wood Cemetery filed with the Council on October 16, 2014 its application dated October 16, 2014 pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law, for the purchase of property currently occupied by Brooklyn Monument, Inc., located at 242 25th Street (Block 655, Lots 28 and 30) in Community District 7, Borough of Brooklyn, to construct new office space and relocate its executive offices (No. 20155175 CCK) (the "Application");

WHEREAS, the Application is subject to review and action by the Council pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law;

WHEREAS, upon due notice, the Council held a public hearing on the Application on November 10, 2014; and

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

RESOLVED:

Pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law, the Council approves the request for the purchase of property for non-burial purposes located at 242 25th Street (Block 655, Lots 28 and 30), currently occupied by the Brooklyn Monument, Inc., to the Green-Wood Cemetery, as more particularly described as follows:

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

242 25th Street; Block 655, Lot 28

BEGINNING at a point on the Southerly side of 25th Street, distant 80 feet: Westerly from the corner formed by the intersection of the Southerly side of 25th Street with the Westerly side of Fifth Avenue;

RUNNING THENCE Southerly parallel with 5th Avenue, 50 feet;

THENCE Westerly parallel with 25th Street, 20 feet;

THENCE Southerly parallel with 5th Avenue, 50 feet;

THENCE Westerly again parallel with 25th Street, 50 feet; and

THENCE Northerly again parallel with 5th Avenue, 100 feet to the Southerly sided of 25th Street, and Easterly along the Southerly side of 25th Street, 70 feet to the point or place of BEGINNING.

242 25th Street; Block 655, Lot 30

BEGINNING at a point 100 feet Westerly from the Westerly side of 5th Avenue, which said point is distant 100 feet Southerly from the Southerly side of 25th Street;

THENCE running Southerly on a line drawn parallel to 5th Avenue, until it intersects the boundry line between the land late of Joseph Dean, and now, or late of John F. Delaplaine, thence Westerly along said boundry to a point where it would be intersected by a line drawn parallel to 5th Avenue, and 150 feet Westerly therefrom, thence Northerly along said parallel line to a point distant 100 feet Southerly from the Southerly side of 25th Street; and

THENCE Easterly and parallel to 25th Street, to the point or place of BEGINNING.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, November 12, 2014. *Other Council Members Attending: Constantinides.*

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 Sanitation and Solid Waste Management

Report for Int. No. 409-A

Report of the Committee on Sanitation and Solid Waste Management 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 regulating publicly accessible collection bins.

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on July 24, 2014 (Minutes, page 2916), respectfully

REPORTS:

I. Introduction

On Wednesday November 12, 2014, the Committee on Sanitation and Solid Waste Management, chaired by Council Member Antonio Reynoso, voted on Proposed Intro. 409-A, a Local Law to amend the administrative code of the city of New York, in relation to regulating publicly accessible collection bins.

The Committee voted in favor of the legislation. Accordingly, the Committee recommends its adoption.

II. Background

A. Local Law 31 of 2007

Local Law 31 of 2007 added Section 10-169 to the Administrative Code of the city of New York, which regulates the placement and removal of publicly accessible collection bins.¹ Prior to the passage of this law, companies were using public and private spaces without permission to place bins for collecting clothes and related items for resale or to give to charity. Often these collection bins became nuisances, attracting graffiti and trash, and obstructing pedestrian traffic. Local Law 31 prohibits the placement of bins on City property, including sidewalks and roadways, and authorizes the Department of Sanitation (DSNY) to remove any bin unlawfully placed on public property after the department affixes a 30-day notice to the bin and, if the owner's identity is ascertainable, mails a notice to the bin owner, requesting that the bin be removed from the public area. In addition, the law allows for the placement of collection bins on private property if the bin owner has obtained written permission from the private property owner. Local Law 31 does not contain any penalty provisions.

B. Problems With Local Law 31

At the time of its passage, Local Law 31 was an important measure that allowed DSNY to combat the increasing problem of companies using public and private spaces without permission. It also helped DSNY in its mission to maintain the cleanliness of public streets and sidewalks throughout New York City. After the law's passage in 2007, there was initially a major decrease in the number of bins illegally placed throughout the city on public property. For example, in FY 2008, 1,194 bins were tagged for removal. In 2009, the first full year after Local Law 31 was enacted, only 56 bins were tagged. This number rose slightly from 2010 to 2012.² However, after 2012, these numbers began to rise dramatically. For example, in 2013, DSNY tagged 593 bins. In FY 2014 (ending June 30, 2014), the department tagged 2,093 bins. Since that time, the department has tagged an additional 976 bins.³ These numbers suggest that the current law is no longer effectively deterring bin owners from illegally placing their bins on City property. The number of illegally placed bins on City property during FY 2014 has increased by more than 300% in comparison to FY 2013, and has increased more than 2,100% in comparison to FY 2012.

There are several reasons for this increase. DSNY has stated that while most bin owners remove their bins within 30 days once the department puts them on notice, many bins are moved at the very end of this period and then placed illegally at other locations throughout the city and, in some instances, a new bin is placed at the same location. Owners have even resorted to painting over the department's notices that are affixed to the bin to make it appear that the bin is newly placed, thus starting the 30 day clock over again.

DSNY has also reported that since the recent increase in the placement of publicly accessible collection bins throughout the city, the department has received numerous complaints from elected officials, community boards, community improvement districts, businesses and residents, prompting the introduction of this legislation.

III. Proposed Intro. No. 409-A

Proposed Int. No. 409-A, if enacted, will allow DSNY to immediately remove a publicly accessible collection bin that is placed on city property, or property maintained by the city, or on any public sidewalk or roadway. If the owner's name

and address are located on the bin, as required by law, the department will provide notice to the owner, by certified mail, return receipt requested, that it has removed the bin and that the owner can claim such bin through procedures to be established by rule. The bill also establishes a civil penalty of \$250 for the first offense and \$500 for each subsequent offense within 18 months for the placement of publicly accessible collection bins on city property. The bill also establishes a separate civil penalty of \$500 for the first offense and \$1,000 for each subsequent offense within 18 months for attaching or enclosing a collection bin on city property. Each publicly accessible collection bin placed on public property will be deemed a separate violation. Violations will be returnable to the Environmental Control Board (ECB).

Any owner who seeks to claim a publicly accessible collection bin removed by the department will be required to pay any penalties imposed and the costs of removal and storage, unless, after adjudication by the ECB, the owner is found not liable. If an owner does not claim his or her bin within 30 days, the department will be authorized to dispose of the bin.

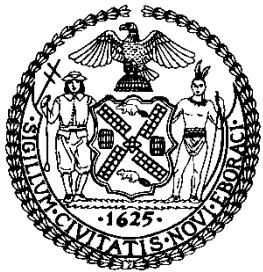
The bill also holds both the owner of a publicly accessible collection bin that is on private property and the owner of the private property where the bin is located responsible for maintaining such bin in a clean and neat condition. In addition, all owners of publicly accessible collection bins placed on private property will be required to register with DSNY and will be responsible for submitting an annual report to the DSNY Commissioner that identifies, by weight, the amount of material collected during the reporting period. Failure to do so will result in the issuance of a violation returnable to the ECB that may result in the imposition of a civil penalty of \$50 for the first offense and \$100 for each subsequent offense within an 18-month period.

IV. Amendments to Proposed Intro. 409-A

- Added a civil penalty of \$500 for the first offense and \$1,000 for each subsequent offense within an 18 month period for attaching or enclosing a collection bin on city property.
- Changed the requirement for annual report so that only the total weight of the material collected during the reporting period is required, instead of weight by type of material.
- Technical changes were made to clarify text.

¹ Local Law 31 of 2007 is available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=445427&GUID=541121A7-DDBC-477F-AC06-BD08401F76DA&Options=ID|Text|&Search=31>.
² All numbers provided by DSNY.
³ *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 409-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO.: 409-A

COMMITTEE:
Committee on Sanitation and Solid Waste Management

TITLE: A local law to amend the administrative code of the city of New York, in relation to regulating publicly accessible collection bins.

SPONSOR(S): The Speaker (Council Member Mark-Viverito), Council Members Reynoso, Dromm, Gentile, Koo, Menchaca, Espinal, Greenfield, Chin, Constantinides, Eugene, Johnson, Levine, Miller, Richards, Torres, Vallone, Williams, Rodriguez, Weprin, Rosenthal, Cornegy, Cohen, Crowley, Kallos, Levin and Ulrich (in conjunction with the Mayor).

SUMMARY OF LEGISLATION: The legislation would expressly prohibit collection bins from being placed on City property or public sidewalks and makes this a civil offense which can be penalized by \$250 for the first offense and \$500 for all subsequent offenses within an 18-month period. If a bin is attached to or encloses any city property the penalty would be \$500 for the first offense and \$1,000 for each subsequent offense in an 18-month period.

The legislation would also expressly prohibit collection bins from being placed on private property without the written permission of the property owner or a designated agent. For bins placed on private property with written permission, the

owner of the bin must register the bin with the City’s Department of Sanitation (DSNY). Annual reporting on the weight of the material collected for the previous fiscal year would be required starting August 1, 2015. Any violation would carry a penalty of \$50 for the first offense and \$100 for each subsequent offense within an 18-month period.

The legislation allows the City to immediately remove any bin placed on City property. Where the required contact information is provided on the bin, DSNY will contact the owner of the bin so the owner may retrieve it from DSNY. If the required contact information is not provide on the bin or is not legible, DSNY may dispose of the bin 30 days after removal. Bins removed by DSNY would be subject to removal and storage fees.

EFFECTIVE DATE: This local law would take effect 90 days after its enactment into law, except that the DSNY Commissioner may take action necessary for its implementation, including promulgating rules, prior to the effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
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 DSNY will use existing resources to implement and enforce this local law, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation Any costs associated with removal, storage or disposal of bins placed on City property would be covered by the fees paid by the bin owners.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Kate Seely-Kirk, Principal Legislative Financial Analyst, New York City Council
 Finance Division

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director, New York City Council Finance Division
 Tanisha Edwards, Chief Counsel, New York City Council Finance Division
 Rebecca Chasan, Assistant Counsel, New York City Council Finance Division

LEGISLATIVE HISTORY: Intro. No. 409 was introduced to the Council on July 24, 2014 and referred to the Committee on Sanitation and Solid Waste Management. The Committee on Sanitation and Solid Waste Management held a hearing on Intro. No. 409 on September 19, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 409-A, will be voted on by the Committee on Sanitation and Solid Waste Management on November 12, 2014. Upon successful vote by the Committee, Proposed Intro. No. 409-A will be submitted to the full Council for a vote on November 13, 2014.

DATE PREPARED: November 10, 2014

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 409-A:)

Int. No. 409-A

By The Speaker (Council Member Mark-Viverito), Council Members Reynoso, Dromm, Gentile, Koo, Menchaca, Espinal, Greenfield, Eugene, Johnson, Levine, Miller, Richards, Torres, Vallone, Williams, Rodriguez, Weprin, Rosenthal,

Cornegy, Cohen, Crowley, Kallos, Levin, Chin, Constantinides, Barron, Wills, Gibson, Lander, Maisel, Van Bramer and Ulrich (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to regulating publicly accessible collection bins.

Be it enacted by the Council as follows:

Section 1. Section 10-169 of the administrative code of the city of New York, as renumbered by local law number 30 for the year 2013, is amended to read as follows:

§ 10-169 Regulation of publicly accessible collection bins.

a. [Definition] *Definitions.* For purposes of this section[.]:

"Commissioner" shall mean the commissioner of sanitation.

"Department" shall mean the department of sanitation.

"Publicly accessible collection bin" shall mean any outdoor container, other than any container placed by any government or governmental agency, or its contractors or licensees, that allows for any member of the public to deposit items into the container for the purpose of collection by the [provider] owner of such container.

b. Requirements. All publicly accessible collection bins shall comply with the following provisions:

1. Each individual publicly accessible collection bin shall prominently display on the front and on at least one other side of the bin, the name, address and telephone number of the [provider] owner of the bin. This information shall be printed in characters that are plainly visible. In no event shall a post office box be considered an acceptable address for purposes of this paragraph.

2. No publicly accessible collection bin may be placed on any city property, or property maintained by the city, or on any public sidewalk or roadway.

3. No publicly accessible collection bin shall be placed on any private property without the written permission of the property owner or the property owner's designated agent.

4. *The owner of a publicly accessible collection bin placed on private property with the written permission of the property owner, or the property owner's designated agent, and the owner of the property where the bin is located shall be responsible for maintaining such bin in a clean and neat condition.*

5. *All owners of publicly accessible collection bins that are placed on private property with the written permission of the property owner, or the property owner's designated agent, shall be required to register with the department. Such registration, at a minimum, shall include the location of the publicly accessible collection bin, the type of material collected in the bin, and the name, address, and telephone number of the owner. On or before August first, two thousand fifteen, and annually thereafter, each such owner shall submit a report to the commissioner identifying the weight of the material collected during the period beginning on July first of the year preceding the year the report is due and ending on June thirtieth of the year the report is due. It shall be unlawful for the owner of any publicly accessible collection bin to submit a report containing false or misleading information or to fail to submit a report in accordance with this paragraph.*

6. In addition to penalties provided for in any other provisions of law, in the event that a publicly accessible collection bin is placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, [the owner of the publicly accessible collection bin, if] *the department shall have the authority to remove such bin. Any publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be presumed to have been placed there intentionally. If the name and address of [such] the owner of such publicly accessible collection bin [is ascertainable,] are located on the bin and are legible, such owner shall be notified by the department [of sanitation] by certified mail, return receipt requested, that such publicly accessible collection bin [must be removed within thirty days from the mailing of such notice. A copy of such notice, regardless of whether the address of such owner is ascertainable, shall also be affixed to the publicly accessible collection bin. This notice shall state that if the address of the owner is not ascertainable and notice is not mailed by the department of sanitation, such publicly accessible collection bin must be removed within thirty days from the affixation of such notice. This notice shall also state that the failure to remove the publicly accessible collection bin within the designated time period will result in the removal and disposal of the publicly accessible collection bin by the department of sanitation. This notice shall also state that if the owner objects to removal on the grounds that the bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway, such owner may send written objection to the department of sanitation at the address indicated on the notice within twenty days from the mailing of such notice or, if the address of such owner is not ascertainable and notice is not mailed by the department of sanitation, within twenty days from the affixation of such notice, with proof that the bin is on private property. Proof that the bin is on private property shall include, but not be limited to, a survey of the property prepared by a licensed surveyor that is certified to the record owner of such property.] was removed by the department and that the owner can claim such bin through the procedure established by rule. If the name and address of the owner of such publicly accessible collection bin are not located on the bin or are not legible, the commissioner may dispose of such bin in accordance with applicable law and rules thirty days after removal. Any owner who seeks to claim a publicly accessible collection bin that has been removed by the department shall pay the penalty established by this section and the costs of removal and storage, unless, after adjudication by the environmental control board, the owner is found not liable for violating this section, in which case such bin shall be released forthwith, and no*

removal or storage costs shall be imposed as a condition of such release. If any publicly accessible collection bin is not claimed within thirty days of the mailing of notice to the owner, the commissioner may dispose of such bin in accordance with applicable law and rules.

c. *Any person who violates the provisions of paragraph two of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of two hundred fifty dollars for the first offense and five hundred dollars for each subsequent offense within any eighteen-month period. Any person who violates the provisions of paragraph two of subdivision b of this section by attaching or enclosing by any means any publicly accessible collection bin to or on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of five hundred dollars for the first offense and one thousand dollars for each subsequent offense within any eighteen-month period. For purposes of this section, each publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be deemed a separate violation.*

d. *Any person who violates the provisions of paragraphs one, four or five of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of fifty dollars for the first offense and one hundred dollars for each subsequent offense within any eighteen-month period.*

e. *The commissioner may promulgate such rules as are necessary to implement the provisions of this section including, but not limited to, rules relating to:*

1. *payment, by the owner, of removal and storage costs incurred by the commissioner,*

2. *registration and reporting requirements for publicly accessible collection bins placed on private property,*

3. *the procedures for claiming publicly accessible collection bins that are removed by the department, and*

4. *the disposal of publicly accessible collection bins that have been removed by the department and claimed by an owner in cases where there is a subsequent failure to collect such bins.*

§ 2. This local law shall take effect 90 days after its enactment into law, except that the commissioner of sanitation may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ANTONIO REYNOSO, *Chairperson*; VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, STEVEN MATTEO; Committee on Sanitation and Solid Waste Management, November 12, 2014.

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 Applicant's Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
Jeffrey Mulinelli	63 Avenue D #4A New York, N.Y. 10009	2
Jennifer Cortes	8 East 110th Street New York, N.Y. 10029	9
Andre L. Hampton	73 West 130th Street #2B New York, N.Y. 10037	9
Peter Impemba	2701 Waterbury Avenue Bronx, N.Y. 10461	13
Denise Perez	3195 Randolph Place Bronx, N.Y. 10465	13
Liza Karen Coreas	264 East 199th Street #2B Bronx, N.Y. 10458	15
Diane Staiano	24-44 154th Street Queens, N.Y. 11357	19
Kimmy Zhang	118-07 12th Avenue College Point, N.Y. 11356	19
Leithland L. Garnett	140-18 170th Street Jamaica, N.Y. 11434	31
Alexis Bianca Ortiz	426 Baltic Street #9D Brooklyn, N.Y. 11217	33

Michael Michael Elefterakis	505 39th Street #5 Brooklyn, N.Y. 11232	38
Jamie Alexander	720 East 31st Street #3F Brooklyn, N.Y. 11210	45
Venus Clarke	1173 East 38th Street Brooklyn, N.Y. 11210	45
LaZell Fitzgerald	359 East 54th Street Brooklyn, N.Y. 11203	45
Joanne Cavallo	155 Manila Avenue Staten Island, N.Y. 10306	50
Ryan Taylor Cobb	8 Xenia Street Staten Island, N.Y. 10305	50

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Amy Look	22 Spring Street #3 New York, N.Y. 10012	1
Vanessa Gonzalez	145 2nd Avenue New York, N.Y. 10003	2
Ronald M. Rivera	330 West 28th Street #5F New York, N.Y. 10001	3
Helen F. Kurzner	35 Sutton Place #1C New York, N.Y. 10022	5
Maria Medina	82 Ellwood Street #1B New York, N.Y. 10040	10
Kenneth Price	4319 Bronxwood Avenue Bronx, N.Y. 10466	12
Deborah Alicea	1066 Rhinelander Avenue #1 Bronx, N.Y. 10461	13
Mario Calandrucchio	2875 Dudley Avenue Bronx, N.Y. 1461	13
Vincent Castagnozzi	1617 Mulford Avenue Bronx, N.Y. 10461	13
Jahaira Lopez	1919 Colden Avenue #1 Bronx, N.Y. 10462	13
Mildred I. Martinez	2081 Cruger Avenue 41F Bronx, N.Y. 10462	13
Abigail Pena	1590 Undercliff Avenue #PHG Bronx, N.Y. 10453	16
Doris Gonzalez-LoGiudice	695 East 133rd Street Bronx, N.Y. 10454	17
Darlene P. Green	1550 Unionpoint Road #MA Bronx, N.Y. 10462	18
Joanne M. Palmer	1500 Noble Avenue #14C Bronx, N.Y. 10460	18
Cesar J. Rangel	1970 East Tremont Avenue #11 Bronx, N.Y. 10462	18
Alan Zibo Mei	147-43 Elm Avenue Flushing, N.Y. 11355	20
Fernando Contreras	47-17 Junction Blvd #2 Corona, N.Y. 11368	21
Giselle Laverde	5803 Calloway Street #2BB Corona, N.Y. 11368	21
William Chiappetta	84-64 265th Street Queens, N.Y. 11001	23
Waldo Ramirez	77-07 Woodside Avenue #1 Elmhurst, N.Y. 11373	25
Audrey Marie Sparks-Fussa	100-50 200th Street Hollis, N.Y. 11423	27
Nazime Velovic	69-16 62 Avenue Middle Village, N.Y. 11379	30
Anthony Kwasi Adjei	145-101 225th Street Rosedale, N.Y. 11413	31
Monique Woods	10-06 Seagirt Blvd #1C Far Rockaway, N.Y. 11691	31
Lydia Macado	85-20 Dumont Avenue Queens, N.Y. 11417	32
Yvonne Rosado	94-19 87th Street #2 Ozone Park, N.Y. 11416	32
Jose Gonzalez	106 Bleeker Street #2 Brooklyn, N.Y. 11221	34
Lillie Huey	1684 Gates Avenue #2L	34

Ruby W. Allen	Queens, N.Y. 11385 738 Dekalb Avenue	36
Classic Dockery	235A Lexington Avenue #1 Brooklyn, N.Y. 11216	36
Adalberto Hernandez	444 East 5th Street #1 Brooklyn, N.Y. 11218	39
Denise Handel	924 Newkirk Avenue Brooklyn, N.Y. 11230	40
Lakiesha T. Reese	672 Ralph Avenue #1E Brooklyn, N.Y. 11212	41
Kevin O'Connor	7109 Ft. Hamilton Pkwy #3 Brooklyn, N.Y. 11228	42
Antoinette Bellantuono	1262 77th Street Brooklyn, N.Y. 11228	43
Susan Sosa	8803 14th Avenue Brooklyn, N.Y. 11228	43
Michael Amzel	4701 12th Avenue Brooklyn, N.Y. 11219	44
Mercedes Bayon	1207 49th Avenue #B9 Brooklyn, N.Y. 11219	44
Ner Bresler	895 East 18th Street Brooklyn, N.Y. 11230	45
Denise Grant	816 East 51st Street Brooklyn, N.Y. 11203	45
Bonita A. Tong-Kelman	3510 Avenue H #5A Brooklyn, N.Y. 11210	45
Jospehine Messina	189 Bay 43rd Street Brooklyn, N.Y. 11214	47
Melinda Muniz	8404 Bay Parkway #B2 Brooklyn, N.Y. 11214	47
Anna Maria Walsh	189 Bay 43rd Street Brooklyn, N.Y. 11214	47
Terrence C.J. Williams	53 Macon Place Staten Island, N.Y. 10303	49
Ana M. Antequera	50 Seaver Avenue Staten Island, N.Y. 10306	50
Viktoriya Bobrovskaya	515 Tarrytown Avenue Staten Island, N.Y. 10306	50
Patricia Landolfi	124 Pouch Terrace Staten Island, N.Y. 10305	50
Perry Luquis	70 Ross Avenue #C1 Staten Island, N.Y. 10306	50
Yi Zhu	245 Signs Road #A Staten Island, N.Y. 10314	50
Doris Gentile	26 Bent Street Staten Island, N.Y. 10312	51
Elia Murphy	763 Barlow Avenue #1 Staten Island, N.Y. 10312	51
John M. Picozzi	159 Preston Avenue 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 345-A -** Alternative enforcement program.
- (2) **Int 348-A -** Inspection fees for certain recurring violations of the housing maintenance code.
- (3) **Int 378 -** Reducing greenhouse gases by eighty percent by two thousand fifty.
- (4) **Int 409-A -** Regulating publicly accessible collection bins.
- (5) **Int 480 -** Authorizing an increase in the amount to be expended annually in the Fordham Road business improvement district.
- (6) **L.U. 132 & Res 469 -** App. **20155018 HKK (N 150068 HKK)** Avenue, (Designation List 473/LP-2541), Borough of Brooklyn, Council District 34.
- (7) **L.U. 136 & Res 470 -** App. **C 140388 PCX** 850 East 138th

- (8) L.U. 137 & Res 471 - Street, Bronx, Community Board 1, Council District 17.
App. **20155175 CCK**, 242 25th Street, Borough of Brooklyn, for non-burial purposes, Council District 38.
- (9) L.U. 144 & Res 467 - Association for Children with Retarded Mental Development Residential Facilities HDFC, Council District 39.
- (10) L.U. 145 & Res 468 - KB25 HDFC, Block 931, Lot 17, Manhattan; Community District No. 6, Council District No. 2.
- (40) **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 – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – 47.

The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 345-A, 348-A, 378, 409-A, and 480.

INTRODUCTION AND READING OF BILLS

Int. No. 527

By Council Members Chin, Gentile, Koo, Levine, Mendez, Rose and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to city-wide ambient noise level monitoring.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that noise pollution is widely prevalent in urban areas. Transportation systems are the main source of noise pollution in urban areas but construction of buildings, highways, and streets also cause significant noise, due to the usage of air compressors, bulldozers, loaders, dump trucks, jackhammers and pavement breakers. Industrial noise also adds to the already unfavorable state of noise pollution. Loud speakers, plumbing, boilers, generators, air conditioners, fans, and vacuum cleaners add to the existing noise pollution.

The Council further finds that noise pollution is associated with a variety of adverse health impacts including hearing loss, elevated blood pressure, sleep loss, increased heart rates, and cardiovascular constriction and labored breathing. These health effects can lead to social handicap, decreased performance in learning, absenteeism in the workplace and school and accidents. The Council finds that children are more vulnerable to noise than adults because they spend more time in bed and might be also exposed to night noise. Similarly, the chronically ill and elderly are more sensitive to disturbance.

Accordingly the Council finds that it is in the best interests of New York City to require that the Department of Environmental Protection collect data on ambient noise levels throughout the city and make such data on noise pollution available annually.

§ 2. Section 24-232 of the administrative code of the city of New York is amended to add a new subdivision 232.2 as follows:

24-232.2 a. *Citywide ambient noise level monitoring. The department shall install sound level meters or dosimeters at major intersections throughout the city and at recreational areas where noise levels can be anticipated to be at or above 65 dBa by December thirtieth, two thousand sixteen. Commencing on December thirtieth, two thousand seventeen and every December thirtieth thereafter, the department shall issue a report to the mayor and to the speaker of the council containing the results of the noise level monitoring of ambient noise levels citywide. Such report shall also be posted on the department's website annually.*

b. *Where the results of the ambient sound level monitoring indicates that community boards are experiencing unhealthy levels of noise that contribute actual or potential danger to public health or the environment or present a health risk to at-risk populations based upon the most recent research available, the department of environmental protection along with the departments of transportation and education shall collaboratively identify, develop and require the implementation of corrective mitigation measures that significantly reduce or eliminate short-term and long term exposure risks.*

§3. This local law shall take effect ninety days after enactment, provided, however, that the commissioner of environmental protection shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 528

By Council Members Constantinides, Kallos, Arroyo, Gentile, Gibson, Koo, Richards, Rose, Barron and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to fees for the installation of solar power energy systems.

Be it enacted by the Council as follows:

Section 1. Article 112 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-112.2.1 to read as follows:

§ 28-112.2.1 *Fee exemption for solar installations. No fee shall be required in connection with an application for a street crane permit for the installation on a roof of solar thermal and solar electric (photovoltaic) collectors, panels and/or modules and their supporting equipment.*

§2. This local law shall take effect ninety days from enactment and shall be applicable to any construction documents pending before the department of buildings on such effective date and the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 461

Resolution calling on the federal government to continue Medicaid coverage for individuals while they are incarcerated in correctional facilities, including New York City jails.

By Council Members Crowley, Chin, Dromm, Eugene, Johnson, Koo, Mendez, Richards and Barron.

Whereas, Medicaid was established in 1965 when congress amended the United States ("U.S.") Social Security Act; and

Whereas, Medicaid serves as a social health care program and provides medical coverage for families and individuals with low-income and resources; and

Whereas, In addition to Medicaid, Children's Health and Insurance Program ("CHIP") seeks to provide qualified, low-income individuals up to age 19 with medical, dental, and vision coverage; and

Whereas, According to the U.S. Department of Health and Human Services, there are currently 62.3 million individuals enrolled in Medicaid and CHIP, which includes 5.8 million New York State residents; and

Whereas, The New York City Department of Correction ("DOC") is charged with overseeing and providing for the care, custody and control of individuals 16 years of age and older who are accused of crimes or convicted and sentenced to one year or less of incarceration; and

Whereas, DOC reported 77,141 total admissions to City jails during Fiscal Year 2014, with an average daily population of 11,408; and

Whereas, The federal government provides varying Medicaid state matching funds, which are determined annually by the U.S. Department of Health and Human Services' Federal Matching Assistance Percentage ("FMAP"); and

Whereas, FMAP's federal financial reimbursement rate for New York in Fiscal Year 2015 is fifty percent; and

Whereas, Although many incarcerated individuals, including those in New York City jails may be financially eligible for Medicaid, the SSA prohibits federal financial participation for medical services provided to inmates of public institutions, including correctional facilities; and

Whereas, New York City should not have to bear the financial burden of caring for those individuals incarcerated in New York City jails who would otherwise qualify for Medicaid; and

Whereas, Continuing Medicaid coverage for individuals while incarcerated by DOC will help eliminate any lapse in coverage that may occur upon discharge; and

Whereas, In order to best serve individuals who qualify for Medicaid and to relieve New York City of the financial burden, the federal government should not interrupt financial assistance for medical services while individuals are incarcerated in correctional facilities; now, therefore, be it;

Resolved, That the Council of the City of New York calls on the federal government to continue Medicaid coverage for individuals while they are incarcerated in correctional facilities, including New York City jails.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 529

By Council Members Espinal, Rodriguez, Richards, Arroyo, Chin, Constantinides, Dickens, Johnson, Koo, Mendez and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to strengthening the licensing requirements in the sight-seeing bus industry.

Be it enacted by the Council as follows:

Section 1. Section 20-372 of the New York city administrative code is amended by adding new subdivisions 11 and 12 to read as follows:

11. "Sight-seeing bus driver" shall mean any natural person who operates a sight-seeing bus in the city of New York.

12. "Sight-seeing bus driver license" shall mean a license issued by the commissioner to a sight-seeing bus driver for the purpose of operating a sight-seeing bus.

§ 2. Section 20-383 of the New York city administrative code is amended by adding new subdivisions e and f to read as follows:

e. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title, the commissioner, after due notice and an opportunity to be heard, may suspend or revoke a sight-seeing bus driver license upon the occurrence of any one or more of the following:

1. *the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;*

2. *the operation of a sight-seeing bus by a driver who does not have a motor vehicle driver license in full force and effect;*

3. *the operation of a sight-seeing bus by a driver who does not have a commercial vehicle driver license that is valid for the operation of such bus pursuant to the state vehicle and traffic law in full force and effect;*

4. *the operation of a sight-seeing bus by a driver who has been convicted of three or more traffic infractions pursuant to the state vehicle and traffic law within the past five years.*

f. Any person whose license was revoked pursuant to subdivision e of this section may reapply for a sight-seeing bus driver license three years after such license was revoked.

§ 3. Subchapter 21 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-373.1 to read as follows:

§ 20-373.1 *Sight-seeing bus driver license. a. It shall be unlawful for a sight-seeing bus driver to operate a sight-seeing bus unless the sight-seeing bus driver shall have first obtained a sight-seeing bus driver license from the commissioner.*

b. It shall be unlawful for the owner of a sight-seeing bus licensed pursuant to section 20-373 of this subchapter to permit the operation of any sight-seeing buses in its fleet by a person who does not have a sight-seeing bus driver license, a motor vehicle driver license in full force and effect, and a commercial vehicle driver license that is valid for the operation of such bus pursuant to the state vehicle and traffic law in full force and effect.

c. In order to obtain or renew a sight-seeing bus driver license, a sight-seeing bus driver shall file an application with the commissioner for such sight-seeing bus driver license. Such application shall be made in a style and manner as prescribed by the commissioner and shall contain such information as the commissioner may require to establish the applicant's eligibility for a sight-seeing bus driver license under this subchapter.

d. No sight-seeing bus driver license shall be issued to any person who:

1. *is under the age of eighteen;*

2. *does not possess a currently valid motor vehicle driver license;*

3. *does not possess a currently valid commercial vehicle driver license that is valid for the operation of such bus pursuant to the state vehicle and traffic law;*

4. *has had his or her motor vehicle driver license or commercial vehicle driver license suspended or revoked two or more times within the past five years;*

5. *has been convicted of three or more traffic infractions pursuant to the state vehicle and traffic law within the past five years; or*

6. *has been convicted of any alcohol and drug-related offense pursuant to article 31 of the state vehicle and traffic law within the past three years.*

e. Any person licensed by this chapter who is convicted of a traffic infraction pursuant to the state vehicle and traffic law or an alcohol and drug related offense pursuant to article 31 of the state vehicle and traffic law shall report such conviction to the commissioner within 14 days.

f. Service of a violation, and any related notices, on a sight-seeing bus driver shall constitute service on the sight-seeing bus business that authorized the operation of the sight-seeing bus by virtue of employment, lease, or any other arrangement and shall afford the sight-seeing bus business the opportunity to participate in any hearing held on such violation.

g. A sight-seeing bus driver license shall be valid for a term of one year. There shall be a fee of thirty-five dollars for such license. The commissioner shall establish the expiration date for such license by rule.

h. The commissioner may refuse to issue a sight-seeing bus driver license or to renew such a license based upon a determination that such sight-seeing bus driver has engaged in conduct that would constitute a basis for the suspension or revocation of a sight-seeing bus driver license as set forth in subdivision e of section 20-383 of this subchapter.

§ 4. This local law shall take effect one hundred and twenty days after enactment into law.

Referred to the Committee on Consumer Affairs.

Int. No. 530

By Council Members Ferreras, Espinal and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in ten business improvement districts.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-420.1 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Steinway Street business improvement district beginning on July 1, [2008] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three hundred twenty-five thousand dollars (\$325,000)] *four hundred thousand dollars (\$400,000).*

§ 2. Subdivision a of section 25-423.1 of the administrative code of the city of New York, as amended by local law number 9 for the year 2012, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 34th Street business improvement district beginning on July 1, [2011] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine million nine hundred forty thousand dollars (\$9,940,000)] *ten million eight hundred eighty-five thousand dollars (\$10,885,000).*

§ 3. Subdivision a of section 25-437.1 of the administrative code of the city of New York, as amended by local law number 9 for the year 2012, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 125th Street business improvement district beginning on July 1, [2011] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine hundred forty-seven thousand eight hundred twenty dollars (\$947,820)] *one million five thousand seven hundred ninety-three dollars (\$1,005,793).*

§ 4. Subdivision a of section 25-452.1 of the administrative code of the city of New York, as amended by local law number 3 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 47th Street business improvement district beginning on July 1, [2012] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [seven hundred thousand dollars (\$700,000)] *nine hundred thousand dollars (\$900,000).*

§ 5. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-456.1 to read as follows:

§ 25-456.1 *86th Street Bay Ridge business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 86th Street Bay Ridge business improvement district beginning on July 1, 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of two hundred ninety thousand dollars (\$290,000).*

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the 86th Street Bay Ridge business improvement district plan.

§ 6. Subdivision a of section 25-461 of the administrative code of the city of New York, as amended by local law number 93 for the year 2009, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Columbus/Amsterdam business improvement district beginning on July 1, [2009] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred sixty thousand dollars (\$260,000)] *three hundred fifty thousand dollars (\$350,000).*

§ 7. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-465.1 to read as follows:

§ 25-465.1 Forest Avenue business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Forest Avenue business improvement district beginning on July 1, 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of one hundred seventy-five thousand dollars (\$175,000).

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Forest Avenue business improvement district plan.

§ 8. Section 25-466.1 of the administrative code of the city of New York, as added by local law number 61 for the year 2007, subdivision a as amended by local law number 5 for the year 2011, is renumbered section 25-466.2 and amended to read as follows:

§ 25-466.2 Myrtle Avenue Brooklyn business improvement district.

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Myrtle Avenue Brooklyn business improvement district beginning on July 1, [2010] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [four hundred twenty-five thousand (\$425,000)] five hundred seventy-five thousand dollars (\$575,000).

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Myrtle Avenue Brooklyn business improvement district plan.

§ 9. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-468.1 to read as follows:

§ 25-468.1 161st Street business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 161st Street business improvement district beginning on July 1, 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of two hundred forty thousand dollars (\$240,000).

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the 161st Street business improvement district plan.

§ 10. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-473.1 to read as follows:

§ 25-473.1 Sunnyside business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Sunnyside business improvement district beginning on July 1, 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of three hundred sixty thousand dollars (\$360,000).

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Sunnyside business improvement district plan.

§ 11. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2014.

Referred to the Committee on Finance.

Res. No. 462

Resolution concerning the increase in the annual expenditure for the Steinway Street, 34th Street, 125th Street, 47th Street, 86th Street Bay Ridge, Columbus/Amsterdam, Forest Avenue, Myrtle Avenue Brooklyn, 161st Street, and Sunnyside Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

By Council Members Ferreras, Gentile and Koo (by request of the Mayor).

Whereas, pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "Law"), the City established the Steinway Street, 34th Street, 125th Street, 47th Street, 86th Street Bay Ridge, Columbus/Amsterdam, Forest Avenue, Myrtle Avenue Brooklyn, 161st Street, and Sunnyside Business Improvement Districts in the City of New York; and

Whereas, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded; and

Whereas, the ten Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2014 as follows: Steinway Street, \$400,000; 34th Street, \$10,885,000; 125th Street, \$1,005,793; 47th Street, \$900,000;

86th Street Bay Ridge, \$290,000; Columbus/Amsterdam, \$350,000; Forest Avenue, \$175,000; Myrtle Avenue Brooklyn, \$575,000; 161st Street, \$240,000; and Sunnyside, \$360,000; and

Whereas, pursuant to Section 25-410(b) of the Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-410(b) of the Law, hereby directs that:

(i) _____ is the date and the City Council Committee Room, 2nd floor, City Hall, Manhattan is the place and _____ is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the ten Business Improvement Districts; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the Law, the District Management Associations of the Steinway Street, 34th Street, 125th Street, 47th Street, 86th Street Bay Ridge, Columbus/Amsterdam, Forest Avenue, Myrtle Avenue Brooklyn, 161st Street, and Sunnyside Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase in the amount to be expended annually in each of the ten Business Improvement Districts.

Referred to the Committee on Finance.

Int. No. 531

By Council Members Gentile, Arroyo, Constantinides, Espinal, Dickens, Eugene, Vallone and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations and meter parking regulations on September 11 of each year.

Be it enacted by the Council as follows:

Section 1. Section 19-163 of the administrative code of city of New York is amended by adding a new subdivision d to read as follows:

d. The department shall suspend all alternate side of the street parking rules on the eleventh day of September of each year.

§ 2. Subchapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

§ 19-163.3. No parking meter or muni-meter shall be activated on the eleventh day of September of each year.

§ 3. This local law shall take effect immediately upon enactment into law.

Referred to the Committee on Transportation.

Res. No. 463

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.2036/A.2077, which would authorize the issuance of "Cure Childhood Cancer" license plates and would allocate funds generated to support childhood cancer research.

By Council Member Gentile (by request of the Brooklyn Borough President).

Whereas, It is estimated that almost 16,000 American children under the age of 20 will be diagnosed with cancer this year and almost 2,000 will die of cancer; and

Whereas, Cancer remains the leading cause of disease-related death for children; and

Whereas, Awareness should be increased of the critical medical research which has already decreased mortality rates for many types of childhood cancer by more than 50 percent over the past 30 years; and

Whereas, The New York State Department of Motor Vehicles allows motorists to order a variety of "picture plates" for their vehicles which visibly recognize various causes including diabetes, autism, and multiple sclerosis research and education; and

Whereas, S.2036, sponsored by Senator Kenneth P. LaValle, and A.2077, sponsored by Assembly Member Steve Englebright, would authorize the issuance of "Cure Childhood Cancer" license plates and would create a Cure Childhood Cancer Trust Fund to support childhood cancer research and education; and

Whereas, The legislation would allocate the amount of annual service charges generated by the issuance of "Cure Childhood Cancer" license plates in excess of \$6,000 to the Cure Childhood Cancer Trust Fund; and

Whereas, Enacting this legislation would allow New Yorkers to visibly express their solidarity with all those affected by childhood cancer and with those working to end it, while also directing resources toward the search for a cure; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.2036/A.2077 which would authorize the issuance of "Cure Childhood Cancer" license plates and would allocate funds generated to support childhood cancer research.

Referred to the Committee on Transportation.

Res. No. 464

Resolution calling upon the United States Congress to pass, and the President to sign, legislation allowing states and localities to grant disabled veterans access to high-occupancy vehicle lanes without risking the loss of federal highway funds.

By Council Members Gentile, Eugene, Johnson, Koo, Vallone, Barron and Ulrich.

Whereas, The federal Moving Ahead for Progress in the 21st Century Act (MAP-21) authorizes the federal government to provide states and certain local governments with funding to construct and improve their highways; and

Whereas, In order to qualify for and receive federal highway funds, a state or locality must comply with applicable federal laws; and

Whereas, Federal law requires state and local governments with jurisdiction over the operation of a high-occupancy vehicle (HOV) facility to establish the occupancy requirements of vehicles operating on the facility; and

Whereas, The law allows for exceptions for motorcycles, mass transit vehicles, low emission vehicles, and those paying a toll, but there is nothing provided to allow for further exemptions; and

Whereas, Federal regulations concerning highway aid provide that if the federal government determines there has been a violation of, or failure to comply with, laws or regulations related to a highway project, it “may withhold payment to the State of Federal funds on account of such project, withhold approval of further projects in the State, and take such other action that [it] deems appropriate under the circumstances”; and

Whereas, In 2009, the California State Legislature considered a proposal that would have allowed veterans and active duty military personnel to use HOV lanes regardless of occupancy levels, but determined that such a law would put California out of compliance with federal law and would almost certainly result in the loss of federal transportation funding; and

Whereas, States and localities should be able to honor individuals such as disabled veterans who fought and sacrificed so dearly on behalf of our nation by affording them access to HOV lanes so that they would be able to travel more easily, including travel needed to access medical care made necessary by their service and sacrifice; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, legislation allowing states and localities to grant disabled veterans access to high-occupancy vehicle lanes without risking the loss of federal highway funds.

Referred to the Committee on State and Federal Legislation.

Int. No. 532

By Council Members Greenfield, Garodnick, Gentile, Koo, Levine and Miller.

A Local Law to amend the administrative code of the city of New York, in relation to solid waste collections.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-120.2 to read as follows:

§ 16-120.2 Weekly solid waste and recycling collections. Whenever a regularly scheduled solid waste or recycling collection is not made by the department due to an observance of a holiday, the solid waste or recyclable material not collected because of such observance must be collected within twenty-four hours after the department has resumed regularly scheduled collections.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 533

By Council Members Greenfield and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to alternate side of the street parking.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York is amended as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim,

Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, *the Friday following Thanksgiving*, and all state and national holidays.

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

Referred to the Committee on Transportation.

Int. No. 534

By Council Members Ignizio, Richards, Matteo, Constantinides, Treyger, Vallone, Rose, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring improved prospective notice of the department of environmental protection sewer connection charge.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended to add a new section 24-510.1 to read as follows:

§ 24-510.1 Sewer connection charge notice. The department of environmental protection shall provide notice to the owner of a property before billing such owner for costs relating to connecting such property to a public sewer. Such notice shall indicate the anticipated cost of the connection and how this cost will be assessed. Such notice shall be sent to the owner at least two weeks before such billing or at least sixty days before interest begins to accrue for such costs, whichever occurs earlier.

§2. This local law shall take effect immediately upon its enactment into law.

Referred to the Committee on Environmental Protection.

Int. No. 535

By Council Members Johnson, Arroyo, Chin, Constantinides, Espinal, Eugene, Levine, Miller, Richards, Rose, Barron and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to authorizing paid leaves of absence for employees of the city to receive cancer screenings.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-123.1 to read as follows:

§12-123.1 Authorizing leaves for cancer screenings. The mayor is hereby empowered to authorize the head of any agency, in the mayor's discretion, to grant to an employee in any such agency, including per diem employees, a leave of absence with pay for a sufficient period of time, not to exceed four hours on an annual basis, for the purpose of undergoing screening for cancer, including, but not limited to, screenings for breast, cervical, prostate or colorectal cancer. Such leave shall not be charged against any other leave to which an employee taking leave pursuant to this subdivision may be entitled.

§2. This local law shall take effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 536

By Council Members Kallos, Chin, Constantinides and Johnson.

A Local Law to amend the New York city charter, in relation to contemporaneous registration and absentee ballot application.

Be it enacted by the Council as follows:

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-c to read as follows:

§ 1057-c Contemporaneous Registration and Absentee Ballot Application.

Notwithstanding any inconsistent provisions of the election law, any qualified person who is not registered to vote in the city of New York, and who, if he or she were registered, would be eligible to apply to vote by absentee ballot shall be deemed registered to vote for the purposes of applying to vote by absentee ballot if such voter submits a completed registration form that is timely for the purposes of voting on the date of the election or elections for which he or she is applying for an absentee ballot. The absentee ballot application form used by the New York city board of elections shall not require an applicant to affirm that they are “a qualified and registered voter,” but shall instead require a statement that they are “a qualified voter who is either registered or has submitted a timely registration for the election or elections for which I am requesting an absentee ballot.” An absentee ballot cast by a voter who receives such a ballot pursuant to this section shall be a valid vote if the New York city board of elections determines, upon reviewing such

voter's submitted registration form, that such registration is valid for the purposes of voting on the date of such election.

§2. This local law shall take effect one hundred eight days following its enactment into law.

Referred to the Committee on Governmental Operations.

Int. No. 537

By Council Members Koo, Gentile, Rose and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to the designation of a small business accessibility coordinator.

Be it enacted by the Council as follows:

Section 1. Subchapter one of chapter one of title 3 of the administrative code of the city of New York is amended by adding a new section 3-116 to read as follows:

§ 3-116 *Small business accessibility coordinator.* a. *The director of the mayor's office for people with disabilities or other representative of the mayor designated by the mayor shall designate an employee or employees to serve as small business accessibility coordinator(s) within the mayor's office for people with disabilities. Each such coordinator shall serve as a resource and be available to organize and coordinate programs for educating small business owners and operators about obligations that they may have under local, state and federal law, rules and regulations to make their business or businesses accessible to people with disabilities. Each accessibility coordinator shall to the extent practicable, meet regularly with the small business community and serve as a liaison between such community and city agencies that are involved with accessibility projects, including, but not limited to, the department of buildings, the commission on human rights, the landmarks preservation commission, and the department of small business services.*

b. *No later than July 1, 2015, and no later than every July 1st thereafter, the director of the mayor's office for people disabilities, or other representative of the office of the mayor designated by the mayor, shall provide to the mayor and the speaker of the council a listing of the name and contact information of the designated small business accessibility coordinator(s).*

§ 2. This local law shall take effect thirty days after enactment.

Referred to the Committee on Small Business.

Int. No. 538

By Council Members Lancman and Dromm.

A Local Law to amend the New York city charter, in relation to use of injurious physical force by law enforcement officers.

Be it enacted by the Council as follows:

Section 1. Chapter 18 of the New York city charter is amended by adding a new section 439 to read as follows:

§439. *Use of injurious physical force by law enforcement officers.*

a. *This section shall be known as and may be cited as the "Proportionate Policing Act."*

b. *Uniformed and nonuniformed members of the police force may use injurious physical force during the course of their duties as is proportionately necessary to protect themselves or others from the threat of harm or death, which they perceive to be imminent.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 539

By Council Members Lancman, Dromm, Johnson, Mendez, Cornegy and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to publish annual reports relating to use of force.

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-155 to read as follows:

§14-155. *Use of force reports.*

a. *This section shall be known as and may be cited as the "Use of Force Transparency Act."*

b. *Definitions. For the purpose of this section "use of force" shall mean any instance where a member of the department responds to a provocation or condition with (1) the use of oleoresin capsicum spray or a conducted energy device; (2) a neck restraint or head strike; (3) drawing or displaying a firearm; (4) discharge of a firearm, even if such discharge does not result in death; or (5) any other type of*

force where the use of such force requires hospitalization of the arrestee or results in death.

c. *Use of force incident summary reports. Beginning January 1, 2015, the department shall make available in a clear and conspicuous manner via the department's website summaries of all use of force incidents on an ongoing basis and shall make such summaries available no later than thirty days after each use of force incident is resolved or otherwise determined to be a closed incident. Each use of force incident summary must include, but not be limited to: (1) the type of force used; (2) the precinct or other departmental unit the officer that allegedly used such force was assigned to; (3) whether or not the officer was on duty at the time of the alleged use of force; (4) the number of years the officer has been a member of the department; (5) a summary of the incident itself; (6) whether the Civilian Complaint Review Board reviewed the incident, and if so the Board's findings and recommendations, the department's findings, and the department's final decision regarding discipline.*

d. *Each use of force summary report made available via the department's website pursuant to subdivision c of this section shall remain on the department's website in perpetuity and shall be organized and archived by calendar year.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 540

By Council Members Lancman, Williams, Cornegy, Dickens, Dromm, Mendez and Barron.

A Local Law to amend the administrative code of the City of New York, in relation to chokeholds.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 10-172 to read as follows:

§ 10-172. *Chokeholds.*

a. *Definitions. For the purposes of this section "chokehold" means to wrap an arm around or grip the neck in a manner that limits or cuts off either the flow of air by compressing the windpipe, or the flow of blood through the carotid arteries on each side of the neck.*

b. *Chokehold prohibited. No person shall use a chokehold.*

c. *Penalties. Any person who violates subdivision b of this section shall be guilty of a misdemeanor punishable by imprisonment of not more than one year and a fine of not more than two thousand five hundred dollars, or both.*

d. *Any penalties resulting from a violation of subdivision b of this section shall not limit or preclude any cause of action available to any person or entity injured or aggrieved by such violation.*

§ 2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 541

By Council Members Reynoso, Torres, Williams, Lander, Dromm, Menchaca, Rose, Richards, Palma, Van Bramer, Rosenthal, Johnson, Cornegy, Rodriguez, Levin, Chin, Kallos, Levine, Cumbo, Mendez, King, Ferreras and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to requiring law enforcement officers to provide notice and obtain proof of consent to search individuals.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Intent and Findings. The City Council finds that many New Yorkers are unaware of their constitutional rights when interacting with law enforcement officers. The Council further finds that, according to a report released by the New York State Division of Criminal Justice Services, in 2013, the NYPD arrested 28,644 individuals in New York City for class B misdemeanor marijuana possession. Many of these arrests occurred in the context of the New York City Police Department's ("NYPD") stop-and-frisk practices, in which NYPD officers sometimes instruct individuals to empty out their pockets in the absence of any legal basis for the search other than the individual's consent. Currently, there is no mechanism to objectively ensure that consent to such searches is voluntary and informed.

In adopting this law, it is the intention of the City Council to protect New Yorkers' constitutional rights by instituting an affirmative obligation on law enforcement officers to inform New Yorkers of their right to be secure against unreasonable searches and seizures, as provided by the Fourth Amendment to the United States Constitution, and to create greater transparency in law enforcement practices. In doing so, it is the City Council's intention to (1) protect the constitutional rights of New Yorkers by ensuring that searches that are based solely on an individual's consent without any other legal basis are predicated on an individual's voluntary and informed consent, (2) shield police officers from false

claims of wrongdoing, and (3) contribute to the efficiency and effectiveness of our criminal justice system.

§ 2. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-155 to read as follows:

§14-155. *Objective proof of voluntary and informed consent prior to conducting certain searches.*

a. *Prior to conducting a search of a person, or of a person's vehicle, home, or belongings, that is not pursuant to a warrant or an exception to the warrant requirement, or supported by probable cause, law enforcement officers, as defined in paragraph two of subdivision a of section 14-151 of this code, shall:*

(1) *Articulate, in a language and manner understood by the person, that the person is being asked to voluntarily consent to a search and that he or she has the right to refuse or withdraw consent at any time during the search; and*

(2) *Create an audio or written and signed record of the person's voluntary and informed consent that includes: (i) a statement that he or she is freely and voluntarily providing informed consent to the officer; and (ii) a statement that he or she understands that he or she may refuse or withdraw consent at any time before or during the search.*

b. *At the conclusion of a search conducted pursuant to subdivision a of this section, the officer shall:*

(1) *record the time, location and date of the search, whether a vehicle or home was involved, the apparent race, ethnicity, gender and age of the person searched and the name, precinct, and badge number of all law enforcement officers involved in the search; and*

(2) *provide the individual who consented to the search with a copy of the proof of consent recorded pursuant to paragraph two of subdivision a of this section, along with a copy of the information recorded pursuant to paragraph one of subdivision b of this section.*

c. *If during legal proceedings a defendant moves to suppress evidence obtained in the course of a consent search, failure to comply with paragraph one of subdivision a may be considered a factor in determining the voluntariness of the consent.*

d. *This section shall not apply to a law enforcement officer conducting a frisk based upon reasonable suspicion that the person stopped by the law enforcement officer is armed and presents a danger to the officer's safety in the course of the officer's investigation of suspicious behavior during an otherwise lawful stop.*

§ 3. Subdivision a of section 14-150 of title 14 of the administrative code of the city of New York is amended to read as follows:

a. The New York City Police Department shall submit to the city council on a quarterly basis the following materials, data and reports:

9. *A report based on the records created pursuant to section 14-155 of this code. Such report shall include the total number of consent searches conducted under section 14-155, disaggregated by patrol precinct and further disaggregated by the apparent race, ethnicity, gender, and age of the person searched, and whether or not a vehicle or home was involved in the search. Such report shall also include the total number of searches declined by individuals under this section.*

§ 4. Severability. If any provision of this bill or any other provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

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

Referred to the Committee on Public Safety.

Int. No. 542

By Council Members Rodriguez, Arroyo, Constantinides, Dromm, Gibson, Johnson, Koo, Levine, Mendez, Rose and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of traffic calming devices adjacent to senior centers and naturally occurring retirement communities.

Be it enacted by the council as follows:

Section 1. Subchapter three of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-183.1 to read as follows:

§ 19-183.1 *Installation of traffic calming devices on streets adjacent to senior centers and naturally occurring retirement communities. a. Definitions: For the purposes of this section, the following terms shall have the following meanings:*

1. *"Senior Center" shall have the same meaning as in section 21-201 of this code.*

2. *"Naturally Occurring Retirement Community" shall mean an apartment building, housing complex, or housing development (i) not originally built for senior citizens; (ii) not restricted in admissions solely to the elderly; and (iii) with an occupant who is a senior citizen in at least fifty percent of the units or with at least two thousand five hundred residents who are senior citizens.*

b. *The commissioner shall annually install at least one traffic calming device on not less than fifty block segments that are adjacent to a senior center or naturally occurring retirement community, as determined by the commissioner in consultation with the department for the aging.*

c. *After evaluating areas adjacent to every senior center and naturally occurring retirement community in the city for the installation of traffic calming devices pursuant to subdivision b of this section, the commissioner may, consistent with subdivision d of this section, determine not to install any further traffic calming devices and shall inform the speaker of the council in writing of such determination and the reasons therefore; provided, however, that the commissioner shall evaluate the need to install one or more traffic calming devices on roadways adjacent to any senior center or naturally occurring retirement community created after such determination. The commissioner shall provide to the council, on or before July 1, 2015, and annually thereafter, a report detailing the locations at which such devices have been placed.*

d. *The commissioner may decline to install any traffic calming device that is otherwise required by this section if such installation would, in the commissioner's judgment, endanger the safety of motorists or pedestrians or not be consistent with the department's guidelines regarding the installation of traffic calming devices.*

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

Referred to the Committee on Transportation.

Res. No. 465

Resolution urging the CUNY Board of Trustees to adopt the SUNY Board of Trustees resolution regarding sexual assault prevention and response.

By Council Members Rosenthal, Arroyo, Chin, Crowley, Gentile, Johnson, Levine, Mendez, Rose and Barron.

Whereas, On October 2, 2014, the Board of Trustees at the State University of New York (SUNY) passed a resolution to establish a set of policies that will be adopted by all 64 SUNY campuses regarding sexual assault prevention and response; and

Whereas, According to SUNY's website, "The resolution includes implementing a uniform, system-wide definition of consent that is required between participants before engaging in sexual activity; an immunity policy to protect students coming forward to report sexual assault; a statewide training program for campus police and administrators regarding how to address sexual assault incidents; a public campaign to increase awareness among students and parents; and a uniform Sexual Assault Victims' Bill of Rights that will, in clear and specific language, inform a student of his or her rights following an attack including the option of approaching State Police;" and

Whereas, According to SUNY's website, "[the] SUNY resolution is the first in a series of steps outlined by the Governor to combat sexual assault on college campuses"; and

Whereas, On November 24, 2014, the City University of New York's (CUNY) Board of Trustees will vote to enact a new sexual assault policy that would include uniform standards and definitions, according to the New York Amsterdam News; and

Whereas, It would be advantageous for CUNY to adopt a resolution on sexual assault policy similar to SUNY's which would also establish uniformity in both systems; now, therefore, be it

Resolved, That the Council of the City of New York urges the CUNY Board of Trustees to adopt the SUNY Board of Trustees resolution regarding sexual assault prevention and response.

Referred to the Committee on Higher Education.

Int. No. 543

By Council Members Torres, Espinal, Reynoso, Arroyo, Chin and Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to the issuance of orders to correct underlying conditions.

Be it enacted by the Council as follows:

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

49. *"Underlying condition" means a physical defect or failure of a building system that causes or has caused a violation of this code, the multiple dwelling law or any other state or local law that imposes requirements on dwellings. Proof that five or more such violations of the same or a substantially similar nature are occurring or have occurred in a building within the preceding five years, whether or not such violations have been corrected, is prima facie evidence that an underlying condition exists in such building.*

§ 2. Paragraph 3 of subdivision c of section 27-2091 of the administrative code of the city of New York is amended to read as follows:

3. An owner shall comply with such order and submit such documentation as the department may require indicating compliance with the order no later than four months after the order has been issued, provided, however, that the department may reduce or extend the deadline for compliance by a period not to exceed two months, in accordance with criteria promulgated by the department in rules. If such owner fails to comply with such order, the department may perform all or part of the work required by such order.

§ 3. Paragraph 5 of subdivision c of section 27-2091 of the administrative code of the city of New York is amended to read as follows:

5. Notwithstanding any provision of this code to the contrary, an owner who fails to comply with an order issued pursuant to this subdivision shall be subject to a civil penalty of one thousand dollars, *plus one hundred twenty-five dollars per day of noncompliance*, for each dwelling unit that is the subject of such order, provided, however, that the total amount of such penalty shall not be less than five thousand dollars.

§ 4. Subdivisions a, b and c of section 27-2115 of the administrative code of the city of New York are amended to read as follows:

(a) A person who violates any law relating to housing standards shall be subject to a civil penalty of not less than ten dollars nor more than fifty dollars for each non-hazardous violation, not less than twenty-five dollars nor more than one hundred dollars and ten dollars per day for each hazardous violation, fifty dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than fifty dollars nor more than one hundred fifty dollars and, in addition, one hundred twenty-five dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person wilfully making a false certification of correction of a violation shall be subject to a civil penalty of not less than fifty dollars nor more than two hundred fifty dollars for each violation falsely certified, in addition to the other penalties herein provided. *An owner who fails to comply with an order to correct an underlying condition shall pay a civil penalty of one thousand dollars, plus one hundred twenty-five dollars per day of noncompliance, for each dwelling unit that is the subject of such order, provided, however, that the total amount of such penalty shall not be less than five thousand dollars.*

(b) The department shall serve a notice of violation upon the owner, his or her agent or other person responsible for its correction. The notice shall identify the condition constituting the violation, the provision of law applicable thereto, *any underlying condition that may be causing the violation*, the department's order number, the classification of the violation according to its degree of hazard, the time for certifying the correction of such violation, and the amount of the possible penalty. It shall also advise that the department will, if requested, confer with the owner or his or her representative concerning the nature and extent of the work to be done to insure compliance and the methods of financing such work. In any case where the provisions of this section authorize the service of such notice by mail, the statement of any officer, clerk, or agent of the department, or of anyone authorized by the department to mail such notice of violation, subscribed and affirmed by such person as true under the penalties of perjury, which describes the mailing procedure used by the department, or by the department's mailing vendor, or which states that these procedures were in operation during the course of mailing a particular cycle of notices of violation, shall be admitted into evidence as presumptive evidence that a regular and systematic mailing procedure is followed by the department for the mailing of its notices of violation. Where the department introduces into evidence the business records which correspond to the various stages of the mailing of a particular cycle of notices of violation, pursuant to subdivision (c) of rule forty-five hundred eighteen of the civil practice law and rules, then a presumption shall have been established that the mailing procedure was followed in the case of such cycle, and that such notice of violation has been duly served.

(c) The said notice of violation shall also specify the date by which each violation shall be corrected. Such date shall be:

(1) ninety days from the date of mailing of the notice in the case of non-hazardous violations; (2) thirty days from the date of mailing of the notice in the case of hazardous violations; [and] (3) twenty-four hours in the case of immediately hazardous violations in which case the notice shall be served by personal delivery to a person in charge of the premises or to the person last registered with the city as the owner or agent, or, by registered or certified mail, return receipt requested, to the person in charge of the premises or to the person last registered with the department as the owner or agent; provided that where a managing agent has registered with the department, such notice shall be served on the managing agent; *and (4) four months in the case of an underlying condition, except that the department may reduce or extend the time for correcting an underlying condition by a period not to exceed two months, in accordance with criteria promulgated by the department in rules.* Service of the notice shall be deemed completed five days from the date of mailing. The department may postpone the date by which a violation shall be corrected upon a showing, made within the time set for correction in the notice, that prompt action to correct the violation has been taken but that full correction cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials, funds, or labor, or inability to gain access to the dwelling unit wherein the violation occurs or such other part of the building as may be necessary to make the required repair. In the case of immediately hazardous violations such showing must be made prior to the close of business on the next full day the department is open following the period set for correction. The department may condition such postponement upon the applicant's written agreement to correct all violations placed against the premises by the department or other appropriate governmental agency and to satisfy within an appropriate period of time, all sums owing to the department for repairs made to said premises. The department may require such other conditions as are deemed necessary to insure correction of the violations within the time set by the postponement. The department shall prepare a written statement signed and dated by the person making such decision setting forth the reasons for the postponement of the date by which a violation shall be corrected or the reason for the denial of such application for postponement and said written statement shall be part of the record of the department.

§ 5. Paragraph 3 of subdivision f of section 27-2115 of the administrative code of the city of New York is amended to read as follows:

(3) Such violation shall be deemed corrected seventy days from the date of receipt of such certification by the department unless the department has determined by a reinspection made within such period that the violation still has not been corrected and has recorded such determination upon its records and has notified the person who executed the certification by registered or certified mail to the address stated in the certification that it has been set aside and the reasons therefor; a copy of such notice shall be sent to the complainant. *This subdivision does not apply to orders to correct underlying conditions.*

§ 6. Paragraph 1 of subdivision h of section 27-2115 of the administrative code of the city of New York is amended to read as follows:

(1) Should the department fail to issue a notice of violation upon the request of a tenant or group of tenants within thirty days of the date of such request, or if there is a notice of violation outstanding respecting the premises in which the tenant or group of tenants resides, or, if there is a claim of harassment pursuant to subdivision d of section 27-2005 of this chapter, the tenant or any group of tenants[,] may individually or jointly apply to the housing part for an order directing the owner and the department to appear before the court. Such order shall be issued at the discretion of the court for good cause shown, and shall be served as the court may direct. If the court finds a condition constituting a violation exists, it shall direct the owner to correct the violation and *any underlying condition that the court finds caused the violation, and*, upon failure to do so within the time set for certifying the correction of such violation or *underlying condition* pursuant to subdivision (c) of this section, it shall impose a penalty in accordance with subdivision (a) of this section. Nothing in this section shall preclude any person from seeking relief pursuant to any other applicable provision of law.

§ 7. Section 27-2120 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. Order to Correct Underlying Condition. 1. A tenant or group of tenants of a building may apply individually or jointly to the housing part of the civil court for an order to correct an underlying condition in a building that the tenant or tenants occupy. Pursuant to such an application, the housing part may issue an order directing an owner and the department to appear in court. The housing part shall direct the manner of service of such an order and may allow service by a tenant or group of tenants by certified or registered mail, return receipt requested. If the housing part finds that an underlying condition exists, the housing part shall order such owner to correct such underlying condition. It is not a defense against the application of this subdivision that an underlying condition to be corrected is not itself a violation.

2. An owner shall comply with an order to correct an underlying condition within four months and shall certify such compliance to the department in the manner provided by subdivision f of section 27-2115. The housing part may reduce or extend the time for compliance by a period not to exceed two months, in accordance with criteria promulgated by the department in rules. A tenant affected by a false certification of compliance may apply to the housing part for a determination of violation as provided in subdivision h of section 27-2115.

3. An owner who fails to comply with an order to correct an underlying condition within the time allowed is subject to a civil penalty as provided in subdivision a of section 27-2115.

§ 8. Section 27-2121 of the administrative code of the city of New York is amended to read as follows:

§ 27-2121 Injunctive relief in other actions; powers of the court.

In any action or proceeding brought in the housing part of the New York city civil court, the court, on motion of any party or on its own motion, may issue such preliminary, temporary or final orders requiring the owner of property or other responsible person to abate or correct violations of this code *or underlying conditions*, [or] to comply with an order or notice of the department, or to take such other steps as the court may deem necessary to assure continuing compliance with the requirements of this code, including direction of correction of violations of this code *or underlying conditions* by a contractor, materialman or municipal department and payment of rent or release of funds deposited with the court in an appropriate amount to (i) such contractor or materialman upon the proper presentation of bills for the correction of such conditions or (ii) such municipal department.

§ 9. This local law shall take effect 120 days after its enactment, except that the department may take any actions necessary for its implementation, including the promulgation of rules, before its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 544

By Council Members Treyger, Rodriguez, Kallos, Cumbo, Menchaca, Gentile, Arroyo, Cohen, Deutsch, Johnson, Koo, Mealy, Mendez, Miller, Wills, Maisel, Barron and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of wireless communications devices while operating a bicycle.

Be it enacted by the Council as follows:

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

§ 19-171.3 *Use of wireless communications devices while operating a bicycle.*

a. *Definitions. For the purposes of this section:*

1. "Bicycle" shall have the same meaning as in section 19-176 of this chapter.

2. "Electronic communications device" means any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit electronic messages with such device, including but not limited to wireless telephones, personal digital assistants, and portable or mobile computers.

3. "Electronic message" means any self-contained digital communication that is designed or intended to be transmitted between electronic communications devices, including but not limited to electronic mail, text messages, instant messages, commands or requests to access an internet site, or telephone communications.

4. "Public highway" shall have the same meaning as in section 19-171 of this chapter.

5. "Using" means composing, reading, sending, or listening to an electronic message.

b. Notwithstanding any other law or rule, no person shall operate a bicycle on a public highway while using an electronic communications device.

c. This section shall not apply to: i) officers or employees of any federal, state, or city law enforcement agency acting in an official capacity; ii) those utilizing an electronic communications device that is in a voice activated or other hands free mode; iii) those using an electronic communications device for the sole purpose of reporting an emergency and communication with emergency personal; or iv) those using an electronic communications device while maintaining a stationary position throughout the entirety of such use.

d. It shall be a traffic infraction to violate the provisions of this section punishable by a civil penalty of not more than fifty dollars. Notwithstanding the foregoing, a person shall not be liable for a civil penalty for a first violation of this section unless damage to real property or the personal property of another or personal injury was caused due to an incident involving a bicycle operated by such person at the time of such first violation. In addition, any person who violates any provision of this section more than once within any eighteen month period shall be subject to the imposition of an additional civil penalty of not less than fifty dollars nor more than two hundred dollars. Such traffic infractions shall be heard and determined in accordance with article 2-A of the vehicle and traffic law.

e. No later than December 31, 2016 and annually thereafter, the commissioner shall submit to the mayor and the council and post on the department's official website the total number of violations issued pursuant to this section disaggregated by borough and police precinct.

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

Referred to the Committee on Transportation.

Int. No. 545

By Council Members Treyger, Kallos, Cumbo, Menchaca, Gentile, Arroyo, Cohen, Deutsch, Johnson, Koo, Mealy, Miller, Wills and Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to bicycle safety.

Be it enacted by the Council as follows:

Section 1. Subchapter three of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-192 to read as follows:

§ 19-192 *Bicycle safety.* a. The department shall establish or approve a bicycle safety course regarding safe bicycling and adherence to applicable provisions of state vehicle and traffic law and this code.

b. The department shall establish and engage in outreach and public education efforts regarding safe bicycling and the bicycle safety course in consultation with the police department. Such outreach and education efforts shall commence no later than June 1, 2015 and shall include educational materials that shall be made available on the department's website no later than June 1, 2015.

§ 2. Subdivision d of section 19-171 of the administrative code of the city of new york is amended to read as follows:

d. It is a traffic infraction to violate the provisions of this section punishable, upon conviction, by a civil penalty of not more than fifty dollars. Such traffic infractions shall be heard and determined in accordance with article 2-A of the vehicle and traffic law. A hearing officer shall waive the civil penalty for which the parent or guardian of a person who violates the provisions of this section would be liable if such parent or guardian supplies proof that between the date of violation and the appearance date for such violation such parent or guardian purchased or rented a helmet that meets the requirements of this section, or if such parent or guardian completes a bicycle safety course established pursuant to section 19-192 of the code subsequent to such violation. A hearing officer may waive the civil penalty for which the parent or guardian of a person who violates the provisions of this section would be liable if he or she finds that due to reasons of economic hardship such parent or guardian was unable to purchase or rent a helmet. A waiver of the civil penalty shall not apply to a second or subsequent conviction under this section.

§ 3. Subdivision b of section 19-176 of the administrative code of the city of new york is amended to read as follows:

b. No person shall ride a bicycle upon any sidewalk unless permitted by an official sign. A person who violates this subdivision may be issued a notice of violation and shall be liable for a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board. Notwithstanding the foregoing, a person shall not be liable for a civil penalty for a first violation of this subdivision if such person completes a bicycle safety course established pursuant to section 19-192 of the code subsequent to such violation.

§ 4. This local law shall take effect 90 days after its enactment into law, provided however, that the commissioner shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 546

By Council Members Van Bramer, Cabrera, Chin, Constantinides, Eugene, Koo, Levine, Mendez, Rose and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of energy-efficient street lights.

Be it enacted by the Council as follows:

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-157 to read as follows:

§19-157 *Energy-Efficient Street Light Installation.* a. Any lamp to be used in the illumination of streets, highways, parks, or any other public place shall utilize light-emitting diode technology or the best available technology if such technology is more energy efficient than light-emitting diode technology.

b. On or before January 1, 2015 and every six months thereafter, the department shall provide a report to the council and shall post on its website (i) the number of street light fixtures that have been installed with light-emitting diode technology or the best available energy efficient technology as described in subdivision a of this section and (ii) the number of street light fixtures that remain to be installed with lamps utilizing light-emitting diode technology or the best available energy efficient technology as described in subdivision a of this section. Such data shall be disaggregated by borough and council district.

§2. This local law shall take effect immediately upon enactment into law.

Referred to the Committee on Transportation.

Int. No. 547

By Council Members Van Bramer, Koo and Barron.

A Local Law to amend the New York city charter, in relation to cultural liaisons.

Be it enacted by the Council as follows:

Section 1. Chapter 67 of the New York city charter is amended by adding a new section 2506 to read as follows:

§ 2506. *Cultural liaisons.* a. For purposes of this section, "cultural liaison" means at least one individual designated by a city agency to advise such city agency on how best to facilitate arts programming and collaboration with cultural institutions.

b. Every city agency shall designate, at a minimum, one individual to serve as a cultural liaison. Such cultural liaisons shall coordinate with the department and incorporate the arts into city agencies.

c. Every city agency shall establish a plan to delineate the responsibilities of the cultural liaisons. Such plan shall include, but not be limited to, a mechanism for the cultural liaison to invite input from local arts organizations, members of the arts community, representatives of cultural institutions, elected officials, community planning board members, and other concerned members of the community. Within 90 days of the effective date of the local law that added this section, every city agency shall submit to the speaker of the city council and the commissioner such plan.

d. There shall be in the department a liaison whose duties shall include, but shall not be limited to encouraging and facilitating the development of cultural programming in New York city housing authority developments and to interact with cultural liaisons in other agencies. The department shall post on its website the name of the person designated to act as such liaison. All city agencies are directed to cooperate with such liaison, to help coordinate and promote cultural activities in the city.

e. There shall be in the department a liaison whose duties shall include, but shall not be limited to encouraging and facilitating the development of cultural and artistic programming in New York city public schools at the discretion of the chancellor of education and in consultation with the department of education. The department shall post on its website the name of the person designated to act as such liaison.

§ 2. This local law shall take effect 90 days following its enactment into law.

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

Res. No. 466

Resolution calling upon the New York City Housing Authority to report annually the total number of vacant units in all of its developments, disaggregated by the number of units that are fit and unfit for occupancy, and provide details on the reason why a vacant apartment is deemed unfit for occupancy.

By Council Members Van Bramer, Torres, Arroyo, Chin, Johnson, Koo, Levine, Mendez, Rose and Barron.

Whereas, The New York City Housing Authority (NYCHA) currently oversees 178,557 apartments in 334 developments throughout the city; and

Whereas, NYCHA exists for the purpose of providing low-and-moderate income New Yorkers safe and affordable housing; and

Whereas, The city's housing shortage is evident by the 247,262 families on the wait list for public housing as of March 17, 2014; and

Whereas, Families placed on the waitlist must often wait years for an apartment; and

Whereas, Nevertheless, according to a December 15, 2013, New York Times article, about 800 NYCHA units have remained empty for years due to the need to conduct major repairs like roof replacement; and

Whereas, NYCHA appears to be unable to address maintenance issues in these vacant units that could spread to nearby apartments and affect the quality of life of other residents; and

Whereas, NYCHA reports that it has \$6 billion in unfunded capital improvement needs, which is expected to increase to \$13.4 billion in five years; and

Whereas, NYCHA primarily receives funding through federal subsidies which have substantially declined, jeopardizing NYCHA's ability to quickly handle its repairs and infrastructure needs; and

Whereas, Renovations to vacant apartments are at risk with the steady decline of these subsidies; and

Whereas, NYCHA's delay in repairing vacant units has caused needed residential space to remain unavailable to prospective tenants; and

Whereas, An annual report on NYCHA's vacant units and the reasons why such vacancies exist will increase transparency and accountability by bringing to light what repairs if any, are necessary to return such units to the rent rolls; now therefore, be it,

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to report annually the total number of vacant units in all of its developments, disaggregated by the number of units that are fit and unfit for occupancy, and provide details on the reason why a vacant apartment is deemed unfit for occupancy.

Referred to the Committee on Public Housing.

Int. No. 548

By Council Members Williams and Cornegy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports relating to naloxone hydrochloride.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-155, to read as follows:

§14-155. *Naloxone Hydrochloride Report.* a. *The New York City Police Department shall submit to the city council on a quarterly basis a report relating to naloxone hydrochloride, which shall include:*

1. *The number of naloxone hydrochloride kits the department has available for use in reversing the effects of a heroin or opioid overdose, disaggregated by precinct;*

2. *The number of officers trained to administer naloxone hydrochloride to overdose victims, disaggregated by precinct;*

3. *The number of times in the quarter that an officer administered naloxone hydrochloride to an overdose victim, disaggregated by precinct and further disaggregated by the way in which the naloxone hydrochloride was administered to such overdose victim, such as by syringe injection or nasal atomizer; and*

4. *The number of fatalities that occurred after an officer administered naloxone hydrochloride to an overdose victim.*

b. *The report created pursuant to this section shall be provided to the council within 30 days of the end of the quarter to which the report corresponds. Where necessary, the department may use preliminary data to prepare the required report. If preliminary data is used, the department shall include an acknowledgment that such preliminary data is non-final and subject to change.*

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

Referred to the Committee on Public Safety.

Int. No. 549

By Council Members Williams, Chin, Johnson, Koo, Levine and Mendez.

A Local Law to relation to creating a taskforce to study and report on the feasibility of implementing online and electronic voter registration in New York City.

Be it enacted by the Council as follows:

Section 1. Establishment and Composition of a Taskforce on Online and Electronic Voter Registration. There shall be a temporary taskforce on online and electronic voter registration in New York City ("the Taskforce"). The Taskforce shall be comprised of the Director of the Mayor's Office of Operations, or his or her designee; the Corporation Counsel, or his or her designee; one appointee of the Mayor who is an expert in New York election law; one appointee of the Board of Elections of the City of New York; and one appointee of the Speaker of the City Council. The Taskforce shall elect a chair from among its members.

§ 2. Powers and Responsibilities of the Taskforce. a. The Taskforce shall study, and make findings with respect to, the feasibility of implementing a system allowing eligible New York City residents to register to vote, and to update their voter registration information: (i) through the City's website, without the required use of a state-issued identification card; and (ii) by giving permission to a City agency to do so on their behalf through electronic transmission of applicable information about the individual, including a signature, in the possession of such agency to the Board of Elections of the City of New York. The Taskforce shall consult with members of the public and good government groups as part of its study and evaluation of the feasibility of such a system. The first meeting of the Taskforce shall occur no later than sixty days after the effective date of this local law.

b. The Taskforce shall develop recommendations for implementing a system allowing eligible New York City residents to register to vote, and to update their voter registration information, through the means described in subdivision a of this section, if it makes a finding that such implementation is feasible with appropriate legislation and executive action. Such recommendations, if any, shall detail the legislative and executive actions necessary for such implementation.

c. The Taskforce shall report its findings and recommendations to the Mayor, Speaker of the Council, and Board of Elections of the City of New York no later than one year after the enactment of this local law, after which the taskforce shall be immediately dissolved.

§ 3. Agency Assistance and Cooperation with the Taskforce. Each agency required to participate in the agency-based voter registration law contained in section 1057-a of the New York city charter shall designate a liaison to work with the Taskforce, and shall provide the Taskforce with requested information and other assistance in the furtherance of the taskforce's goals pursuant to subdivisions a and b of this section in a timely manner.

§ 4. This local law shall take effect immediately; provided that this local law shall expire and be deemed repealed upon the Taskforce's reporting of its findings and recommendations to the Mayor, Speaker, and Board of Elections pursuant to subdivision c of section 2 of this local law.

Referred to the Committee on Governmental Operations.

Int. No. 550

By Council Members Williams and Richards (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction in the city and repealing section 28-1001.2 in relation thereto.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The New York State Energy Conservation Construction Code (the "New York State Energy Code") is promulgated by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New York State Energy Law. In accordance with Article 11, the New York City Energy Conservation Code must be at least as strict as the New York State Energy Code. The purpose of this local law is to conform the New York City Energy Conservation Code to recent changes in the New York State Energy Code with local law amendments unique to construction in the City.

§2. Section 28-1001.1 of the administrative code of the city of New York, as amended by local law number 1 for the year 2011, is amended to read as follows:

§28-1001.1 Adoption of the New York city energy conservation code. In accordance with section 11-109 of the New York state energy law, which permits any municipality to promulgate a local energy conservation construction code, the city of New York hereby adopts the [2010 energy conservation construction code of New York state] *New York state energy code* in effect and any amendments thereto that are more stringent than such code adopted by the city of New York as the minimum requirements for the design, construction and alteration of buildings for the effective use of energy in the city. Such adoption shall be subject to amendments pursuant to

local law and set forth in section 1001.2 of this chapter, which shall be known and cited as the “New York city amendments to the [2010 energy conservation construction code of New York state.] *New York state energy code.*” The *New York state energy code* with such New York city amendments shall together be known and cited as the “New York city energy conservation code (NYCECC).”

§3. The administrative code of the city of New York is amended by adding a new section 28-1001.1.1 to read as follows:

§28-1001.1.1 Definition. *As used in this chapter, the term “New York State Energy Code” means the New York State Energy Conservation Construction Code (the “New York State Energy Code”), constituting part 1240 of title 19 of the New York codes, rules and regulations (19 NYCRR Part 1240), and the publications incorporated by reference in such part, promulgated on November 18, 2014 by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New York State Energy Law.*

§4. Section 28-1001.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2011, is REPEALED and a new section 28-1001.2 is added to read as follows:

§28-1001.2 New York city amendments to the New York state energy code. *The following New York city amendments to the New York state energy code are hereby adopted as set forth in sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3.*

§28-1001.2.1 New York city amendments to 19 NYCRR Part 1240.

1240.5 Exceptions.

Delete Exception (b) in its entirety and replace with a new Exception (b) to read as follows:

(b) Certain alterations. *The following need not comply with the provisions of the New York State Energy Code, provided that the energy use of the building is not increased:*

1. Storm windows installed over existing fenestration.

2. Glass-only replacements in an existing sash and frame, provided that the U-factor and the solar heat gain coefficient (SHGC) shall be equal to or lower than before the glass replacement.

3. Alterations, renovations or repairs to roof/ceiling, wall or floor cavities, including spaces between furring strips, provided that such cavities are insulated to the full existing cavity depth with insulation having a minimum nominal value of R-3.0/inch (R-2.0/cm).

4. Alterations, renovations or repairs to walls and floors in cases where the existing structure is without framing cavities and no new framing cavities are created.

5. Reroofing where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.

6. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.

7. An alteration that replaces less than 50 percent of the luminaires in a space, provided that such alteration does not increase the installed interior lighting power.

8. An alteration that replaces only the bulb and ballast within the existing luminaires in a space, provided that such alteration does not increase the installed interior lighting power.

§28-1001.2.2 New York city amendments to residential and commercial chapters of the New York state energy code

CHAPTER 1

GENERAL REQUIREMENTS

Chapter 1 is deleted in its entirety and a new Chapter 1 is added to read as follows:

**CHAPTER 1
ADMINISTRATION**

Introductory Statement

The New York City Energy Conservation Code (“NYCECC”) is comprised of the New York State Energy Code (“NYSEC”) with amendments as enacted into law by the New York City Council.

Reflecting changes in the New York State Energy Code, the NYCECC is divided into provisions relevant to residential buildings and provisions relevant to commercial buildings as follows:

1. The provisions of the NYCECC for residential buildings are reflected in the state publications incorporated by reference in 19 NYCRR section 1240.3, as amended by sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3 of the administrative code of the city of New York. Such state publications include (i) Chapters 1, 2, 3, 4, and 6 of the 2010 ECCCNY, as amended by Chapter 1 of the publication entitled the 2014 Supplement to the New York State Energy Conservation Construction Code (the “2014 Supplement”); and (ii) the referenced standards incorporated by reference in 19 NYCRR section 1240.3(b).

2. The provisions of the NYCECC for commercial buildings are reflected in the state publications incorporated by reference in 19 NYCRR section 1240.4, as amended by sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3 of the administrative code of the city of New York. Such state publications include (i) Chapter 1 of the 2010 ECCCNY, as amended by Chapter 1 of the 2014 Supplement; (ii) Chapters C2, C3, and C4 in the “commercial provisions” of the 2012 edition of the International Energy Conservation Code (the “2012 IECC”), as amended by Chapter 2 of the 2014 Supplement; (iii) the 2010 edition of Energy Standard for Buildings Except Low-Rise Residential Buildings (“ASHRAE 90.1-2010”), as amended by Chapter 3 of the 2014 Supplement; and (iv) reference standards incorporated by reference in 19 NYCRR section 1240.4(c).

**SECTION ECC 101
SCOPE AND GENERAL REQUIREMENTS**

101.1 General. *These provisions shall be known and cited as the “New York City Energy Conservation Code,” “NYCECC” or “ECC,” and are referred to herein as “this code.” All section numbers in this code shall be deemed to be preceded by the designation “ECC.” Administration and enforcement of this code shall be in accordance with Title 28 of the Administrative Code.*

101.1.1 Titles.

The 2010 edition of the Energy Conservation Construction Code of New York State shall be known as the “2010 ECCCNY.”

The 2012 edition of the International Energy Code shall be known as the “2012 IECC.”

The 2010 edition of the Energy Standard for Buildings Except Low-Rise Residential Buildings shall be known as “ASHRAE 90.1-2010.” Where this code makes reference to ASHRAE 90.1-2010, such standard shall be as amended for New York City in accordance with Appendix A of this code.

The 2014 Supplement to the New York State Energy Conservation Construction Code shall be known as the “2014 Supplement.”

Chapters 1, 2, 3, 4 and 6 of the 2010 ECCCNY (as amended by Chapter 1 of the 2014 Supplement) and the referenced standards incorporated by reference in 19 NYCRR Section 1240.3(b) shall be known collectively as the “New York State Residential Energy Code.”

Chapter 1 of the 2010 ECCCNY (as amended by Chapter 1 of the 2014 Supplement), Chapters C2, C3, and C4 in the “commercial provisions” of the 2012 IECC (as amended by Chapter 2 of the 2014 Supplement), ASHRAE 90.1-2010 (as amended by Chapter 3 of the 2014 Supplement), and the referenced standards incorporated by reference in 19 NYCRR Section 1240.4(b), shall be known collectively as the “New York State Commercial Energy Code.”

The New York State Residential Energy Code and the New York State Commercial Energy Code shall be known collectively as the “New York State Energy Code.”

The New York State Energy Code along with the New York City amendments to the New York State Energy Code shall be known collectively as the “New York City Energy Conservation Code.”

101.2 Scope. *This code applies to residential buildings and commercial buildings as defined in Chapter 2 and Chapter C2 of this code.*

101.2.1 References. *Where reference is made within this code to the Building Code of New York State, Existing Building Code of New York State, Fire Code of New York State, Fuel Gas Code of New York State, Mechanical Code of New York State, Plumbing Code of New York State, Property Maintenance Code of New York State or Residential Code of New York State, the reference shall be deemed to be to the analogous provision(s) of Title 28 of the Administrative Code (the New York City Construction Codes), the 1968 Building Code, the New York City Fire Code or the New York City Electrical Code.*

101.2.2 Occupancy classifications. *For determination of occupancy classification and use within this code, a comparable occupancy classification shall be made to the New York City Building Code.*

101.2.3 Reconciliation with New York State Energy Code. Whenever any provision of the New York State Energy Code provides for a more stringent requirement than imposed by this code, the more stringent requirement shall govern.

101.2.4 Other laws. The provisions of this code shall not be deemed to nullify any federal, state or local law, rule or regulation relating to any matter as to which this code does not provide.

101.3 Intent. This code shall regulate the design and construction of buildings for the effective use of energy. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve the effective use of energy. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances. To the fullest extent feasible, use of modern technical methods, devices and improvements that tend to minimize consumption of energy and utilize to the greatest extent practical solar and other renewable energy sources without abridging reasonable requirements for the safety, health and security of the occupants or users of buildings shall be permitted. As far as may be practicable, the improvement of energy conservation construction practices, methods, equipment, materials and techniques shall be encouraged.

101.4 Applicability. The provisions of this code shall apply to the construction of buildings. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

101.4.1 Existing buildings. Except as specified in this chapter, this code shall not be used to require the removal, alteration or abandonment of, nor prevent the continued use and maintenance of, an existing building or building system lawfully in existence at the time of adoption of this code.

101.4.2 Historic buildings. An alteration or renovation to an existing building or structure that (1) is listed in the New York State Register of Historic Places, either individually or as a contributing building to a historic district, (2) is listed in the National Register of Historic Places, either individually or as a contributing building to a historic district, (3) has been determined to be eligible for listing in either the New York State or National Register of Historic Places, either individually or as a contributing building to a historic district, by the New York State Commissioner of Parks, Recreation and Historic Preservation, or (4) has been determined to be eligible for listing in the National Register of Historic Places, either individually or as a contributing building to a historic district, by the United States Secretary of the Interior, need not comply with this code.

101.4.3 Additions, alterations, renovations or repairs. It is intended that the residential provisions of the New York City Energy Conservation Code shall apply to additions, alterations, and renovations of existing residential buildings in all cases where the New York State Residential Energy Code would apply, and that the commercial provisions of the New York City Energy Conservation Code shall apply to additions, alterations, and renovations of existing commercial buildings in all cases where ASHRAE 90.1-2010 would apply. Additions, alterations, renovations or repairs to an existing building, building system, equipment or portion thereof, other than repairs of equipment, shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portion of the existing building, building system or equipment to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

Exception: The following need not comply with the provisions of this code provided that the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Glass-only replacements in an existing sash and frame, provided that the U-factor and the solar heat gain coefficient (SHGC) shall be equal to or lower than before the glass replacement.
3. Alterations, renovations or repairs to roof/ceiling, wall or floor cavities, including spaces between furring strips, provided that such cavities are insulated to the full existing cavity depth with insulation having a minimum nominal value of R-3.0/inch (R-2.0/cm).
4. Alterations, renovations or repairs to walls and floors in cases where the existing structure is without framing cavities and no new framing cavities are created.
5. Reroofing where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.

6. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.

7. An alteration that replaces less than 50 percent of the luminaires in a space, provided that such alteration does not increase the installed interior lighting power.

8. An alteration that replaces only the bulb and ballast within the existing luminaires in a space, provided that such alteration does not increase the installed interior lighting power.

101.4.3.1 Prescriptive envelope compliance for additions. Additions shall comply with Sections 101.4.3.1.1 and 101.4.3.1.2 or alternatively with ASHRAE 90.1-2010 as amended by Appendix A of this code.

101.4.3.1.1 Vertical fenestration. New vertical fenestration area that results in a total building fenestration area less than or equal to that specified in Section C402.3.1 shall comply with Section C402.3. Additions with vertical fenestration that result in a total building fenestration area greater than Section C402.3.1 or additions that exceed the fenestration area greater than Section C402.3.1 shall comply with Section C402.3.1.1 for the addition only. Additions that result in a total building vertical glass area exceeding that specified in Section C402.3.1.1 shall comply with Section C407.

101.4.3.1.2 Skylight area. New skylight area that results in a total building fenestration area less than or equal to that specified in Section C402.3.1 shall comply with Section C402.3. Additions with skylight area that result in a total building skylight area greater than Section C402.3.1 or additions that exceed the skylight area greater than Section C402.3.1 shall comply with Section C402.3.1.2 for the addition only. Additions that result in a total building skylight area exceeding that specified in Section C402.3.1.2 shall comply with Section C407.

101.4.3.2 Alterations to building envelope. New building envelope assemblies that are part of the alteration shall comply with Sections 101.4.3.2.1 and 101.4.3.2.2 or alternatively with ASHRAE 90.1-2010 as amended by Appendix A of this code.

101.4.3.2.1 Vertical fenestration. The addition of vertical fenestration that results in a total building fenestration area less than or equal to that specified in Section C402.3.1 shall comply with Section C402.3. The addition of vertical fenestration that results in a total building fenestration area greater than Section C402.3.1 shall comply with Section C402.3.1.1 for the space adjacent to the new fenestration only. Alterations that result in a total building vertical glass area exceeding that specified in Section C402.3.1.1 shall comply with Section C407.

101.4.3.2.2 Skylight Area. The addition of skylight area that results in a total building skylight area less than or equal to that specified in Section C402.3.1 shall comply with Section C402.3. The addition of skylight area that results in a total building skylight area greater than Section C402.3.1 shall comply with Section C402.3.1.2 for the space adjacent to the new skylights. Alterations that result in a total building skylight area exceeding that specified in Section C402.3.1.2 shall comply with Section C407.

101.4.4 Change in occupancy or use. Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with this code. Where the use of a space changes from one use in Table C405.5.2(1) or (2) to another use in Table C405.5.2(1) or C405.5.2(2), the installed lighting wattage shall comply with Section C405.5.

101.4.5 Change in space conditioning. Any non-conditioned space that is altered to become conditioned space shall comply with this code.

101.4.6 Mixed occupancy. Where a building includes both residential and commercial occupancies, each occupancy shall be separately considered and shall meet the applicable provisions of Chapter 4 for residential and Chapter C4 for commercial.

101.5 Compliance. Residential buildings shall comply with the provisions of the New York City Energy Conservation Code applicable to residential buildings. Commercial buildings shall comply with the provisions of the New York City Energy Conservation Code applicable to commercial buildings.

101.5.1 Compliance software The use of computer software to demonstrate compliance with this code shall be in accordance with the requirements of Sections 101.5.1.1 or 101.5.1.2.

101.5.1.1 Residential buildings. Compliance with the residential provisions of the New York City Energy Conservation Code can be demonstrated through the use of (i) computer software that is developed by the United States Department of Energy (such as REScheck, REM/Rate home energy rating or REM/Design Home energy analysis software) specifically for the New York State Residential Energy

Code, or (ii) any other building energy modeling or home energy rating (HERS) software that shall have been expressly approved in writing by the New York Secretary of State as acceptable for demonstrating compliance with the New York State Residential Energy Code. Software programs used to show compliance with the residential provisions of the New York City Energy Conservation Code must indicate compliance with the New York State Residential Energy Code, and must reflect the actual requirements of the residential provisions of the New York City Energy Conservation Code. When using the software approach to show compliance, the mandatory code provisions of the residential provisions of the New York City Energy Conservation Code must be followed.

101.5.1.2 Commercial buildings. Compliance with the commercial provisions of the New York City Energy Conservation Code can be demonstrated through the use of (i) computer software that is developed by the United States Department of Energy (such as COMCheck) specifically for the New York State Commercial Energy Code (or specifically for ASHRAE 90.1-2010, as amended by Chapter 3 of the 2014 Supplement), or (ii) other software that shall have been expressly approved in writing by the New York Secretary of State as acceptable for demonstrating compliance with the New York State Commercial Energy Code (or for demonstrating compliance with ASHRAE 90.1-2010, as amended by Chapter 3 of the 2014 Supplement). Software programs used to show compliance with the commercial provisions of the New York City Energy Conservation Code must indicate compliance with the New York State Commercial Energy Code (or compliance with ASHRAE 90.1-2010, as amended by Chapter 3 of the 2014 Supplement), and must reflect the actual requirements of the New York State Commercial Energy Code (or the actual requirements of ASHRAE 90.1-2010, as amended by Chapter 3 of the 2014 Supplement). When using the software approach to show compliance with the commercial provisions of the New York City Energy Conservation Code, the mandatory code provisions in Chapters C2 through C5 (or, if applicable, the mandatory provisions of ASHRAE 90.1-2010, as amended by Appendix A of the New York City Energy Conservation Code) must be followed.

101.5.2 Low-energy buildings. The following buildings, or portions thereof separated from the remainder of the building by building thermal envelope assemblies complying with this code, shall be exempt from the building thermal envelope provisions of this code:

1. Those with a peak design rate of energy use less than 3.4 Btu/h per square foot (10.7 W/m²) or 1.0 watt per square foot (10.7 W/m²) of floor area for space conditioning purposes.

2. Those that do not contain conditioned space.

101.5.3 Demonstration of compliance. For a building project application or applications required to be submitted to the department, the following documentation, as further described in the rules of the department, shall be required in order to demonstrate compliance with this code:

101.5.3.1 Professional statement. Any registered design professional or lead energy professional filing an application or applications for a new building or alteration project shall provide on a signed and sealed drawing a statement of compliance or exemption in accordance with the rules of the department.

101.5.3.2 Energy analysis. For any application that is not exempt from this code and for which a work permit is required in accordance with Section 28-105 of the Administrative Code, an energy analysis shall be provided on a sheet or sheets within the construction drawing set. The energy analysis shall identify the compliance path followed, demonstrate how the design complies with this code and be in a format as prescribed in the rules of the department. The energy analysis shall meet the requirements of this code for the entire project. Projects that utilize trade-offs among disciplines shall use DOE2-based energy modeling programs or other energy-modeling programs as prescribed in the rules of the department and shall be signed and sealed by a lead energy professional.

101.5.3.3 Supporting documentation. For any application that is not exempt from this code and for which a work permit is required in accordance with Section 28-105 of the Administrative Code, supporting documentation shall be required in the approved construction drawings. See Section 103 for further requirements.

101.6 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION ECC 102

ALTERNATE MATERIALS, METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS

102.1 General. This code is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such material, method of construction, design or insulating system has been approved by the commissioner as (1) meeting the intent of this code, (2) achieving energy savings that are equivalent to or greater than would be

achieved using prescribed materials, methods of construction, designs or insulating systems, and (3) meeting the requirements of Article 113 of Chapter 1 of Title 28 of the Administrative Code and the remaining New York City Construction Codes.

102.1.1 Above-code programs. The commissioner shall be permitted to find that a national, state or local energy efficiency program exceeds the energy efficiency required by this code. Buildings approved in writing by such an energy efficiency program shall be considered in compliance with this code. Notwithstanding approval by such an energy efficiency program, the requirements identified as "mandatory" in Chapters 4 and C4 of this code shall still apply.

SECTION ECC 103 CONSTRUCTION DOCUMENTS

103.1 General. Construction documents shall be prepared in accordance with the provisions of Chapter 1 of Title 28 of the Administrative Code, the New York City Construction Codes, including this code, and the rules of the department.

103.2 Supporting documentation on construction documents. Supporting documentation shall include those construction documents that demonstrate compliance with this code.

103.2.1 Intent. Supporting documentation shall accomplish the following:

1. Demonstrate conformance of approved drawings to the energy analysis for every element and value of the energy analysis;

2. Demonstrate conformance of approved drawings to other mandatory requirements of this code, including, but not limited to, sealing against air leakage from the building envelope and from ductwork as applicable, insulation of ducts and piping as applicable, mechanical and lighting controls with devices shown and operational narratives for each, and additional requirements as set forth in this section;

3. Identify required progress inspections in accordance with the scope of work, this code, the Administrative Code, the New York City Building Code and the rules of the department; and

4. Comply with other requirements as may be set forth in the rules of the department.

103.2.2 Detailed requirements. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted in accordance with department procedures. Construction documents for a project shall be fully coordinated and of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, building systems and equipment as herein governed. Details shall include, but are not limited to, as applicable, insulation materials and their R-values; fenestration U-factors and SHGCs; area-weighted U-factor and SHGC calculations; mechanical system design criteria; mechanical and service water heating system and equipment, types, sizes and efficiencies; economizer description; equipment and systems controls; fan motor horsepower and controls; duct sealing, duct and pipe insulation and location; lighting fixture schedule with wattages and control narrative; and air sealing details.

103.3 Examination of documents. In accordance with Article 104 of Chapter 1 of Title 28 of the Administrative Code, the department shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws, rules and regulations.

103.4 Changes during construction. Changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

SECTION ECC 104 INSPECTIONS

104.1 General. Except as otherwise specifically provided, inspections required by this code or by the department during the progress of work may be performed on behalf of the owner by an approved agency. All inspections shall be performed at the sole cost and expense of the owner. Refer to Article 116 of Chapter 1 of Title 28 of the Administrative Code for additional provisions relating to inspections. In addition to any inspections otherwise required by this code or the rules of the department, the following inspections shall be required:

1. Progress inspections. Progress inspections shall be performed in accordance with the rules of the department.

2. Final inspection. Refer to Article 116 of Chapter 1 of Title 28 of the

Administrative Code and the rules of the department.

3. Issuance of Certificate of Compliance. Refer to Section 28-116.4.1 of the Administrative Code.

The requirements of Section 104.1 shall not be read to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

104.1.1 Approved agencies. Refer to Article 114 of Chapter 1 of Title 28 of the Administrative Code and the rules of the department.

104.1.2 Inspection of prefabricated construction assemblies. Prior to the issuance of a work permit for a prefabricated construction assembly having concealed mechanical work, the department shall require the submittal of an evaluation report by the manufacturer or approved agency on each prefabricated construction assembly, indicating the complete details of the mechanical system, including a description of the system and its components, the basis upon which the system is being evaluated for energy use, test results and similar information, and other data as necessary for the commissioner to determine conformance to this code.

104.1.2.1 Test and inspection records. Required test and inspection records shall be made available to the commissioner at all times during the fabrication of the mechanical system and the erection of the building; or such records as the commissioner designates shall be filed.

104.2 Testing. Envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical systems shall be tested as required in this code and in accordance with Sections 104.2.1 through 104.2.3. Except as otherwise required in this code or in the rules of the department, tests shall be made by the permit holder and witnessed by an approved agency.

104.2.1 New, altered, extended, renovated or repaired systems. New envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical installations or systems, and parts of existing systems that have been altered, extended, renovated or repaired, shall be tested as prescribed herein or in the rules of the department to disclose leaks and defects.

104.2.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an envelope, heating, ventilating, air conditioning, service water heating, lighting and/or electrical installation or system or part thereof shall be furnished by the permit holder.

104.2.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with the New York City Construction Codes, including this code. The work or installation shall then be reinspected or retested by the approved agency.

104.3 Sign-off of completed work. In addition to the requirements of Article 116 of Chapter 1 of Title 28 of the Administrative Code, Section 103.4 of this code and other requirements for sign-off, the project team shall either certify that construction does not differ from the last approved energy analysis or provide a whole-project as-built energy analysis and supporting documents, signed and sealed, for approval prior to sign-off. The as-built energy analysis and supporting documents shall reflect the materials, equipment and values actually used in the construction of the project, and shall demonstrate compliance of the constructed project with this code. Such signed and sealed documents may be accepted with less than full examination by the department based on the professional certification of the registered design professional.

104.4 Temporary connection. The commissioner shall have the authority to allow the temporary connection of an installation to the sources of energy for the purpose of testing the installation or for use under a temporary certificate of occupancy.

SECTION ECC 105 REFERENCED STANDARDS

105.1 Referenced standards. The standards referenced in Chapters 2, 3, and 4 of the New York City Energy Conservation Code shall be those that are listed in Chapter 6 of the New York City Energy Conservation Code, and in the rules of the department and such standards shall be considered part of the requirements of the residential provisions of the New York City Energy Conservation Code to the prescribed extent of each such reference. The standards referenced in Chapters C2, C3, and C4 of the New York City Energy Conservation Code shall be those that are listed in Chapter C5 of the New York City Energy Conservation Code, and in the rules of the department and such standards shall be considered part of the

requirements of the commercial provisions of the New York City Energy Conservation Code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Refer to Article 103 of Chapter 1 of Title 28 of the Administrative Code for additional provisions relating to referenced standards.

CHAPTER 2 DEFINITIONS

SECTION 202 GENERAL DEFINITIONS

Revise the definition of "Addition" after the definition of "Accessible," to read as follows:

ADDITION. An extension or increase in the conditioned space floor area or height of a building or structure.

Revise the definition of "Approved" after the definition of "Alteration," to read as follows:

APPROVED. See Section 28-101.5 of the Administrative Code.

Add a new definition of "Approved agency" after the definition of "Approved," to read as follows:

APPROVED AGENCY. See Section 28-101.5 of the Administrative Code.

Add a new definition of "Authority having jurisdiction" after the definition of "Area weighted average," to read as follows:

AUTHORITY HAVING JURISDICTION. The commissioner or the commissioner's designee.

Delete the definition "Basement Wall" after the definition of "Automatic."

Revise the term "Code enforcement official" and add the term "Code official" after the definition of "C-factor (thermal conductance)," to read as follows:

CODE ENFORCEMENT OFFICIAL. The commissioner or the commissioner's designee.

CODE OFFICIAL. The commissioner or the commissioner's designee.

Add a new definition of "Grade plane" after the definition of "F-factor," to read as follows:

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

Add a new definition of "Lead energy professional" after the definition of "Labeled," to read as follows:

LEAD ENERGY PROFESSIONAL. The registered design professional who signs and seals the energy analysis for an entire project. Such individual may be the same registered design professional who signs and seals the design drawings for the same project.

Add new definitions of "Professional certification" and "Project" after the definition of "Nameplate Horsepower," to read as follows:

PROFESSIONAL CERTIFICATION. See Section 28-101.5 of the Administrative Code.

PROJECT. A design and construction undertaking comprised of work related to one or more buildings and the site improvements. A project is represented by one or more plan/work applications, including construction documents compiled in accordance with Section 107 of the New York City Building Code, that relate either to the construction of a new building or buildings or to the demolition or alteration of an existing building or buildings. Applications for a project may have different registered design professionals and different job numbers, and may result in the issuance of one or more permits.

**CHAPTER 6
REFERENCED STANDARDS**

At the end of the first paragraph, add the following sentence:

Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to the referenced standards set forth herein in accordance with Section 28-103.19 of the Administrative Code.

Delete the referenced standard titled "AAMA" in its entirety and replace with a new referenced standard titled "AAMA," to read as follows:

Standard reference number	Title	Referenced in code section number
AAMA	American Architectural Manufacturers Association 1827 Walden Office Square, Suite 550 Schaumburg, IL 60173-4268	
AAMA/WDMA/CSA 101/1.S.2/A440—08	Specifications for Windows, Doors and Unit Skylights	402.4.4

Delete the referenced standard titled "ACCA" in its entirety and replace with a new referenced standard titled "ACCA," to read as follows:

Standard reference number	Title	Referenced in code section number
ACCA	Air Conditioning Contractors of America 2800 Shirlington Road, Suite 300 Arlington, VA 22206	
Manual J—87	Residential Load Calculation Seventh Edition	403.6, 405.6.1

Delete the referenced standard titled "AFPA" in its entirety and replace with a new referenced standard titled "AFPA," to read as follows:

Standard reference number	Title	Referenced in code section number
AFPA	American Forest & Paper Association 1111 19th St, NW, Suite 800 Washington, DC 20036	
*NDS—05	National Design Specification (NDS) for Wood Construction with 2005 Supplement	Table 402.1.5.1, Table 402.1.5.2

Delete the referenced standard titled "AHRI" in its entirety.

Delete the referenced standard titled "AISI" in its entirety and replace with a new referenced standard titled "AISI," to read as follows:

Standard reference number	Title	Referenced in code section number
AISI	American Iron and Steel Institute 1140 Connecticut Avenue, Suite 705 Washington, DC 20036	
S230—07	Standard for Cold-Formed Steel Framing-Prescriptive Method for One- and Two-Family Dwellings	Table 402.1.5.1, Table 402.1.5.2

Delete the referenced standard titled "AMCA" in its entirety.

Delete the referenced standard titled "ANSI" in its entirety and replace with a new referenced standard titled "ANSI," to read as follows:

Standard reference number	Title	Referenced in code section number
ANSI	American National Standards Institute 25 West 43rd Street, Fourth Floor New York, NY 10036	
Z21.50—07	Vented Gas Fireplace (CSA ANSI Z21.50/CSA 2.22)	303.1.5
Z21.60—03	Decorative Gas Burning Appliances for Installation in Solid-Fuel Burning Fireplaces with addenda Z21.60a—2003 (CSA ANSI Z21.50/CSA 2.26)	303.1.5

Z21.50/CSA 2.22—07	Vented Gas Fireplaces (ANSI Z21.50/CSA 2.22)	303.1.5
Z21.60/CSA 2.26—03	Decorative Gas Burning Appliances for Installation in Solid Fuel Burning Fireplaces with Addendum Z21.60a—2003 (ANSI Z21.60/CSA 2.26)	303.1.5
*Z65—96	Method for Measuring Floor Area in Office Buildings	402.4.2.1, 403.2.2

Delete the referenced standard titled "ASHRAE" in its entirety and replace with a new referenced standard titled "ASHRAE," to read as follows:

Standard reference number	Title	Referenced in code section number
ASHRAE	American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. 1791 Tullie Circle, NE Atlanta, GA 30329-2305	
*119—88 (RA 2004)	Air Leakage Performance for Detached Single-family Residential Buildings	Table 405.5.2(1)
*ASHRAE/ANSI-152—04 ^a	Method of Test for Determining the Design and Seasonal Efficiencies of Residential Thermal Distribution Systems	403.2.2
*ASHRAE—05	ASHRAE Handbook of Fundamentals—2005	402.1.4, Table 405.5.2(1)

Delete the referenced standard titled "ASME" in its entirety.

Delete the referenced standard titled "ASTM" in its entirety and replace with a new referenced standard titled "ASTM," to read as follows:

Standard reference number	Title	Referenced in code section number
ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2859	
E 84—04	Standard Test Method for Surface Burning Characteristics of Building Materials	402.4.1(12)(c)
E 283—04	Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors Under Specified Pressure Differences Across the Specimen	202, 402.4.3
*E 779—99	Standard Test Method for Determining Air Leakage Rate by Fan Pressurization	402.4.2.1
*E 1554—03	Standard Test Methods for Determining Air Leakage of Air Distribution Systems by Fan Pressurization	403.2.2
E 2178—03	Standard Test Method for Air Permeance of Building Materials	202
F1667—03	Standard Specification for Driven Fasteners: Nails, Spikes, and Staples	Table 402.1.5.1, Table 402.1.5.2

Delete the referenced standard titled "CSA" in its entirety and replace with a new referenced standard titled "CSA," to read as follows:

Standard reference number	Title	Referenced in code section number
CSA	Canadian Standards Association 5060 Spectrum Way Mississauga, Ontario, Canada L4W 5N6	
AAMA/WDMA/CSA 101/1.S.2/A440—08	Specifications for Windows, Doors and Unit Skylights	402.4.4

Delete the referenced standard titled "DOE" in its entirety and replace with a new referenced standard titled "DOE," to read as follows:

Standard reference number	Title	Referenced in code section number
DOE	U.S. Department of Energy c/o Superintendent of Printing U.S. Government Printing Office Washington, DC 20402-9325	

(Current State Energy Price and Expenditure
Edition) Report 405.3

Delete the referenced standard titled "ICC" in its entirety and replace with a new referenced standard titled "ICC," to read as follows:

ICC International Code Council, Inc.
500 New Jersey Avenue, NW 6th Floor
Washington, D.C. 20001

Standard Reference Number	Title	Referenced in code section number
BCNYS-10	Building Code of New York State	101.2.1, 201.3, 303.1.5, 303.2, T402.1.1,
EBNYS-10	Existing Building Code of New York State	101.2.1
ECCCNYS-10	Energy Conservation Construction Code of New York State	101.2.3, 101.5.1
FCNYS-10	Fire Code of New York State	101.2.1, 201.3
FGNYS-10	Fuel Gas Code of New York State	101.2.1, 201.3
MCNYS-10	Mechanical Code of New York State	101.2.1, 201.3
NYCECC-10	New York City Energy Conservation Code	101.1, 101.5.3.2, 101.5.3.3, 104.3
PCNYS-10	Plumbing Code of New York State	101.2.1, 201.3
PMNYS-10	Property Maintenance Code of New York State	101.2.1
RCNYS-10	Residential Code of New York State	101.2.1, 201.3, 202, 303.1.5, T402.1.1, 402.1.5.1, 402.1.5.2, 402.2.1.1, 402.4.1(12), 403.2.2, T405.5.2(1)
NYCAC-14	New York City Administrative Code	101.1, 101.2.1, 101.5.3.2, 101.5.3.3, 102.1, 103.1, 103.2.1, 103.3, 104.1, 104.1.1, 104.3, 105.1
NYCBC-14	New York City Building Code	101.2.1, 101.2.2, 102.1, 103.1, 103.2.1, 201.3, 303.1.5, 303.2
NYCEC-11	New York City Electrical Code	101.2.1, 201.3
NYCFC-14	New York City Fire Code	101.2.1, 201.3
NYCFG-14	New York City Fuel Gas Code	102.1, 201.3
NYCMC-14	New York City Mechanical Code	102.1, 201.3, 403.2.2
NYCPC-14	New York City Plumbing Code	102.1, 201.3

Delete the referenced standard titled "IESNA" in its entirety.

Delete the referenced standard titled "NFRC" in its entirety and replace with a new referenced standard titled "NFRC," to read as follows:

NFRC National Fenestration Rating Council, Inc.
8484 Georgia Avenue, Suite 320
Silver Spring, MD 20910

Standard reference number	Title	Referenced in code section number
100—01	Procedure for Determining Fenestration Product U-Factors—Second Edition	303.1.3
200—01	Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence—Second Edition	303.1.3
400—01	Procedure for Determining Fenestration Product Air Leakage—Second Edition	402.4.4

Add a new referenced standard titled "NYC" after "NFRC," to read as follows:

NYC New York City Department of Buildings
280 Broadway
New York, NY 10007

Standard Reference Number	Title	Referenced in code section number
NYCBC-68	1968 Building Code of the City of New York	101.2.1

Delete the referenced standard titled "SMACNA" in its entirety.

Delete the referenced standard titled "UL" in its entirety.

Delete the referenced standard titled "WDMA" in its entirety and replace with a new referenced standard titled "WDMA," to read as follows:

WDMA Window and Door Manufacturers Association
1400 East Touhy Avenue, Suite 470
Des Plaines, IL 60018

Standard reference number	Title	Referenced in code section number
AAMA/WDMA/CSA 101/I.S.2/A440—08	Specifications for Windows, Doors and Unit Skylights	402.4.4

**CHAPTER C2
DEFINITIONS**

**SECTION C202
GENERAL DEFINITIONS**

Revise the definition of "Approved" after the definition of "Alteration," to read as follows:

APPROVED. See Section 28-101.5 of the Administrative Code.

Add a new definition of "Approved agency" after the definition of "Approved," to read as follows:

APPROVED AGENCY. See Section 28-101.5 of the Administrative Code.

Add a new definition of "Authority having jurisdiction" after the definition of "ASHRAE 90.1-2010," to read as follows:

AUTHORITY HAVING JURISDICTION. The commissioner or the commissioner's designee.

Add the term "Code enforcement official" and revise the term "Code official" after the definition of "C-factor (thermal conductance)," to read as follows:

CODE ENFORCEMENT OFFICIAL. The commissioner or the commissioner's designee.

CODE OFFICIAL. The commissioner or the commissioner's designee.

Add a new definition of "Electrical design load" after the definition of "Economizer, water," to read as follows:

ELECTRICAL DESIGN LOAD. The electrical load that feeders and branch circuits are required to support pursuant to the relevant provisions of the New York City Electrical Code for the category of equipment loads being supported.

Add a new definition of "Grade plane" after the definition of "General lighting," to read as follows:

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

Add a new definition of "Lead energy professional" after the definition of "Labeled," to read as follows:

LEAD ENERGY PROFESSIONAL. The registered design professional who

signs and seals the energy analysis for an entire project. Such individual may be the same registered design professional who signs and seals the design drawings for the same project.

Add a new definition of "Occupant sensor" after the definition of "Nonstandard part load value (NPLV)," to read as follows:

OCCUPANCY SENSOR. A device that detects the presence or absence of people within an area and causes lighting, equipment, or appliances to be regulated accordingly.

Add new definitions of "Photosensor" and "Professional certification" and "Project" after the definition of "On-Site renewable energy," to read as follows:

PHOTOSENSOR. A device that detects the presence of visible light.

PROFESSIONAL CERTIFICATION. See Section 28-101.5 of the Administrative Code.

PROJECT. A design and construction undertaking comprised of work related to one or more buildings and the site improvements. A project is represented by one or more plan/work applications, including construction documents compiled in accordance with Section 107 of the New York City Building Code, that relate either to the construction of a new building or buildings or to the demolition or alteration of an existing building or buildings. Applications for a project may have different registered design professionals and different job numbers, and may result in the issuance of one or more permits.

**CHAPTER C4
COMMERCIAL ENERGY EFFICIENCY**

**SECTION C401
GENERAL**

C401.2 Application.

Delete Item 1 and replace with a new Item 1 to read as follows:

1. The requirements of ASHRAE 90.1-2010, as amended by Appendix A of the New York City Energy Conservation Code; or

Delete Item 3 and replace with a new Item 3 to read as follows:

3. Performance. The requirements of Section C407.

C401.2.1 Application to existing buildings.

Delete Item 3 and replace with a new Item 3 to read as follows:

3. The requirements of ASHRAE 90.1-2010, as amended by Appendix A of the New York City Energy Conservation Code.

**SECTION C402
BUILDING ENVELOPE REQUIREMENTS**

C402.1.1 Insulation and fenestration criteria.

The reference to "ASHRAE 90.1-2010, as amended by Chapter 3 of the 2014 Supplement" shall be deemed to be a reference to "ASHRAE 90.1-2010, as amended by Appendix A of the New York City Energy Conservation Code."

**SECTION C403
BUILDING MECHANICAL SYSTEMS**

TABLE C403.2.3(1)

Delete Table C403.2.3(1) in its entirety and replace with a new Table C403.2.3(1) to read as follows:

**TABLE C403.2.3(1)
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED UNITARY AIR CONDITIONERS AND
CONDENSING UNITS**

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a
				Before 6/1/2011	As of 6/1/2011	
Air conditioners, air cooled	< 65,000 ^b Btu/h	All	Split System	13.0 SEER	13.0 SEER	AHRI 210/240
			Single Package	13.0 SEER	14.0 SEER	
Through-the-wall	□ 30,000	All	Split system	12.0 SEER	13.0 SEER	

(air cooled)	^b Btu/h		Single Package	12.0 SEER	14.0 SEER	
Small-duct high-velocity (air cooled)	< 65,000 ^b Btu/h	All	Split System	10.0 SEER	11.0 SEER	
Air conditioners, air cooled	□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.2 EER 11.4 IEER	11.2 EER 11.4 IEER	AHRI 340/360
		All other	Split System and Single Package	11.0 EER 11.2 IEER	11.0 EER 11.2 IEER	
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.2 IEER	11.0 EER 11.2 IEER	
		All other	Split System and Single Package	10.8 EER 11.0 IEER	10.8 EER 11.0 IEER	
	□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.0 EER 10.1 IEER	10.0 EER 10.1 IEER	
		All other	Split System and Single Package	9.8 EER 9.9 IEER	9.8 EER 9.9 IEER	
	□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	9.7 EER 9.8 IEER	9.7 EER 9.8 IEER	
		All other	Split System and Single Package	9.5 EER 9.6 IEER	9.5 EER 9.6 IEER	
Air conditioners, water cooled	< 65,000 ^b Btu/h	All	Split System and Single Package	12.1 EER 12.3 IEER	12.1 EER 12.3 IEER	AHRI 210/240
		□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.5 EER 11.7 IEER	12.1 EER 12.3 IEER
	All other		Split System and Single Package	11.3 EER 11.5 IEER	11.9 EER 12.1 IEER	
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.2 IEER	12.5 EER 12.7 IEER	
		All other	Split System and Single Package	10.8 EER 11.0 IEER	12.3 EER 12.5 IEER	
	□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.1 IEER	12.4 EER 12.6 IEER	
		All other	Split System and Single Package	10.8 EER 10.9 IEER	12.2 EER 12.4 IEER	
	□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.1 IEER	12.0 EER 12.4 IEER	
All other		Split System and Single Package	10.8 EER 10.9 IEER	12.0 EER 12.2 IEER		

(continued)

**TABLE C403.2.3(1)—continued
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED UNITARY AIR CONDITIONERS AND
CONDENSING UNITS**

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUB-CATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a
				Before 6/1/2011	As of 6/1/2011	
Air conditioners, evaporatively cooled	< 65,000 ^b Btu/h	All	Split System and Single Package	12.1 EER 12.3 IEER	12.1 EER 12.3 IEER	AHRI 210/240
		□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.5 EER 11.7 IEER	12.1 EER 12.3 IEER
	All other		Split System and Single Package	11.3 EER 11.5 IEER	11.9 EER 12.1 IEER	
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.2 IEER	12.0 EER 12.2 IEER	
		All other	Split System and Single Package	10.8 EER 11.0 IEER	11.8 EER 12.0 IEER	
	□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.1 IEER	11.9 EER 12.1 EER	
		All other	Split System and Single Package	10.8 EER 10.9 IEER	11.5 EER 11.7 IEER	
	□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.1 IEER	11.7 EER 11.9 IEER	
All other		Split System and Single Package	10.8 EER 10.9 IEER	11.5 EER 11.7 IEER		
Condensing units, air cooled	□ 135,000 Btu/h			10.1 EER 11.4 IEER	10.5 EER 14.0 IEER	AHRI 365
Condensing units, water cooled	□ 135,000 Btu/h			13.1 EER 13.6 IEER	13.5 EER 14.0 IEER	
Condensing units, evaporatively cooled	□ 135,000 Btu/h			13.1 EER 13.6 IEER	13.5 EER 14.0 IEER	

For SI: 1 British thermal unit per hour = 0.2931 W.
a. Chapter 6 of the referenced standard contains a complete specification of the referenced test procedure, including the reference year version of the test procedure.

b. Single-phase, air-cooled air conditioners less than 65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

TABLE C403.2.3(2)

Delete Table C403.2.3(2) in its entirety and replace with a new Table C403.2.3(2) to read as follows:

TABLE C403.2.3(2)
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED UNITARY AND APPLIED HEAT PUMPS

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY	TEST PROCEDURE ^a		
Air cooled (cooling mode)	< 65,000 ^b Btu/h	All	Split System	14.0 SEER	AHRI 210/240		
			Single Packaged	14.0 SEER			
Through-the-wall, air cooled	□ 30,000 ^b Btu/h	All	Split System	14.0 SEER	AHRI 210/240		
			Single Packaged	14.0 SEER			
Single-duct high-velocity air cooled	< 65,000 ^b Btu/h	All	Split System	13.0 SEER			
Air cooled (cooling mode)	□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.2 IEER	AHRI 340/360		
		All other	Split System and Single Package	10.8 EER 11.0 IEER			
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.6 EER 10.7 IEER			
		All other	Split System and Single Package	10.4 EER 10.5 IEER			
	□ 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	9.5 EER 9.6 IEER			
		All other	Split System and Single Package	9.3 EER 9.4 IEER			
	Water source (cooling mode)	< 17,000 Btu/h	All	86°F entering water		11.2 EER	ISO 13256-1
		□ 17,000 Btu/h and < 65,000 Btu/h	All	86°F entering water		12.0 EER	
□ 65,000 Btu/h and < 135,000 Btu/h		All	86°F entering water	12.0 EER			
Ground water source (cooling mode)	< 135,000 Btu/h	All	59°F entering water	16.2 EER	ISO 13256-2		
		All	77°F entering water	13.4 EER			
Water-source water to water (cooling mode)	< 135,000 Btu/h	All	86°F entering water	10.6 EER	ISO 13256-2		
			59°F entering water	16.3 EER			
Ground water source Brine to water (cooling mode)	< 135,000 Btu/h	All	77°F entering fluid	12.1 EER			
Air cooled (heating mode)	< 65,000 ^b Btu/h	—	Split System	8.2 HSPF	AHRI 210/240		
		—	Single Package	8.0 HSPF			
Through-the-wall, (air cooled, heating mode)	□ 30,000 ^b Btu/h (cooling capacity)	—	Split System	8.2 HSPF	AHRI 210/240		
		—	Single Package	8.0 HSPF			
Small-duct high velocity (air cooled, heating mode)	< 65,000 ^b Btu/h	—	Split System	7.7 HSPF			

(continued)

TABLE C403.2.3(2)—continued
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED UNITARY AND APPLIED HEAT PUMPS

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUB-CATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY	TEST PROCEDURE ^a
Air cooled (heating mode)	□ 65,000 Btu/h and < 135,000 Btu/h (cooling capacity)	—	47°F db/43°F wb Outdoor Air	3.3 COP	AHRI 340/360
			17°F db/15°F wb Outdoor Air	2.25 COP	
	□ 135,000 Btu/h (cooling capacity)	—	47°F db/43°F wb Outdoor Air	3.2 COP	
			17°F db/15°F wb Outdoor Air	2.05 COP	
Water source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	68°F entering water	4.2 COP	ISO 13256-1
Ground water source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	50°F entering water	3.6 COP	
Ground source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	32°F entering fluid	3.1 COP	
Water-source water to water (heating mode)	< 135,000 Btu/h (cooling capacity)	—	68°F entering water	3.7 COP	ISO 13256-2
			50°F entering water	3.1 COP	
Ground source brine to water (heating mode)	< 135,000 Btu/h (cooling capacity)	—	32°F entering fluid	2.5 COP	

For SI: 1 British thermal unit per hour = 0.2931 W, °C = [(°F) - 32]/1.8.

a. Chapter 6 of the referenced standard contains a complete specification of the referenced test procedure, including the reference year version of the test procedure.

b. Single-phase, air-cooled air conditioners less than 65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

TABLE C403.2.3(3)

Delete Table C403.2.3(3) in its entirety and replace with a new Table C403.2.3(3) to read as follows:

TABLE C403.2.3(3)
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED PACKAGED TERMINAL AIR CONDITIONERS, PACKAGED TERMINAL HEAT PUMPS, SINGLE-PACKAGE VERTICAL AIR CONDITIONERS, SINGLE VERTICAL HEAT PUMPS, ROOM AIR CONDITIONERS AND ROOM AIR-CONDITIONER HEAT PUMPS

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a
			Before 10/08/2012	As of 10/08/2012	
PTAC (cooling mode) new construction	All Capacities	95°F db outdoor air	12.5 - (0.213 × Cap/1000) EER	13.8 - (0.300 × Cap/1000) EER	AHRI 310/380
PTAC (cooling mode) ^b replacements	All Capacities	95°F db outdoor air	10.9 - (0.213 × Cap/1000) EER	10.9 - (0.213 × Cap/1000) EER	
PTHP (cooling mode) new construction	All Capacities	95°F db outdoor air	12.3 - (0.213 × Cap/1000) EER	14.0 - (0.300 × Cap/1000) EER	
PTHP (cooling mode) ^b replacements	All Capacities	95°F db outdoor air	10.8 - (0.213 × Cap/1000) EER	10.8 - (0.213 × Cap/1000) EER	
PTHP (heating mode) new construction	All Capacities	—	3.2 - (0.026 × Cap/1000) COP	3.2 - (0.026 × Cap/1000) COP	
PTHP (heating mode) ^b replacements	All Capacities	—	2.9 - (0.026 × Cap/1000) COP	2.9 - (0.026 × Cap/1000) COP	

SPVAC (cooling mode)	< 65,000 Btu/h	95°F db/ 75°F wb outdoor air	9.0 EER	9.0 EER	AHRI 390
	□□ 65,000 Btu/h and < 135,000 Btu/h	95°F db/ 75°F wb outdoor air	8.9 EER	8.9 EER	
	□□ 135,000 Btu/h and < 240,000 Btu/h	95°F db/ 75°F wb outdoor air	8.6 EER	8.6 EER	
SPVHP (cooling mode)	< 65,000 Btu/h	95°F db/ 75°F wb outdoor air	9.0 EER	9.0 EER	
	□□ 65,000 Btu/h and < 135,000 Btu/h	95°F db/ 75°F wb outdoor air	8.9 EER	8.9 EER	
	□□ 135,000 Btu/h and < 240,000 Btu/h	95°F db/ 75°F wb outdoor air	8.6 EER	8.6 EER	
SPVHP (heating mode)	< 65,000 Btu/h	47°F db/ 43°F wb outdoor air	3.0 COP	3.0 COP	AHRI 390
	□□ 65,000 Btu/h and < 135,000 Btu/h	47°F db/ 43°F wb outdoor air	3.0 COP	3.0 COP	
	□ 135,000 Btu/h and < 240,000 Btu/h	47°F db/ 75°F wb outdoor air	2.9 COP	2.9 COP	

(continued)

TABLE C403.2.3(3)—continued
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED PACKAGED TERMINAL AIR CONDITIONERS,
PACKAGED TERMINAL HEAT PUMPS, SINGLE-PACKAGE VERTICAL AIR
CONDITIONERS, SINGLE VERTICAL HEAT PUMPS, ROOM AIR
CONDITIONERS AND ROOM AIR-CONDITIONER HEAT PUMPS

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a
			Before 10/08/2012	As of 10/08/2012	
Room air conditioners, with louvered slides	< 6,000 Btu/h	—	9.7 SEER	11.0 SEER	ANSI/AHAM RAC-1
	□ 6,000 Btu/h and < 8,000 Btu/h	—	9.7 EER	11.0 EER	
	□ 8,000 Btu/h and < 14,000 Btu/h	—	9.8 EER	10.9 EER	
	□□ 14,000 Btu/h and < 20,000 Btu/h	—	9.7 SEER	10.7 SEER	
	□ 20,000 Btu/h	—	8.5 EER	9.4 EER	
Room air conditioners, without louvered slides	< 8,000 Btu/h	—	9.0 EER	10.0 EER	
	□ 8,000 Btu/h and < 20,000 Btu/h	—	8.5 EER	9.5 EER	
	□ 20,000 Btu/h	—	8.5 EER	9.4 EER	
Room air-conditioner heat pumps with louvered sides	< 20,000 Btu/h	—	9.0 EER	9.8 EER	
	□ 20,000 Btu/h	—	8.5 EER	9.3 EER	
Room air-conditioner heat pumps without louvered sides	< 14,000 Btu/h	—	8.5 EER	9.3 EER	
	□ 14,000 Btu/h	—	8.0 EER	8.7 EER	
Room air conditioner casement only	All capacities	—	8.7 EER	9.5 EER	
Room air conditioner casement-slider	All capacities	—	9.5 EER	10.4 EER	

For SI: 1 British thermal unit per hour = 0.2931 W, °C = [(°F) - 32]/1.8.

“Cap” = The rated cooling capacity of the project in Btu/h. If the unit’s capacity is less than 7000 Btu/h, use 7000 Btu/h in the calculation. If the unit’s capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculations.

a. Chapter 6 of the referenced standard contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.

b. Replacement unit shall be factory labeled as follows: “MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY: NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS.” Replacement efficiencies apply only to units with

existing sleeves less than 16 inches (406 mm) in height and less than 42 inches (1067 mm) in width.

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY ^{d,e}	TEST PROCEDURE ^a
Warm air furnaces, gas fired	< 225,000 Btu/h	—	80% AFUE ^c or 80%E ^t	DOE 10 CFR Part 430 or ANSI Z21.47
	□ 225,000 Btu/h	Maximum capacity ^c	81%E ^f _t	ANSI Z21.47
Warm air furnaces, oil fired	< 225,000 Btu/h	—	80% AFUE ^c or 80%E ^t	DOE 10 CFR Part 430 or UL 727
	□ 225,000 Btu/h	Maximum capacity ^b	82%E ^g _t	UL 727
Warm air duct furnaces, gas fired	All capacities	Maximum capacity ^b	80%E ^c	ANSI Z83.8
Warm air unit heaters, gas fired	All capacities	Maximum capacity ^b	80%E ^c	ANSI Z83.8
Warm air unit heaters, oil fired	All capacities	Maximum capacity ^b	80%E ^c	UL 731

TABLE C403.2.3(4)

Delete Table C403.2.3(4) in its entirety and replace with a new Table C403.2.3(4) to read as follows:

TABLE 403.2.3(4)
WARM AIR FURNACES AND COMBINATION WARM AIR FURNACES/AIR-CONDITIONING UNITS, WARM AIR DUCT FURNACES AND UNIT HEATERS, MINIMUM EFFICIENCY REQUIREMENTS

For SI: 1 British thermal unit per hour = 0.2931 W.

a. Chapter 6 of the referenced standard contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.

b. Minimum and maximum ratings as provided for and allowed by the unit’s controls.

c. Combination units not covered by the National Appliance Energy Conservation Act of 1987 (NAECA) (3-phase power or cooling capacity greater than or equal to 65,000 Btu/h [19 kW]) shall comply with either rating.

d. E = Thermal efficiency. See test procedure for detailed discussion.

e. E = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.

f. E = Combustion efficiency. Units must also include an IID, have jackets not exceeding 0.75 percent of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

g. E = Thermal efficiency. Units must also include an IID, have jacket losses not exceeding 0.75 percent of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

TABLE C403.2.3(5)

Delete Table C403.2.3(5) in its entirety and replace with a new Table C403.2.3(5) to read as follows:

TABLE C403.2.3(5)
MINIMUM EFFICIENCY REQUIREMENTS: GAS- AND OIL-FIRED BOILERS

EQUIPMENT TYPE ^a	SUBCATEGORY OR RATING CONDITION	SIZE CATEGORY (INPUT)	MINIMUM EFFICIENCY	TEST PROCEDURE
Boilers, hot water	Gas-fired	< 300,000 Btu/h	82% AFUE	10 CFR Part 430
		□ 300,000 Btu/h and □ 2,500,000 Btu/h ^b	83% E ^t	10 CFR Part 431
		> 2,500,000 Btu/h ^a	84% E ^c	
Boilers, hot water	Oil-fired ^c	< 300,000 Btu/h	84% AFUE	10 CFR Part 430
		□ 300,000 Btu/h and □ 2,500,000 Btu/h ^b	84% E ^t	10 CFR Part 431
		> 2,500,000 Btu/h ^a	85% E ^c	

Boilers, steam	Gas-fired	< 300,000 Btu/h	80% AFUE	10 CFR Part 430
	Gas-fired- all, except natural draft	□ 300,000 Btu/h and □ 2,500,000 Btu/h ^b	80% E _t	10CFR Part 431
		> 2,500,000 Btu/h ^a	80% E _t	
	Gas-fired-natural draft	□ 300,000 Btu/h and □ 2,500,000 Btu/h ^b	79% E _t	10CFR Part 431
		> 2,500,000 Btu/h ^a	79% E _t	
	Oil-fired ^c	< 300,000 Btu/h	82% AFUE	10 CFR Part 430
		□ 300,000 Btu/h and □ 2,500,000 Btu/h ^b	83% E _t	10CFR Part 431
		> 2,500,000 Btu/h ^a	83% E _t	

For SI: 1 British thermal unit per hour = 0.2931 W.
 E_c = Combustion efficiency (100 percent less flue losses). E_t = Thermal efficiency. See referenced standard document for detailed information.

a. These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.

b. Maximum capacity – minimum and maximum ratings as provided for and allowed by the unit’s controls.

c. Includes oil-fired (residual).

C403.4.2 Fan Airflow Control.

Renumber Section C403.4.2.1 Static pressure sensor location as Section C403.4.2.1.1 Static pressure sensor location.

Renumber Section C403.4.2.2 Setpoints for direct digital control as Section C403.4.2.1.2 Setpoints for direct digital control.

SECTION C405

ELECTRICAL POWER AND LIGHTING SYSTEMS (MANDATORY)

C405.2.2.2 Occupancy sensors.

Delete Section C405.2.2.2 in its entirety and replace with a new Section C405.2.2.2 to read as follows:

C405.2.2.2 Occupancy sensors. Automatic control devices shall be installed in the following spaces to automatically turn off lights within 30 minutes of all occupants leaving the space as follows:

1. Occupancy sensors shall be installed in all classrooms (not including shop classrooms, laboratory classrooms, and preschool classrooms), conference/meeting rooms, employee lunch and break rooms, and offices smaller than 200 square feet (18.5 m²) in area. These shall be manual-on switches. Such sensors and controls shall not have an override switch that converts from manual-on to automatic-on functionality. The occupant sensor may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected.

2. Occupancy sensors shall be installed in restrooms, storage rooms, private offices 200 square feet (18.5 m²) in area or greater, janitorial closets, and other spaces 300 square feet in area or less enclosed by floor-to-ceiling height partitions, except for spaces listed in Item 1. These automatic control devices shall be installed to automatically turn off lights within 30 minutes of all occupants leaving the space, and shall either be manual-on or shall be controlled to automatically turn the lighting on to not more than 50 percent power.

Exception: Full automatic-on controls shall be permitted to control lighting in public corridors, stairways, restrooms, primary building entrance areas and lobbies, and areas where manual-on operation would endanger the safety or security of the room or building occupants.

C405.7.1 Electrical sub-metering (mandatory).

Add a new section C405.7.1 to read as follows:

C405.7.1 Measurement of electrical consumption of tenant spaces in covered buildings constructed on and after January 1, 2016. The terms meter, submeter, covered building, tenant space and covered tenant space shall be as defined in

Section 28-311.2 of the Administrative Code of the city of New York. Each covered tenant space in a building where plans were filed with the department on and after January 1, 2016 shall be equipped with a separate meter or sub-meter to measure the electrical consumption of such space when let or sublet. Where the covered tenant space is a floor with multiple tenancies, each tenancy that is 10,000 gross square feet (929 m²) in area or less shall (i) be equipped with a separate meter or sub-meter, (ii) share a meter or sub-meter with other tenant spaces on the floor, or (iii) share a meter or sub-meter covering the entire floor. As new covered tenant spaces are created, they shall be equipped with meters or sub-meters as provided in this section.

Exception: Covered tenant space for which the electrical consumption within such space is measured by a meter dedicated exclusively to that space.

SECTION C407

TOTAL BUILDING PERFORMANCE

Delete Section C407 in its entirety and replace with a new section C407 to read as follows:

SECTION C407

TOTAL BUILDING PERFORMANCE

C407.1 Scope. This section establishes criteria for compliance using total building performance. Buildings following the total building performance path must comply with ASHRAE 90.1-2010 as amended by Appendix A of this code, demonstrating compliance under Section 11 or Appendix G of such standard.

SECTION C408

SYSTEM COMMISSIONING

Section C408.1 General.

Delete Section C408.1 in its entirety and replace with a new Section C408.1 to read as follows:

C408.1 General. This section covers the commissioning of building mechanical systems in Section C403, service water heating systems in Section C404, and electrical power and lighting systems in Section C405.

C408.2 Mechanical systems commissioning and completion requirements.

Delete Section C408.2 in its entirety and replace with a new Section C408.2 with a new title, to read as follows:

C408.2 Mechanical, renewable energy, and service water heating systems commissioning and completion requirements. Prior to passing the final mechanical inspection, the registered design professional shall provide evidence of mechanical systems commissioning and completion in accordance the provisions of this section.

Construction document notes shall clearly indicate provisions for commissioning and completion requirements in accordance with this section and are permitted to refer to specifications for further requirements. Copies of all documentation shall be given to the owner and shall be made available to the code official upon request in accordance with Sections C408.2.4 and C408.2.5.

Mechanical systems, renewable energy, and service water heating systems shall include but are not limited to, at a minimum, the following heating, ventilating, air conditioning, service water heating, indoor air quality and refrigeration systems (mechanical and/or passive) and associated controls:

1. Heating, cooling, air handling and distribution, ventilation, and exhaust systems, and their related air quality monitoring systems.

2. Air, water, and other energy recovery systems.

3. Manual or automatic controls, whether local or remote, on energy using systems including but not limited to temperature controls, setback sequences, and occupancy based control, including energy management functions of the building management system.

4. Plumbing, including insulation of piping and associated valves, domestic and process water pumping, and mixing systems.

5. Mechanical heating systems and service water heating systems.

6. Refrigeration systems.

7. Renewable energy and energy storage systems.

8. Other systems, equipment and components that are used for heating, cooling or ventilation and that affect energy use.

Exception: Mechanical, renewable energy, and service hot water systems in buildings where the total mechanical equipment capacity being installed is less than 480,000 Btu/h (140 690 W) cooling capacity and 600,000 Btu/h (175 860 W) heating capacity are exempt from the commissioning requirements.

C408.2.1 Commissioning plan.

Delete Item 2 and replace with a new Item 2 to read as follows:

2. A listing of the specific equipment, appliances or systems to be tested, their full sequences of operation, and a description of the tests to be performed, including prerequisite activities and reference to specific checklists or worksheets which are necessary or required by the department.

C408.2.2 Systems adjusting and balancing.

Delete the first sentence and replace with a new sentence to read as follows:

HVAC systems shall be balanced in accordance with ASHRAE 111, "Testing, Adjusting, and Balancing of Building HVAC Systems" or other accepted engineering standards as approved by the department.

C408.2.5.4 Final commissioning report.

Delete the language in the first sentence before the colon and replace with new language to read as follows:

Within 30 months for buildings 500,000 gross square feet (46 452 m²) or greater, excluding R-2 occupancies, or within 18 months for R-2 occupancies and all other buildings, of the issuance of the certificate of occupancy or letter of completion, a registered design professional or approved agency shall prepare a report of test procedures and results, including test procedures and results performed after occupancy, identified as the "Final Commissioning Report", provide such report to the building owner, and submit a certification to the department with applicable fees in accordance with department rules. The owner of a building 500,000 gross square feet (46 452 m²) or greater may apply for an extension of time to the code official based on good cause, in accordance with department rules. Such report shall include:

**CHAPTER C5
REFERENCED STANDARDS**

Delete the last sentence of the first paragraph and replace with a new sentence to read as follows:

The application of the referenced standards shall be as specified in Section 105.

Delete the referenced standard titled "AAMA" in its entirety and replace with a new referenced standard titled "AAMA," to read as follows:

American Architectural Manufacturers Association
1827 Walden Office Square
Suite 550

Standard reference number	Title	Referenced in code section number
AAMA	Schaumburg, IL 60173-4268	
AAMA/WDMA/CSA 101/1.S.2/A A440—11	North American Fenestration Standard/ Specifications for Windows, Doors and Unit Skylights	Table C402.4.3

Delete the referenced standard titled "ASHRAE" in its entirety and replace with a new referenced standard titled "ASHRAE," to read as follows:

American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.
1791 Tullie Circle, NE

Standard reference number	Title	Referenced in code section number
ASHRAE	Atlanta, GA 30329-2305	

Standard reference number	Title	Referenced in code section number
ANSI/ASHRAE/A CCA Standard 183—2007	Peak Cooling and Heating Load Calculations in Buildings, Except Low-rise Residential Buildings	C403.2.1
ASHRAE—2004 111—08	ASHRAE HVAC Systems and Equipment Handbook—2004 Measurement, Testing, Adjusting, and Balancing of Building Heating, Ventilation and Air-Conditioning Systems	C403.2.1 C408.2.2
ISO/AHRI/ASHR AE 13256-1 (2005)	Water-source Heat Pumps—Testing and Rating for Performance— Part 1: Water-to-air and Brine-to-air Heat Pumps	Table C403.2.3(2)
ISO/AHRI/ASHR AE 13256-2 (1998)	Water-source Heat Pumps—Testing and Rating for Performance— Part 2: Water-to-water and Brine-to-water Heat Pumps	Table C403.2.3(2)
90.1—2010	Energy Standard for Buildings Except Low-rise Residential Buildings	101.1.1, 101.4.3, 101.4.3.1, 101.4.3.2, 101.5.1.2, C202, C401.2, C401.2.1, C402.1.1, Table C402.1.2, Table C402.2, C403.2.3.1
140—2010	Standard Method of Test for the Evaluation of Building Energy Analysis Computer Programs	C407.6.1
146—2006	Testing and Rating Pool Heaters	Table C404.2

Delete the referenced standard titled "ICC" in its entirety and replace with a new referenced standard titled "ICC," to read as follows:

International Code Council, Inc.
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
EBNYS-10	Existing Building Code of New York State	101.2.1
ECCCNYS-10	Energy Conservation Construction Code of New York State	101.1.1, 101.2.3, 101.5.1
FCNYS-10	Fire Code of New York State	101.2.1, C201.3
FGNYS-10	Fuel Gas Code of New York State	101.2.1, C201.3
IECC-12	International Energy Conservation Code	101.1.1
NYCAC-14	New York City Administrative Code	101.1, 101.2.1, 101.5.3.2, 101.5.3.3, 102.1, 103.1, 103.2.1, 103.3, 104.1, 104.1.1, 104.3, 105.1, C202
NYCBC-14	New York City Building Code	101.1, 101.2.1, 101.2.2, 102.1, 103.1, 103.2.1, 103.3, 104.2.3, C201.3, C202, C303.2, C402.2.9, C402.4.4
NYCEC-11	New York City Electrical Code	101.2.1, C201.3
NYCECC-11	New York City Energy Conservation Code	101.1, 101.4.3, 101.5, 101.5.1.1, 101.5.1.2, 105.1

NYCFC-14	New York City Fire Code	101.2.1, C201.3
NYCFG-14	New York City Fuel Gas Code	102.1, 103.1, 103.2.1, 104.2.3, C201.3
NYCMC-14	New York City Mechanical Code	102.1, 103.1, 103.2.1, 104.2.3, C201.3, C403.2.5, C403.2.5.1, C403.2.6, C403.2.7, C403.2.7.1, C403.2.7.1.1, C403.2.7.1.2, C403.3.3, C403.4.5, C403.4.5.5, C408.2.2.1
NYCPC-14	New York City Plumbing Code	102.1, 103.1, 103.2.1, 104.2.3, C201.3
NYSCEC-14	New York State Commercial Energy Code	101.1.1, 101.5.1.2
NYSEC-14	New York State Energy Code	101.1.1, 101.2.3
NYSREC-14	New York State Residential Energy Code	101.1.1, 101.4.3, 101.5.1.1
PCNYS-10	Plumbing Code of New York State	101.2.1, C201.3
PMNYS-10	Property Maintenance Code of New York State	101.2.1
RCNYS-10	Residential Code of New York State	101.2.1, C201.3, C202, C303.1.5,

Delete the referenced standard titled “IESNA” in its entirety and replace with a new referenced standard titled “IESNA,” to read as follows:

Illuminating Engineering Society of North America
120 Wall Street, 17th Floor
New York, NY 10005-4001

Standard reference number	Title	Reference in code section number
ANSI/ASHRAE/ESNA 90.1—2010	Energy Standard for Buildings, Except Low-rise Residential Buildings	101.1.1, 101.4.3, 101.4.3.1, 101.4.3.2, 101.5.1.2, C202, C401.2, C401.2.1, C402.1.1, Table C402.1.2, Table C402.2, C403.2.3.1

Delete the referenced standard titled “NFRC” in its entirety and replace with a new referenced standard titled “NFRC,” to read as follows:

National Fenestration Rating Council, Inc.
6305 Ivy Lane, Suite 140
Greenbelt, MD 20770

Standard reference number	Title	Referenced in code section number
100—2010	Procedure for Determining Fenestration Products	C303.1.3, C402.2.1
200—2010	Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence—Second Edition	C303.1.3, C402.3.1.1

400—2010	Procedure for Determining Fenestration Product Air Leakage—Second Edition	Table C402.4.3
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Delete the referenced standard titled “UL” in its entirety and replace with a new referenced standard titled “UL,” to read as follows:

Underwriters Laboratories
333 Pfingsten Road
Northbrook, IL 60062-2096

Standard reference number	Title	Referenced in code section number
727—06	Oil-fired Central Furnaces—with Revisions through April 2010	Table C403.2.3(4), Table C406.2(4)
731—95	Oil-fired Unit Heaters—with Revisions through April 2010	Table C403.2.3(4), Table C406.2(4)
1784—01	Standard for Air Leakage Tests of Door Assemblies	C402.4.4

§28-1001.2.3 New York city amendments to the 2010 edition of Energy Standard for Buildings Except Low-Rise Residential Buildings (“ASHRAE 90.1-2010”), as amended by Chapter 3 of the 2014 Supplement. The New York city amendments to ASHRAE 90.1-2010 are as follows:

For the purpose of applying ASHRAE 90.1-2010 in the NYCECC, modifications to ASHRAE 90.1-2010 pursuant to Chapter 3 of the 2014 supplement and New York City amendments of such standard pursuant to this section are deemed to be incorporated in a new Appendix A to be inserted after chapter C5 of the NYCECC and to read as follows:

APPENDIX A

MODIFIED ENERGY STANDARD FOR BUILDINGS, EXCEPT FOR LOW-RISE RESIDENTIAL BUILDINGS

**SECTION ECC A101
SCOPE**

A101.1 Scope. This appendix provides the modifications to the nationally recognized standard ASHRAE 90.1-2010, governing commercial energy efficiency. Where a referenced publication has been modified for the City of New York as by the New York City Construction Codes and the New York City Energy Conservation Code, every reference to such publication shall be deemed to include all such modifications.

**SECTION ECC A102
ENERGY STANDARD FOR COMMERCIAL BUILDINGS**

A102.1 General. The standards for energy efficiency in commercial buildings, as defined in Section C202 of this code, shall be in accordance with Chapter C4 of this code or in accordance with ASHRAE 90.1-2010 as amended by chapter 3 of the 2014 Supplement and Section 28-1001.2.3 of the Administrative Code. Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to this standard in accordance with Section 28-103.19 of the Administrative Code.

A102.2 New York City amendments. The following New York City amendments to ASHRAE 90.1-2010, as amended by chapter 3 of the 2014 Supplement, are hereby adopted as set forth in this section.

Chapter 6 – Heating, Ventilation, and Air-Conditioning

6.4.1.1 Delete subcategories a, b, d, e, and f and replace with new subcategories a, b, d, e, and f to read as follows:

a. For Table 6.8.1.A, follow Table C403.2.3(1) of the New York City Energy Conservation Code - Minimum Efficiency Requirements: Electrically Operated Unitary Air Conditioners and Condensing Units.

b. For Table 6.8.1.B, follow Table C403.2.3(2) of the New York City Energy Conservation Code - Minimum Efficiency Requirements: Electrically Operated Unitary and Applied Heat Pumps.

d. For Table 6.8.1.D, follow Table C403.2.3(3) of the New York City Energy Conservation Code - Minimum Efficiency Requirements: Electrically Operated Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps, Single-Package Vertical Air Conditioners, Single Vertical Heat Pumps, Room Air Conditioners and Room Air-Conditioner Heat Pumps.

e. For Table 6.8.1.E, follow Table C403.2.3(4) of the New York City Energy Conservation Code – Warm Air Furnaces and Combination Warm Air Furnaces/Air-Conditioning Units, Warm Air Duct Furnaces and Unit Heaters, Minimum Efficiency Requirements.

f. For Table 6.8.1.F, follow Table C403.2.3(5) of the New York City Energy Conservation Code – Minimum Efficiency Requirements: Gas- and Oil-Fired Boilers.

6.7.2.4 Delete Section 6.7.2.4 in its entirety and replace with a new Section 6.7.2.4 to read as follows:

6.7.2.4. Projects complying with this standard shall also comply with Section C408 of the New York City Energy Conservation Code in regards to system commissioning. When demonstrating compliance with Section C408.3.1, projects following ASHRAE 90.1-2010 must demonstrate compliance with Chapter 9 of ASHRAE 90.1-2010 as required, in lieu of Section C405 of the New York City Energy Conservation Code.

Table 6.8.1A Delete rows 2-4 of Table 6.8.1A.

Table 6.8.1B Delete rows 1-4 and 25-28 of Table 6.8.1B.

Table 6.8.1D Delete rows 10-16 of Table 6.8.1D.

Table 6.8.1E Delete Table 6.8.1E in its entirety.

Table 6.8.1F Delete Table 6.8.1F in its entirety.

Chapter 8 - Power

8.5 Delete Section 8.5 in its entirety and replace with a new Section 8.5 to read as follows:

8.5 Mandatory Provisions.

8.5.1 Measurement of electrical consumption of tenant spaces in covered buildings constructed on and after January 1, 2016. The terms meter, submeter, covered building, tenant space and covered tenant space shall be as defined in Section 28-311.2 of the Administrative Code of the city of New York. Each covered tenant space in a building where plans were filed with the department on and after January 1, 2016 shall be equipped with a separate meter or sub-meter to measure the electrical consumption of such space when let or sublet. Where the covered tenant space is a floor with multiple tenancies, each tenancy that is 10,000 gross square feet (929 m²) in area or less shall (i) be equipped with a separate meter or sub-meter, (ii) share a meter or sub-meter with other tenant spaces on the floor, or (iii) share a meter or sub-meter covering the entire floor. As new covered tenant spaces are created, they shall be equipped with meters or sub-meters as provided in this section.

Exception: Covered tenant space for which the electrical consumption within such space is measured by a meter dedicated exclusively to that space.

Chapter 9 - Lighting

9.1.1 Delete Exception b and replace with a new Exception b to read as follows:

b. dwelling units within commercial buildings shall not be required to comply with this section provided that not less than 75 percent of the permanently installed fixtures, other than low-voltage lighting, shall be fitted for, and contain only, high efficacy lamps.

9.4.1 Delete Section 9.4.1 in its entirety and replace with a new Section 9.4.1 to read as follows:

9.4.1 Lighting Control. Automatic control devices shall be installed in the following spaces to automatically turn off lights within 30 minutes of all occupants leaving the space as follows:

1. Occupant sensors shall be installed in all classrooms (not including shop classrooms, laboratory classrooms, and preschool classrooms), conference/meeting rooms, employee lunch and break rooms, and offices smaller than 200 square feet (18.5 m²) in area. These shall be manual-on switches. Such sensors and controls shall not have an override switch that converts from manual-on to automatic-on functionality. The occupant sensor may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected.

2. Occupant sensors shall be installed in restrooms, storage rooms, private offices 200 square feet (18.5 m²) in area or greater, janitorial closets, and other spaces 300 square feet (28 m²) in area or less enclosed by floor-to-ceiling height partitions, except for spaces listed in Item 1. These automatic control devices shall be installed to automatically turn off lights within 30 minutes of all occupants leaving the space, and shall either be manual on or shall be controlled to automatically turn the lighting on to not more than 50 percent power.

Exception: Full automatic-on controls shall be permitted to control lighting in public corridors, stairways, restrooms, primary building entrance areas and lobbies, and areas where manual-on operation would endanger the safety or security of the room or building occupants.

§5. This local law shall take effect on the same date that the State Energy Conservation Construction Code (the “New York State Energy Code”) as set forth in 19 NYCRR Part 1240 takes effect.

Referred to the Committee on Housing and Buildings.

Preconsidered L.U. No. 144

By Council Members Ferreras:

Association for Children with Retarded Mental Development Residential Facilities HDFC, Block 461, Lot 59, Brooklyn; Community District No.6, Council District No. 39.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 145

By Council Members Ferreras:

KB25 HDFC, Block 931, Lot 17, Manhattan; Community District No.6, Council District No. 2.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 146

By Council Member Greenfield:

Application no. N 140410 ZRM, submitted by 605 West 42nd St. Owner LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 to amend Section 96-21 (Special Regulations for 42nd Street Perimeter Area) of the Special Clinton District to allow automobile showrooms or sales with automobile repair, storage, and preparation for delivery, Borough of Manhattan, Community Board 4, Council District 3.

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

L.U. No. 147

By Council Member Greenfield:

Application No. 20155176 HAM, submitted by the New York City Department of Housing Preservation and Development for approval of an amendment to a previously approved tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL) for a property located at 304-306 East 8th Street, Block 390, Lot 9, Borough of Manhattan, Community Board 3, Council District 2.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 148

By Council Member Greenfield:

Application No. 20155177 HAM, submitted by the New York City Department of Housing Preservation and Development for approval of the termination

of an existing tax exemption pursuant to Section 125 of the Private Housing Finance Law (PHFL) and, pursuant to PHFL Section 123(4), to consent to the voluntary dissolution of the current owner of properties located at Block 1635, Lots 7, 16, and 17, Borough of Manhattan, Community Board 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 149

By Council Member Greenfield:

Application No. 20155178 HAM, submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for a real property tax exemption for properties located at Block 1635, Lots 7 and 16, Borough of Manhattan, Community Board 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 150

By Council Member Greenfield:

Application No. 20155179 HAM, submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for a real property tax exemption for properties located at Block 1635, Lots 17, Borough of Manhattan, Community Board 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

ANNOUNCEMENTS:

Monday, November 17, 2014

Committee on AGING jointly with the Committee on IMMIGRATION10:00 A.M. Oversight – Serving A Diverse Aging Population-Improving Immigrant Seniors’ Access to New York City’s Senior Services Committee Room – 250 Broadway, 14th Floor Margaret Chin, Chairperson Carlos Menchaca, Chairperson

Committee on HOUSING AND BUILDINGS jointly with the Committee on LAND USE and Committee on COMMUNITY DEVELOPMENT.....10:00 A.M. Oversight – Building Homes, Preserving Communities: A First Look at the Mayor’s Affordable Housing Plan Council Chambers – City Hall Jumaane D. Williams, Chairperson David G. Greenfield, Chairperson Maria del Carmen Arroyo, Chairperson

★ Deferred Committee on WOMEN’S ISSUES10:00 A.M. Agenda to be announced Council Chambers – City Hall Laurie Cumbo, Chairperson

Committee on MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES jointly with the Committee on YOUTH SERVICES..... 1:00 P.M. Oversight – Services for Mentally Ill Parents and their Children. Committee Room – City Hall Andrew Cohen, Chairperson Mathieu Eugene, Chairperson

★ Deferred Committee on TRANSPORTATION.....1:00 P.M. Agenda to be announced Council Chambers – City Hall Ydanis Rodriguez, Chairperson

Committee on Higher EDUCATION..... 1:00 P.M. Oversight – CUNY Graduate Programs – A Focus and review Committee Room – 250 Broadway, 14th Floor Inez Barron, Chairperson

Tuesday, November 18, 2014

Subcommittee on ZONING & FRANCHISES9:30 A.M. See Land Use Calendar Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

★ Deferred Committee on PARKS AND RECREATION10:00 A.M. Agenda to be announced Committee Room – 250 Broadway, 14th Floor Mark Levine, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES11:00 A.M. See Land Use Calendar Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS..... 1:00 P.M. See Land Use Calendar Committee Room – 250 Broadway, 16th Floor Inez Dickens, Chairperson

★ Note Topic Additions Committee on EDUCATION..... 1:00 P.M. Res 9 - By Council Members Ignizio, Arroyo, Chin, Ferreras, Levin, Rosenthal, Williams, Johnson, Reynoso, Mendez and Menchaca - Resolution calling upon the New York State Legislature to pass and the Governor to sign A. 518/S. 4860, to require dating violence education and dating violence policies in schools Res 149 - By Council Members Weprin, Barron, Chin, Gibson, Levine, Mendez, Richards, Vallone and Wills - Resolution calling on the New York City Department of Education to require that all public school students receive age-differentiated anti-bullying instruction and complete an anti-bullying course focused especially on cyberbullying. Res 355 - By Council Members Levine, Chin, Cumbo, Koo, Mendez, Torres, Rodriguez, Koslowitz and Rosenthal - Resolution calling on the New York City Department of Education to bring more mentoring programs into schools to combat bullying and violence, as called for in the Stop School Violence online petition campaign by Anthony Vargas, a local high school student. Res 455 - By Council Members Wills, Arroyo, Cumbo, Gibson and Menchaca - Resolution calling upon the New York City Department of Education to establish an awareness and prevention program in the public schools athletic league to combat intimate partner abuse. Res 456 - By Council Members Wills, Arroyo, Gibson and Menchaca - Resolution calling upon the New York State Legislature to mandate that the New York State Education Department include intimate partner abuse awareness and prevention programs in all public middle school and high school athletic programs. Council Chambers – City Hall Daniel Dromm, Chairperson

Committee on TECHNOLOGY 1:00 P.M. Oversight – 311 Data Use and Collection Committee Room – 250 Broadway, 14th Floor James Vacca, Chairperson

Wednesday, November 19, 2014

★ Addition Committee on CIVIL SERVICE AND LABOR jointly with the Committee on GOVERNMENTAL OPERATIONS10:00 A.M. Oversight – Examining the Diminishment of the Civil Service System Committee Room – City Hall..... I. Daneek Miller, Chairperson Ben Kallos, Chairperson

★ Deferred Committee on ECONOMIC DEVELOPMENT10:00 A.M. Agenda to be announced Council Chambers – City Hall Daniel Garodnick, Chairperson

★ Note Time Change and Topic Addition Committee on CONSUMER AFFAIRS..... ★ 10:00 A.M. Int 467 - By Council Members King, Arroyo, Gentile, Koo, Cohen, Lancman, Koslowitz, Maisel, Weprin, Deutsch, Vallone, Wills, Espinal, Dickens, Mealy, Vacca, Crowley, Constantinides, Palma, Eugene, Miller, Ulrich and the Public Advocate (Ms. James) - A Local Law to amend the administrative code of the city of New York, in relation to licensing of solicitation by costumed individuals. Committee Room – 250 Broadway, 14th Floor Rafael L. Espinal, Chairperson

★ *Note Topic Addition*

Committee on **SANITATION AND SOLID WASTE MANAGEMENT**..... **1:00 P.M.**
 Int 209 - By Council Members Lander, Chin, the Public Advocate (Ms. James), Richards, Koo, Levin, Crowley, Dromm, Levine, Johnson, Van Bramer, Cohen, Constantinides, Rosenthal, Vallone, Menchaca, Kallos, Rodriguez, Cumbo, Miller and Torres - A Local Law - To amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.
 Council Chambers – City Hall Antonio Reynoso, Chairperson

★ *Deferred*

Committee on **FINANCE**.....**1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Julissa Ferreras, Chairperson

★ *Addition*

Committee on **HOUSING AND BUILDINGS** **1:00 P.M.**
 Int 550 - By Council Member Williams (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction in the city and repealing section 28-1001.2 in relation thereto.
 Committee Room – City Hall..... Jumaane D. Williams, Chairperson

Thursday, November 20, 2014

Committee on **RECOVERY AND RESILIENCY** jointly with the
 Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**.....**10:00 A.M.**
 Int 425 - By Council Members Treyger, Chin, Cumbo, Deutsch, Gentile, Kallos, Mendez, Reynoso, Williams, Cohen, Koslowitz, Rodriguez, Gibson, Dromm, Dickens, Vacca, Palma, Torres, Richards, Maisel, Lancman, Constantinides, Miller, Rosenthal, Levine, Eugene, Garodnick, Mealy, Menchaca, King, Koo, Levin, Greenfield and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to a communications access plan for certain emergency events.
 Int 519 - By Council Member Treyger - A Local Law - To amend the administrative code of the city of New York, in relation to the distribution of localized emergency preparedness materials.
 Council Chambers – City Hall Mark Treyger, Chairperson
 Elizabeth Crowley, Chairperson

Committee on **COURTS AND LEGAL SERVICES****10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Rory Lancman, 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

★ *Deferred*

Committee on **ENVIRONMENTAL PROTECTION****1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor
 Donovan Richards, Jr., Chairperson

★ *Deferred*

Committee on **SMALL BUSINESS**.....**1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Robert Cornegy, Chairperson

★ *Deferred*

Committee on **HOUSING AND BUILDINGS****1:00 P.M.**
 Agenda to be announced
 Council Chambers – City Hall Jumaane D. Williams, Chairperson

Committee on **TRANSPORTATION** **1:00 P.M.**
 Oversight – Leading the Way for Bicycling in America: Where is New York City Now and How Can We Improve?
 Council Chambers – City Hall Ydanis A. Rodriguez, Chairperson

Monday, November 24, 2014

★ *Note Deferred Topic*

Committee on **GENERAL WELFARE** **10:00 A.M.**
OVERSIGHT: HUNGER IN NEW YORK CITY
 ★ ~~Res 233~~ By Council Members Lander, Deutsch, Gentile, Levine, Chin, Eugene, King, Mendez, Richards, Koslowitz, Kallos, Miller, Levin and Ulrich — Resolution calling on the United States Congress to pass and the President to sign into law the Kosher and Halal Food Act of 2013 (S.811/H.R.1794), which would provide for the increased availability of Kosher and Halal food at food banks and modify the labeling of the commodities list to enable Kosher and Halal food bank operators to identify which commodities to obtain from local food banks.—
 Committee Room – 250 Broadway, 14th Floor Stephen Levin, Chairperson

Committee on **HEALTH**.....**10:00 A.M.**
 Proposed Int 55-A - By Council Members Crowley, Johnson, Arroyo, Constantinides, Levine, Palma, Vacca, Koslowitz, Espinal, Rosenthal and Cornegy - A Local Law - To amend the administrative code of the city of New York, in relation to regulating pet shops.
 Proposed Int 73-A - By Council Members Johnson, Arroyo, Constantinides, Levine, Rose, Vallone and Cornegy - A Local Law - To amend the administrative code of the city of New York, in relation to updating the definition of “pet shop” within the animal abuse registration act.
 Proposed Int 136-A - By Council Members Crowley, Arroyo, Dickens, Johnson, Koo, Levine, Palma, Rose, Vallone, Mendez, Koslowitz, Cornegy, Rosenthal and Ulrich - A Local Law - To amend the administrative code of the city of New York, in relation to the spaying, neutering and licensing of animals sold in pet shops.
 Proposed Int 146-A - By Council Members Johnson, Crowley, Arroyo, Chin, Koo, Levine, Rose, Vallone, Mendez, Cornegy, Rosenthal, and Ulrich - A Local Law - To amend the administrative code of the city of New York, in relation to microchipping animals sold in pet shops.
 Committee Room – 250 Broadway, 16th Floor Corey Johnson, Chairperson

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** **1:00 P.M.**
 Res 417 - By Council Members Koo, Arroyo, Barron, Chin, Dickens, Gentile, Gibson, Johnson, Mendez, Richards, Vallone and Cohen - Resolution recognizing and commemorating January 13th as Korean American Day in the City of New York.
 Committee Room – City Hall James Van Bramer, Chairperson

Tuesday, November 25, 2014

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
 *Agenda – 1:30 p.m.*

At the end of the General Discussion segment of this Meeting, the Public Advocate (Ms. James), on behalf of Council Member Williams, recognized and welcomed his cousin Andre Mitchell in the balcony on his first visit to City Hall.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, November 25, 2014.

MICHAEL M. McSWEENEY, City Clerk
 Clerk of the Council

Editor’s Local Law Note: Int No. 466-A, adopted by the Council at the October 7, 2014 Stated Meeting, was signed into law by the Mayor on October 27, 2014 as Local Law No. 54 of 2014. Int Nos. 82-A, 403-A, and 438, all adopted by the Council at the October 22, 2014 Stated Meeting, were signed into law by the Mayor on November 5, 2014 as, respectively, Local Law Nos. 55, 56, and 57 of 2014.

