

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING

of

Wednesday, June 10, 2015, 2:29 p.m.

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

Council Members

Melissa Mark-Viverito, Speaker

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

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

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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 51 Council Members marked present for the opening of this Stated Meeting on June 10, 2015 (this Stated Meeting was subsequently recessed subject to call).

**Editor's Note re: Attendance for the Stated Meeting held on June 10, 2015 and the brief Recessed Meeting held on June 26, 2015: The brief Recessed Meeting held on June 26, 2015, is considered the continuation and conclusion of this Stated Meeting which opened on June 10, 2015. For attendance purposes, therefore, any Council Member who was present at any one of these two meetings will be considered present for both of these proceedings known collectively as the Stated Meeting of June 10, 2015.*

INVOCATION

The Invocation was delivered by Iman Khalid Latif, Islamic Center at NYU, 238 Thompson Street, New York, N.Y. 10012.

Let us pray.

Almighty God, most merciful of those who show mercy,
bestower of love, source of peace,

bless this gathering and all those who are in it.

Assembled here today are men and women

who truly represent everything great about this city;

shower upon us your infinite mercy

and instill within each of us

a sound sense of respect for others.

The diversity of this city is unlike any other;

help us to harness that diversity

and turn it into a much-needed pluralism

that celebrates our differences and respects

and seeks to serve our most underprivileged.

The coming weeks present opportunities in abundance

to better understand that diversity;

as Pride Month is upon us,

the Islamic month of fasting of Ramadan

is set to start next week

and it will be sharing its first day

with Juneteenth, a day commemorating

the actual end of slavery in this country
and a day that all New Yorkers
should know and appreciate,
especially as we are still trying to understand
that black lives matter.

Help us to stand with the people
and make us not those who wait
for them to come to us.

Let us be motivated by selflessness, not selfishness;
Sincerity and not self-centeredness.

Increase us in courage, compassion and confidence,
shield us from any anxiety, anguish and affliction;
protect us from hearts that are not humble,
tongues that are not wise, eyes that have forgotten
how to cry and grant us and our loved ones
only the best in this world
and the best in the next.

Forgive us for our shortcomings oh lord
and guide and bless us all.

Amen.

Council Member Chin moved to spread the Invocation in full upon the Record.
The floor was then yielded to Council Member Levin who spoke in praise of his
childhood friend, the Iman Khalid Latif.

ADOPTION OF MINUTES

Council Member Espinal moved that the Minutes of the Stated Meeting of May
14, 2015 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

Preconsidered M-296

**Communication from the Mayor - "AN ACT to authorize the city of New York
to discontinue use of and convey a parcel of certain park land consisting of
Saint Michael's Park in the borough of Queens" S.3691-A/A.5246-A.**

**(The following is the text from the Bluebacks submitted and signed by the
Mayor for the Assembly bill:)**

June 10, 2015

2002

HOME RULE REQUEST
(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Assembly bill (No. A.5246-A), entitled:

“AN ACT to authorize the city of New York to discontinue use of and convey a parcel of certain park land consisting of Saint Michael’s Park in the borough of Queens.”

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

- The local government does not have the power to enact such legislation by local law.
- Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

- The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)
- The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

- A. If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.
- B.

If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

2003

June 10, 2015

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) _____
BILL de BLASIO
(Chief Executive Officer)

BILL de BLASIO
(Print or Type Name Below
Signature)

Mayor
(Title of Chief Executive Officer)

Date: June 10, 2015

CLERK'S CERTIFICATION

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the 10th day of June 2015, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) _____
Clerk

[SEAL OF LOCAL
GOVERNMENT]

MICHAEL McSWEENEY
(Print or Type Name Below
Signature)

Date: June 10 , 2015

(The following is the text of the State Assembly Sponsor's Memorandum in Support:)

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A5246A

SPONSOR: Simotas

TITLE OF BILL: An act to authorize the city of New York to discontinue use of and convey a parcel of certain park land consisting of Saint Michael's Park in the borough of Queens

June 10, 2015

2004

PURPOSE:

To authorize the city of New York to discontinue use of certain park land and sell such land to Saint Michael's Protestant Episcopal Church.

SUMMARY OF PROVISIONS:

Section 1. Authorizes the city of New York, acting by and through the commissioner of parks and recreation of such city, to discontinue use as park land and sell at fair market value the park land described in section three of this act which is no longer needed for park purposes. Such parkland is authorized to be sold to Saint Michael's Protestant Episcopal Church for the purpose of properly memorializing the deceased and upon such terms and conditions as shall be agreed upon between the parties.

Section 2. Provides that the authorization of this act shall be subject to the requirement that the city of New York shall use the proceeds of such sale authorized by section one of this act for the acquisition of additional park land, and/or for capital improvements to existing park and recreational facilities within the borough of Queens.

Section 3. Describes the land authorized to be discontinued as park land pursuant to this act.

Section 4. Requires, if the land sold to Saint Michael's Protestant Episcopal Church pursuant to this act is ever used for a purpose other than for the reason described in section one of this act, ownership of such land shall revert back to the city of New York to be used for park and recreational purposes.

Section 5. Requires, if the parkland that is subject to this act has received funding pursuant to the federal land and water conservation fund that the discontinuance of such parkland pursuant to this act shall not occur until the municipality has complied with the federal requirements pertaining to the conversion of parkland.

JUSTIFICATION:

This legislation would allow St. Michael's Cemetery, located in Astoria, Queens to acquire a small strip of park land that is underutilized and in disrepair located adjacent to the cemetery.

PRIOR LEGISLATIVE HISTORY:

2014: Assembly Bill 3535 (Simotas) - Died in Assembly Cities Committee

2014: Senate Bill 581 (Gianaris) - Died in Senate Cities Committee

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2013: Assembly Bill 3535 (Simotas) - Died in Assembly Cities Committee
2013: Senate Bill 581 (Gianaris) - Died in Senate Rules Committee
2012: Senate Bill 2513 (Gianaris) - Died in Senate Cities Committee
2012: Assembly Bill 4874 (Simotas) - Died in Assembly Rules Committee
2010: Senate Bill 276-B (Onorato) - Died in Senate Cities Committee
2010: Assembly Bill 4317-B (Gianaris) - Died in Assembly Cities Committee

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE:

This act shall take effect immediately.

(For text of the State Assembly and State Senate bills as well as the State Senate Sponsor's Memorandum of Support, please refer to the respective Assembly and Senate website at assembly.state.ny.us and www.nysenate.gov).

Referred to the Committee on State and Federal Legislation.

Preconsidered M-297

Communication from the Mayor - "AN ACT to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof" S.5467-A/A.7872.

(The following is the text from the Bluebacks submitted and signed by the Mayor for the Assembly bill:)

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Assembly bill (No. A.7872), entitled:

"AN ACT to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that

June 10, 2015

2006

cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof.”

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

The local government does not have the power to enact such legislation by local law.

Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

- A. If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.
- B.

If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER’S SIGNATURE

(Signed) _____ BILL de BLASIO
(Chief Executive Officer)

BILL de BLASIO
(Print or Type Name Below
Signature)

2007

June 10, 2015

Date: June 10, 2015

Mayor
(Title of Chief Executive Officer)

CLERK'S CERTIFICATION

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the 10th day of June 2015, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) _____
Clerk

[SEAL OF LOCAL
GOVERNMENT]

MICHAEL McSWEENEY
(Print or Type Name Below
Signature)

Date: June 10 , 2015

(The following is the text of the State Assembly Sponsor's Memorandum in Support:)

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A7872

SPONSOR: Miller

TITLE OF BILL: An act to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof

SUMMARY OF PROVISIONS: This bill amends section 384(b)4-a to extend for an additional five years, the Mayor's ability to authorize the sale of certain types of real property owned by the City which directly abut property owners' lots without an auction or competitive bidding, which are processes that would otherwise be required by the provisions of section 384. Direct sales are authorized only in the

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2008

limited circumstances where the property cannot be independently developed due to its size, shape, configuration, topography or applicable zoning or a combination of such factors. Authorization for sale by the Mayor would be restricted to sales of parcels that the Mayor determines are in the best interests of the City, based upon a certification by the Commissioner of Citywide Administrative Services that such parcels are economically impracticable or infeasible to develop independently. Sales of such real property would remain subject to approval pursuant to the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York City Charter. The current authorization for sale by the Mayor is set to expire on December 31, 2015.

REASONS FOR SUPPORT: The Department of Citywide Administrative Services (DCAS) of the City of New York has jurisdiction over various limited market properties, which are properties that are economically impracticable or infeasible to develop independently due to size, shape, zoning, configuration and topography. The authorization under City Charter section 384(b)4-a authorizes DCAS, through its SAIL Away (Slivers, Accessways and Interior Lots) Program to conduct direct sales to abutting property owners of this type of property. These properties are not appropriate for sale through the public auction or competitive bidding processes that would be required under other existing laws, as they have no independent utility. Future utilization of these lots is dependent on and linked to the privately-owned adjacent lots. In some cases, portions of these lots have been used by adjacent property owners for years.

This legislation would continue to provide authority for DCAS, for an additional five years, to transfer these limited market properties directly to private ownership without the necessity of a public auction or sealed bidding process.

Eligibility to purchase such City-owned real property is determined to be in the best interests of the City, at the discretion of the Mayor, based on a certification by the Commissioner of Citywide Services that independent development is economically impracticable or infeasible. Sales are limited to abutting property owners or an entity comprised of such owners. DCAS has identified hundreds of lots in all five boroughs, that are potentially eligible for this program.

Additionally, such sale of said real property is subject to approval pursuant to the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York City Charter.

Accordingly, the Mayor urges the earliest possible favorable consideration of this proposal by the Legislature.

(For text of the State Assembly and State Senate bills as well as the State Senate Sponsor's Memorandum of Support, please refer to the respective Assembly and Senate website at assembly.state.ny.us and www.nysenate.gov).

2009

June 10, 2015

Referred to the Committee on State and Federal Legislation.

Preconsidered M-298

Communication from the Mayor - "AN ACT to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city police pension fund, the New York city fire department pension fund and the New York city employees' retirement system" S.5705-B/ A.7854-B.

(The following is the text from the Bluebacks submitted and signed by the Mayor for the Assembly bill:)

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Assembly bill (No. A.7854-B), entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city police pension fund, the New York city fire department pension fund and the New York city employees' retirement system."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

- The local government does not have the power to enact such legislation by local law.
- Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

- The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)
- The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

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2010

READ BEFORE SIGNING

- A. If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.
- B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) BILL de BLASIO
(Chief Executive Officer)

BILL de BLASIO
(Print or Type Name Below
Signature)

Mayor
(Title of Chief Executive Officer)

Date: June 10, 2015

CLERK'S CERTIFICATION

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the 10th day of June 2015, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) _____
Clerk

[SEAL OF LOCAL
GOVERNMENT]

MICHAEL McSWEENEY
(Print or Type Name Below
Signature)

Date: June 10 , 2015

(The following is the text of the State Assembly Sponsor's Memorandum in Support:)

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A7854B

SPONSOR: Sepulveda

TITLE OF BILL: An act to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city police pension fund, the New York city fire department pension fund and the New York city employees' retirement system

SUMMARY OF PROVISIONS: This legislation would amend the Retirement and Social Security Law to change the eligibility for and the calculation of Ordinary Disability Retirement (ODR) and Accidental Disability Retirement (ADR) benefits for Tier 3 and Tier 6 members of the New York City Police Pension Fund, New York Fire Department Pension Fund, and the New York City Employees' Retirement System.

The proposed legislation, if enacted, would revise the ODR and ADR benefit formulas to provide a higher compensation base upon which the benefit formulas are based, eliminate the Social Security offset on such benefits and, in the case of ADR benefits, provide a benefit equal to three-quarters of the greater of final average salary or sixth-year salary for uniformed employees who qualify for Social Security Disability Benefits.

REASONS FOR SUPPORT: The City of New York deeply appreciates the service of its police officers, firefighters, correction officers and sanitation workers. Our City's heroes need strong disability protections, and our City needs a pension system that doesn't unfairly burden taxpayers. That is why the City has offered a responsible plan that ensures that brave uniformed men and women would receive fair coverage in the event of tragic injury, while protecting tax payers from exorbitant costs.

The changes contained in the City's proposal modify the disability laws put in place by New York State in 2009 and 2012. When implemented together, these changes will more fully protect uniformed public servants-especially those who have more recently joined City service-who are injured on the job and allow them and their families to receive the support they need in the years after their service ends. The financial impact of the proposed changes have been estimated by the Office of the Actuary to be \$105 million through FY 2019.

June 10, 2015

2012

The City's proposal delivers for our workers without rolling back Governor Cuomo's vital reforms to our pension system to protect the taxpayer-reforms that the legislature itself passed and the Governor signed only a few years ago. Legislation supported by public employee unions would eviscerate these significant reforms and would subject the City to unsustainable fiscal implications which will impinge on its ability to deliver vital services to its residents. The City's common-sense compromise plan honors our heroes while preserving fiscal responsibility for New York City and, therefore, should be the plan adopted by the Legislature.

Accordingly, the Mayor urges the earliest possible favorable consideration of this proposal by the Legislature.

(For text of the State Assembly and State Senate bills as well as the State Senate Sponsor's Memorandum of Support, please refer to the respective Assembly and Senate website at assembly.state.ny.us and www.nysenate.gov).

Referred to the Committee on State and Federal Legislation.

PETITIONS & COMMUNICATIONS

M-299

Communication from Council Member Mark S. Weprin - Submitting his resignation from the office of New York City Council Member of the 23rd Council District effective at the end of the day, June 14, 2015.

June 8, 2015

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

Dear Madam Speaker:

I submit my resignation from the office of New York City Council Member of the 23rd Council district effective at the end of the day, June 14, 2015.

Thank you for your leadership.

Sincerely,

MARK S. WEPRIN

2013

June 10, 2015

Received, Ordered, Printed & Filed.

LAND USE CALL UPS

M-300

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 189 Franklin Street, Borough of Manhattan, Community Board No. 1, Application No. 20155534 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote.

M-301

By Council Member Crowley:

Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure application no. C 150218 PSQ shall be subject to Council review.

Coupled on Call – Up Vote.

M-302

By Council Member Garodnick:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 768 Madison Avenue, Borough of Manhattan, Community Board No. 8, Application No. 20155582 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote.

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2014

M-303

By Council Member Kallos:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 1291 Lexington Avenue, Borough of Manhattan, Community Board No. 8, Application No. 20155523 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote.

LAND USE CALL UP VOTE

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

Affirmative – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **51**.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) welcomed the young New Yorkers from across the five boroughs who were on the Council floor participating in the Council Members for a Day program. She thanked them for visiting, wished them good luck in their studies, and praised them as leaders of tomorrow.

In addition, at this point in the proceedings, the Speaker (Council Member Mark-Viverito) noted that today's Stated Meeting was the last for departing Council Member Mark Weprin who was leaving the Council to accept a position with the Governor's office. She praised Council Member Weprin for the representation he gave to his district, for his leadership as chair of the Subcommittee on Zoning and Franchises, and for his role as the head of the Queens County delegation. The

2015

June 10, 2015

Speaker (Council Member Mark-Viverito) extended her congratulations and wished him the best of luck in his new position.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Rights

Report for Int. No. 318-A

Report of the Committee on Civil Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's arrest record or criminal conviction.

The Committee on Civil Rights, to which the annexed amended proposed local law was referred on April 29, 2014 (Minutes, page 1413), respectfully

REPORTS:

I. Introduction

On Tuesday, June 9, 2015, the Committee on Civil Rights, chaired by Council Member Darlene Mealy, will hold a hearing to vote on Proposed Introductory Bill Number 318-A ("Int. No. 318-A"), a local law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's arrest record or criminal conviction. The Committee held a hearing on Introductory Bill Number 318 on December 3, 2014 and heard testimony from the New York City Commission on Human Rights ("the commission"), advocates, the business community and other interested parties.

II. Background

a. Seeking Employment after an Arrest or Conviction

The barriers to employment for individuals with a criminal record present a myriad of public safety and equity concerns, which affect those who have been arrested or convicted of a crime, as well as their families and the general public. According to the National Employment Law Project, there are approximately 70 million adults residing in the United States who have been arrested or convicted of a crime.¹ In 2013, approximately 700,000 people were released from prison in the United States.² In New York State, more than 27,000 people are released from prison

¹ "Ban the Box is a Fair Chance for Workers With Records," National Employment Law Project, available at http://nelp.3cdn.net/9950facb2d5ea29ece_jsm6i6jn8.pdf (last visited December 1, 2014).

² "The Effect of Collateral Consequence Laws on State Rates of Returns to Prison," Tracy WP Sohoni. Dissertation submitted to the Faculty of Graduate School of the University of Maryland, College Park, in

every year.³ Upon being released, these individuals face an enormous challenge in achieving a successful and productive reintegration into society. One of the most daunting barriers to reintegration faced by formerly incarcerated individuals is finding employment. The U.S. Equal Employment Opportunity Commission and Department of Labor estimate that one in three adults have an arrest history that may be revealed during a criminal background check done by a prospective employer.⁴ Such criminal background checks can greatly impede gainful employment for a person who has been arrested or convicted of a crime—no matter the type of crime or when such arrest or conviction took place. Further, these background checks may occur during the early stages of the hiring process, sometimes before an in-person interview or before an employer has reviewed the applicant's credentials.

Last year, the New York Times published an article highlighting issues formerly incarcerated individuals face in obtaining and maintaining employment.⁵ The article contained personal stories of formerly incarcerated individuals such as Marilyn Scales, a 52 year old New York City resident who was convicted of selling drugs in the 1990s, a crime for which she was released from prison 17 years ago, but has made her “virtually unemployable.”⁶ The stories in the article demonstrate the issues that many, if not all, arrestees and convicted individuals have with gaining meaningful employment that provide financial support and help reintegrate into their communities.

The issues regarding reintegration for those with criminal records have a disproportionate and overwhelmingly negative impact on communities of color. Studies and data consistently demonstrate that people of color, namely African Americans and Latinos, are more likely to be arrested, convicted, and sentenced.⁷ African-American males are six times more likely to be incarcerated than white males and 2.5 times more likely than Hispanic males.⁸ According to the Sentencing Project, “if current trends continue, one of every three black American males born today can expect to go to prison in his lifetime, as can one of every six Latino males—compared to one of every seventeen white males.”⁹

Studies have consistently shown that unemployment and recidivism are closely linked.¹⁰ Arguably, it follows that meaningful employment leads to less offending

partial fulfillment of requirements for the degree of Doctor of Philosophy, (2013, p. 1).

³ “Once Locked Up, Now Locked Out of Jobs and College,” Community Service Society, available at <http://www.cssny.org/news/entry/once-locked-up-now-locked-out-of-jobs-and-college1> (last visited December 1, 2014).

⁴ U.S. Department of Labor (2013).

⁵ “Plan to Cut Costs and Crime: End Hurdle to Job After Prison,” The New York Times. Available at http://www.nytimes.com/2014/10/24/us/a-plan-to-cut-costs-and-crime-curb-bias-against-ex-convicts.html?_r=1 (last visited December 2, 2014).

⁶ *Id.*

⁷ “Report of The Sentencing Project to the United Nations Human Rights Committee Regarding Racial Disparities in the United States Criminal Justice System,” The Sentencing Project, (August 2013, p.3), available at http://sentencingproject.org/doc/publications/rd_ICCPR%20Race%20and%20Justice%20Shadow%20Report.pdf (last visited December 1, 2014).

⁸ *Id.*

⁹ *Id.*

¹⁰ “Executive Summary: Research Supporting Employment as an Important Component of Evidence-Based Practices,” U.S. Probation Office, Eastern District of Missouri, (January 20, 2009), available at

and lower rates of re-offending, which in turn perpetuates a safer and more productive society. In order to create more equitable hiring practices and prevent recidivism by way of law making, a number of states and localities have enacted “Ban the Box” laws. “Ban the Box” laws typically remove the section on an application that inquires about an individual’s criminal history and prohibits such inquiries until later in the hiring process.¹¹ Other such laws limit the way in which employers may consider prior convictions in hiring practices.

b. Applicable New York State Correction Law Article 23-A

1. Article 23-A

Article 23-A of the New York State Correction Law (“article 23-a”) entitled “Licensure And Employment Of Persons Previously Convicted Of One Or More Criminal Offenses” is one of the many state laws across the Country that prohibits certain criminal background inquiries by employers as a way to enhance economic growth and increase public safety.¹² Article 23-a established standards for public agencies and private employers to use in appraising fitness of individuals with a criminal record for a particular job or license.¹³ Pursuant to article 23-a it is unlawful in the State of New York for any public or private employer to deny any license or employment application by reason of an individual having been previously convicted of one or more criminal offenses.¹⁴ The policy concerns that fueled the passage of article 23-a involved the encouragement of licensure and employment of persons with prior criminal convictions and the promotion of reentry and rehabilitation of people with convictions.¹⁵ Specifically, article 23-a section 753(a)(1)states: “The public policy of this state, as expressed in this act, [is] to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.”¹⁶

Article 23-a protects applicants for licenses and employment, as well as employees and licensees, from discrimination in the form of adverse action “by reason of the individual’s having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of ‘good moral character’ when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses.”¹⁷ Article 23-a applies to both public agencies¹⁸ and

<http://nicic.gov/library/028146> (last visited December 1, 2014).

¹¹ “Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies to Reduce Unfair Barriers to Employment of People with Criminal Records.” National Employment Law Project. (September 2014, p. 3).

¹² N.Y.S. Correction Law §§ 750-755.

¹³ *Acosta v. New York City Department of Educ.*, 16 N.Y.3d 309, 921 N.Y.S.2d 633 (2011); *see also Brown v. Berry*, 151 A.D.2d 882, 543 N.Y.S.2d 179 (3rd Dept. 1989).

¹⁴ *Id.*

¹⁵ N.Y.S. Correction Law § 753(a)(1).

¹⁶ *Id.*

¹⁷ N.Y.S. Correction Law § 752.

¹⁸ “Public agency” means the state or any local subdivision thereof, or any state or local department, agency, board or commission. N.Y. Correct. Law § 750(1).

private employers¹⁹ and allows rejection or termination of a license or employment only if: “(1) there is a direct relationship²⁰ between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.”²¹

Pursuant to article 23-a, when making the determination of whether there is a direct relationship between the offense and license or employment, or an unreasonable risk to property, persons, or the general public, the employer or licensor must consider the following factors:

- “The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
- The time that has elapsed since the occurrence of the criminal offense or offenses.
- The age of the person at the time of the occurrence of the criminal offense or offenses.
- The seriousness of the offense or offenses.
- Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.”²²
- “In making a determination . . . the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of

¹⁹ “Private employer” means any person, company, corporation, labor organization or association which employs ten or more persons.” N.Y. Correct. Law § 750(2).

²⁰ “Direct relationship” means that the nature of the criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question. N.Y. Correct. Law § 750(3).

²¹ N.Y.S. Correction Law § 752.

²² N.Y.S. Correction Law §753(1).

good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.”²³

Pursuant to article 23-a section 754, if a “person previously convicted of one or more criminal offenses who has been denied a license or employment [requests so], a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.”²⁴ Article 23-a does not apply to intentional misrepresentation in an employment application or where a mandatory forfeiture, disability or bar to employment is imposed by law.²⁵ Further, for purposes of article 23-a protections, “employment” does not include “membership in any law enforcement agency.”²⁶

2. *New York City Executive Order 151*

On August 4, 2011, Mayor Bloomberg issued Executive Order 151 in an effort to further the policy goal of providing individuals with criminal convictions better access to employment, which, according to the Mayor, reduces recidivism and helps reintegrate such individuals back into their communities.²⁷ Executive Order 151 only applies to New York City Agencies and, therefore, the City is the only employer affected by the Order.²⁸

Pursuant to Executive Order 151, agencies are prohibited from asking questions regarding an applicant’s prior criminal convictions on any preliminary employment applications²⁹ or during an applicant’s first interview.³⁰ However, agencies are able to make inquiries about and consider prior criminal convictions after the first interview.³¹ An agency’s inquiries and consideration must be limited to felony convictions, unsealed_misdemeanor convictions, and pending charges.³² The following exceptions apply to the inquiry and consideration rules of the Order:

- Agencies hiring for positions requiring licensure may ask applicants the same questions the licensing body would ask³³;
- “Agencies hiring for positions where certain convictions or violations are a bar to employment in that position under the law, shall not be constrained from asking questions about those convictions or violations³⁴.”

²³ N.Y. S. Correction Law § 753(2).

²⁴ N.Y.S. Correction Law § 754.

²⁵ N.Y.S. Correction Law § 751.

²⁶ N.Y.S. Correction Law § 750(5).

²⁷ N.Y.C. Office of Mayor, Executive Order 151: Consideration of Criminal Convictions in Hiring (August 4, 2011), available at http://www.nyc.gov/html/om/pdf/eo/eo_151.pdf (last visited December 1, 2014).

²⁸ *Id.*

²⁹ The Comprehensive Personnel Document is excluded from §1 requirements. E.O. 151 §1.

³⁰ E.O. 151 § 1.

³¹ E.O. 151, §2.

³² E.O. 151, §3.

³³ E.O. 151, §4.

- “The New York City Police Department, the New York City Fire Department, the New York City Department of Correction, the New York City Department of Investigation, the New York City Department of Probation, and the Division of Youth and Family Services of the Administration for Children’s Services may ask about any criminal records of applicants on pre-employment job applications and in initial interviews. Any other organization hiring officers or peace officers within the meaning of NYS CPL §§ 1.20 and 2.10 may” also do so³⁵; and
- The application and initial interview requirements for the New York City Housing Authority, Department of Education, and New York City Health and Hospitals Corporation were contingent upon written concurrence of those entities.³⁶

Executive Order 151 also required the Department of Citywide Administrative Services’ Human Capital Division to undertake a two-year pilot program to review agencies’ compliance with the Executive Order.³⁷

III. Summary of Proposed Int. No. 318-A

Proposed Int. No. 318-A, also known as “the Fair Chance Act,” would prohibit any employer³⁸ from inquiring about a job applicant’s criminal history until after the employer makes the applicant a conditional offer of employment.

Section two of Proposed Int. No. 318-A would amend subdivisions 9, 10 and 11 of section 8-107 of title eight of the Administrative Code and add new subdivisions 11-a and 11-b. The amendments to subdivisions 9, 10 and 11 would almost entirely be for purposes of restructuring section 8-107 or making the City’s Human Rights Law uniform with certain provisions of relevant State law.

The bill would add the term “registration” throughout subdivision nine, which pertains to unlawful discriminatory practices in licensing and permitting, wherever the terms “license” or “permit” are used. The bill would also amend subdivision nine to prohibit denying any license, registration or permit to any applicant, or acting adversely upon any holder of a license, registration or permit because he or she was convicted of one or more criminal offenses, or because he or she lacks good moral character based on one or more criminal convictions, when such denial or adverse action is in violation of the provisions of article 23-a. Further, the bill would add subparagraph four to relettered paragraph a of subdivision nine, which would prohibit denying any license, registration or permit to any applicant, or acting adversely upon any holder of a license, registration or permit because he or she was arrested or accused of committing a crime when such denial or adverse action is in violation of subdivision 16 of section 296 of article 15 of the New York State

³⁴ E.O. 151, §5.

³⁵ E.O. 151 §8.

³⁶ E.O. 151, §§ 4-5, 8, 12.

³⁷ E.O. 151, §11.

³⁸ The term “employers” refers to employers, employment agencies or agents thereof.

Executive Law³⁹. The bill would add subparagraph five to relettered paragraph a of subdivision nine, which would prohibit any person from making any inquiry, in writing or otherwise, regarding any arrest or criminal accusation of an applicant for any license, registration or permit when such inquiry is in violation of subdivision 16 of section 296 of article 15 of the New York State Executive Law.⁴⁰ Rellettered paragraph c of subdivision nine would clarify that the provisions of subdivision nine do not apply to licensing activities in relation to the regulation of explosives, pistols, handguns, rifles, shotguns, or other firearms and deadly weapons.

The bill would amend subdivision 10 to clarify that employers are prohibited from denying employment to an applicant or taking adverse action against an employee by reason of such applicant or employee having been convicted of a crime if such denial or adverse action is in violation of article 23-a. In relation to current employees, article 23-a protections apply to convictions that preceded employment.⁴¹ The bill would also clarify that for purposes of subdivision 10, “employment” would not include membership in any law enforcement agency.

The bill would amend subdivision 11 to clarify that employers may not deny employment to any applicant or act adversely upon any employee by reason of an arrest or criminal accusation of such applicant or employee when such denial or adverse action is in violation of subdivision 16 of section 296 of article 15 of the New York State Executive Law⁴². Subdivision 11 would be further amended to clarify that employers may not, in writing or otherwise, make any inquiry regarding any arrest or criminal accusation of an applicant or employee when such inquiry is in violation of subdivision 16 of section 296 of article 15 of the New York State Executive Law⁴³.

New subdivision 11-a would prohibit employers from making any inquiry⁴⁴ or statement⁴⁵ related to a pending arrest or criminal conviction record, for the purposes

³⁹ N.Y.S. Executive Law § 296(16): “It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.58 of the criminal procedure law, in connection with the licensing, employment or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 of the criminal procedure law.”

⁴⁰ *Id.*

⁴¹ N.Y.S. Correction Law § 751: “The provisions of [article 23-a of the New York State Correction Law] shall apply to . . . any employment held by any person whose conviction of one or more criminal offenses in this state or any other jurisdiction preceded such employment.”

⁴² N.Y.S. Executive Law § 296(16) *supra* note 39.

⁴³ *Id.*

⁴⁴ “Inquiry” would be defined as any question communicated to an applicant in writing or otherwise, or

of obtaining information related to a job applicant's criminal history, before extending the applicant a conditional offer of employment. The bill would also prohibit an employer from declaring, printing or circulating any employment information that expresses any limitation or specification in employment based on a person's arrest or criminal conviction—this would include any materials used for purposes of advertising an open position. Such inquiries, statements, declarations, printing or circulation would be an unlawful discriminatory practice under the City's Human Rights Law.

After extending a conditional offer of employment, an employer would be permitted to make such inquiries or statements and commence a criminal background check. If the employer were to take any adverse action based on the applicant's criminal history, the employer would first be required to: (i) provide a written copy of the inquiry to the applicant in a manner to be determined by the commission; (ii) perform an analysis pursuant to article 23-a; and (iii) in a manner to be determined by the commission, provide a written copy of the analysis, which would include but not be limited to supporting documents that formed the basis for the adverse action and the employer's reason for taking adverse action. Supporting documents would include court records or other sources of criminal history information as determined by the commission. After providing the applicant with a written copy of the inquiry and analysis, the employer would be required to hold the position open for no less than three business days to allow the applicant to respond. Of note, an earlier version of Proposed Int. No. 318-A would have required the position to be held open for seven days, but the business community expressed concern that seven days would place an undue burden on employers seeking to expeditiously fill open positions.

For purposes of extending a conditional offer of employment as it relates to temporary help firms, an offer to be placed in the firm's applicant pool would constitute a conditional offer of employment. This specification is intended to address the unique nature of temporary help firms, commonly referred to as "temp agencies," which add employees to a roster from which they make selections as necessary for various types of employment.

Further, the bill would permit applicants to refuse to respond to an inquiry or statement that violates the provisions of the law and would prohibit disqualification of an applicant from prospective employment based on such refusal.

An employer would not be prohibited from taking adverse action against an employee or applicant for reasons other than the employee or applicant's arrest or criminal conviction record. Additionally, no employer would be required to hire any person despite their criminal history. Notably, an earlier version of Proposed Int. No. 318-A would have prohibited an employer from considering any convictions for a felony committed more than ten years ago or for a misdemeanor committed more than five years ago. This provision was removed to maintain the employer's right to

any searches of publicly available records or consumer reports that are conducted for the purpose of obtaining an applicant's criminal background information.

⁴⁵ "Any statement" would be defined as a statement communicated in writing or otherwise to the applicant for purposes of obtaining an applicant's criminal background information regarding: (i) an arrest record; (ii) a conviction record; or (iii) a criminal background check.

do a complete article 23-a analysis in determining whether or not to hire someone with a criminal record.

The provisions of the new subdivision 11-a would not apply to any actions taken by an employer that were done pursuant to any federal, State, or local law that requires criminal background checks for employment, or bars employment based on criminal history. This would include rules and regulations of self-regulatory organizations as defined in the Securities Exchange Act of 1934, as amended. Further, the new subdivision would not apply to hiring procedures with regard to the following types of employment:

- Police and peace officers, as defined in the New York State Criminal Procedure Law;
- Law enforcement agencies, including, but not limited to, the New York City Police and Fire Departments, the Departments of Correction, Investigation and Probation, the Division of Youth and Family Services, the Business Integrity Commission, and the City's District Attorneys' offices; and
- Positions, as determined by the Commissioner of Citywide Administrative Services, that involve law enforcement, are susceptible to bribery or other corruption, or entail the provision of services to or safeguarding of people who, because of age, disability, infirmity or other conditions, are vulnerable to abuse.⁴⁶

The bill would add new subdivision 11-b, which would include language related to the consideration of criminal history for purposes of issuing credit—language that the bill would remove from subdivision 11 of section 8-107 of title eight of the Administrative Code and contains updates in order to reflect protections under State law. New subdivision 11-b would require that for purposes of issuing credit, it would be an unlawful discriminatory practice, unless specifically required or permitted by any other law, to: (i) deny or act adversely upon any person seeking credit by reason of an arrest or criminal accusation of such person when such denial or adverse action is in violation of subdivision 16 of section 296 of article 15 of the New York State Executive Law⁴⁷; or (ii) make any inquiry in writing or otherwise, regarding any arrest or criminal accusation of a person seeking credit when such inquiry is in violation of subdivision 16 of section 296 of article 15 of the New York State Executive Law⁴⁸.

Section one of Proposed Int. No. 318-A would amend subdivision five of section 8-102 of title eight of the Administrative Code for purposes of defining “employer” as an employer with four or more employees where the term employer is used in new subdivision 11-a. Therefore, only employers with four or more employees would be subject to the provisions of the new subdivision 11-a.

⁴⁶ If the Department of Citywide Administrative Services takes adverse action against an applicant based on the applicant's arrest or criminal conviction record, it must provide a written copy of its analysis under article 23-A in a manner to be determined by the Department of Citywide Administrative Services.

⁴⁷ N.Y.S. Executive Law § 296(16) *supra* note 39.

⁴⁸ *Id.*

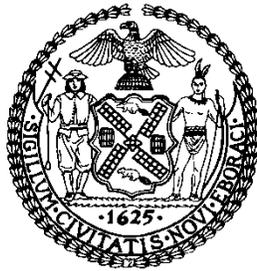
June 10, 2015

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Finally, section three of the bill would require the commission to do outreach and education targeted at the business community and the general public related to the rights and responsibilities established by the bill.

The bill would take effect one hundred and twenty days after its enactment into law.

(The following is the text of the Fiscal Impact Statement for Int. No. 318-A:)



**THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. No. 318-A**

**COMMITTEE: Civil
Rights**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's arrest record or criminal conviction.

SPONSORS: Council Members Williams, Johnson, Torres, Miller, Gibson, Chin, Palma, the Public Advocate (Ms. James), Arroyo, Cornegy, Dromm, Koo, Levine, Reynoso, Richards, Espinal, Levin, Menchaca, Dickens, Barron, Rosenthal, Cumbo, Rose, Rodriguez, King, Koslowitz, Wills, Mendez, Kallos, Lander, Eugene, Cabrera, Constantinides, Ferreras – Copeland, and Maisel (by the request of the Manhattan Borough President)

SUMMARY OF LEGISLATION: Proposed Int. No. 318-A would make it a violation of the New York City Human Rights Law for any employer to make any inquiry or statement about an applicant's pending arrest record or criminal background prior to an applicant receiving a conditional offer of employment. Following a conditional offer, an employer would be permitted to make inquiries related to the applicant's criminal history and make considerations based on criminal history in accordance with article 23-a of the New York State Correction Law. If an employer decides to take adverse action against an applicant based on the applicant's criminal record in accordance with article 23-a, Proposed Int. 318-a would require the employer to: (i) provide the applicant, in writing, in a manner to be determined by the Commission on Human Rights, with the reason for the adverse action, along

with a copy of the source of criminal history information; and (ii) hold the position open for three days before offering the position to another applicant. During this three day period, the applicant would have an opportunity to respond by possibly addressing any incorrect or negative reporting, or providing the employer with proof of rehabilitation.

Nothing in the bill would prohibit an employer from denying employment based on any factor other than criminal history.

Proposed Int. 318-A would not apply to employers hiring for positions for which any federal, State or local law requires criminal background checks or for which criminal history serves as a bar to employment. Proposed Int. 318-A would also exempt law enforcement positions, including police and peace officers, members of the Police and Fire Departments, the Departments of Investigation, Correction, Youth and Family Services and Probation, and the Business Integrity Commission. Finally, the bill would not apply to a limited number of positions appointed by the Department of Citywide Administrative Services through a hiring process done pursuant to the New York State Civil Service Law where the Department determines that such positions involve a matter of public safety and trust.

Proposed Int. 318-A would require the Commission on Human Rights to engage in outreach and education efforts regarding the rights of current and prospective employees, and the responsibilities of employers, established by this local law. Such outreach and education would be directed at public and private employers, and the general public.

Effective Date: This local law would take effect 120 days after its enactment, provided, however, that the commissioner of the Commission on Human Rights would take any actions necessary prior to such effective date for the implementation of the local law including, but not limited to, the adoption of any necessary rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2017

FISCAL IMPACT STATEMENT:

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

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

June 10, 2015

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IMPACT ON EXPENDITURES: The Administration has indicated that the Commission on Human Rights would need additional budgetary resources to implement Proposed Intro. 318, however, considering the limited information provided by the Administration, the Finance Division estimates that there would be no fiscal impact, and that the Commission on Human Rights can use existing resources to implement the bill.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: Mayor's Office of City Legislative Affairs

ESTIMATE PREPARED BY: Eisha Wright, Unit Head, Finance Division

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director, Finance Division
Rebecca Chasan, Assistant Counsel, Finance Division
Tanisha Edwards, Chief Counsel, Finance Division

LEGISLATIVE HISTORY: Intro. No. 318 was introduced by the Council on April 29, 2014 and referred to the Committee on Civil Rights. The Committee considered the legislation at a hearing on December 3, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 318-A, will be voted on by the Committee at a hearing on June 9, 2015. Upon successful vote of the Committee, Proposed Intro. No. 318-A will be submitted to the full Council for a vote on June 10, 2015.

DATE PREPARED: June 9, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 318-A:)

Int. No. 318-A

By Council Members Williams, Johnson, Torres, Miller, Gibson, Chin, Palma, the Public Advocate (Ms. James), Arroyo, Cornegy, Dromm, Koo, Levine, Reynoso, Richards, Espinal, Levin, Menchaca, Dickens, Barron, Rosenthal, Cumbo, Rose, Rodriguez, King, Koslowitz, Wills, Mendez, Kallos, Lander, Eugene, Cabrera, Constantinides, Ferreras-Copeland and Maisel (by the request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's arrest record or criminal conviction

Be it enacted by the Council as follows:

Section 1. Subdivision 5 of section 8-102 of title 8 of the administrative code of the city of New York is amended to read as follows:

5. For purposes of subdivisions one, two, three, *eleven-a*, twenty-two, subparagraph one of paragraph a of subdivision twenty-one, and paragraph e of subdivision twenty-one of section 8-107 of this chapter, the term "employer" does not include any employer with fewer than four persons in his or her employ. For purposes of this subdivision, natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.

§ 2. Subdivisions 9, 10 and 11 of section 8-107 of the administrative code of the city of New York, as amended by local law 37 for the year 2015, are amended and new subdivisions 11-a and 11-b are added to read as follows:

9. Licenses, *registrations* and [Permits] *permits*. (a) It shall be an unlawful discriminatory practice:

[(a)] (1) Except as otherwise provided in paragraph (c) of *this subdivision*, for an agency authorized to issue a license, *registration* or permit or an employee thereof to discriminate against an applicant for a license, *registration* or permit because of the actual or perceived race, creed, color, national origin, age, gender, marital status, partnership status, disability, sexual orientation or alienage or citizenship status of such applicant.

[(b)] (2) Except as otherwise provided in paragraph (c) of *this subdivision*, for an agency authorized to issue a license, *registration* or permit or an employee thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for a license, *registration* or permit or to make any inquiry in connection with any such application, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, age, gender, marital status, partnership status, disability, sexual orientation or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

[(c) Nothing contained in this subdivision shall be construed to bar an agency authorized to issue a license or permit from using age or disability as a criterion for determining eligibility for a license or permit when specifically required to do so by any other provision of law.] (3) *For any person to deny any license, registration or permit to any applicant, or act adversely upon any holder of a license, registration or permit by reason of his or her having been convicted of one or more criminal offenses, or by reason of a finding of a lack of "good moral character" which is based on his or her having been convicted of one or more criminal offenses, when such denial or adverse action is in violation of the provisions of article twenty-three-a of the correction law.*

(4) *For any person to deny any license, registration or permit to any applicant, or act adversely upon any holder of a license, registration or permit by reason of his or her having been arrested or accused of committing a crime when such denial or adverse action is in violation of subdivision 16 of section 296 of article 15 of the New York state executive law.*

(5) *For any person to make any inquiry, in writing or otherwise, regarding any arrest or criminal accusation of an applicant for any license, registration or permit when such inquiry is in violation of subdivision 16 of section 296 of article 15 of the New York state executive law.*

(b) (1) Except as otherwise provided in this paragraph, it shall be an unlawful discriminatory practice for an agency to request or use for licensing, *registration* or permitting purposes information contained in the consumer credit history of an applicant, licensee, *registrant* or permittee for licensing or permitting purposes.

(2) Subparagraph (1) of this paragraph shall not apply to an agency required by state or federal law or regulations to use an individual's consumer credit history for licensing, *registration* or permitting purposes.

(3) Subparagraph (1) of this paragraph shall not be construed to affect the ability of an agency to consider an applicant's, licensee's, registrant's or permittee's failure to pay any tax, fine, penalty, or fee for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction, or any tax for which a government agency has issued a warrant, or a lien or levy on property.

(4) Nothing in this paragraph shall preclude a licensing agency from requesting, receiving, or using consumer credit history information obtained pursuant to a lawful subpoena, court order or law enforcement investigation.

(c) *The prohibition of this subdivision relating to inquiries, denials or other adverse action related to a person's record of arrests or convictions shall not apply to licensing activities in relation to the regulation of explosives, pistols, handguns, rifles, shotguns, or other firearms and deadly weapons.* Nothing contained in this subdivision shall be construed to bar an agency authorized to issue a license, *registration* or permit from using age, [or] disability, *criminal conviction or arrest record* as a criterion for determining eligibility or continuing fitness for a license, *registration* or permit when specifically required to do so by any other provision of law.

10. Criminal conviction; *employment*. (a) It shall be an unlawful discriminatory practice for any [person] *employer, employment agency or agent thereof* to deny [any license or permit or] employment to any person or *take adverse action against any employee* by reason of [his or her] *such person or employee* having been convicted of one or more criminal offenses, or by reason of a finding of a lack of "good moral character" which is based on [his or her] *such person or employee* having been convicted of one or more criminal offenses, when such denial or *adverse action* is in violation of the provisions of article twenty-three-a of the correction law.

(b) *For purposes of this subdivision, "employment" shall not include membership in any law enforcement agency.*

(c) Pursuant to section seven hundred fifty-five of the correction law, the provisions of this subdivision shall be enforceable against public agencies by a

proceeding brought pursuant to article seventy-eight of the Civil Practice Law and Rules, and the provisions of this subdivision shall be enforceable against private employers by the commission through the administrative procedure provided for in this chapter or as provided in chapter five of this title. For purposes of this paragraph only, the terms "public agency" and "private employer" shall have the meaning given such terms in section seven hundred fifty of the correction law.

11. Arrest record; *employment*. It shall be an unlawful discriminatory practice, unless specifically required or permitted by any other law, for any person to:

(a) *deny employment to any applicant or act adversely upon any employee by reason of an arrest or criminal accusation of such applicant or employee when such denial or adverse action is in violation of subdivision 16 of section 296 of article 15 of the New York state executive law; or*

(b) *make any inquiry [about, whether in any form of application or otherwise, or to act upon adversely to the person involved, any arrest or criminal accusation of such person not then pending against that person which was followed by a termination of that criminal action or proceeding in favor of such person, as defined in subdivision two of section 160.50 of the criminal procedure law, in connection with the licensing, employment or providing of credit to such person; provided, however, that the prohibition of such inquiries or adverse action shall not apply to licensing activities in relation to the regulation of guns firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the Criminal Procedure Law] in writing or otherwise, regarding any arrest or criminal accusation of an applicant or employee when such inquiry is in violation of subdivision 16 of section 296 of article 15 of the New York state executive law.*

11-a. Arrest and conviction records; employer inquiries. (a) In addition to the restrictions in subdivision 11 of this section, it shall be an unlawful discriminatory practice for any employer, employment agency or agent thereof to:

(1) *Declare, print or circulate or cause to be declared, printed or circulated any solicitation, advertisement or publication, which expresses, directly or indirectly, any limitation, or specification in employment based on a person's arrest or criminal conviction; or*

(2) *Make any inquiry or statement related to the pending arrest or criminal conviction record of any person who is in the process of applying for employment with such employer or agent thereof until after such employer or agent thereof has extended a conditional offer of employment to the applicant. For purposes of this subdivision, with respect to an applicant for temporary employment at a temporary help firm as such term is defined by subdivision five of section 916 of article 31 of the New York labor law, an offer to be placed in the temporary help firm's general candidate pool shall constitute a conditional offer of employment. For purposes of this subdivision, "any inquiry" means any question communicated to an applicant in writing or otherwise, or any searches of publicly available records or consumer reports that are conducted for the purpose of obtaining an applicant's criminal background information. For purposes of this subdivision, "any statement" means a statement communicated in writing or otherwise to the applicant for purposes of*

obtaining an applicant's criminal background information regarding: (i) an arrest record; (ii) a conviction record; or (iii) a criminal background check.

(b) After extending an applicant a conditional offer of employment, an employer, employment agency or agent thereof may inquire about the applicant's arrest or conviction record if before taking any adverse employment action based on such inquiry, the employer, employment agency or agent thereof:

(i) provides a written copy of the inquiry to the applicant in a manner to be determined by the commission;

(ii) performs an analysis of the applicant under article twenty-three-a of the correction law and provides a written copy of such analysis to the applicant in a manner to be determined by the commission, which shall include but not be limited to supporting documents that formed the basis for an adverse action based on such analysis and the employer's or employment agency's reasons for taking any adverse action against such applicant; and

(iii) after giving the applicant the inquiry and analysis in writing pursuant to subparagraphs (i) and (ii) of this paragraph, allows the applicant a reasonable time to respond, which shall be no less than three business days and during this time, holds the position open for the applicant.

(c) Nothing in this subdivision shall prevent an employer, employment agency or agent thereof from taking adverse action against any employee or denying employment to any applicant for reasons other than such employee or applicant's arrest or criminal conviction record.

(d) An applicant shall not be required to respond to any inquiry or statement that violates paragraph (a) of this subdivision and any refusal to respond to such inquiry or statement shall not disqualify an applicant from the prospective employment.

(e) This subdivision shall not apply to any actions taken by an employer or agent thereof pursuant to any state, federal or local law that requires criminal background checks for employment purposes or bars employment based on criminal history. For purposes of this paragraph federal law shall include rules or regulations promulgated by a self-regulatory organization as defined in section 3(a)(26) of the securities exchange act of 1934, as amended.

(f) This subdivision shall not apply to any actions taken by an employer or agent thereof with regard to an applicant for employment:

(1) as a police officer or peace officer, as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law, respectively, or at a law enforcement agency as that term is used in article 23-a of the correction law, including but not limited to the police department, the fire department, the department of correction, the department of investigation, the department of probation, the division of youth and family services, the business integrity commission, and the district attorneys' offices; or

(2) listed in the determinations of personnel published as a commissioner's calendar item and listed on the website of the department of citywide administrative services upon a determination by the commissioner of citywide administrative services that the position involves law enforcement, is susceptible to bribery or other corruption, or entails the provision of services to or safeguarding of persons who,

because of age, disability, infirmity or other condition, are vulnerable to abuse. If the department takes adverse action against any applicant based on the applicant's arrest or criminal conviction record, it shall provide a written copy of such analysis performed under article twenty-three a of the correction law to the applicant in a form and manner to be determined by the department.

(g) The provisions of this subdivision shall be enforceable against public agencies by a proceeding brought pursuant to article seventy-eight of the Civil Practice Law and Rules, and the provisions of this subdivision shall be enforceable against private employers by the commission through the administrative procedure provided for in this chapter or as provided in chapter five of this title. For purposes of this paragraph only, the terms "public agency" and "private employer" shall have the meaning given such terms in section seven hundred fifty of the correction law.

11-b. Arrest record; credit application. For purposes of issuing credit, it shall be an unlawful discriminatory practice, unless specifically required or permitted by any other law, to:

(a) deny or act adversely upon any person seeking credit by reason of an arrest or criminal accusation of such person when such denial or adverse action is in violation of subdivision 16 of section 296 of article 15 of the New York state executive law; or

(b) make any inquiry in writing or otherwise, regarding any arrest or criminal accusation of a person seeking credit when such inquiry is in violation of subdivision 16 of section 296 of article 15 of the New York state executive law.

§ 3. The commission on human rights shall engage in outreach and education efforts regarding the rights of current and prospective employees, and the responsibilities of employers, established by this local law. Such outreach and education shall be directed at public and private employers, and the general public.

§ 4. This local law shall take effect 120 days after its enactment, provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

DARLENE MEALY, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, DEBORAH L. ROSE, ANDREW L. KING; Committee on Civil Rights, June 9, 2015.

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 Civil Service and Labor

Report for Int. No. 125-B

Report of the Committee on Civil Service and Labor 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 licensing car wash businesses.

The Committee on Civil Service and Labor, to which the annexed amended proposed local law was referred on March 12, 2014 (Minutes, page 603), respectfully

REPORTS:

INTRODUCTION

On June 10, 2015, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, will hold a hearing and vote on Proposed Int. No. 125-B, a Local Law to amend the administrative code of the City of New York, in relation to licensing car wash businesses. In the Council's previous legislative session, the Committee held an oversight hearing, entitled "Business Practices of the City's Carwashes: Labor, Consumer & Environmental Issues" on May 2, 2012; the Committee also held a hearing on an earlier version of the bill, Proposed Intro. No. 852-A on December 12, 2013. Last year, the Committee held a first hearing on the previous version of the current legislation Proposed Intro. No. 125-A, on June 19, 2014.

BACKGROUND

Car wash establishments must comply with local, state and federal labor and environmental laws, including those with respect to minimum wage, overtime pay, worker protection and water discharges. Currently, the City does not license, permit or specifically regulate car wash establishments. The industry is subject to consumer protection by the New York City Department of Consumer Affairs (DCA) as many other businesses, which investigates complaints such as deceptive trade practices, and compliance matters under the New York City Department of Environmental Protection (DEP) which regulates water quality issues.

According to a 2012 report by a coalition of worker rights groups called Workers Aligned for a Sustainable and Healthy New York ("WASH New York"), there are approximately 200 car washes in New York City, employing over 5,000 people who frequently do not receive the minimum wage or overtime pay.¹ Further, the report revealed that consumer complaints concerning damage to serviced vehicles are routinely settled by using the workers' tips to make customers whole.² In addition, the report notes that workers handle potentially toxic chemicals without proper safety equipment,³ and speculates that it is unclear what risk these chemicals may pose to the environment and to people who live or work in close proximity to car wash businesses.

Labor Issues

According to the New York State Department of Labor ("DOL"), in 2010 nearly 80 percent of car washes in New York City were suspected to have serious wage and hour violations including the failure to pay the minimum wage and overtime pay

after 40 hours.⁴ In 2010, DOL sued the operator of Broadway Bridge Car Wash in northern Manhattan alleging that the company had not paid overtime and other charges, seeking over \$4 million through the court.⁵ The DOL settled with the company for \$1.3 million in back pay for minimum wage to workers covering 2003-2008, plus approximately \$700,000 in penalties and interest.⁶ According to Crain's New York Business, the DOL:

interviewed workers and examined payroll records and found that employees generally worked 12 hours a day, six days a week, without being paid overtime as the law requires. Some of the workers earned as little as \$3.75 an hour when the minimum wage was \$6.75 and \$4.00 when it was \$7.15. They took home as little as \$270 a week and were often forced to share tips with non-service employees.⁷

According to WASH New York, over 71 percent of car wash workers interviewed in connection with their report worked at least 60 hours a week, with some working as many as 105 hours a week with no overtime pay after 40 hours as required by law.⁸ Workers also indicated that they did not receive breaks and had their tips taken by managers or their tips were used to pay customers for car damages.⁹ Other complaints from workers surveyed included unpredictable schedules and being sent home in the middle of their shift when the weather was bad (and there were few customers).¹⁰

According to WASH New York, workers at six car washes in the City have successfully ratified union contracts during 2013.¹¹ Workers at these car washes will become members of the Retail, Wholesale and Department Store Union (RWDSU).¹² The contracts require overtime pay, wages as high as \$9.18 per hour, regular weekly schedules, and anti-discrimination protection for immigrant workers.¹³

Consumer Complaints

An informal review by DCA indicates that there were approximately eleven complaints regarding car washes during a 2 ½ year period ending in March 2012 relating to car damage and the failure to post prices.¹⁴ There is currently no mechanism whereby car washes must report damage to vehicles or carry liability insurance, although a statewide industry group recommends that they do so.¹⁵ Further, according to WASH New York, it is standard practice at many car washes for management to deal with customer complaints of damage to vehicles by paying them with cash taken from workers' tips or salary.¹⁶

Environmental and Worker Safety Issues

It is not widely known what chemicals are used in the process of washing and detailing cars and it is, therefore, unclear whether these businesses operate in compliance with environmental regulations. According to WASH New York, many harsh chemicals are used by car wash workers without the provision of gloves, masks and other safety equipment being supplied by the business in possible violation of

state and federal worker protection laws.¹⁷ The report indicated that workers are frequently exposed to harsh cleaning and degreasing substances, and work with high pressure water hoses and poorly protected electrical sources that are close to water.¹⁸ Workers interviewed by WASH New York reported cases of itching and burning skin, loss of body hair, and burning eyes, lungs and throats.¹⁹ Most of the workers interviewed received either no safety equipment or poor quality items such as gloves that broke easily.²⁰ The lack of safety equipment may potentially be in violation of federal law, which requires safety equipment to be provided to workers at no cost when there are potential dangers of exposure to toxic substances:

Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.²¹

There are numerous laws and regulations at all levels of government that apply to businesses that use large amounts of water, particularly ground water in New York City. For instance, in order to carry out its responsibility pursuant to the New York State Public Health Law, DEP, as a supplier of water, must determine if a facility poses a potential hazard to the City's water supply.²² City laws and rules direct DEP to protect the public water from potential contamination within the premises of the water user. If a facility should pose a hazard to the public water supply due to its operations and practices, the DEP Commissioner is required to direct the installation by the owner of an approved backflow prevention device.²³ The facility owner could be subject to enforcement actions, such as cease and desist orders, civil or criminal actions, fines or penalties and even the termination of the water supply to the building or any portion of the facility for a failure to comply.²⁴ The City enacted Local Law 76 of 2009 to require all facilities using potable and non-potable water with a potential risk of non-potable water entering into the potable water supply to install a backflow device. Hence, some businesses, such as commercial car washing facilities using City water, are required to install an approved backflow prevention device.²⁵

Furthermore, it is illegal to discharge pollutants into the environment without a permit under the Federal Clean Water Act.²⁶ Industrial pretreatment of used wastewater is required before discharge into public sewers. Enforcement, however, is delegated to the states. There is an existing industrial pretreatment program administered by the DEP. However, under City rules, the prohibition on the discharge of groundwater to a public sewer applies only to discharges of over 10,000 gallons per day.²⁷ Further, where car washes use non-potable groundwater, a well permit is also required.²⁸ Local Law 76 also requires the reporting of the actual quantity of water withdrawals if those withdrawals exceed 100,000 gallons per day.²⁹

Other Jurisdictions

In response to numerous press reports and governmental investigations into the mistreatment of car wash workers, in 2003 the California legislature passed the “Car Wash Worker Law,”³⁰ but due to various bureaucratic reasons, the law was barely in full effect by the time the legislation sunsetted.³¹ It was, however, reauthorized in 2009.³² The law’s primary provisions allow for workers to obtain compensation for wage theft through administrative and judicial proceedings.³³ California’s law also requires car washes to register with the state, pay \$50 into a “restitution fund” and carry a \$15,000 bond to ensure payments of outstanding back-pay claims.³⁴ Under this law, workers can access a tribunal to address grievances and the state periodically conducts “sweeps” wherein numerous businesses are checked for compliance with the law. The bond was increased to \$150,000 in 2012.³⁵

Workers in numerous car washes in Los Angeles, California have taken steps to organize. Currently, workers at twenty-three car washes in Los Angeles have voted to unionize, joining the United Steelworkers.³⁶ According to the CLEAN Carwash Campaign, the contracts include:

- Union membership and recognition;
- A grievance and arbitration process for disputes;
- Compliance with all local, state, and federal law labor laws that respect employee wages;
- A starting wage of 2% above the minimum wage, and a 2% wage increase for workers already making above the minimum wage;
- Compliance with health and safety laws. Employers must supply workers with safety equipment and with drinking water; and
- Accommodation for workers dealing with immigration related issues.³⁷

SIGNIFICANT AMENDMENTS AND INTENT

Numerous technical amendments were made between the Proposed Int. No. 852-A, heard in the last legislative session, Proposed Int. No. 125-A heard in June 2014 and Proposed Int. No. 125-B. However, only a few significant amendments were made to each version.

The significant amendments between Proposed Int. No. 852-A and Proposed Int. No. 125-A were that the biennial license fee was increased from \$300 to \$550 and various references and a section of the bill were added regarding various plumbing and department of environmental protection regulations that car washes must comply with in order to obtain and renew a license.

There were two significant amendments made between Proposed Int. No. 125-A and Proposed Int. No. 125-B, which both pertain to the surety bond. The first change, was that the surety bond car washes would be required to obtain was reduced from \$300,000 to \$150,000. Secondly, a provision was added that created a reduction in the bond for car washes with a collective bargaining agreement or who are under a supervised settlement by the State or Federal government, which would only be required to carry a \$30,000 bond.

In addition, it should be noted that section 20-541(e)(3) allows the DCA Commissioner to deny the issuance or renewal of a license based on whether the applicant “lacks moral character.” One of the criteria for this determination is a “final determinations of liability in a civil, criminal or administrative action involving egregious or repeated nonpayment or underpayment of wages or other illegal acts or omissions bearing a direct relationship to the fitness of the applicant to conduct the business for which the license is sought.”

It is the legislative intent of the Council that the DCA Commissioner shall be able to consider an Order to Comply or other administrative decision by the New York Department of Labor or New York Attorney General, regarding non-payment or under payment of wages, that has not yet been converted into a judgment, when making a determination whether to issue or renew a license pursuant to section 20-541(e)(3).

BILL SUMMARY

Proposed Int. No. 125-B would amend the administrative code of the city of New York in relation to licensing car washes. In order to obtain, renew or maintain a license under this law, a car wash operator would have to certify that it is has complied with demonstrable labor and environmental laws and regulations. In addition, if a car wash operator is found to have violated labor and environmental laws, the operator would have to come into compliance with such laws and pay penalties in order to maintain or renew its license.

Section one of the legislation would add a new Subchapter 33 to Title 20, titled “Consumer Affairs” of the Administrative Code (the code). Section 20-539 of the code would provide that this local law would be known and cited as the “Car Wash Accountability Law.” Section 20-540 of the code would provide definitions, including:

The term “applicant” would mean any individual, partnership, corporation, limited liability company, joint venture, association or other business entity that seeks a license or renewal of a license to engage in the operation of a car wash.

The term “car wash” would mean any individual, partnership, corporation, limited liability company, joint venture, association, or other business entity that engages in the cleaning of vehicles, including washing, detailing, drying, polishing, vacuuming or otherwise providing cosmetic care to vehicles. “Car wash” would not, however, include: any business entity that is engaged in selling, leasing, renting or repairing motor vehicles, where car washing is ancillary to the primary business of such entity; any self-service facility for washing vehicles, where the facility’s employees do not provide assistance to customers in the cleaning of vehicles, such as

washing, detailing, drying, polishing, vacuuming or otherwise providing cosmetic care to vehicles, including businesses such as convenience stores, gas stations and oil change facilities, where car washing is ancillary to the primary business of the facility; any person that engages in the cleaning of vehicles on an intermittent basis to raise funds for a not-for-profit organization; or any federal, state or local governmental agency.

The term “collective bargaining representative” would mean a bona fide labor organization that is the recognized or certified exclusive bargaining representative of the employees of an employer under applicable law. The DCA commissioner would be able request documentation as proof that the employer’s employees have a collective bargaining representative.

The term “licensee” would mean any individual, partnership, corporation, limited liability company, joint venture, association or other business entity that is currently licensed by the DCA commissioner to engage in the operation of a car wash.

Section 20-541 of the code would impose a license requirement upon car washes and would list the requirements for a license to operate a car wash. It would be unlawful for any car wash to operate without a license. Licenses would be valid for two years unless suspended or revoked. The Commissioner of Consumer Affairs would generate an application and applicants would pay a fee of \$550 for each car wash location. Applicants would have to provide standard information regarding the applicant’s name, address, corporate structure and ownership, and other information as such Commissioner may require. An applicant would also have to certify that it is in compliance with all applicable laws, regulations and rules, pertaining to such car wash, including specific sections of the New York City Plumbing Code. In addition, operators would be required to verify that they obtained all necessary permits from the New York City Department of Health and Mental Hygiene to use non-potable ground water.

Further, an applicant would need proof of having a surety bond as well as signed certification that there are no outstanding judgments or warrants against it. A car wash would be required to have certificates of insurance for workers’ compensation, unemployment insurance and disability insurance coverage; and copies of liability insurance policies or certificates of insurance for liability

The Commissioner of Consumer Affairs would be authorized to refuse to issue or renew a license to an applicant who lacks good character, honesty and integrity. To make such a determination, such Commissioner may consider failure by such applicant to provide truthful information or documentation in connection with the application or a finding of liability in a civil or administrative action involving egregious or repeated nonpayment or underpayment of wages or other illegal acts or omissions that bears a direct relationship to the fitness of the applicant to conduct the business as a car wash taking into account the amount of time that has passed and the result of the action.

Section 20-542 of the code would require car wash operators to maintain a surety bond from an authorized surety company approved by the Commissioner of Consumer Affairs payable to the People of the City, conditioned upon compliance with the provisions of this law and final judgments against the applicant based on violations of the law, or in an action related to the applicant. The amount of the bond

would no less than \$150,000. Car washes that are parties to a collective bargaining agreement or under an active monitoring agreement pursuant to a settlement supervised by a federal or state agency would be required to obtain a \$30,000 bond.

Section 20-543 of the code would provide the criteria for determining whether an applicant is a successor to another company that previously operated a car wash.

Section 20-544 of the code would require car washes to keep an electronic log documenting damage to cars and details regarding how consumers were compensated for three years.

Section 20-545 of the code would pertain to enforcement. Any license issued under this law could be suspended or revoked by the Commissioner of Consumer Affairs upon notice and hearing for, amongst other things, fraud, misrepresentation, or false statements contained in the application for the license; or violation of any of this law or other parts of the Consumer Protection Law. The Commissioner may also suspend or revoke a license based on a final determination of liability in a civil, criminal or administrative proceeding regarding egregious or repeated nonpayment or underpayment of wages, although mitigating factors such as the length of time since the violation should also be considered.

Any individual or business entity operating a car wash without a valid license would be liable for a civil penalty of one hundred dollars per day for every calendar day during which the unlicensed car wash operated. Any applicant who knowingly or willingly submits false information to the Commissioner of Consumer Affairs as part of an application for license would be liable for a civil penalty of \$1,000 dollars in addition to any other civil or criminal penalties otherwise applicable under the law.

Section 20-546 of the code would authorize the DCA commissioner to promulgate any necessary rules.

The second bill section would amend Subchapter 4 of Chapter 3 of Title 24, titled Environmental Protection and Utilities, of the code to add a new section 24-367. This section, titled "Car wash, standards" provides the same definitions of terms listed in section one of the bill in the Consumer Protection portion of the bill.

This section also has the same requirements for retaining information for three years as mentioned above in section one of the bill, namely, that an applicant would also be required to certify that various information be retained by the car wash for three years, including water source and usage, characteristics of oil/water separator system, sand interceptors and back flow prevention devices and Material Safety Data Sheets or Safety Data Sheets that indicate the chemicals used in the car wash, when required by federal, state or local law or regulation. However, in this section an applicant is required to certify to the Department of Environmental Protection that such information and certification are available for inspection upon request of the Department.

The third section of the bill is the severability clause, which states that if any part of the law is found unconstitutional or invalid, this shall not affect the rest of the bill's validity.

The fourth section of the bill is the enactment clause. The clause provides that this local law would take effect 180 days after enactment, except that prior to such date, the Commissioners of Consumer Affairs and Environmental Protection shall

take such actions, including the promulgating of rules and the processing of applications, as are necessary to implement the provisions of this local law.

¹ “The Dirty Business of Cleaning NYC’s Cars: Carwash Workers Face Low Pay, Offensive Conditions and Poor Treatment,” (Hereinafter “Dirty Business”), Workers Aligned for a Sustainable and Healthy New York (WASH), Mar 1, 2012, available at www.washnewyork.org/files/car-wash-report.pdf.

² *Id.*

³ *Id.*

⁴ New York Department of Labor, Press Release, “New York City Car Wash in Hot Water for Not Paying Workers,” Oct. 12, 2010, available at: http://www.labor.ny.gov/pressreleases/2010/oct12_2010.shtm.

⁵ “Car wash comes clean over missing wages,” Crain’s New York Business.com, Oct. 12, 2010, available at: <http://www.craigslist.com/article/20101012/SMALLBIZ/101019965>.

⁶ *Id.*

⁷ *Id.*

⁸ Dirty Business, *supra* note 1.

⁹ *Id.*

¹⁰ *Id.*

¹¹ WASH New York Press Release, “Four Carwashes Ratify Union Contracts,” Oct. 17, 2013, available at <http://washnewyork.org/articles/detail.php?id=101>.

¹² *Id.*

¹³ *Id.*

¹⁴ Email with Consumer Affairs Committee staff and Mayor’s Office of City Legislative Affairs, March 26, 2012. Committee staff has determined that there does not appear to be a legal requirement to post prices.

¹⁵ See New York State Car Wash Association, <http://www.nyscwa.com/benefits/mang-national-carwash-insurance-program.cfm>.

¹⁶ Dirty Business.

¹⁷ Dirty Business.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ U.S. Occupational Safety & Health Administration Standard 1910.132(a).

²² 15 RCNY § 20-04 (d) (1).

²³ *Id.*

²⁴ 15 RCNY § 20-04 (d) (3)

²⁵ NYC Admin Code § 24-343.1; See also NYC Plumbing Code § 1003.1 *et seq.*

²⁶ 33 U.S.C. § 1342.

²⁷ 15 RCNY 19-02 (f).

²⁸ 24 RCNY § 141.17.

²⁹ NYC Admin Code § 24-343.1

³⁰ Cal. Assembly Bill 1688 of 2003. A previous version was passed in 1999 and vetoed by Governor Grey Davis. See “Regulating the Car Wash Industry: An Analysis of California’s Car Wash Worker Law,” (“Regulating the Car Wash Industry”), University of Southern California School of Public Affairs, April 2009.

³¹ Regulating the Car Wash Industry.

³² *Id.*

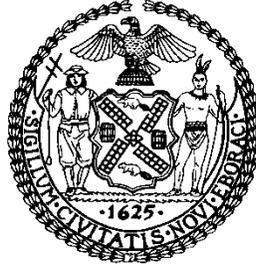
³³ *Id.*

³⁴ “Carwash Worker Law Renewal Signed Into Law,” Justice for Car Wash Workers, Oct. 13, 2009, available at: <http://www.cleancarwashla.org/index.cfm?action=article&articleID=052c7088-0906-428a-a3b4-e6b84304fd05>.

³⁵ See California Dep’t of Indus. Relations website, [http://www.dir.ca.gov/dlse/CW_NOTICE-AB1387\(jsedits\).pdf](http://www.dir.ca.gov/dlse/CW_NOTICE-AB1387(jsedits).pdf).

³⁶ See CLEAN Car Wash Campaign website <http://cleancarwashla.org/union-contracts>, accessed June 18, 2014; See also generally, *The Huffington Post*, “Car Wash Workers Unionize in Los Angeles,” Feb. 23, 2012, available at: http://www.huffingtonpost.com/2012/02/23/car-wash-workers-unionize_n_1296060.html.

(The following is the text of the Fiscal Impact Statement for Int. No. 125-B:)



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

**LATONIA MCKINNEY,
DIRECTOR**

FISCAL IMPACT STATEMENT

INTRO. NO.: 125-B

**COMMITTEE: Civil Service &
Labor**

TITLE: A local law to amend the administrative code of the city of New York, in relation to licensing car wash businesses.

SPONSOR(S): Speaker Mark-Viverito and Council Members Arroyo, Barron, Chin, Constantinides, Dromm, Ferreras-Copeland, Johnson, Koo, Lancman, Lander, Palma, Reynoso, Richards, Rose, Torres, Van Bramer, Williams, Mendez, Koslowitz, Kallos, Menchaca, Rodriguez, Levine, Levin, Rosenthal, Crowley, Gibson, King, Garodnick and Public Advocate James

SUMMARY OF LEGISLATION: The proposed legislation, known as the “car wash accountability law,” would require car washes to register with and secure a license from the Department of Consumer Affairs (“DCA”) in order to operate. The biennial fee of \$550 would apply to each location where the applicant’s car wash operates. The legislation would cover businesses where car washing is a sole or central component of the business model, but businesses where some car washing is done on the side, as is the case with many auto repair shops or car rental companies, would not be covered. Among other things, DCA could consider the “moral character” of a business when issuing or renewing a license, including whether an applicant provided truthful statements in support of a license application or information request, a history of egregious and repeated determinations of illegal activity, including labor law violations, that bear a direct relationship on the fitness of an applicant to conduct business.

As a condition of licensed operation, each registrant would need to secure a \$150,000 surety bond to cover potential claims for damages owed to consumers and

claims of underpayment or nonpayment of wages or damage to vehicles. Operations that secure collective bargaining agreements with employees, or that are covered by an active government monitoring agreement by the State or federal governments, would be required to secure a surety bond of \$30,000.

Car washes would also need to certify that they comply with certain laws and rules at the Department of Buildings (“DOB”) and the Department of Environmental Protection (“DEP”) related to, among other things, permits for well water, the amount of water drawn from public sources, use and maintenance of oil/water separators and sand interceptors, and reporting and retention of chemicals used in operations. Car washes would also be required to keep records of damage to cars and payments to customers.

EFFECTIVE DATE: This law would take effect 180 days after enactment, except that prior to such date, the commissioners of DCA and DEP would take such actions, including the promulgating of rules and the processing of applications, as necessary to implement the provisions of this local law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues	\$74,250	\$74,250	\$74,250
Expenditures	\$195,492	\$195,492	\$195,492
Net	-\$121,242	-\$121,242	-\$121,242

IMPACT ON REVENUES: Fees from the \$550-per-location biennial license would generate biennial revenues of \$148,500, averaging \$74,250 per year. Of roughly 300 car washes in the city, the Finance Division estimates a significant majority (90 percent) use employees in a manner requiring them to secure licenses under this law. The figures above assume all would secure a license within a calendar year of the law’s effective date. It is anticipated that, given the 180-day window between passage and the effective date, half of the first-year revenue would arrive during the last six months of Fiscal 2016 and half during the first six months of Fiscal 2017.

IMPACT ON EXPENDITURES: It is anticipated that DCA would employ both existing resources and new hires to administer the car wash licensing program. New resources, representing salaries and benefits for two new analysts, would represent an annual cost of \$162,910 plus an additional 20 percent for miscellaneous costs, for a total of \$195,492, associated with adding a licensing category to DCA’s portfolio. The additional analysts would assist in the inspection and enforcement stage and, more importantly, the registration/licensing stage of DCA’s process. The car wash

June 10, 2015

2042

accountability law would require DCA to consider, in part, a firm's adherence to wage laws. This requirement would not fundamentally alter the nature of demands legally placed on DCA when evaluating applicants across relevant industries, as existing licensing directives identify laundries as another industry where it must also consider applicants' compliance with wage laws.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Fees from licenses (see "Impact on Revenues" above)

SOURCE OF INFORMATION: New York City Council, Finance and Legislative Divisions
New York City Department of Consumer Affairs.

ESTIMATE PREPARED BY: Christopher Eshleman, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director / Chief Economist
Tanisha Edwards, Chief Counsel
Rebecca Chasan, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on March 12, 2014 as Intro. No. 125 and referred to the Committee on Civil Service & Labor. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 125-A was considered by the Committee at a hearing held on June 19, 2014 and the legislation was laid over. The legislation was subsequently amended again and the further amended legislation, Proposed Intro. 125-B, will be considered by the Committee at a hearing on June 9, 2015. Upon a successful vote by the Committee, Intro. No. 125-B will be submitted to the full Council for a vote on June 10, 2015.

DATE PREPARED: June 8, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 125-B:)

Int. No. 125-B

By The Speaker (Council Member Mark-Viverito) and Council Members Arroyo, Barron, Chin, Constantinides, Dromm, Ferreras-Copeland, Johnson, Koo, Lancman, Lander, Palma, Reynoso, Richards, Rose, Torres, Van Bramer, Williams, Mendez, Koslowitz, Kallos, Menchaca, Rodriguez, Levine, Levin,

Rosenthal, Crowley, Gibson, King, Garodnick and the Public Advocate (Ms. James).

A Local Law to amend the administrative code of the city of New York, in relation to licensing car wash businesses.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 33 to read as follows:

Subchapter 33
CAR WASHES

§ 20-539 **Short Title.** *This subchapter shall be known as and may be cited as the “car wash accountability law”.*

§ 20-540 **Definitions.** *For purposes of this subchapter:*

Applicant. The term “applicant” means any individual, partnership, corporation, limited liability company, joint venture, association or other business entity that seeks a license or renewal of a license to engage in the operation of a car wash.

Car wash. The term “car wash” means any individual, partnership, corporation, limited liability company, joint venture, association, or other business entity that engages in the cleaning of vehicles, including washing, detailing, drying, polishing, vacuuming or otherwise providing cosmetic care to vehicles. “Car wash” shall not include:

1. any business entity that is engaged in selling, leasing, renting or repairing motor vehicles, where car washing is ancillary to the primary business of such entity;

2. any self-service facility for washing vehicles, where the facility’s employees do not provide assistance to customers in the cleaning of vehicles, such as washing, detailing, drying, polishing, vacuuming or otherwise providing cosmetic care to vehicles, including businesses such as convenience stores, gas stations and oil change facilities, where car washing is ancillary to the primary business of the facility;

3. any person that engages in the cleaning of vehicles on an intermittent basis to raise funds for a not-for-profit organization; or

4. any federal, state or local governmental agency.

Collective bargaining representative. The term “collective bargaining representative” means a bona fide labor organization that is the recognized or certified exclusive bargaining representative of the employees of an employer under applicable law. The commissioner may request documentation as proof that the employer’s employees have a collective bargaining representative.

Licensee. The term “licensee” means any individual, partnership, corporation, limited liability company, joint venture, association or other business entity that is currently licensed by the commissioner to engage in the operation of a car wash.

§ 20-541 **License.** a. It shall be unlawful for any car wash to operate without a license.

b. All licenses issued pursuant to this subchapter shall be valid for two years.

c. Each applicant applying for a car wash license or renewal thereof shall file an application in such form and detail as the commissioner shall prescribe and shall pay a fee of five hundred fifty dollars for each location where such applicant’s car wash operates.

d. In addition to an applicant’s name, address, corporate structure and ownership, and other information as the commissioner may require, an applicant for a license required by this subchapter shall furnish the following information:

1. A signed statement certifying compliance with all applicable laws, regulations and rules including:

i. that the applicant is in compliance with the New York city plumbing code section PC 1003 and any rules promulgated by the commissioner of buildings or the commissioner of environmental protection, regarding the applicant’s oil/water separator system, sand interceptor, and/or backflow prevention devices, if any such equipment or devices are required for the operation of such car wash;

ii. that the applicant is in compliance with section 24-334 of this code;

iii. that the applicant has received any necessary permits from the department of health and mental hygiene to use non-potable ground water; and

iv. that the applicant has complied with subdivision b of section 24-529 of this code;

2. Written proof of compliance with the surety bond requirement as described in section 20-542 of this subchapter;

3. Signed certification by the applicant that there are no outstanding final judgments or warrants against the applicant in any action arising out of a violation of this subchapter or any rules promulgated thereunder;

4. Certificates of insurance for workers’ compensation, unemployment insurance and disability insurance coverage; and

5. Original or true copies of liability insurance policies or certificates of insurance for liability insurance carried by the applicant.

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 or any rules promulgated thereunder, the commissioner may deny issuance or renewal of a license upon a finding that:

1. the applicant has failed to satisfy any fine or civil penalty ordered against such applicant in a judicial or administrative proceeding arising out of a violation of this subchapter or any rules promulgated thereunder;

2. an entity to which the applicant is a successor, as such term is described in section 20-543 of this subchapter, has failed to satisfy any fine or civil penalty ordered against such entity in a judicial or administrative proceeding arising out of a violation of this subchapter or any rules promulgated thereunder; or

3. *the applicant lacks good moral character. In making such determination, the commissioner may consider, but is not limited to, any of the following factors:*

i. failure by such applicant to provide truthful information or documentation in connection with the application or other request for information;

ii. final determinations of liability in a civil, criminal or administrative action involving egregious or repeated nonpayment or underpayment of wages or other illegal acts or omissions bearing a direct relationship to the fitness of the applicant to conduct the business for which the license is sought; except that the commissioner shall take into account mitigating factors including (A) the passage of time since such findings of liability or other illegal acts or omissions at issue, (B) the severity of such findings of liability or other illegal acts or omissions, (C) whether any such findings or other illegal acts or omissions were resolved or are still pending, and (D) any change in circumstance that might reduce the likelihood of such findings or other illegal acts or omissions recurring during the period of licensure, including the fact that such findings or other illegal acts or omissions at issue took place prior to the effective date of this subchapter;

iii. a prior revocation by the commissioner of a car wash license held by the applicant or licensee; or

iv. a finding that within the last ten years an entity to which the applicant is a successor, as such term is described in section 20-543 of this subchapter, has been denied the issuance or renewal of a license pursuant to this subdivision or has had a license revoked pursuant to section 20-545 of this subchapter.

§ 20-542 Surety bonds. *a. Except as provided in subdivision b of this section, prior to the issuance or renewal of a car wash license, each applicant shall furnish to the commissioner a surety bond in the sum of one hundred fifty thousand dollars, payable to the city of New York and approved as to form by the commissioner.*

b. Prior to the issuance or renewal of a car wash license, an applicant described in paragraph one or two of this subdivision shall furnish to the commissioner a surety bond in the sum of thirty thousand dollars, payable to the city of New York and approved as to form by the commissioner.

1. The applicant is a party to a current and bona fide collective bargaining agreement, with a collective bargaining representative of its employees, that expressly provides for the timely payment of wages and an expeditious process to resolve disputes concerning nonpayment or underpayment of wages.

2. The applicant is covered by an active monitoring agreement pursuant to a settlement supervised by the office of the attorney general of the United States or the state of New York, or the department of labor of the United States or the state of New York, or other government agency with jurisdiction over wage payment issues, on the condition that such monitoring agreement:

i. expressly provides for the timely payment of wages at or above the applicable minimum wage rate;

ii. requires that the employer be subjected to at least monthly monitoring by an independent monitor appointed; and

iii. provides for an expeditious process to resolve disputes concerning wage violations without the expense of litigation, including reasonable mechanisms to secure the assets necessary to cover any judgment or arbitration award.

c. The surety bond required by subdivisions a and b of this section shall be conditioned upon the applicant's compliance with the provisions of this subchapter and any rules promulgated thereunder, and upon the further condition that the applicant shall pay or satisfy:

1. any fine, penalty or other obligation to the city within thirty days of the imposition of such fine, penalty or obligation;

2. any final judgment recovered by any person who received car wash services from a licensee thereunder and was damaged thereby within thirty days of such judgment; and

3. any final judgment recovered by any employee of the licensee for nonpayment or underpayment of wages within thirty days of such judgment.

*§ 20-543 **Successor.** An applicant shall be considered a successor to a predecessor car wash upon a finding that such applicant satisfies two or more of the following criteria:*

1. the applicant uses the same facility, facilities or workforce to offer substantially the same services as the predecessor car wash;

2. the applicant shared in the ownership, or otherwise exercised control over, the management of the predecessor car wash;

3. the applicant employs in a managerial capacity any person who controlled the wages, hours, or working conditions of the affected employees of the predecessor car wash; or

4. the applicant is an immediate family member, including a parent, step-parent, child, or step, foster or adopted child, of any owner, partner, officer, or director of the predecessor car wash, or of any person who had a financial interest in the predecessor car wash.

*§ 20-544 **Records.** Each licensee under this subchapter shall maintain a log documenting complaints of damage to vehicles in an electronic format to be designated by the commissioner. Each such log entry shall include a detailed description of such damage, and the amount of compensation, if any, that the customer received for such damage. Such records shall be kept for a period of at least three years and shall be made available to the department upon request. Each such licensee shall also maintain the records described in subdivision b of section 24-529 of this code for at least three years and shall make such records available to the department and the department of environmental protection upon request.*

*§ 20-545 **Enforcement.** a. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title or any rules promulgated thereunder, the commissioner, after due notice and an opportunity to be heard, may suspend or revoke a license issued pursuant to section 20-541 of this subchapter upon the occurrence of any one or more of the following conditions:*

1. Fraud, misrepresentation or false statements contained in the application for the license;

2. A final determination of liability concerning a violation of any of the provisions of this subchapter;

3. A final determination of liability in a civil, criminal or administrative action involving egregious or repeated nonpayment or underpayment of wages or other illegal acts or omissions bearing a direct relationship to the fitness of the applicant to conduct the business for which the license is sought; except that the commissioner shall take into account mitigating factors including (A) the passage of time since such findings of liability or other illegal acts or omissions at issue, (B) the severity of such findings of liability or other illegal acts or omissions, (C) whether any such findings or other illegal acts or omissions were resolved or are still pending, and (D) any change in circumstance that might reduce the likelihood of such findings or other illegal acts or omissions recurring during the period of licensure, including the fact that such findings or other illegal acts or omissions at issue took place prior to the effective date of this subchapter;

4. Failure to answer a summons, notice of violation or subpoena, appear for a hearing, or satisfy a fine or civil penalty ordered against such entity in a judicial or administrative proceeding arising out of a violation of this subchapter or any rules promulgated thereunder; or

5. Failure to submit records described in section 20-544 for inspection by the department.

b. Any individual or business entity operating a car wash without a valid license issued by the commissioner shall be liable for a civil penalty of one hundred dollars per day for every calendar day during which the unlicensed car wash operated.

c. An applicant who knowingly submits false information to the commissioner as part of an application for a license pursuant to section 20-541 of this subchapter or in response to any other request for information shall be liable for a civil penalty of up to one thousand dollars in addition to any other civil or criminal penalties that may be applicable under this code or any other law, rule or regulation.

§20-546 Rules. The commissioner may make and promulgate such rules as are necessary to carry out the provisions of this subchapter.

§ 2. Chapter 5 of title 24 of the administrative code of New York is amended by adding a new section 24-529 to read as follows:

§ 24-529 Car wash, standards. a. Definitions. For purposes of this section:

Applicant. The term “applicant” means any individual, partnership, corporation, limited liability company, joint venture, association or other business entity that seeks a license or renewal of a license to engage in the operation of a car wash.

Car wash. The term “car wash” means any individual, partnership, corporation, limited liability company, joint venture, association, or other business entity that engages in the cleaning of vehicles, including washing, detailing, drying, polishing, vacuuming or otherwise providing cosmetic care to vehicles. “Car wash” shall not include:

1. any business entity that is engaged in selling, leasing, renting or repairing motor vehicles, where car washing is ancillary to the primary business of such entity;

2. any self-service facility for washing vehicles, where the facility's employees do not provide assistance to customers in the cleaning of vehicles, such as washing, detailing, drying, polishing, vacuuming or otherwise providing cosmetic care to vehicles, including businesses such as convenience stores, gas stations and oil change facilities, where car washing is ancillary to the primary business of the facility;

3. any person that engages in the cleaning of vehicles on an intermittent basis to raise funds for a not-for-profit organization; or

4. any federal, state or local governmental agency.

b. Prior to filing an application for a license or renewal of a license to operate a car wash pursuant to subchapter 33 of chapter 2 of title 20 of this code, an applicant shall certify to the commissioner that the following information, in a form and method prescribed by the commissioner, will be maintained by the applicant at its principal place of business for a minimum of three years, and such information shall be made available to the department or the department of consumer affairs upon request:

1. The source from which the applicant draws or will draw its water, whether from the public water supply, well water or other source;

2. For renewal applicants, the amount of water drawn from public sources each month since the applicant last filed an application;

3. Construction drawings and as-built plans, meaning the final set of drawings produced at the completion of construction, of any oil/water separator system or sand interceptor, attesting to the volume of the system and to the maximum flow of wastewater that the system can filter and otherwise clarify efficiently;

4. Written certification that the applicant has regularly removed, in accordance with the respective manufacturer's specifications, oil, sediment and other residues that may be regulated by the commissioner pursuant to department rules regarding sewer use from its oil/water separator system and sand interceptor, as well as the method or methods used to remove and dispose of such oil, sediment and other residues, and for renewal applicants, the frequency of such removal and disposal since the applicant last filed an application;

5. Written certification that the applicant has complied with the rules of the department regarding testing and reporting with respect to all backflow prevention devices;

6. A logbook of monitoring and inspection results and repair and maintenance activities with regard to oil/water separators, sand interceptors and other pretreatment devices or systems, and backflow prevention devices, since the applicant last filed an application, provided that an applicant for a new car wash shall begin maintaining such information between sixty and ninety days of commencement of operations after receiving a license from the department of consumer affairs pursuant to section 20-541 of this code; and

7. Material safety data sheets or safety data sheets that indicate the chemicals used in the operation of the car wash, where such material safety data sheets or safety data sheets are required by federal, state or local law, rule or regulation.

§ 3. Severability. If any portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§ 4. This local law shall take effect 180 days after enactment, except that prior to such date, the commissioners of consumer affairs and environmental protection shall take such actions, including the promulgating of rules and the processing of applications as provided in section 20-541 of the administrative code of the city of New York, as added by section one of this local law, as necessary to implement the provisions of this local law.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES; Committee on Civil Service and Labor, June 9, 2015.

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 Consumer Affairs

Report for Int. No. 726-A

Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer affairs to hold multiple business education events each year throughout the five boroughs.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on March 31, 2015 (Minutes, page 982), respectfully

REPORTS:

I. INTRODUCTION

On Tuesday, June 9, 2015, the Committee on Consumer Affairs, chaired by Council Member Rafael Espinal, will hold a vote on two pieces of legislation intended to improve the regulatory environment for New York City's small businesses: Proposed Introductory Bill Number 726-A ("Proposed Int. No. 726-A"), a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer affairs to hold multiple business education events each year throughout the five boroughs; and Proposed Introductory Bill Number 729-A ("Proposed Int. No. 729-A"), a Local Law to amend the

administrative code of the city of New York, in relation to requiring an annual analysis of, and recommendations based on, violations dismissed by the department of consumer affairs' tribunal. The Committee heard earlier versions of these bills on April 14, 2015.

II. BACKGROUND

Burdensome regulations and high regulatory compliance costs are commonly cited as among the biggest difficulties facing small businesses. According to a survey by the National Federation of Independent Businesses, as small businesses struggle to recover from the Great Recession and from the last two quarters of further economic slowdown, “government regulations and redtape” continue to be the biggest problems reported by the largest percentage of respondents, surpassing even business taxes.¹

To address these concerns, the Council compiled a package of legislation that would improve the regulatory climate for small businesses by increasing opportunities for business education to help business owners avoid fines while protecting consumers and enhancing the customer service provided by agencies to business owners, particularly by agency inspectors. The bills being voted on today are two of the six bills of this package of legislation.

III. ANALYSIS OF LEGISLATION

Proposed Int. No. 726-A

In the past, the department of consumer affairs (“DCA”) has held “Business Education Days” across the five boroughs as a means of educating businesses about laws and rules enforced by the department. Proposed Int. No. 726-A would expand on this program to ensure greater opportunities for small businesses to learn about the regulatory framework.

Proposed Int. No. 726-A would require DCA to organize and conduct business education events to provide local businesses with information regarding the laws and rules enforced by DCA. This includes the licensing laws, consumer protection laws, and truth in pricing laws contained in title 20 of the administrative code and the related rules promulgated by the department. Because DCA, charged with enforcement of these laws, is not always seen as a friendly face to small businesses, Proposed Int. No. 726-A would require the Department of Small Business Services (“SBS”) to support DCA to organize and operate the events. The bill would require DCA and SBS to hold the business education events in at least two separate locations in each borough every year. The bill would require that any lectures or educational material produced for the events are made available in English and the six languages most commonly spoken by individuals with limited English proficiency, and that all materials are made available on DCA’s website.

Finally, Proposed Int. No. 726-A would require DCA to submit an annual report to the Council detailing: (i) the number of business education events held; (ii) the location of each event; (iii) the number of participants at each event; and (iv) the information provided at each event.

The first business education event pursuant to Proposed Int. No. 726-A would be held on or before June 30, 2015. The first annual report from the DCA to the Council would be due on June 30, 2016. This law would take effect immediately.

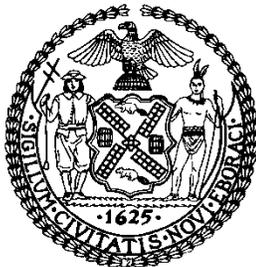
Proposed Int. No. 729-A

When a violation is issued that is then challenged in a tribunal and dismissed, the result is negative for both the City and the individual who received the violation. These violations waste resources of the inspector, tribunal, and individual, and no penalty is collected. Therefore, minimizing the issuance of violations that end up being dismissed is a worthy goal for agencies. Proposed Int. No. 729-A would require DCA to gather data on violations that are ultimately dismissed to inform future inspector protocol with the goal to reduce the initial issuance of unnecessary or invalid violations.

Proposed Int. No. 729-A would require DCA to issue a report by April 1st of each year analyzing the violations that it dismissed through its tribunal during the previous calendar year. This report would contain an analysis of violations with common characteristics that are dismissed. The report would include the reason for dismissal and a comparison with previous reports required by this bill, if any. It would include a plan of action to minimize the issuance of violations that are ultimately dismissed. This law would take effect immediately, and would expire at the end of 2018. The result would be a total of three reports.

¹ National Federation of Independent Businesses, "NFIB Small Business Trends," February 2015, available at <http://www.nfib.com/Portals/0/PDF/sbet/sbet201503.pdf>

(The following is the text of the Fiscal Impact Statement for Int. No. 726-A:)



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

**LATONIA MCKINNEY,
DIRECTOR**

FISCAL IMPACT STATEMENT

**PROPOSED INTRO. NO.: 726-A
COMMITTEE: Consumer
Affairs**

TITLE: A local law to amend the administrative code of the city of New

SPONSOR(S): Council Members Espinal, Cornegy, The Speaker

York, in relation to requiring the department of consumer affairs to hold multiple business education events each year throughout the five boroughs

(Council Member Mark-Viverito), Cabrera, Constantinides, Deutsch, Eugene, Johnson, Maisel, Mendez, Rose, Vallone, Rodriguez and Ulrich

SUMMARY OF LEGISLATION: The proposed legislation would require the Department of Consumer Affairs (DCA) to organize and conduct business education events at least two times in two separate locations in each borough each year. The bill would require the Department of Small Business Services (SBS) to support DCA to organize and operate the events. The first such business education event must occur by June 30, 2015. Information provided at the events would include the laws and rules enforced by DCA, including licensing schemes, consumer protection laws, and truth in pricing laws. Each event may focus on a particular industry licensed by DCA or may cover all the laws and rules enforced by DCA. Over the course of the year, however, all laws and rules enforced by DCA must be covered. Any lectures or educational materials designed for the business education events must be made available in English and in the six languages most commonly spoken by limited English proficient individuals, as determined by the Department of City Planning. These materials must also be made available on DCA’s website.

The bill would also require DCA to submit a report to the Council on June 30, 2016, and annually thereafter, related to the business education events held during the prior year. The report would include, but not be limited to: (i) the number of business education events held; (ii) the location of each business education event; (iii) the number of participants in each business education event disaggregated by location; and (iv) a summary of the information provided to participants.

EFFECTIVE DATE: This local law would take effect immediately upon enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because similar events are already convened by the City and those events could be adjusted as needed to comply with this legislation. Therefore, existing resources can be used to implement this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Emre Edev, Unit Head
Rebecca Chasan, Assistant Counsel
Tanisha Edwards, Chief Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 31, 2015 as Intro. No. 726 and was referred to the Committees on Consumer Affairs. A hearing was jointly held by the Committees on Consumer Affairs, Small Business, and Governmental Operations on April 14, 2015 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 726-A, will be considered by the Committee on Consumer Affairs on June 9, 2015. Upon successful vote by the Committee, Proposed Intro. No. 726-A will be submitted to the full Council for a vote on June 10, 2015.

DATE PREPARED: June 1, 2015

(For text of the bill Int No. 729-A and its Fiscal Impact Statement, please see the Report of the Committee on Consumer Affairs for Int No. 729-A printed below in these Minutes).

Accordingly, this Committee recommends the adoption of Int No. 726-A and Int No. 729-A.

June 10, 2015

2054

(The following is the text of Int. No. 726-A:)

Int. No. 726-A

By Council Members Espinal, Cornegy, The Speaker (Council Member Mark-Viverito), Cabrera, Constantinides, Deutsch, Eugene, Johnson, Maisel, Mendez, Rose, Vallone, Rodriguez, Arroyo, Dromm, Koslowitz, Rosenthal, Barron, Kallos, Levin and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer affairs to hold multiple business education events each year throughout the five boroughs

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 20-706.2 to read as follows:

§ 20-706.2 *Business education events. a. 1. The commissioner shall organize and conduct business education events during which the department shall provide local businesses with information regarding the laws and rules that are enforced by the department. The commissioner of small business services shall support the department in the organization and operation of such business education events.*

2. Such business education events shall occur in at least two separate locations within each borough on an annual basis. The first such business education event shall commence on or before June 30, 2015.

3. Each business education event shall either focus on a particular industry that is licensed or regulated by the department, or shall focus on one or more of the laws and rules that are relevant to multiple industries and enforced by the department, provided that, information relating to all laws and rules that are enforced by the department, including but not limited to the licensing laws contained in chapter two of title 20 of the administrative code, the consumer protection law contained in this subchapter, and the truth in pricing law contained in subchapter two of chapter five of title 20 of the administrative code, shall be included as a part of at least one business education event each year.

4. Any lectures or educational materials designed for the purposes of conducting such business education events shall be made available in English and in the six languages most commonly spoken by limited English proficient individuals, as those languages are determined by the department of city planning. Such educational materials shall be available on the department's website.

b. On June 30, 2016, and annually thereafter, the department shall submit to the speaker of the council a report related to the business education events held during the prior 12 month period. Such report shall include, but not be limited to: (i) the number of business education events held; (ii) the location of each business education event; (iii) the number of participants in each business education event disaggregated by location; and (iv) a summary of the information provided to participants.

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

RAFAEL L. ESPINAL, Jr., *Chairperson*; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, KAREN KOSLOWITZ; Committee on Consumer Affairs, June 9, 2015.

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. 729-A

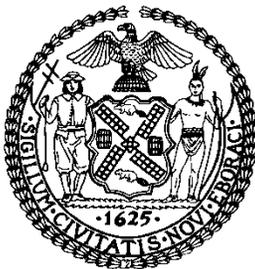
Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring an annual analysis of, and recommendations based on, violations dismissed by the department of consumer affairs' tribunal.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on March 31, 2015 (Minutes, page 989), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs for Int. No. 726-A printed above in the Reports of the Standing Committees section of these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 729-A:



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO.: 729-A
COMMITTEE:
Consumer Affairs

TITLE: A local law to amend the administrative code of the city of New York, in relation to requiring an annual analysis of, and recommendations based on, violations dismissed by the department of consumer affairs'

SPONSOR(S): Council Members Gentile, Cornegy, The Speaker (Council Member Mark-Viverito), Chin, Constantinides and Rose

 tribunal

SUMMARY OF LEGISLATION: The proposed legislation would require the Department of Consumer Affairs (DCA) to issue a report to the Speaker, Mayor, and Public Advocate by April 1 of each year analyzing the violations dismissed by its adjudication division, office, or tribunal during the prior calendar year. The report would analyze the characteristics of the violations dismissed and the reasons for dismissal, any trends observed in dismissals during the year of the report, a comparison with any previous reports, and any planned actions to minimize the occurrence of issued violations being dismissed.

EFFECTIVE DATE: This local law would take effect immediately and would expire and be deemed repealed on December 31, 2018.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Emre Edev, Unit Head
Rebecca Chasan, Assistant Counsel

Tanisha Edwards, Chief Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 31, 2015 as Intro. No. 729 and was referred to the Committee on Consumer Affairs. A hearing was held jointly by the Committee on Consumer Affairs, Small Business, and Governmental Affairs on April 14, 2015 and the bill was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 729-A, will be considered by the Committee on Consumer Affairs on June 9, 2015. Upon successful vote by the Committee, Proposed Intro. No. 729-A will be submitted to the full Council for a vote on June 10, 2015.

DATE PREPARED: June 3, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 729-A:)

Int. No. 729-A

By Council Members Gentile, Cornegy, The Speaker (Council Member Mark-Viverito), Chin, Constantinides, Rose, Dromm, Koslowitz, Rosenthal, Eugene, Kallos and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring an annual analysis of, and recommendations based on, violations dismissed by the department of consumer affairs' tribunal.

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 20-119 to read as follows:

§ 20-119. Analysis of Tribunal Dismissals. The department shall issue a report by April 1 of each year analyzing the violations dismissed by the department's adjudication division, office, or tribunal during the prior calendar year. Such report shall include a cataloguing and analysis of the characteristics of the violations dismissed and the reasons for dismissal. Such report shall include an analysis of any trends observed in dismissals during the year of the report, as well as a comparison with any previous reports issued pursuant to this section. Such report shall include the department's planned actions to minimize the occurrence of issued violations being dismissed. Such report shall be sent to the speaker of the council, the public advocate, and the mayor.

§2. This local law shall take effect immediately and shall expire and be deemed repealed on December 31, 2018.

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RAFAEL L. ESPINAL, Jr., *Chairperson*; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, KAREN KOSLOWITZ; Committee on Consumer Affairs, June 9, 2015.

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 M-293

Report of the Committee on Finance in favor of approving a Communication from the New York City Banking Commission in regard to transmitting recommendations of the interest rate to be charged for Fiscal Year 2016 for non-payment of taxes on real estate, and for non-payment of water and sewer rents and the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2016, pursuant to the New York city charter and the administrative code of the city of New York.

The Committee on Finance, to which the annexed communication was referred on May 27, 2015 (Minutes, page 1787), respectfully

REPORTS:

Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the New York City Banking Commission (the "Banking Commission") to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property. In making such recommendation, the Banking Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"). Pursuant to such section, for real property with an assessed value of \$250,000 or less, or \$250,000 or less per residential unit for cooperative apartments,¹ the Banking Commission shall propose a rate at least equal to the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 20, 2014, a recommendation to the Council to establish an interest rate of 9% per annum for Fiscal Year 2015 to be charged for non-payment of taxes of real property where the assessed value on a parcel is \$250,000 or less, or \$250,000 or less per residential unit for cooperative apartments.²

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission's recommendation, and establishes that the interest rate be 9% per annum for Fiscal Year 2015 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

¹To be deemed \$250,000 or less, the cooperative apartment must be located in a building where the average assessed value of units is \$250,000 or less.

²Interest rate reflects the Prime Rate that is referenced in the Banking Commission's resolution and letter. The Banking Commission notes that as of May 20, 2014 the Prime Rate stands at 3.25% as published by the Board of Governors of the Federal Reserve System.

(For text of related reports, please see, respectively, the Reports of the Committee on Finance for Res Nos. 735, 736, 737, 738, and 739 printed below in these Minutes).

Accordingly, this Committee recommends its adoption.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, June 10, 2015.

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

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

Report for Res. No. 735

Report of the Committee on Finance in favor of approving a Resolution to establish that the discount percentage for early payment of real estate taxes be set at 0.5 percent per annum for Fiscal Year 2016.

The Committee on Finance, to which the annexed preconsidered resolution was referred on June 10, 2015, respectfully

REPORTS:

Under current law, the City provides a discount for property owners who pay their property tax bills early. To receive a discount on the *entire* tax bill, both semi-annual and quarterly taxpayers have to pay the entire tax bill prior to the date the July 1st installment could be paid without interest.¹ For quarterly taxpayers, if the taxpayer does not pay the entire tax bill upfront, but instead pays the last three quarters in full on or before October 15th, the discount is calculated at a rate of two-thirds of the discount percentage. If the last two quarters (due in January and April) are paid in full on or before January 15th, the taxpayer receives a discount equal to one-third of the discount percentage. A tax installment paid after the January 15th due date is not eligible for a discount.

The New York City Council is charged with the responsibility of setting the discount percentages for the early payment of real estate taxes prior to the dates on which such taxes become due and payable. Specifically, Section 1519-a (7)(b) of the New York City Charter provides that not later than the 13th day of May in each year, the New York City Banking Commission (the “Banking Commission”) shall send a written recommendation to the Council of a proposed discount percentage for the ensuing fiscal year.

Further, section 1519-a(7)(c) of the New York City Charter provides that the New York City Council may adopt a discount percentage by resolution no earlier than the 14th day of May.

If the Council does not set a discount rate, the default discount rate, which is set by section 1519-a(7)(d) of the New York City Charter will apply. The default discount rate is a formula equaling the annualized interest rate on six-month United States treasury bills, as reported by the Board of Governors for the Federal Reserve System plus seventy-five basis points, the sum of which is divided by four for the last business day of April preceding the ensuing fiscal year.

The Banking Commission forwarded to the Council, by letter dated May 13, 2015, its recommendation that the discount percentage for early payment of real estate taxes for Fiscal Year 2016 be set at one-half of one percent (0.5%) per annum.

As required by Local Law 30 of 2015, the Banking Commission included with its recommendations a report detailing the factors considered when determining the recommendation. For the Fiscal Year 2016 recommendation, the Banking Commission considered the City’s cash balances, the estimated savings from fewer issuances of property tax statements, current interest rates, and discount rates offered by other municipalities.

Pursuant to Charter section 1519-a(7)(c), the Council adopts the Banking Commission’s recommendation and establishes that the discount percentage for early payment of real estate taxes shall be set at one-half of one percent (0.5%) per annum for Fiscal Year 2016.

¹ This is the only discount available to semi-annual taxpayers for tax bills due on or after July 1st, 2015.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes.)

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, June 10, 2015.

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

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

Report for Res. No. 736

Report of the Committee on Finance in favor of approving a Resolution to establish that the interest rate be 9 percent per annum for Fiscal Year 2016 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed preconsidered resolution was referred on June 10, 2015, respectfully

REPORTS:

Section 11-224.1 of the Administrative Code of the City of New York requires the New York City Banking Commission (the "Banking Commission") to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property no later than the 13th day of May each year. In making such recommendation, the Banking Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"). Pursuant to such section, for real property with an assessed value of \$250,000 or less, or \$250,000 or less per residential unit for cooperative apartments,¹ the Banking Commission shall propose a rate at least equal to the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 13, 2015, a recommendation to the Council to establish an interest rate of 9% per annum for Fiscal Year 2016 to be charged for non-payment of taxes of real property where the assessed value on a parcel is \$250,000 or less, or \$250,000 or less per residential unit for cooperative apartments.²

As required by Local Law 30 of 2015, the Banking Commission included with its recommendation a report detailing the factors considered when determining the recommendation. For the Fiscal Year 2016 recommendation, the Banking Commission considered the penalty rates used by other property tax collectors, the penalty rates charged by major credit card issuers, and the penalty rate on New York State civil judgments.

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission's recommendation, and establishes that the interest rate be 9% per annum for Fiscal Year 2016 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

¹ To be deemed \$250,000 or less, the cooperative apartment must be located in a building where the average assessed value of units is \$250,000 or less.

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² Interest rate reflects the Prime Rate that is referenced in the Banking Commission's resolution and letter. The Banking Commission notes that as of May 12, 2015 the Prime Rate stands at 3.25% as published by the Board of Governors of the Federal Reserve System.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes.)

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, June 10, 2015.

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

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

Report for Res. No. 737

Report of the Committee on Finance in favor of approving a Resolution to establish that the interest rate be 18 percent per annum for Fiscal Year 2016 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed preconsidered resolution was referred on June 10, 2015, respectfully

REPORTS:

Section 11-224.1 of the Administrative Code of the City of New York requires the New York City Banking Commission (the "Banking Commission") to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property no later than the 13th day of May each year. In making such recommendation, the Banking Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"). For real property with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments,¹ the Banking Commission shall propose an interest rate of at least 6% per annum greater than the prevailing Prime Rate.

By letter dated May 13, 2015, the Banking Commission recommended to the Council an interest rate of 18% per annum for Fiscal Year 2016 to be charged for

non-payment of taxes of real property where the assessed value on a parcel is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.²

As required by Local Law 30 of 2015, the Banking Commission included with its recommendation a report detailing the factors considered when determining the recommendation. For the Fiscal Year 2016 recommendation, the Banking Commission considered the penalty rates used by other property tax collectors, the penalty rates charged by major credit card issuers, and the penalty rate on New York State civil judgments.

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission's recommendation, and establishes that the interest rate be 18% per annum for Fiscal Year 2016 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

¹To be deemed over \$250,000, the cooperative apartment would have to be located in a building where the average assessed valuation of units is over \$250,000.

² Interest rate reflects the Prime Rate referenced in the Banking Commission's resolution and letter. The Banking Commission notes that on May 12, 2015, the Prime Rate stands at 3.25% as published by the Board of Governors of the Federal Reserve System.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes.)

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, June 10, 2015.

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

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

Report for Res. No. 738

Report of the Committee on Finance in favor of approving a Resolution to establish that the interest rate to be charged for Fiscal Year 2016 for non-payment of water rents and sewer rents be 9 percent per annum for real property with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed preconsidered resolution was referred on June 10, 2015, respectfully

REPORTS:

Sections 11-312 and 11-313 of the Administrative Code of the City of New York require that the New York City Banking Commission (the “Banking Commission”), not later than the 13th day of May of each year, transmit a written recommendation to the City Council of the proposed interest rate to be charged for non-payment of water rents and sewer rents. The Council may, by resolution, adopt the interest rates to be charged for non-payment of water rents and sewer rents pursuant to section 11-224.1 of the Administrative Code.

Section 11-224.1 of the Administrative Code requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”), to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

The Banking Commission, at its meeting on May 12, 2015, adopted a resolution recommending to the Council that the proposed interest rate to be charged for non-payment of water and sewer rents be 9% per annum for Fiscal Year 2016 where the assessed value of the property is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments. In the Resolution, the Banking Commission notes that as of May 12, 2015, the Prime Rate stands at 3.25%, as published by the Board of Governors of the Federal Reserve System. The Banking Commission forwarded, by letter dated May 13, 2015, such recommendation to the City Council.

Pursuant to the Council’s authority set forth in sections 11-312 and 11-313 of the Administrative Code relating to the adoption of interest rates to be charged for non-payment of water rents and sewer rents, the Council adopts the Banking Commission’s recommendation and establishes that the interest rate to be charged for Fiscal Year 2016 for non-payment of water rents and sewer rents be 9% per annum for real property with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes.)

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, June 10, 2015.

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

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

Report for Res. No. 739

Report of the Committee on Finance in favor of approving a Resolution to establish that the interest rate to be charged for Fiscal Year 2016 for non-payment of water rents and sewer rents be 18 percent per annum for real property with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed preconsidered resolution was referred on June 10, 2015, respectfully

REPORTS:

Sections 11-312 and 11-313 of the Administrative Code of the City of New York require that the New York City Banking Commission (the "Banking Commission"), not later than the 13th day of May of each year, transmit a written recommendation to the City Council of the proposed interest rate to be charged for non-payment of water rents and sewer rents. The Council may, by resolution, adopt the interest rates to be charged for non-payment of water rents and sewer rents pursuant to section 11-224.1 of the Administrative Code.

Section 11-224.1 of the Administrative Code requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments. For properties with an assessed value of over \$250,000, the Banking Commission shall propose a rate at least 6% per annum greater than the Prime Rate.

The Banking Commission, at its meeting on May 12, 2015, adopted a resolution, recommending to the Council that the proposed interest rate to be charged for non-payment of water and sewer rents be 18% per annum for Fiscal Year 2016 where the assessed value of the property is more than \$250,000, or more than \$250,000 per residential unit for cooperative apartments. In the Resolution, the Banking Commission notes that as of May 12, 2015, the Prime Rate stands at 3.25%, as published by the Board of Governors of the Federal Reserve System. The Banking Commission forwarded, by letter dated May 13, 2015, such recommendation to the City Council.

Pursuant to the Council's authority set forth in sections 11-312 and 11-313 of the Administrative Code to adopt the interest rates to be charged for non-payment of

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water rents and sewer rents, the Council establishes that the interest rate to be charged for Fiscal Year 2016 for non-payment of water rents and sewer rents be 18% per annum for real property with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes.)

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, June 10, 2015.

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

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

Report for L.U. No. 237

Report of the Committee on Finance in favor of approving Rose Ellen Smith MBD HDFC, Block 2744, Lots 55 and 63 and Block 2983, Lot 28; Bronx, Community District Nos. 2 and 3, Council District No. 17.

The Committee on Finance to which the annexed preconsidered Land Use item was referred on June 10, 2015 and was coupled with the resolution shown below, respectfully

REPORTS:

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

June 10, 2015

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

FROM: Rebecca Chasan, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of June 10, 2015 - Resolution approving a tax exemption for one Land Use Item (Council District 17)

Item 1: Rose Ellen Smith MBD HDFC

Rose Ellen Smith MBD Housing Development Fund Company, Inc. (“HDFC”) consists of 2 building with 47 units of rental housing for low-income senior citizens. The two buildings are currently owned by Rose Ellen Smith HDFC and MBD HDFC, respectively, which developed the projects under the Section 202 Supportive Housing Program for the Elderly, with financing and operating subsidies from the United States Department of Housing and Urban Development (“HUD”) and a tax exemption from the City. Under the proposed project, Rose Ellen Smith MBD HDFC will acquire the properties and Rose Ellen Smith MBD, L.P. (“Partnership”), a New York limited partnership, will be the beneficial owner and will operate the properties. The HDFC and the Partnership will refinance the original HUD mortgage in order to fund needed repairs, decrease debt service, and meet other financial obligations. In connection with such financing, the HDFC, the Partnership, and HUD will enter into a Use Agreement which, among other things, requires that the project continue to provide rental housing for elderly persons of low income on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement, any section 8 or other rental housing assistance contract, and applicable federal regulations. In addition, the HDFC, the Partnership, and the City of New York Department of Housing Preservation and Development (“HPD”) will enter into a regulatory agreement establishing that the units must be rented to senior citizens whose incomes do not exceed 50% of the Area Median Income (“AMI”). In 2014, 50% of AMI was as follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
50%	\$43,150	\$38,850	\$34,550	\$30,250

Summary:

- Council District: 17
- Council Member: Arroyo
- Council Member Approval: Yes
- Borough: Bronx
- Block 2744, Lots 55 and 63; Block 2983, Lot 28
- Number of buildings: 2
- Number of units: 47
- Type of Exemption: Article XI, partial for 35 years
- Population Served: low-income senior citizens
- Sponsor/Developer: Rose Ellen Smith HDFC

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- Cost of the Exemption over the Full Exemption Period: \$3,599,001
- Open Violations or Outstanding Debt to the City: None
- Income Limitations: rentals are for seniors earning up to 50% of AMI

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 750:)

Res. No. 750

Resolution approving a partial exemption from real property taxes for property located at (Block 2744, Lot 55 and 63 and Block 2983, Lot 28) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 237).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 20, 2015 that the Council take the following action regarding a housing project located at (Block 2744, Lot 55 and 63 and Block 2983, Lot 28) Bronx (“Exemption Area”):

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

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

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

RESOLVED:

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

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

(a) “Effective Date” shall mean the date of repayment or refinancing of the HUD Mortgage.

(b) "Exemption Area" shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2744, Lots 55 and 63, and Block 2983, Lot 28, 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 thirty-five (35) 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 Rose Ellen Smith MBD Housing Development Fund Corporation.

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

(f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.

(g) "HUD Mortgage" shall mean the original loans made by HUD to the Exemption Area in connection with the Section 202 Supportive Housing Program for the Elderly, which loans were secured by mortgages on the Exemption Area.

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

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

(j) "Partnership" shall mean Rose Ellen Smith MBD, L.P.

(k) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on April 18, 1985 (Cal. No. 46) and May 21, 1987 (Cal. No. 22), as amended by the City Council on March 31, 2015 (Reso. Nos. 643 and 644) .

(l) "Regulatory Agreement" shall mean a regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.

(m) "Use Agreement" shall mean a use agreement by and between the Owner and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original

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

2. The Prior Exemption shall terminate upon the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon December 31, 2015.

4. Commencing upon January 1, 2016, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of (i) \$55,657, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of seventeen percent (17%) of contract rents or 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 the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

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

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

(d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.

6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the Owner, for itself, its successors and assigns, shall (i) execute and record a Use Agreement, (ii) execute and record a Regulatory Agreement, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, June 10, 2015.

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 Governmental Operations

Report for Int. No. 456-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring an annual analysis of, and recommendations based on, OATH tribunal dismissals.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on August 21, 2014 (Minutes, page 3147), respectfully

REPORTS:

I. INTRODUCTION

Today, the Committee on Governmental Operations (“the Committee”), chaired by Council Member Ben Kallos, will vote on two pieces of legislation intended to improve the regulatory climate for New York City’s small businesses. These bills were previously heard at a joint hearing of the Committee with the Committees on Consumer Affairs and Small Business on April 14, 2015, where the Committee

received testimony from the Mayor's Office of Operations, Department of Consumer Affairs, Office of Administrative Trials and Hearings, Small Business Services, and other interested parties.

II. BACKGROUND

Burdensome regulations and high regulatory compliance costs are commonly cited as among the biggest difficulties facing small businesses. According to a survey by the National Federation of Independent Businesses, as small businesses struggle to recover from the Great Recession and from the last two quarters of further economic slowdown, "government regulations and red tape" continue to be the biggest problem reported by the largest percentage of respondents, surpassing even business taxes.¹

To address these concerns, the Council has compiled a package of legislation that would improve the regulatory climate for small businesses by increasing opportunities for business education to help business owners avoid fines while protecting consumers and enhancing the customer service provided by agencies to business owners, particularly by agency inspectors.

As part of the Business Owner's Bill of Rights created and distributed pursuant to Local Law 18 of 2010 and Local Law 36 of 2013, the Mayor's Office of Operations created a survey—linked to through the Bill of Rights—allowing business owners to provide feedback about their inspection experience. The current practice is for these surveys to be forwarded to the inspecting agency, but the feedback is not required to be incorporated into the customer service training that was created pursuant to Local Law 33 of 2013, and there is no requirement for how many surveys they must receive back. Proposed Int. No. 725-A would change that, enhancing customer service relations between small businesses and agency inspectors by soliciting feedback from businesses on their interactions with agency inspectors to inform future inspector trainings.

When a violation is issued that is then challenged in a tribunal and dismissed, the result is negative for the City and the individual who received the violation. These violations waste resources of the inspector, tribunal, and individual, and no penalty is collected. Therefore, minimizing the issuance of violations that end up being dismissed is a worthy goal for agencies. Proposed Int. No. 456-A would require a number of agencies to gather data on violations that are ultimately dismissed to inform future inspector protocol and rulemaking actions with the goal of reducing the initial issuance of unnecessary or invalid violations.

III. ANALYSIS OF LEGISLATION

Proposed Int. No. 456-A

Proposed Int. No. 456-A would require the Office of Administrative Trials and Hearings to issue monthly reports cataloguing the civil penalty violations it dismisses. These reports would include the reason for dismissal, and categorize them by the agency that issued the dismissed violations. This report would be sent to the Speaker, the Public Advocate, the Mayor, and the agencies that issued the dismissed violations.

Each agency that receives reports from the Office of Administrative Trials and Hearings would be required to work with the Mayor's Office of Operations on a report identifying the issues that resulted in the dismissals and the corrective actions undertaken or to be undertaken by each agency to remedy these issues. This one-time report would be due to the Speaker, the Public Advocate, and the Mayor by September 1, 2016.

This law would take effect 90 days after it becomes law, and the Office of Administrative Trials and Hearings report requirements would expire at the end of 2018.

Proposed Int. 456-A was amended since it was heard in April by clarifying that the Office of Administrative Trials and Hearings is responsible solely for reporting non-controversial facts about dismissals, and is not required to undertake any subjective analysis or make recommendations based on these dismissals. The bill was amended to make the reports by the Office of Administrative Trials and Hearings monthly, rather than annual, and to require the Mayor's Office of Operations to issue a single report about agency plans to remedy the factors that lead to dismissed violations, rather than requiring individual agencies to issues this report separately. Other technical changes were also made during the amendment process.

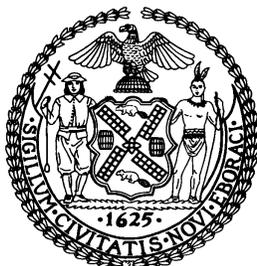
Proposed Int. No. 725-A

Proposed Int. No. 725-A would expand the existing practice of allowing business owners to fill out a survey about their experiences being inspected by City agencies. It would require that the online survey, which is currently available, be publicized on the "Business Owner's Bill of Rights" that is handed out at every inspection of a business. It would require the Mayor's Office of Operations to do additional outreach to inspected businesses if the Office does not receive at least 500 responses to the survey in any designated two-year period for the first three two-year periods of time after the enactment of the bill (commencing on September 1, 2015). Finally, the bill would require the Mayor's Office of Operations to review the customer service curriculum that is used in inspector training by agencies annually, and to update as needed to incorporate the feedback received through these surveys into the training. This law would take effect 30 days after becoming law.

Proposed Int. No. 725-A was amended since it was heard in April by limiting the minimum number of surveys that the Office of Operations must receive in order to avoid being required to do additional outreach to 500 every two years for three two-year cycles, rather than 500 every year without a sunset date. The requirement that the customer service training be modified every year was changed to a requirement that it be reviewed every year and updated as needed. Finally, a provision was added stating that the additional outreach required of the Mayor's Office of Operations if such office fails to receive 500 survey responses during a designated two-year period has a maximum time period of three months. Other technical changes were also made during the amendment process.

¹ National Federation of Independent Businesses, "NFIB Small Business Trends," February 2015, available at <http://www.nfib.com/Portals/0/PDF/sbet/sbet201503.pdf>

(The following is the text of the Fiscal Impact Statement for Int. No. 456-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 456-A

**COMMITTEE:
Governmental
Operations**

TITLE: A Local Law to amend the New York City charter, in relation to requiring an annual analysis of, and recommendations based on, OATH tribunal dismissals

SPONSOR(S): By Council Members Rosenthal, Mendez, Dromm and the Public Advocate (Ms. James)

SUMMARY OF LEGISLATION: Proposed Int. No. 456-A would require the Office of Administrative Trials and Hearings to issue monthly reports cataloguing the civil penalty violations it dismisses. These reports would include the reason for dismissal, and categorize them by the agency that issued the dismissed violations. This report would be sent to the Speaker, the Public Advocate, the Mayor, and the agencies that issued the dismissed violations.

Each agency that receives reports from the Office of Administrative Trials and Hearings would be required to work with the Mayor's Office of Operations on a report identifying the issues that resulted in the dismissals and the corrective actions undertaken or to be undertaken by each agency to remedy these issues. This report would be due to the Speaker, the Public Advocate, and the Mayor by September 1, 2016.

EFFECTIVE DATE: This law would take effect 90 days after it becomes law and would expire and be deemed repealed on December 31, 2018, except that the portion related to the report issued by the Mayor's Office of Operations would expire and be deemed repealed on December 31, 2016.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FY 2017

FISCAL IMPACT STATEMENT:

	Effective FY 16	FY Succeeding Effective FY 17	Full Fiscal Impact FY 17
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 City revenue resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Resources capable of implementing additional analytical and administrative requirements outlined in this legislation are currently in place. Therefore, it is estimated that this legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Principal Financial Legislative Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Rebecca Chasan, Assistant Counsel, NYC Council Finance Division
Tanisha Edwards, Chief Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on August 21, 2014 as Intro. No. 456 and was referred to the Committee on Governmental Operations. A hearing was held jointly by the Committees on Governmental Operations, Small Business, and Consumer Affairs, on April 14, 2015 and the bill was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 456-A, will be considered by the Committee on Governmental Operations on June 9, 2015. Upon successful

June 10, 2015

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vote by the Committee, Proposed Intro. No. 456-A will be submitted to the full Council for a vote on June 10, 2015.

DATE PREPARED: June 6, 2015

Accordingly, this Committee recommends the adoption of Int Nos. 456-A and 725-A.

(For text of the bill Int No. 725-A and its Fiscal Impact Statement, please see the Report of the Committee on Governmental Operations for Int No. 725-A printed below in these Minutes)

(The following is the text of Int. No. 456-A:)

Int. No. 456-A

By Council Members Rosenthal, Mendez, Dromm, Constantinides, Kallos and the Public Advocate (Ms. James).

A Local Law to amend the New York city charter, in relation to requiring an annual analysis of, and recommendations based on, OATH tribunal dismissals.

Be it enacted by the Council as follows:

Section 1. Section 1048 of the New York city charter is amended by adding a new subdivision 6 to read as follows:

6. The office of administrative trials and hearings shall issue monthly reports relating to dismissals of civil penalty violations in tribunals within the jurisdiction of such office in the previous month. Such reports shall catalogue dismissals for each agency and shall include the reason for each dismissal. Such reports shall be sent to the speaker of the council, the public advocate, the mayor, and to each agency included in the reports.

§ 2. The mayor's office of operations shall work with agencies that receive reports from the office of administrative trials and hearings pursuant to section 1 of this local law to identify issues that may be causing civil penalty violations to be dismissed. The issues identified and any corrective action undertaken or to be undertaken by agencies to minimize the occurrence of dismissals of civil penalty violations shall be included in a report prepared by the office of operations. Such report shall be sent to the public advocate, the speaker of the council and the mayor on or before September 1, 2016.

§ 3. This local law takes effect 90 days after it becomes law and expires and is deemed repealed on December 31, 2018, except that section 2 of this local law expires and is deemed repealed on December 31, 2016.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Governmental Operations, June 9, 2015.

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. 725-A

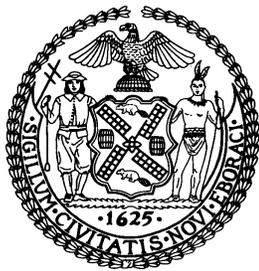
Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to incorporating feedback from businesses into agency inspector customer service training.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on March 31, 2015 (Minutes, page 978), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 456-A printed above in the Reports of the Standing Committees section of these Minutes).

The following is the text of the Fiscal Impact Statement for Int. No. 725-A:



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY,
DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 725-A
COMMITTEE: Governmental
Operations

TITLE: A Local Law to amend the New York City charter, in relation to incorporating feedback from businesses

SPONSOR(S): By Council Members Corney, The Speaker (Council Member Mark-Viverito), Arroyo,

into agency inspector customer service training. Chin, Constantinides, Eugene, Johnson, Mendez, Rose, Cohen and Ulrich

SUMMARY OF LEGISLATION: Proposed Int. No. 725-A would expand the existing practice of allowing business owners to fill out a survey about their experiences being inspected by City agencies. It would require that the online survey, which is currently available, be publicized on the “Business Owner’s Bill of Rights” that is handed out at every inspection of a business. It would require the Mayor’s Office of Operations to do additional outreach to inspected businesses if the Office does not receive at least 500 responses to the survey in any designated two-year period for the first three two-year periods of time after the enactment of the bill (commencing on September 1, 2015). Finally, the bill would require the Mayor’s Office of Operations to review the customer service curriculum that is used in inspector training by agencies annually, and to update it as needed to incorporate the feedback received through these surveys into the training.

EFFECTIVE DATE: This local law would take effect 30 days after becoming law and the portion requiring the Mayor’s Office of Operations to do additional outreach if it does not receive at least 500 responses to the survey would expire and be deemed repealed on December 31, 2021.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FY 2017

FISCAL IMPACT STATEMENT:

	Effective FY 16	FY Succeeding Effective FY 17	Full Fiscal Impact FY 17
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 City revenue resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Principal Financial Legislative Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Rebecca Chasan, Assistant Counsel, NYC Council Finance Division
Tanisha Edwards, Chief Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 31, 2015 as Intro. No. 725 and was referred to the Committee on Governmental Operations. A hearing was held jointly by the Committees on Governmental Operations, Small Business, and Consumer Affairs on April 14, 2015 and the bill was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 725-A, will be considered by the Committee on Governmental Operations on June 9, 2015. Upon successful vote by the Committee, Proposed Intro. No. 725-A will be submitted to the full Council for a vote on June 10, 2015.

DATE PREPARED: June 6, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 725-A:)

Int. No. 725-A

By Council Members Cornegy, The Speaker (Council Member Mark-Viverito), Arroyo, Chin, Constantinides, Eugene, Johnson, Mendez, Rose, Cohen, Dromm, Rosenthal, Kallos, Levin and Ulrich.

A Local Law to amend the New York city charter, in relation to incorporating feedback from businesses into agency inspector customer service training

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision f of section 15 of the New York city charter, as amended by local law number 132 for the year 2013, is amended to read as follows:

1. The office of operations shall develop a business owner's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises business owners of their rights as they relate to agency inspections. The bill of rights shall include, but not be limited to, notice of every business owner's

right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors *online, anonymously, if desired, through a customer service survey*, and information sufficient to allow a business owner to do so, *including but not limited to the url of such survey*; iii) contest a notice of violation before the relevant local tribunal, if any; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes an appropriate referral; vi) an inspector with a sound knowledge of the applicable laws, rules and regulations; vii) access information in languages other than English; and viii) request language interpretation services for agency inspections of the business.

§ 2. Paragraph 1 of subdivision g of section 15 of the New York city charter, as added by local law number 33 for the year 2013, is amended to read as follows:

1. The office of operations shall develop a standardized customer service training curriculum to be used, to the extent practicable, by relevant agencies for training agency inspectors. *Such training shall be reviewed annually and updated as needed, taking into account feedback received through the customer service survey created and maintained by the office on the city's website pursuant to subdivision h of this section.* Such training shall include instruction on communicating effectively with non-English speakers during inspections. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the bureau of fire prevention of the fire department.

§ 3. Subdivision g of section 15 of the New York city charter is amended by adding a new paragraph 4 to read as follows:

4. *If, on September 1, 2017, September 1, 2019, or September 1, 2021 the office of operations has received fewer than 500 responses with respect to relevant agencies through the customer service survey created and maintained by the office on the city's website pursuant to subdivision h of this section in the previous twenty-four-month period, the office of operations shall perform outreach to businesses that were inspected by relevant agencies during such period to solicit feedback and to encourage the owners of such businesses to complete such customer service survey. Such outreach shall continue until the office of operations has received a total of at least 500 such responses, including both responses received during such twenty-four-month period and responses received after such twenty-four-month period during the period the office of operations is required to perform outreach, provided that the office of operations shall not be required to perform outreach for more than three months following such twenty-four-month period.*

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

h. The office of operations shall create and maintain a customer service survey on the city's website that allows business owners to provide feedback on their experiences interacting with, at a minimum, inspectors from relevant agencies, as such term is defined in subdivision g of this section. Such business owners shall have the option of providing such feedback anonymously.

§ 5. This local law takes effect 30 days after it becomes law. Paragraph 4 of subdivision g of section 15 of the New York city charter, as added by section three of this local law, expires and is deemed repealed on December 31, 2021.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Governmental Operations, June 9, 2015.

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. 229

Report of the Committee on Land Use in favor of approving Application No. 20155571 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State for an Urban Development Action Area Project for property located at 62 West Tremont Avenue, Borough of the Bronx, Community Board 5, Council District 14.

The Committee on Land Use to which the annexed Land Use item was referred on May 14, 2015 (Minutes, page 1773) and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, and Section 577 of the Private Housing Finance Law at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	NON- <u>ULURP NO.</u>	L.U. <u>NO.</u>	<u>PROGRAM</u> <u>PROJECT</u>
62 West Tremont Avenue Bronx	2862/8	20155571 HAX	229	Multifamily Preservation Loan

June 10, 2015

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INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

PUBLIC HEARING

Date: June 2, 2015

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: June 2, 2015

The Subcommittee recommends that the Committee approve the proposal and grant the requests made by the Department of Housing Preservation and Development.

In Favor: Dickens, Mealy, Rodriguez, Cohen, Treyger

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: June 4, 2015

The Committee recommends that the Council approve the attached resolution.

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

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

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

Res. No. 751

Resolution approving an Urban Development Action Area Project; waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of New York General Municipal Law; and granting a tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 62 West Tremont Avenue (Block 2862, Lot 8), Borough of the Bronx (L.U. No. 229; 20155571 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 22, 2015 its request dated April 6, 2015 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 62 West Tremont Avenue (Block 2862, Lot 8), Community District 5, Borough of the Bronx (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

June 10, 2015

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5. Approve the exemption of the Disposition Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption").

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on June 2, 2015;

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

RESOLVED:

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

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

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

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

The Project shall be developed upon the terms and conditions in the Project Summary HPD submitted to the Council on April 22, 2015, a copy of which is attached hereto and made part hereof.

The Council approves the Tax Exemption for the Disposition Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from

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

- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD, or (v) the Disposition Area is conveyed without the prior written approval of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
- c. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a certificate of occupancy on the Effective Date.
- d. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation, except for an exemption and/or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, June 4, 2015.

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. 230

Report of the Committee on Land Use in favor of approving Application No. 20155634 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State for an Urban Development Action Area Project for properties located at 2425 Mermaid Avenue, 2427 Mermaid Avenue, 3216 Mermaid Avenue, 2816 West 16th Street, 3566 Canal Avenue, Borough of Brooklyn, Community Board 13, Council District 47.

The Committee on Land Use to which the annexed Land Use item was referred on May 14, 2015 (Minutes, page 1773) and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
2425 Mermaid Avenue	7014/52	20155634 HAK	230	New Infill Homeownership Opportunities
2427 Mermaid Avenue	7014/53			
3216 Mermaid Avenue	7048/06			

2816 West 16th 7021/16
Street
3566 Canal 6978/22
Avenue
Brooklyn

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

Date: June 2, 2015

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: June 2, 2015

The Subcommittee recommends that the Committee approve the proposal and grant the requests made by the Department of Housing Preservation and Development.

June 10, 2015

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In Favor: Dickens, Mealy, Rodriguez, Cohen, Treyger

COMMITTEE ACTION

DATE: June 4, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: *None*

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

Res. No. 752

Resolution approving an amendment to a previously approved Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Sections 693 and 694 of the General Municipal Law; and granting a tax exemption pursuant to Section 696 of the Private Housing Finance Law for property located at 2425 Mermaid Avenue (Block 7014, Lot 52), 2427 Mermaid Avenue (Block 7014, Lot 53), 3216 Mermaid Avenue (Block 7048, Lot 6), 2816 West 16th Street (Block 7021, Lot 16), and 3566 Canal Avenue (Block 6978, Lot 22), Borough of Brooklyn (L.U. No. 230; 20155634 HAK).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 1, 2015 its request dated April 6, 2015 that the Council take the following actions regarding an Amended Urban Development Action Area Project (the "Amended Project") located at 2425 Mermaid Avenue (Block 7014, Lot 52), 2427 Mermaid Avenue (Block 7014, Lot 53), 3216 Mermaid Avenue (Block 7048, Lot 6), 2816 West 16th Street (Block 7021, Lot 16), and 3566 Canal Avenue (Block 6978, Lot 22); Community District 13, Borough of Brooklyn (the "Disposition Area"):

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

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Disposition Area from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

WHEREAS, the Disposition Area was subject to a prior project approval by the New York City Council, Resolution number 1444, adopted on May 28, 2008;

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

WHEREAS, upon due notice, the Council held a public hearing on the Amended Project on June 2, 2015;

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

RESOLVED:

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

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

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

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

June 10, 2015

2090

The Amended Project shall be developed upon the terms and conditions in the Project Summary HPD submitted to the Council on May 1, 2015, a copy of which is attached hereto and made part hereof.

The Tax Exemption for the Disposition Area from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1st following the date of issuance of the first temporary or permanent Certificate of Occupancy for a building located on the Disposition Area, during the last ten years of which such exemption shall decrease in equal annual decrements.

b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by Sponsor or the owner of such real property with, or for the benefit of, the City of New York. The Department of Housing Preservation and Development shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, June 4, 2015.

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. 231
Report of the Committee on Land Use in favor of approving Application No. 20155451 HKK (N 150321 HKK) pursuant to Section 3020 of the New York

City Charter, concerning the designation by the Landmarks Preservation Commission of the Crown Heights North III Historic District (List No. 479, LP-2489), Borough of Brooklyn, Community Board 8, Council Districts 35 and 36.

The Committee on Land Use to which the annexed Land Use item was referred on May 27, 2015 (Minutes, page 1992) and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN - CB 8

20155451 HKK (N 150321 HKK)

Designation by the Landmarks Preservation Commission [Designation List No. 479/LP-2489] pursuant to Section 3020 of the New York City Charter of the Crown Heights North III Historic District.

PUBLIC HEARING

DATE: June 2, 2015

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 2, 2015

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: June 4, 2015

The Committee recommends that the Council approve the attached resolution.

June 10, 2015

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

Against: *None*

Abstain: *None*

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

Res. No. 753

Resolution affirming the designation by the Landmarks Preservation Commission of the Crown Heights North III Historic District, Borough of Brooklyn, Designation List No. 479, LP-2489 (L.U. No. 231; 20155451 HKK; N 150321 HKK).

By Council Members Greenfield and Koo.

WHEREAS, the Landmarks Preservation Commission filed with the Council on April 1, 2015 a copy of its designation dated March 24, 2015 (the "Designation"), of the Crown Heights North III Historic District, Community District 8, Borough of Brooklyn.

The Crown Heights North III Historic District boundaries consists of the properties bounded by a line beginning at the northeast corner of Kingston Avenue and Pacific Street, extending southerly across Pacific Street and along the eastern curblineline of Kingston Avenue, crossing Dean Street and Bergen Street, to the southeast corner of Kingston Avenue and Bergen Street, and continuing westerly across Kingston Avenue to the southwest corner of Kingston Avenue and Bergen Street, southerly along the western curblineline of Kingston Avenue to the northwest corner of Kingston Avenue and St. Mark's Avenue, easterly across Kingston Avenue to the northeast corner of Kingston Avenue and St. Mark's Avenue, southerly across St. Mark's Avenue and along the eastern curblineline of Kingston Avenue, crossing Prospect Place and Park Place, to the southeast corner of Kingston Avenue and Park Place, westerly across Kingston Avenue, along the southern curblineline of Park Place, and across Brooklyn Avenue to the southwest corner of Brooklyn Avenue and Park Place, southerly along the western curblineline of Brooklyn Avenue to the point formed by its intersection with a line extending westerly from the southern property line of 277 Brooklyn Avenue, across Brooklyn Avenue and easterly along the southern property lines of 277 Brooklyn Avenue and 968 to 982 (block 1264, lot 116) Lincoln Place, southerly along the western property line of 982 Lincoln Place, northeasterly along the southern property lines of 982, 984 (block 1264, lot 17), and 986 (block 1264, lot 18) Lincoln Place, southerly along the western property line of 988 Lincoln Place, easterly along the southern property lines of 988 to 994 Lincoln Place, northerly along the eastern property line of 994 Lincoln Place, easterly along the southern property line of 996 Lincoln Place, northerly along the eastern property line of 996 Lincoln Place and across Lincoln Place to the northern curblineline of Lincoln

Place, easterly along said curbline and across Kingston Avenue to the northeast corner of Kingston Avenue and Lincoln Place, southerly across Lincoln Place and along the eastern curbline of Kingston Avenue, easterly along the southern property line of 285 Kingston Avenue, northerly along the eastern property lines of 285 and 283 Kingston Avenue, easterly along the southern property lines of 1050 to 1110 Lincoln Place, northerly along the eastern property line of 1110 Lincoln Place and across Lincoln Place to the northern curbline of Lincoln Place, easterly along said curbline to the northwest corner of Albany Avenue and Lincoln Place, northerly along the western curbline of Albany Avenue, westerly along the northern property line of 288 Albany Avenue, northerly along the eastern property line of 1107 Lincoln Place, westerly along the northern property lines of 1107 to 1103 Lincoln Place, northerly along the eastern property line of 1103 Lincoln Place, westerly along the northern property lines of 1103 to 1097 Lincoln Place, southerly along the western property line of 1097 Lincoln Place, westerly along the northern property lines of 1095 40 to 1079 Lincoln Place, southerly along the western property line of 1079 Lincoln Place, westerly along the northern property line of 1077 Lincoln Place, southerly along the western property line of 1077 Lincoln Place, westerly along the northern property line of 1075 Lincoln Place, southerly along the western property line of 1075 Lincoln Place, westerly along the northern property line of 1073 Lincoln Place, southerly along the western property line of 1073 Lincoln Place, westerly along the northern property line of 1071 Lincoln Place, southerly along the western property line of 1071 Lincoln Place, westerly along the northern property line of 1069 Lincoln Place, southerly along the western property line of 1069 Lincoln Place, westerly along the northern property line of 1067 Lincoln Place, southerly along the western property line of 1067 Lincoln Place, westerly along the northern property lines of 1065 and 1063 Lincoln Place, northerly along the eastern property line of 1061 Lincoln Place, westerly along the northern property line of 1061 Lincoln Place, northerly along the eastern property line of 1059 Lincoln Place, westerly along the northern property lines of 1059 to 1049 Lincoln Place, southerly along the western property line of 1049 Lincoln Place, westerly along the northern property line of 267 Kingston Avenue and across Kingston Avenue to the western curbline of Kingston Avenue, northerly along the western curbline of Kingston Avenue, westerly along the northern property lines of 260 Kingston Avenue and 1025 to 979 Lincoln Place, northerly along the eastern property line of 1034 St. John's Place and across St. John's Place to the northern curbline of St. John's Place, easterly along the northern curbline of St. John's Place, northerly along the eastern property lines of 1045 St. John's Place and 1062-1062A Sterling Place and across Sterling Place to the northern curbline of Sterling Place, easterly along said curbline and across Kingston Avenue to the point formed by its intersection with a line extending northerly from the western property line of 1120 Sterling Place, southerly across Sterling Place and along the western property line of 1120 Sterling Place, easterly along the southern property line of 1120 Sterling Place, northerly along the eastern property line of 1120 Sterling Place, easterly along the southern property lines of 1134-1134A, 1136-1136A, and 1138-1138A Sterling Place, southerly along the western property lines of 36-36A to 48-48A Hampton Place, easterly along the southern property line of 48-48A Hampton Place, northerly along the western curbline of Hampton Place to the point formed by its intersection with a line extending westerly from the southern

property line of 41-41A Hampton Place, easterly across Hampton Place and along the southern property line of 41-41A Hampton Place, northerly along the eastern property lines of 41-41A Hampton Place to 33-33A Hampton Place, easterly along the southern property lines of 1156 to 1180 Sterling Place, northerly along the eastern property line of 1180 Sterling Place and across Sterling Place to the northern curbline of Sterling Place, easterly along the northern curbline of Sterling Place, across Albany Avenue, and continuing along the northern curbline of Sterling Place, northerly along the eastern property lines of 253 Albany Avenue (aka 1201 Sterling Place) to 227 Albany Avenue (aka 1170 Park Place) to the southern curbline of Park Place, westerly along the southern curbline of Park Place and across Albany Avenue to the southwest corner of Albany Avenue and Park Place, northerly across Park Place and along the western curbline of Albany Avenue, westerly along the southern curbline of Prospect Place to the point formed by its intersection with a line extending southerly from the eastern lot line of 1111 Prospect Place, northerly across Prospect Place and along the eastern property line of 1111 Prospect Place, easterly along the southern property lines of 970 and 974 St. Mark's Avenue, northerly along the eastern property line of 974 St. Mark's Avenue, easterly along the southern property lines of 976 to 982 St. Mark's Avenue, northerly along the eastern property line of 982 St. Mark's Avenue, easterly along the southern curbline of St. Mark's Avenue to the southwest 41 corner of St. Mark's Avenue and Albany Avenue, northerly across St. Mark's Avenue to the northwest corner of St. Mark's Avenue and Albany Avenue, westerly along the northern curbline of St. Mark's Avenue, northerly along the eastern property line of 947 St. Mark's Avenue, easterly along the southern property lines of 1352 to 1358 Bergen Street, northerly along the eastern property line of 1358 Bergen Street, across Bergen Street, and along the eastern property lines of 1357 Bergen Street and 1470 Dean Street, westerly along the southern curbline of Dean Street to the point formed by its intersection with a line extending southward from the eastern property line of 1465 Dean Street, northerly across Dean Street and along the eastern property line of 1465 Dean Street, westerly along the northern property line of 1465 Dean Street, northerly along the eastern property line of 1506 Pacific Street and across Pacific Street to the northern curbline of Pacific Street, easterly along the northern curbline of Pacific Street, northerly along the eastern property line of 1559 Pacific Street, westerly along the northern property lines of 1559 to 1515 Pacific Street, southerly along the western property line of 1515 Pacific Street, westerly along the northern property line of 1513 Pacific Street, southerly along the western property line of 1513 Pacific Street, westerly along the northern property lines of 1509 to 1505 Pacific Street, and southerly along the eastern curbline of Kingston Avenue to the point of beginning.

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

WHEREAS, the City Planning Commission submitted to the Council on May 22, 2015 its report on the Designation dated May 20, 2015 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on June 2, 2015; and

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

RESOLVED:

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, June 4, 2015.

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. 232

Report of the Committee on Land Use in favor of approving Application No. 20155682 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 123(4), 125, and 577 of the Private Housing Finance Law for a real property tax exemption, termination of the prior tax exemption, voluntary dissolution of the current owner and conveyance from the current owner to a new owner for properties identified as Block 2740, Lot 1, Block 2761, Lots 103, 149, 154, and Block 2762, Lot 153, Borough of the Bronx, Community Board 2, Council District 17.

The Committee on Land Use to which the annexed Land Use item was referred on May 27, 2015 (Minutes, page 1992) and was coupled with the resolution shown below, respectfully

REPORTS:

June 10, 2015

2096

SUBJECT

BRONX CB - 2

20155682 HAX

Application submitted by the New York City Department of Housing Preservation and Development for an exemption from real property taxation, termination of the prior tax exemption, conveyance of the exemption area and voluntary dissolution of current owner for properties located on Block 2740, Lot 1; Block 2761, Lots 103, 149 and 154; and Block 2762, Lot 153; Borough of the Bronx, Council District 17.

INTENT

To approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for an area that contains five multiple-dwellings, known as the Hunts Point Peninsula Apartments, which provide rental housing for low-income families.

PUBLIC HEARING

DATE: June 2, 2015

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 2, 2015

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

In Favor: Dickens, Mealy, Rodriguez, Cohen, Treyger

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: June 4, 2015

The Committee recommends that the Council approve the attached resolution.

2097

June 10, 2015

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

Against: *None*

Abstain: *None*

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

Res. No. 754

Resolution to approve a real property tax exemption pursuant to Sections 577 of the Private Housing Finance Law (PHFL), approve the termination of a prior exemption under PHFL Section 125, approve the conveyance of the exemption area, and consent to the voluntary dissolution of the prior owner under PHFL 123(4) for property located on Block 2740, Lot 1; Block 2761, Lots 103, 149 and 154; and Block 2762, Lot 153; Community District 2, Borough of the Bronx (L.U. No. 232; 20155682 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 14, 2015 its request dated May 4, 2015 that the Council take the following actions regarding a tax exemption for real property located on Block 2740, Lot 1; Block 2761, Lots 103, 149 and 154; and Block 2762, Lot 153; Community District 2, Borough of the Bronx (the "Exemption Area"):

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

Approve the termination of a prior exemption for the Exemption Area pursuant to PHFL Section 125 (the "Termination");

Approve the conveyance of the Exemption Area from the current owner to the new owner (the "Conveyance");

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

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption, Termination, Dissolution and Conveyance on June 2, 2015; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption, Termination, Dissolution and Conveyance;

RESOLVED:

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

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

(1) "Current Owner" shall mean Hunts Point Peninsula Associates, L.P.

(2) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC and the New Owner enter into the Regulatory Agreement.

(3) "Exemption Area" shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2740, Lot 1; Block 2761, Lots 103, 149 and 154; and Block 2762, Lot 153 on the Tax Map of the City of New York.

(4) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-three (33) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(5) "HDC" shall mean the New York City Housing Development Corporation.

(6) "HDFC" shall mean Hunts Point Residences Housing Development Fund Corporation.

(7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

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

(9) "New Owner" shall mean, collectively, the HDFC and the Partnership.

(10)"Partnership" shall mean Hunts Point Apartments, L.P.

(11)"Prior Exemption" shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on December 1, 1977 (Cal. No. 28).

(12)"PHFL" shall mean the Private Housing Finance Law.

(13)"Regulatory Agreement" shall mean the regulatory agreement between HDC and the New Owner providing that, for a term of thirty-three (33) years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.

b. All of the value of the property, 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.

c. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the New Owner shall make annual real property tax payments in the sum (i) of \$25,000, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of the December 31, 2017. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.

d. Notwithstanding any provision hereof to the contrary:

(1)The New Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the

Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written consent 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 the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

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

(3)Nothing herein shall entitle the HDPC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

The Council approves, pursuant to Section 125 of the PHFL, the Termination of the Prior Exemption, which Termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

The Council approves the Conveyance of the Exemption Area from the Current Owner to the New Owner.

The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary Dissolution of the Current Owner.

If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior

Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, June 4, 2015.

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. 233

Report of the Committee on Land Use in favor of approving Application No. 20155683 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of Urban Development Action Area and Project and a real property tax exemption pursuant to Section 696 of the General Municipal Law for properties identified as Block 11164, Lot 28, Block 10318, Lot 17, Block 12736, Lot 38, Block 11137, Lot 146, Block 12622, Lot 29, Block 10848, Lot 5, and Block 11141, Lot 88, Borough of Queens, Community Boards 12 and 13, Council District 27.

The Committee on Land Use to which the annexed Land Use item was referred on May 27, 2015 (Minutes, page 1993) and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
104-29 Street	219 th 11164/28	20155683 HAQ	233	Small Homes Rehab NYCHA

June 10, 2015

2102

178-25 93rd 10318/17
Avenue
117-41 219th 12736/38
Street
212-44 112th Road 11137/146
118-46 198th 12622/29
Street
201-10 99th 10848/5
Avenue
214-05 112th Road 11141/88
Queens

INTENT

HPD requests that the Council:

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

Date: June 2, 2015

Witnesses In Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: June 4, 2015

The Subcommittee recommends that the Committee approve the proposal and grant the requests made by the Department of Housing Preservation and Development.

In Favor: Dickens, Mealy, Cohen, Treyger

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

COMMITTEE ACTION

DATE: June 4, 2015

The Committee recommends that the Council approve the attached resolution.

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

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

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

Res. No. 755

Resolution approving an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law; and granting a tax exemption pursuant to Section 696 of the General Municipal Law for property located at 104-29 219th Street (Block 11164/Lot 28), 178-25 93rd Avenue (Block 10318/Lot 17), 117-41 219th Street (Block 12736/Lot 38), 212-44 112th Road (Block 11137/Lot 146), 118-46 198th Street (Block 12622/Lot 29), 201-10 99th Avenue (Block 10848/Lot 5), and 214-05 112th Road (Block 11141/Lot 88); Borough of Queens (L.U. No. 233; 20155683 HAQ).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 14, 2015 its request dated May 4, 2015 that the Council take the following actions regarding the Urban Development Action Area Project (the "Project") located at 104-29 219th Street (Block 11164/Lot 28), 178-25 93rd Avenue (Block 10318/Lot 17), 117-41 219th Street (Block 12736/Lot 38), 212-44 112th Road (Block 11137/Lot 146), 118-46 198th Street (Block 12622/Lot 29), 201-10 99th Avenue (Block 10848/Lot 5), and

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214-05 112th Road (Block 11141/Lot 88); Community Districts 12 and 13, Borough of Queens (the "Exemption Area");

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

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

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

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

5. Approve the exemption of the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on June 2, 2015;

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

RESOLVED:

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

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

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

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

The Project shall be developed upon the terms and conditions in the Project Summary HPD submitted to the Council on May 14, 2015, a copy of which is attached hereto and made part hereof.

The Tax Exemption for the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of twenty years, during the last ten years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on the January 1st or July 1st (whichever shall first occur) after rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building, if required, has been issued by the Department of Buildings.

b. The tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York or HUD. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, June 4, 2015.

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. 234

Report of the Committee on Land Use in favor of approving Application No. 20155684 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of Urban Development Action Area and Project and a real property tax exemption pursuant to Section 696 of the General Municipal Law for properties identified as Block 12934, Lot 127, Block 13101, Lot 32, Block 13128, Lot 4, Block 12977, Lot 34, and Block 12934, Lot 129, Borough of Queens, Community Board 13, Council District 31.

The Committee on Land Use to which the annexed Land Use item was referred on May 27, 2015 (Minutes, page 1993) and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
131-27 Street	224 th 12934/127	20155684 HAQ	234	Small Homes Rehab NYCHA
221-16 134 th Road	13101/32			
137-35 220 th Place	13128/4			
241-51 132 nd Road	12977/34			

131-25 224th 12934/129
Street
Queens

INTENT

HPD requests that the Council:

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

Date: June 2, 2015

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: June 2, 2015

The Subcommittee recommends that the Committee approve the proposal and grant the requests made by the Department of Housing Preservation and Development.

In Favor: Dickens, Rodriguez, Cohen, Treyger

Against: Mealy

Abstain: *None*

COMMITTEE ACTION

DATE: June 4, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: *None*

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

Res. No. 756

Resolution approving an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law; and granting a tax exemption pursuant to Section 696 of the General Municipal Law for property located at 131-27 224th Street (Block 12934/Lot 127), 221-16 134th Road (Block 13101/Lot 32), 137-35 220th Place (Block 13128/Lot 4), 241-51 132nd Road (Block 12977/Lot 34), and 131-25 224th Street (Block 12934/Lot 129); Borough of Queens (L.U. No. 234; 20155684 HAQ).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 14, 2015 its request dated May 4, 2015 that the Council take the following actions regarding the Urban Development Action Area Project (the "Project") located at 131-27 224th Street (Block 12934/Lot 127), 221-16 134th Road (Block 13101/Lot 32), 137-35 220th Place (Block 13128/Lot 4), 241-51 132nd Road (Block 12977/Lot 34), and 131-25 224th Street (Block 12934/Lot 129); Community District 13, Borough of Queens (the "Exemption Area"):

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

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

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

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

5. Approve the exemption of the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on June 2, 2015;

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

RESOLVED:

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

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

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

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

The Project shall be developed upon the terms and conditions in the Project Summary HPD submitted to the Council on May 14, 2015, a copy of which is attached hereto and made part hereof.

The Tax Exemption for the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of twenty years, during the last ten years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on the January 1st or July 1st (whichever shall first occur) after rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building, if required, has been issued by the Department of Buildings.

b. The tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York or HUD. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, June 4, 2015.

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. 235

Report of the Committee on Land Use in favor of approving Application No. 20155685 HAR submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of Urban Development Action Area and Project and a real property tax exemption pursuant to Section 696 of the

**General Municipal Law for property identified as Block 1227, Lot 37,
Borough of Staten Island, Community Board 1, Council District 49.**

The Committee on Land Use to which the annexed Land Use item was referred on May 27, 2015 (Minutes, page 1993) and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
43 Harbor Road Staten Island	1227/37	20155685 HAR	235	Small Homes Rehab-NYCHA

INTENT

HPD requests that the Council:

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

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Date: June 2, 2015

Witnesses In Favor: Two **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

Date: June 2, 2015

The Subcommittee recommends that the Committee approve the proposal and grant the requests made by the Department of Housing Preservation and Development.

In Favor: Dickens, Rodriguez, Cohen, Treyger

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

COMMITTEE ACTION

DATE: June 4, 2015

The Committee recommends that the Council approve the attached resolution.

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

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

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

Res. No. 757

Resolution approving an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law; and granting a tax exemption pursuant to Section 696 of the General Municipal Law for property located at 43 Harbor Road (Block 1227/Lot 37), Borough of Staten Island (L.U. No. 235; 20155685 HAR).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 14, 2015 its request dated May 4, 2015 that the

Council take the following actions regarding the Urban Development Action Area Project (the "Project") located at 43 Harbor Road (Block 1227/Lot 37), Community District 1, Borough of Staten Island (the "Exemption Area"):

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

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

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

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

5. Approve the exemption of the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on June 2, 2015;

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

RESOLVED:

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

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

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

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

The Project shall be developed upon the terms and conditions in the Project Summary HPD submitted to the Council on May 14, 2015, a copy of which is attached hereto and made part hereof.

The Tax Exemption of the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of twenty years, during the last ten years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on the January 1st or July 1st (whichever shall first occur) after rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building, if required, has been issued by the Department of Buildings.

b. The tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York or HUD. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, June 4, 2015.

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. 236

Report of the Committee on Land Use in favor of approving Application No. 20155695 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of Urban Development Action Area and Project and a real property tax exemption pursuant to Section 577 of the General Municipal Law for properties located at 384 Grand Concourse, 1038 Rogers Place, 1202, 1183, and 1171 Clay Avenue, and 1129 Morris Avenue, Borough of the Bronx, Community Board 1, Council District 49.

The Committee on Land Use to which the annexed Land Use item was referred on May 27, 2015 (Minutes, page 1994) and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, and Section 577 of the Private Housing Finance Law at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	NON- <u>ULURP NO.</u>	L.U. <u>NO.</u>	PROGRAM <u>PROJECT</u>
384 Grand Concourse	2341/55	20155695 HAX	236	Multifamily Preservation Loan
1038 Rogers Place	2700/09			
1202 Clay Avenue	2426/59			
1183 Clay Avenue	2430/37			
1171 Clay Avenue	2430/43			
1129 Morris Avenue Bronx	2449/23			

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

PUBLIC HEARING

Date: June 2, 2015

Witnesses In Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: June 4, 2015

The Subcommittee recommends that the Committee approve the proposal and grant the requests made by the Department of Housing Preservation and Development.

In Favor: Dickens, Rodriguez, Cohen, Treyger

Against: Mealy

Abstain: *None*

COMMITTEE ACTION

DATE: June 4, 2015

The Committee recommends that the Council approve the attached resolution.

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

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

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

Res. No. 758

Resolution approving an amendment to an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law; and granting a tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 384 Grand Concourse (Block 2341/Lot 55), 1038 Rogers Place (Block 2700/Lot 09), 1202 Clay Avenue (Block 2426/Lot 59), 1183 Clay Avenue (Block 2430/Lot 37), 1171 Clay Avenue (Block 2430/Lot 43), and 1129 Morris Avenue (Block 2449/Lot 23), Borough of the Bronx (L.U. No. 236; 20155695 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 18, 2015 its request dated May 4, 2015 that the Council take the following actions regarding an amended Urban Development Action Area Project (the "Amended Project") located at 384 Grand Concourse (Block 2341/Lot 55), 1038 Rogers Place (Block 2700/Lot 09), 1202 Clay Avenue (Block 2426/Lot 59), 1183 Clay Avenue (Block 2430/Lot 37), 1171 Clay Avenue (Block 2430/Lot 43), and 1129 Morris Avenue (Block 2449/Lot 23), Community Districts 1, 2 and 4, Borough of the Bronx (the "Disposition Area"):

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

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

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

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

5. Approve the exemption of the Disposition Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption").

WHEREAS, a portion of the Disposition Area was subject to a prior project approval by the New York City Council, Resolution No. 1987, adopted October 9, 2013;

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

WHEREAS, upon due notice, the Council held a public hearing on the Amended Project on June 2, 2015;

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

RESOLVED:

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

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

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

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

The Amended Project shall be developed upon the terms and conditions in the Project Summary HPD submitted to the Council on May 18, 2015, a copy of which is attached hereto and made part hereof.

The Council approves the Tax Exemption of the Disposition Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

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

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

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

d. The Exemption shall not apply to a building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

June 10, 2015

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DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, June 4, 2015.

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 Small Business

Report for Int. No. 723-A

Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the development of protocols for inspector interactions with non-English speakers during agency inspections.

The Committee on Small Business, to which the annexed amended proposed local law was referred on March 31, 2015 (Minutes, page 976), respectfully

REPORTS:

I. INTRODUCTION

On Monday, June 8, 2015, the Committee on Small Business, chaired by Council Member Cornegy, will hold a hearing on two bills related to improving the relationship between small businesses and the City.

Proposed Int. No. 723-A would amend the New York city charter, in relation to the development of protocols for inspector interactions with non-English speakers during agency inspections.

Proposed Int. No. 724-A would amend the New York City Charter, in relation to creating, within the department of small business services, small business advocates dedicated to helping business owners obtain appropriate services from the department and other city, state and federal agencies.

The Committee held a first hearing on these bills on April 14, 2015, during which representatives of the Department of Small Business Services, the Department of Consumer Affairs, the Mayor's Office of Operations and various chambers of commerce presented testimony.

II. BACKGROUND

Burdensome regulations and high regulatory compliance costs are commonly cited as among the biggest difficulties facing small businesses. According to a survey by the National Federation of Independent Businesses, as small businesses struggle to recover from the Great Recession and from the last two quarters of further economic slowdown, “government regulations and redtape” continue to be the single biggest problem reported by the largest percentage of respondents, surpassing even business taxes.¹

To address these concerns, the Council compiled a package of legislation that would improve the regulatory climate for small businesses by increasing opportunities for business education to help business owners avoid fines while protecting consumers and enhancing the customer service provided by agencies to business owners, particularly by agency inspectors. The bills being considered are part of that package.

Local Law 18 of 2010 and Local Law 36 of 2013 required the creation and distribution of a Business Owner’s Bill of Rights at each business inspection by a covered city agency. The Business Owner’s Bill of Rights is available in multiple languages on the city’s website, but is currently handed out primarily in English. Local Law 33 of 2013 required the creation of a standardized customer service training by the Mayor’s Office of Operations for agency inspectors that inspect businesses. The training was required to include guidance on communicating effectively with non-English speakers, but not specific protocols for providing language translation services or dealing with immigrants in a culturally competent manner. Proposed Int. No. 723-A would expand language access for non-English speakers by requiring agencies to provide the Business Owner’s Bill of Rights in at least the top five languages most frequently spoken by non-English speakers and require the creation of standardized protocols for inspectors when interacting with non-English speakers and immigrants, and also require specific protocols for providing translation services where appropriate.

The Committee heard testimony that while the City provides an array of services intended to assist small business owners, many small business owners do not know who to contact to obtain that assistance. Proposed Int. No. 724-A would create small business advocates within the Department of Small Business Services dedicated to helping business owners obtain appropriate services from the department and other city, state and federal agencies. It would also require the Department to promote the contact information for these advocates on agency websites so that business owners will know where to find a small business specialist who can assist them.

III. ANALYSIS OF LEGISLATION

Proposed Int. No. 723-A

Proposed Int. No. 723-A would require the Mayor’s Office of Operations to develop protocols for inspector interactions with non-English speakers during agency inspections. Bill section one would require that the Business Owner’s Bill of Rights be published in at least the six languages most commonly spoken by limited English proficient individuals, as determined by the Department of City Planning.²

Bill section two would require that the Mayor’s Office of Operations include in the standardized customer service training for agency inspectors specific protocols to

ensure that inspectors provide language translation services during inspections. Proposed Int. No. 723-A would also provide that in addition to existing requirements, such training include culturally competent instruction for communicating effectively with immigrants.

The law would take effect in 30 days.

Proposed Int. No. 724-A

Proposed Int. No. 724-A would amend the New York City Charter to create within the Department of Small Business Services small business advocates dedicated to helping business owners obtain appropriate services from the department and other city, state and federal agencies. The duties of the Office of Small Business Advocate would include, but not be limited to:

1. receiving requests for assistance from small businesses with respect to their interactions with the city, including, but not limited to, agency inspections, rules, adjudications of violations, technical assistance programs, workforce development programs, language access, and customer service;
2. taking appropriate action to resolve requests for assistance, including referring such requests to appropriate city, state and federal agencies; and
3. identifying opportunities for policy and program development to assist the small business sector and improve interactions between small businesses and city agencies.

The bill would require that information about how to contact the Small Business Advocate be prominently posted on the websites of the Department of Buildings, the Department of Consumer Affairs, the Department of Health and Mental Hygiene, the Department of Environmental Protection, the Department of Sanitation, the Fire Department, and the Department of Small Business Services.

Proposed Int. No. 724-A would require that the Small Business Advocate provide two annual written reports, to the Council regarding small businesses in New York City, documenting requests for assistance from the preceding calendar years. The bill would require such report to include the total number of requests for assistance received, a general description of the type of each such request and a general description of the action taken by the small business advocate, if any, in response to each request for assistance. The bill would require the Small Business Advocate to provide such a report not later than April 1, 2017, and not later than April 1, 2018. This law would take effect in 90 days.

¹ National Federation of Independent Businesses, "NFIB Small Business Trends," February 2015, available at <http://www.nfib.com/Portals/0/PDF/sbet/sbet201503.pdf>

² As of this report, those languages are Spanish, Chinese, Russian, French Creole, and Korean. See Mayor's Office of Immigrant Affairs website, available at <http://www.nyc.gov/html/imm/html/news/stats.shtml> (last visited Apr. 7, 2015).

(The following is the text of the Fiscal Impact Statement for Int. No. 723-A:)



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

**PROPOSED INTRO. NO.: 723-A
COMMITTEE: Small
Business**

TITLE: A local law to amend the New York city charter, in relation to the development of protocols for inspector interactions with non-English speakers during agency inspections

SPONSOR(S): Council Members Mark-Viverito, Cornegy, Arroyo, Cabrera, Constantinides, Eugene, Johnson, Lander, Levine, Mendez, Rose, Cohen, Menchaca, Chin and Rodriguez

SUMMARY OF LEGISLATION: The proposed legislation would require that the business owner's bill of rights developed by the Mayor's Office of Operations, which advises business owners of their rights as they relate to agency inspections, include translations in at least the top six languages spoken by limited-English proficient individuals as determined by the Department of City Planning.

The bill would also require that the standardized customer service training curriculum developed by the Mayor's Office of Operations for training agency inspectors must include specific protocols for inspectors to follow when interacting with non-English speakers to ensure that such inspectors provide language translation services during inspections.

EFFECTIVE DATE: This local law would take effect thirty days following enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Emre Edev, Unit Head
Rebecca Chasan, Assistant Counsel
Tanisha Edwards, Chief Counsel

LEGISLATIVE HISTORY: Intro. No. 723 was introduced to the full Council on March 31, 2015 and referred to the Committee on Small Business. A hearing was held jointly by the Committees on Small Business, Governmental Operations, and Consumer Affairs on April 14, 2015 and the bill was laid over. The legislation was subsequently amended. The amended version of the legislation, Proposed Intro. No. 723-A, will be considered by the Committee on Small Business on June 8, 2015. Upon successful vote by the Committee, Proposed Intro. No. 723-A will be submitted to the full Council for a vote on June 10, 2015.

DATE PREPARED: June 1, 2015

(For text of the bill Int No. 724-A and its Fiscal Impact Statement, please see the Report of the Committee on Small Business for Int No. 724-A printed below in these Minutes)

Accordingly, this Committee recommends the adoption of Int No. 723-A and Int No. 724-A.

(The following is the text of Int. No. 723-A:)

Int. No. 723-A

By The Speaker (Council Member Mark-Viverito) and Council Members Cornegy, Arroyo, Cabrera, Constantinides, Eugene, Johnson, Lander, Levine, Mendez, Rose, Cohen, Menchaca, Chin, Rodriguez, Dromm, Koo, Koslowitz, Wills, Reynoso, Deutsch, Vallone, Rosenthal, Kallos, Barron, Levin and Ulrich.

A Local Law to amend the New York city charter, in relation to the development of protocols for inspector interactions with non-English speakers during agency inspections.

Be it enacted by the Council as follows:

Section 1. Paragraph one of subdivision f of section 15 of the New York city charter, as amended by local law number 132 for the year 2013, is amended to read as follows:

f. 1. The office of operations shall develop a business owner's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises business owners of their rights as they relate to agency inspections. *Such written document shall include translations of the bill of rights into at least the six languages most commonly spoken by limited English proficient individuals, as those languages are determined by the department of city planning.* The bill of rights shall include, but not be limited to, notice of every business owner's right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors, and information sufficient to allow a business owner to do so; iii) contest a notice of violation before the relevant local tribunal, if any; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes an appropriate referral; vi) an inspector with a sound knowledge of the applicable laws, rules and regulations; vii) access information in languages other than English; and viii) request language interpretation services for agency inspections of the business.

§ 2. Paragraph one of subdivision g of section 15 of the New York city charter, as added by local law 33 for the year 2013, is amended to read as follows:

g. 1. The office of operations shall develop a standardized customer service training curriculum to be used, to the extent practicable, by relevant agencies for training agency inspectors. Such training shall include *specific protocols for such inspectors to follow when interacting with non-English speakers to ensure that such*

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inspectors provide language translation services during inspections. Such training shall also include culturally competent instruction on communicating effectively with immigrants and non-English speakers during inspections. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the bureau of fire prevention of the fire department.

§ 3. This local law shall take effect thirty days following enactment.

ROBERT E. CORNEGY, Jr., *Chairperson*; INEZ E. DICKENS, MATHIEU EUGENE, PETER A. KOO, KAREN KOSLOWITZ, RUBEN WILLS, CARLOS MENCHACA, PAUL A. VALLONE, ERIC A. ULRICH; Committee on Small Business, June 8, 2015.

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. 724-A

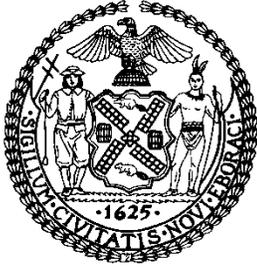
Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to creating, within the department of small business services, small business advocates dedicated to helping business owners obtain appropriate services from the department and other city, state and federal agencies.

The Committee on Small Business, to which the annexed amended proposed local law was referred on March 31, 2015 (Minutes, page 977), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Small Business for Int. No. 723-A printed above in the Reports of the Standing Committees section of these Minutes).

The following is the text of the Fiscal Impact Statement for Int. No. 724-A:



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

**LATONIA MCKINNEY,
DIRECTOR**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO.: 724-A

**COMMITTEE: Small
Business**

TITLE: A local law to amend the New York city charter, in relation to creating, within the department of small business services, small business advocates dedicated to helping business owners obtain appropriate services from the department and other city, state and federal agencies

SPONSOR(S): Council Members Chin, Cornegy, Mark-Viverito, Arroyo, Constantinides, Deutsch, Eugene, Johnson, Lander, Levine, Mendez, Rose, Vallone, Rodriguez and Ulrich

SUMMARY OF LEGISLATION: The proposed legislation would require the Department of Small Business Services to employ staff in the position of small business advocate dedicated to helping business owners obtain appropriate services from the department and other city, state and federal agencies. The duties of the small business advocates would include receiving requests for assistance from small businesses with respect to their interactions with the city, resolving those requests, and identifying opportunities for policy and program development. SBS would be required to conduct outreach to the small business community regarding the role of the small business advocates.

Information indicating how to contact the small business advocates would be required to be prominently posted on the websites of the Department of Buildings, the Department of Consumer affairs, the Department of Health and Mental Hygiene, the Department of Environmental Protection, the Department of Sanitation, the Bureau of Fire Prevention of the Fire Department, the Office of Administrative Trials and Hearings, and the Department of Small Business Services.

Not later than April 1, 2017, and not later than April 1, 2018, the Department would be required to provide a report to the Council regarding small businesses in New York city, documenting requests for assistance received by the small business advocates during the immediately preceding calendar year.

EFFECTIVE DATE: This local law would take effect 90 days after it becomes law.

June 10, 2015

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FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: The role of the small business advocate and the related work that would be mandated by this legislation is already performed with existing resources at SBS. Therefore, it is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement and enforce this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Emre Edev, Unit Head
Rebecca Chasan, Assistant Counsel
Tanisha Edwards, Chief Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 31, 2015 as Intro. No. 724 and was referred to the Committee on Small Business. A hearing was held jointly by the Committees on Small Business, Consumer Affairs, and Governmental Operations on April 14, 2015 and the bill was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 724-A, will be considered by the Committee on Small Business on June 8, 2015. Upon successful vote by the Committee, Proposed Intro. No. 724-A will be submitted to the full Council for a vote on June 10, 2015.

DATE PREPARED: June 3, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 724-A:)

Int. No. 724-A

By Council Members Chin, Cornegy, The Speaker (Council Member Mark-Viverito), Arroyo, Constantinides, Deutsch, Eugene, Johnson, Lander, Levine, Mendez, Rose, Vallone, Rodriguez, Dromm, Menchaca, Koo, Koslowitz, Dickens, Wills, Reynoso, Rosenthal, Kallos, Barron, Levin and Ulrich.

A Local Law to amend the New York city charter, in relation to creating, within the department of small business services, small business advocates dedicated to helping business owners obtain appropriate services from the department and other city, state and federal agencies.

Be it enacted by the Council as follows:

Section 1. Chapter 56 of the New York city charter is amended by adding a new section 1307 to read as follows:

§ 1307. Dedicated small business advocates. a. There shall be in the department small business advocates dedicated to helping business owners obtain appropriate services from the department and other city, state and federal agencies. The duties of such dedicated small business advocates shall include, but need not be limited to:

1. receiving requests for assistance from small businesses with respect to their interactions with the city, including, but not limited to, agency inspections, rules, adjudications of violations, technical assistance programs, workforce development programs, language access, and customer service;

2. taking appropriate action to resolve requests for assistance, including referring such requests to appropriate city, state and federal agencies; and

3. identifying opportunities for policy and program development to assist the small business sector and improve interactions between small businesses and city agencies.

b. The department shall conduct outreach and education targeted to small business owners and the general public related to the duties of such dedicated small business advocates and their role as a central point of contact for businesses seeking assistance from city agencies. Information indicating how to contact the small business advocates established pursuant to subdivision a of this section shall be prominently posted on the websites of relevant agencies. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the bureau of fire prevention of the fire department and the department of small business services.

c. The department shall provide an initial written report to the council not later than April 1, 2017, and a second report not later than April 1, 2018, each documenting requests for assistance received by the small businesses advocates in the immediately preceding calendar year. Each report shall include, but need not be limited to: (i) the total number of requests for assistance received by the small business advocates during the reporting period; (ii) a general description of the type of each such request; and (iii) a general description of the actions taken by the small business advocates, if any, in response to each such request.

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

ROBERT E. CORNEGY, Jr., *Chairperson*; INEZ E. DICKENS, MATHIEU EUGENE, PETER A. KOO, KAREN KOSLOWITZ, RUBEN WILLS, CARLOS MENCHACA, PAUL A. VALLONE, ERIC A. ULRICH; Committee on Small Business, June 8, 2015.

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 State and Federal Legislation

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

Report for M-296

Report of the Committee on State and Federal Legislation in favor of approving a Communication from the Mayor - "AN ACT to authorize the city of New York to discontinue use of and convey a parcel of certain park land consisting of Saint Michael's Park in the borough of Queens" S.3691-A/A.5246-A.

The Committee on State and Federal Legislation to which the annexed preconsidered item was referred on June 10, 2015 and was coupled with the resolution shown below, respectfully

REPORTS:

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

BACKGROUND:

The proposed legislation authorizes the city of New York to discontinue use of certain park land and sell the land to Saint Michael's Protestant Episcopal Church.

PROPOSED LEGISLATION:

According to the Sponsor's Memorandum in support, the provisions of the legislation are the following:

Section 1 provides the city of New York with authority, acting by and through the commissioner of parks and recreation to discontinue the use of parkland known as Saint Michael's Park, the metes and bounds of which are detailed in section 3 of the bill, and to sell it for fair market value to Saint Michael's Protestant Episcopal Church for the purposes of memorializing the deceased and upon the terms of conditions as will be agreed upon between the parties.

Section 2 states that the authority to sell the land is subject to the requirement that the city of New York use the proceeds of the sale of the land for the acquisition of additional park land, and/or capital improvements to existing park and recreational facilities within the borough of Queens.

Section 3 provides a description of the parcel of parkland that may be sold pursuant to the provisions of the act.

Section 4 includes a requirement that if the land is ever used for a purpose other than stated in section 1, the ownership of the land will revert back to the city of New York to be used for park and recreational purposes.

Section 5 states that if the parkland that is authorized by the act to be sold has received funding pursuant to the federal land and water conservation fund that the discontinuance of such parkland pursuant to this act will not occur until the municipality has complied with the federal requirements pertaining to the conversion of park land.

Section 6 is the effective date.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately

(The following is the text of the Fiscal Impact Statement for M-296:)

June 10, 2015

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

FISCAL IMPACT STATEMENT

Preconsidered M: S.3691-A (Gianaris)

A.5246-A (Simotas)

COMMITTEE: State and Federal Legislation

TITLE: AN ACT to authorize the city of New York to discontinue use of and convey a parcel of certain park land consisting of Saint Michael's Park in the borough of Queens.

SPONSOR(S): Council Member Koslowitz

SUMMARY OF LEGISLATION: This legislation would authorize the city of New York to discontinue use as park land and sell at fair market value a certain park land which is no longer needed for park purposes to Saint Michael's Protestant Episcopal Church for the purpose of properly memorializing the deceased. The proceeds of such sale authorized by this legislation would be required to be used for the acquisition of additional park land, and/or for capital improvements to existing park and recreational facilities within the borough of Queens.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: TBD

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: Because this legislation would authorize the City to sell at fair market value, it is estimated that the impact of this legislation on revenue

would be equal to the fair market value obtainable by the City in the year of the sale.

IMPACT ON EXPENDITURES: Because the City is required to use any proceeds from the sale for the acquisition of additional park land or for capital improvements to existing parks, it is estimated that the impact of this legislation on expenditures would be equal to the fair market value obtained by the City. The full impact would be felt in the year in which the City commits the proceeds from the sale.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Chima Obichere, Unit Head, New York City Council Finance Division

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

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered M on June 10, 2015. Following a successful vote by the Committee, the Preconsidered M will be introduced and voted on by the full Council on June 10, 2015.

DATE PREPARED: June 10, 2015

(For text of respective State Assembly Sponsor's Memorandum of Support, please see preconsidered M-296 printed in the Mayor's Message section of these Minutes; for text of the State Assembly and State Senate bills and the State Senate Sponsor's Memorandum of Support, please refer to the respective Assembly and Senate website at assembly.state.ny.us and www.nysenate.gov.)

Accordingly, this Committee recommends its adoption.

KAREN KOSLOWITZ, *Chairperson*; INEZ E. DICKENS, BRADFORD S. LANDER, RAFAEL L. ESPINAL, Jr., BEN KALLOS, ANTONIO REYNOSO; Committee on State and Federal Legislation, June 10, 2015.

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

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

Report for M-297

Report of the Committee on State and Federal Legislation in favor of approving a Communication from the Mayor - "AN ACT to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof" S.5467-A/A.7872.

The Committee on State and Federal Legislation to which the annexed preconsidered item was referred on June 10, 2015 and was coupled with the resolution shown below, respectfully

REPORTS:

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

BACKGROUND:

The proposed legislation seeks to amend chapter 548 of the laws of 2010 ("chapter 548") to extend for five years, the Mayor's authority to sell real property owned by the city which directly abuts property owners' lots without an auction or competitive bidding if that land cannot be otherwise developed due to its shape or size. Chapter 548 amended section 384 (b)(4) of the New York City Charter. Chapter 548 is set to expire on December 31, 2015.

Under the terms of chapter 548, the direct sale of real property is limited to circumstances where the property cannot be independently developed due to its size, shape, configuration, topography or applicable zoning or a combination of factors. To sell such property directly to the owner of the abutting lot, the Mayor must make a determination that the sale of the parcel is in the best interests of the city, based upon a certification by the commissioner of the department of citywide

administrative services that such parcels are economically impracticable or infeasible to independently develop. The sales of these properties remain subject to approval pursuant to the uniform land use review procedure, Section 197-C of the New York City Charter.

PROPOSED LEGISLATION:

According to the Sponsor's Memorandum in support, the provisions of the legislation are the following:

Section 1 of A7872/S5467-A amends chapter 548 of the laws of 2010, by extending for an additional five years the authority for the city of New York to sell to abutting property owners city-owned property that cannot be independently developed due to the size, shape, configuration and topography of the property or zoning regulations. The authority would now expire on December 31, 2020.

Section 2 is the effective date.

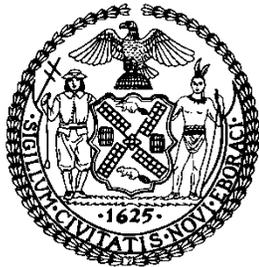
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately

(The following is the text of the Fiscal Impact Statement for M-297:)



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

**LATONIA MCKINNEY,
DIRECTOR**

FISCAL IMPACT STATEMENT

PRECONSIDERED M:

S5467-A (Felder)

A7872 (Miller)

COMMITTEE: State and
Federal Legislation

TITLE: AN ACT to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size,

SPONSOR(S): Council Member
Koslowitz

shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof.

SUMMARY OF LEGISLATION: This bill would amend section 384(b) 4-a of the New York City Charter to extend for an additional five years, until December 31, 2020, the Mayor's ability to authorize the sale of certain types of real property owned by the City which directly abut property owners' lots without an auction or competitive bidding, which are processes that would otherwise be required by the provisions of section 384. Currently, such authorization expires on December 31, 2015. Direct sales are authorized only in the limited circumstances where the property cannot be independently developed due to its size, shape, configuration, topography or applicable zoning or a combination of such factors. Authorization by the Mayor would remain restricted to sales of parcels that the Mayor determines are in the best interests of the City, based upon a certification by the Commissioner of the Department of Citywide Administrative Services that such parcels are economically impracticable or infeasible to develop independently. Sales of such real property would remain subject to approval pursuant to the Uniform Land Use Review Procedure (ULURP).

EFFECTIVE DATE: This act would take effect immediately after it shall become law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FY 2017

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

2137

June 10, 2015

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

ESTIMATE PREPARED BY: Maria Enache, Legislative Financial Analyst, Finance Division

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

LEGISLATIVE HISTORY: The proposed legislation will be considered by the Committee on State and Federal Legislation as a Preconsidered M on June 10, 2015. Following a successful vote by the Committee, the Preconsidered M will be introduced and voted on by the full Council on June 10, 2015.

DATE SUBMITTED TO COUNCIL: June 10, 2015

(For text of respective State Assembly Sponsor's Memorandum of Support, please see preconsidered M-297 printed in the Mayor's Message section of these Minutes; for text of the State Assembly and State Senate bills and the State Senate Sponsor's Memorandum of Support, please refer to the respective Assembly and Senate website at assembly.state.ny.us and www.nysenate.gov)

Accordingly, this Committee recommends its adoption.

KAREN KOSLOWITZ, *Chairperson*; INEZ E. DICKENS, BRADFORD S. LANDER, RAFAEL L. ESPINAL, Jr., BEN KALLOS, ANTONIO REYNOSO; Committee on State and Federal Legislation, June 10, 2015.

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

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

Report for M-298

Report of the Committee on State and Federal Legislation in favor of approving a Communication from the Mayor - "AN ACT to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city police pension fund, the New York city fire department

pension fund and the New York city employees' retirement system" S.5705-B /A.7854-B.

The Committee on State and Federal Legislation to which the annexed preconsidered item was referred on June 10, 2015 and was coupled with the resolution shown below, respectfully

REPORTS:

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

BACKGROUND

In June 2009, Governor David Paterson vetoed a bill that would have extended the Tier II benefit plan for police and firefighters. This cemented a Tier III for new hires.¹ Those hired under the newer plan pay a higher share of their salary for benefits – and receive less generous benefits – than colleagues hired before them. Further pension reforms in 2012 aligned all uniformed workers, including sanitation and correction workers, under similar benefit schedules collectively called Tier VI.²

Lawmakers and unions for uniformed municipal workers have recently expressed concerns about the impact of the disability-specific retirement portions of the new tiers, referred to collectively in this report as **Tier III/VI**, and have proposed alternatives aimed at enhancing these benefits. More recently, the Mayor Bill de Blasio has proposed an option that would target the most vulnerable – those disabled early in their careers and those injured seriously enough to prevent them from being employed elsewhere – for help while stopping short of a full roll-back, as union leaders have sought, to Tier II disability benefits.

PENSIONS AND THE CITY BUDGET

The City has five separate pension plans, including two dedicated respectively to police and fire workers and retirees. It supports them through annual contributions that collectively comprise a significant portion of the City's total expenditures. In Fiscal 2015, pension contributions represent one dollar out of every nine the City spends, or 11 percent of the budget. Two decades ago, in 1995, it was only 4 percent of the budget. These rising costs form the context under which major pension changes were made in 2009 and 2012.

The ultimate cost of pensions is determined by the benefits the City pays to retirees and beneficiaries. City contributions, along with those of employees and income from investments, are designed to provide sufficient funds to pay those

benefits. In designing these contributions, the Office of the Actuary makes certain assumptions about benefits City employees will eventually receive as retirees, about the duration of those benefits, and about the return on investments made with accumulated pension contributions.

The City's annual pension costs began to skyrocket in the early 2000s. City Comptroller John Liu in 2011 cited five central factors beneath the increases: lower-than-expected investment returns, benefit enhancements put in place in 2000, revisions to actuarial assumptions and methods, benefit enhancements put in place after 2000, and excessive fees paid to investment administrators.³

The long-term financial plan accompanying the Mayor's budget for Fiscal 2016 envisions annual pension costs flattening for the coming years, without major increases. The 2009 and 2012 pension reforms and stronger investment returns both played a role in this. However, concern over the City's long term pension liabilities has not totally disappeared. The pension systems are collectively 73 percent funded, with the New York City Employee Retirement System ("NYCERS") and the police pensions funded at 75 percent and the fire pension funded at 63 percent. Burden from pensions, outstanding debt and retiree health insurance were cited by all three of the big rating agencies in recent evaluations of the City's financial health. To quote Moody's, "High and growing burden from debt service, pension and retiree health care costs is a challenge."⁴ It is a challenge that poses a risk to the City's otherwise strong credit rating.

HISTORY OF TIER CHANGES

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

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

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

IMPACT ON DISABILITY RETIREMENT BENEFITS

The 2009 veto and 2012 pension reform amounted to a significant rewrite of the contribution obligations required of active employees, the calculations used to determine retiree benefits, and the other details surrounding the City's benefit packages. The change at focus today concerns disability-specific retirement benefits available to many of those hired under the latest tiers – Tiers III and VI⁵ under the police and fire pension plans and Tier VI for sanitation and correctional workers, who are part of NYCERS.

A City worker may be entitled to disability retirement benefits if seriously hurt on or off the job during his or her active career. In general, the benefits available through accidental disability retirement (“ADR”) are more generous than ordinary disability retirement (“ODR”). A worker may qualify for accidental disability retirement if an investigation and medical exam indicates severe incapacity to perform work as a result of an accident on the job.⁶ He or she may qualify for ordinary disability retirement if work conditions have made him or her incapable of doing his or her job to the point of needing to retire.⁷

The pension reforms generally reduced benefits and required increased employee contributions. For example, Tier II allowed a retiree qualifying for accidental disability an annual payment totaling 75 percent of his or her final year salary, plus an additional one-sixtieth of that salary after the member's twentieth anniversary. By contrast, the current Tier III/VI offers the equivalent retiree 50 percent of the average salary across a given worker's last five years of service, without the additional anniversary-specific benefit. Ordinary disability benefits are subject to more complex arithmetic: Tier II allowed retirees qualifying for ordinary disability annual payments totaling, for retirees with 20 or more years of service, one-fortieth of a given workers' final year salary multiplied by the number of years of total service; the current Tier III/VI offers the equivalent retiree the greater of two options: one-third of the average salary across a given worker's last five years of service, or 2 percent of the same average salary multiplied by years of service.

Discussion of the disability benefits provided under the City's active benefit tiers comes as the first Tier III/VI workers emerge as potential disability retirees. Police officers Kenneth Healy and Rosa Rodriguez have sustained serious injuries in connection to the performance on the job: Officer Healy sustained injuries to the head and arm from a hatchet attack, and Officer Rodriguez sustained severe lung damage from toxic fumes and smoke while responding to a fire. Sanitation worker Danny Interlandi was struck by a truck while loading garbage, sustaining severe injuries to his left leg and right arm. These injuries took place early in the careers of these exemplary public servants.

PROPOSED LEGISLATION:

This proposal applies to members of Police and Fire pension systems, who participate in police- and fire-specific pension systems, and to correction officers and sanitation workers, who participate in the New York City Employees' Retirement

System. It would impact all workers hired under, respectively, Tier III and modified Tier III for police and fire and Tier VI for other workers.

The proposal would hold all employees harmless from the change – a provision states that in no situation would the annual benefit received by a City disability beneficiary be worse than it would have been under current Tier III/VI laws. On the other hand, a recipient would generally get *stronger* benefits than under current Tier III/VI rules in two circumstances. First, accidental disability retirement benefits would be stronger for those disabled early in their careers. Under the change, a given pension would be based upon the higher of two figures: the final average salary for five years of employment (“FAS5”) or a salary floor, referred to as a “basic maximum salary” and generally the equivalent of what someone would earn in his or her sixth year on the job. This basic maximum salary clause does not exist in the current Tier III/VI.

Second, those disabled severely enough to qualify not only for City accidental disability retirement but also for federal Social Security Disability Insurance (SSDI) would receive 75 percent of FAS5. Federal SSDI carries a higher threshold of qualification than City disability; its recipients cannot engage in any employment of substantial gainful activity due to medical determinable physical or mental impairment.

The proposal would eliminate a partial deduction, from City pension payments, for disability beneficiaries who also receive SSDI. It would also change the cost of living mechanism used to adjust beneficiaries’ payments over time. The mechanism in the current Tier III/VI rules is referred to by the Administration as “escalation.” It would revert under the proposal to a cost of living adjustment (“COLA”) previously used in other tiers.

LEGISLATIVE DETAILS:

According to the Sponsor’s Memorandum in support, the provisions of the legislation are the following:

Section 1 amends section 506 of the Retirement and Social Security law by adding five new subdivisions (e), (f), (g), (h) and (i). Subdivision (e) states that the ordinary disability benefit for New York city police and fire members who joined the New York city police or New York city fire pension fund on or after the effective date of this subdivision will be eligible for ordinary disability benefits that are equal to the greater of (A) 2% of final average salary (FAS) or sixth-year salary whichever is greater, times the years of credited services not in excess of the maximum years of service for computing service retirement or (B) 33.33% percent of FAS or sixth-year salary, whichever is greater, less 100% of any workers’ compensation benefits payable.

In addition, police and fire members will be eligible for a cost-of-living adjustment (COLA) for such pension, computed in the same manner proscribed by section 13-696 of the Administrative Code of the City of New York (Administrative Code). If the ordinary disability benefit as calculated pursuant to subdivision (e) is less than the ordinary disability benefit as calculated pursuant to subdivision (b) of section 506 of the Retirement and Social Security Law for any year that the police or

fire member is eligible for, the police and fire member will receive the benefits payable under subdivision (b).

Subdivision (f) states that the ordinary disability benefits for New York city uniformed sanitation and corrections fund members who joined the New York city employees' retirement system on or after the effective date of this subdivision will be eligible for ordinary disability benefits that are equal to the greater of (A) 2% of FAS or sixth-year salary whichever is greater, times the years of credited services not in excess of the maximum years of service for computing service retirement or (B) 33.33% percent of FAS or sixth-year salary, whichever is greater, less 100% of any workers' compensation benefits payable. In addition, police and fire members will be eligible for a COLA for such pension, computed in the same manner proscribed by section 13-696 of the Administrative Code. If the ordinary disability benefit as calculated pursuant to subdivision (f) is less than the ordinary disability benefit as calculated pursuant to subdivision (b) of section 506 of the Retirement and Social Security Law for any year that the sanitation or corrections member is eligible for, the sanitation or corrections member will receive the benefits payable under subdivision (b).

Subdivision (g) permits New York City fire and police pension fund members who joined before the effective date of this subdivision that are eligible for an ordinary disability benefit the right to make an election to receive the ordinary disability benefit described in subdivision (e) of section 506 of the Retirement and Social Security Law. If no election is made, the member will receive the ordinary disability benefit described in subdivision (b) of section 506 of the Retirement and Social Security Law.

Subdivision (h) permits New York City uniformed sanitation and corrections members who joined before the effective date of this subdivision that are eligible for an ordinary disability benefit the right to make an election to receive the ordinary disability benefit described in subdivision (f) of Section 506 of the Retirement and Social Security Law. If no election is made, the member will receive the ordinary disability benefit described in subdivision (b) of section 506 of the Retirement and Social Security Law.

Subdivision (i) defines sixth-year salary as the sum of the standard rate payable to a police officer, firefighter, correction officer or sanitation worker upon six years of employment excluding any longevity adjustments, and the average overtime compensation paid or payable to such police officer, firefighter, correction officer or sanitation worker. This subdivision describes the manner by which overtime will be calculated for these workers.

Section 2 amends section 507 of the Retirement and Social Security Law by adding new subdivisions (c-1), (c-2), (c-3), (c-4), (c-5) and (c-6). Subdivision (c-1) states that the accidental disability benefit for New York city police and fire pension fund members who joined on or after the effective date of this subdivision is equal to the greater of (A) 50% of FAS or (B) 50% of sixth-year salary or (C) 75% of FAS or sixth-year salary, whichever is greater, for any member who meets the requirements of subdivision (c-6) less 100% of any workers compensation benefits payable. The member will also receive a COLA for such pension, computed in the same manner proscribed by section 13-696 of the Administrative Code.

Subdivision (c-2) allows New York City uniformed sanitation and corrections members who joined on or after the effective date of this subdivision is equal to the greater of (A) 50% of FAS or (B) 50% of sixth-year salary or (C) 75% of FAS or sixth-year salary, whichever is greater, for any member who meets the requirements of subdivision (c-6) less 100% of any workers compensation benefits payable. The member will also receive a COLA for such pension, computed in the same manner proscribed by section 13-696 of the Administrative Code.

Subdivision (c-3) permits New York City fire and police pension fund members who joined before the effective date of this subdivision that is eligible for an accidental disability benefit the right to make an election to receive the accidental disability benefit described in subdivision (c-1) of Section 507 of the Retirement and Social Security Law.

Subdivision (c-4) permits New York City uniformed sanitation and corrections members who joined before the effective date of this subdivision that is eligible for an accidental disability benefit the right to make an election to receive the accidental disability benefit described in subdivision (c-2) of Section 507 of the Retirement and Social Security Law. Subdivision (c-5) defines sixth-year salary in the same manner as subdivision (i) of Section 506 of the Retirement and Social Security Law.

Subdivision (c-6) states that for the purposes of subdivisions (c-1) and (c-2), the accidental disability will be calculated using 75% of FAS or sixth-year salary, whichever is greater, if such police, fire, sanitation or correction member is (A) entitled to disability benefits pursuant to section 223 of the federal Social Security Act or (B) is ineligible for such disability insurance benefits on the basis of the requirements of section 223 (c)(1)(B) of the federal Social Security Act and does not have earnings that demonstrate an ability to engage in substantial gainful activity as defined in section 223(d)(4) of the federal Social Security Act.

Section 3 amends section 510 of the Retirement and Social Security law to add subdivision (i). Subdivision (i) states that the annual escalation provided in Section 510 will not apply to the ordinary disability benefit provided for in proposed subdivisions (e) and (f) of Section 506 or to the accidental disability benefit provided for in subdivisions (c-1) and (c-2) of Section 507.

Section 4 amends subdivision (f) of section 511 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, and adds a new subdivision (g). Subdivision (g) holds that subdivision (f) of Section 511 does not apply to New York City fire and police pension fund members who receive the ordinary disability benefit provided for under subdivision (e) of Section 506 or to members that receive the accidental disability benefit provided for in subdivision (c-1) of Section 507. It also holds that subdivision (f) of section 511 does not apply to New York City uniformed sanitation and corrections members who receive the ordinary disability benefit under the terms of subdivision (f) of Section 506 or to members who receive the accidental disability benefits described in subdivision (c-2) of Section 507 of the Retirement and Social Security law.

Section 5 is the effective date.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately

¹ Governor David Paterson, Veto No. 5, vetoed Senate Bill No. S1409 which would have extended the Tier II provisions to all police officers and firefighters who join a public retirement system on or after July 1, 2009 and prior to July 1, 2011. (6/2/2009).

² Governor Andrew Cuomo, Veto No. 484, vetoed Senate Bill No. 7839 which would have amended the Retirement and Social Security law to provide credit to members of public retirement systems of the state for military service. (11/7/2014).

³ Office of the Comptroller. (2011). The \$8 billion question: an analysis of NYC pension costs over the past decade. Retrieved from http://comptroller.nyc.gov/wp-content/uploads/documents/C_WWW_NYC-site_rsny.pdf_NYC_PensionCostIssueBrief.pdf.

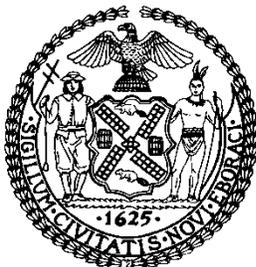
⁴ Moody's, March 9, 2015.

⁵ Tier III for police and fire workers is, particularly following the modification it underwent in 2012, often commonly referred to as Tier VI.

⁶ New York City Administrative Code 13-353.

⁷ New York City Administrative Code 13-352.

(The following is the text of the Fiscal Impact Statement for M-298:)



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

**LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PRECONSIDERED M

A.7854-B (Sepulveda)

S. 5705-B (Krueger)

COMMITTEE: State and Federal
Legislation

TITLE: An act to amend the retirement and social security law, in relation to disability benefits for certain members of the New York city police pension fund, the New York city fire department pension fund or the New York city employees' retirement systems.

SPONSOR(S): Council Member
Koslowitz

SUMMARY OF LEGISLATION: This legislation would enact a change to the accidental and ordinary disability retirement benefits offered to members of the Police and Fire pension systems, and to correction officers and sanitation workers who participate in the New York City Employees' Retirement System (NYCERS). It would impact all workers hired under, respectively, Tier III and modified Tier III for the police and fire systems and Tier VI for NYCERS; collectively referred to herein as Tier III/VI.

A recipient of City disability benefits would receive greater benefits under the proposed legislation than under current Tier III/VI rules in two key circumstances. First, accidental disability retirement benefits would be greater for those who become disabled early in their careers. Under the change, a given pension would be based upon the higher of two figures: the final average salary for five years of employment ("FAS5") or a salary floor, referred to as a "basic maximum salary" and generally the equivalent of what someone would earn in his or her sixth year on the job. This basic maximum salary clause does not exist in the current Tier III/VI.

Second, those disabled severely enough to qualify not only for City accidental disability retirement but also for federal Social Security Disability Insurance (SSDI) would receive 75 percent of FAS5 without a partial deduction for SSDI, more than

the 50 percent with an SSDI under current Tier III/VI rules. Federal SSDI carries a higher threshold of qualification than City disability; its recipients cannot engage in any employment of substantial gainful activity due to medical determinable physical or mental impairment.

The cost of living index currently in Tier III/VI is referred to by the Administration as “escalation.” It would revert under the proposal to a less-generous cost of living adjustment (“COLA”) previously used in other tiers, which only applied to the first \$18,000 in benefits, often amounts to less than the consumer price index, and has a five-year delay before taking effect.

The proposed legislation would also guarantee that in no event would the annual benefit received by an individual be less than what one would be entitled to under Tier III/VI.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:
Fiscal 2017

FISCAL IMPACT STATEMENT:

(millions)	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$12.2	\$15.5	\$15.5
Net	\$12.2	\$15.5	\$15.5

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would increase expenditures. The Administration estimates the Fiscal 2016 cost could be \$12.2 million.¹ The cost would increase over time.

The City’s pension costs manifest themselves through annual contributions to its five pension systems. Those contributions amount to over \$8 billion annually, and this legislation would increase that expense in the short run. The true cost of disability pensions are the benefits paid to those who qualify. The Actuary’s office estimates the number of currently employed police and fire officers hired who are likely to

qualify for a disability pension sometime during their working lifetime. The Actuary's office then estimates the City's required annual contributions to the pension funds over the expected working lives of those workers. The Administration estimates this legislation would increase the required future employer contributions, when expressed in actuarial present value terms, by \$600 million over a five year period. Under discounting methodology, this increases the City's actual need to contribute today to the annual figures above, and to a total of \$104.6 million over five years.

The City has not been contributing to pensions systems at the rates calculated by the Actuary under this proposal. This creates an unfunded accrued actuarial liability that must be funded, which is accounted for in the Actuary's cost estimate.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Funds

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

ESTIMATE PREPARED BY: Christopher Eshleman, Senior Legislative
Financial Analyst

ESTIMATE REVIEWED BY: Raymond Majewski Deputy Director, New
York City Council Finance
Rebecca Chasan, Assistant Counsel, New York
City Council Finance Division
Tanisha Edwards, Chief Counsel, New York
City Council Finance Division

HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered Mayor's Message on June 10, 2015. Following a successful vote by the Committee, the Preconsidered MM will be introduced and voted on by the full Council on June 10, 2015.

¹The difference between the low and high estimates is due to the Social Security Disability deduction discussed on page 1.

DATE PREPARED: June 10, 2015

(For text of respective State Assembly Sponsor's Memorandum of Support, please see preconsidered M-298 printed in the Mayor's Message section of these Minutes; for text of the State Assembly and State Senate bills and the State Senate Sponsor's Memorandum of Support, please refer to the respective Assembly and Senate website at assembly.state.ny.us and www.nysenate.gov)

Accordingly, this Committee recommends its adoption.

KAREN KOSLOWITZ, *Chairperson*; BRADFORD S. LANDER, BEN KALLOS, ANTONIO REYNOSO; Committee on State and Federal Legislation, June 10, 2015.

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

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

Report for State Legislation Res. No. 1

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.3472-A, and Assembly Member Cusick, A.7487, "AN ACT to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York.

The Committee on State and Federal Legislation to which the annexed preconsidered State Legislation Resolution was referred on June 10, 2015, respectfully

REPORTS:

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

BACKGROUND:

The proposed legislation permits new one or two family residential dwellings to be constructed on an unmapped street without the review of the Board of Standards and Appeal if certain criteria are met.

PROPOSED LEGISLATION:

According to the Sponsor's Memorandum in support, the provisions of the legislation are the following:

Section 1 of the new bill amends section 36 of the general law by adding a new subdivision 3. Subdivision 3 would allow a home to be built on an unmapped highway in New York City without the review of the Board of Standards, if the New York City Department of Buildings makes a determination that there are **NOT** less than five certificates of occupancy for one or two family residential dwellings which already been issued for the unmapped street or highway. Subdivision 3 would also require that the new dwelling be equipped with an automatic fire sprinkler system. The bill also states that this new subdivision does not limit the jurisdiction of the board of standards and appeals to determine the application of the zoning resolution.

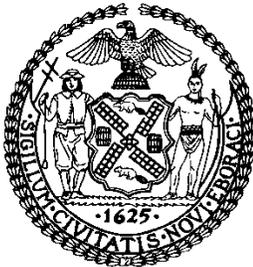
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately

(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 1:)



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

**LATONIA MCKINNEY,
DIRECTOR**

FISCAL IMPACT STATEMENT

PRECONSIDERED SLR:

S3472-A (Lanza)

A7487 (Cusick)

COMMITTEE: State and
Federal Legislation

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

SPONSOR(S): Council Member
Koslowitz

SUMMARY OF LEGISLATION: This bill would allow a home to be built on an unmapped street or highway in New York City without a review by the Board of Standards and Appeals (BSA), if the New York City Department of Buildings determines that there are not less than five certificates of occupancy for one- or two-family residential dwellings which have already been issued for such unmapped street or highway. It also would require the newly built dwelling to be equipped with

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an automatic fire sprinkler system. The bill would not limit the jurisdiction of the Board of Standards and Appeals to determine the application of the zoning resolution.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FY 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues (+)	De minimis	De minimis	De minimis
Expenditures (-)	De minimis	De minimis	De minimis
Net	De minimis	De minimis	De minimis

IMPACT ON REVENUES: It is not expected that many cases will be affected by this legislation, therefore the impact on fees collected by the BSA is expected to be minimal.

IMPACT ON EXPENDITURES: It is not expected that many cases will be affected by this legislation, therefore the impact on the administrative cost of the BSA is expected to be minimal.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: The New York City Council Finance Division Department of Buildings

ESTIMATE PREPARED BY: Sarah Gastelum, Legislative Financial Analyst, Finance Division
Maria Enache, Legislative Financial Analyst, Finance Division

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

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 10, 2015. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and voted on by the full Council on June 10, 2015.

DATE PREPARED: June 10, 2015

Accordingly, this Committee recommends its adoption.

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

KAREN KOSLOWITZ, *Chairperson*; INEZ E. DICKENS, BRADFORD S. LANDER, RAFAEL L. ESPINAL, Jr., BEN KALLOS, ANTONIO REYNOSO; Committee on State and Federal Legislation, June 10, 2015.

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

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

Report for State Legislation Res. No. 2

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.5610, and Assembly Member Abbate, et al., A.7648, "AN ACT to amend the administrative code of the city of New York, in relation to promotions of captains".

The Committee on State and Federal Legislation to which the annexed preconsidered State Legislation Resolution was referred on June 10, 2015, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly in Albany, N.Y. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution [SLR] by the Council. By

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adopting this item, the Council would be formally requesting the New York State Legislature to act favorably in this matter)

BACKGROUND

Section 14-114 of the Administrative Code of the City of New York provides the commissioner of police with the discretion to promote police officers. According to the memorandum in support of S. 5610/A. 7648, over the course of the last 15 years the New York Police Department (NYPD) has had fewer and fewer Lieutenants seek promotion to the rank of Captain. The memorandum states that in 1997, 65.6% of the total number of eligible Lieutenants filed for the promotional exam for the rank of Captain (898 out of 1,369), in contrast, in 2012 only 18.5% of total eligible Lieutenants filed for the promotional exam (325 out of 1,753). This bill seeks to provide an incentive for Captains to stay in the NYPD and for the city continue to have commanders with a high level of experience.

PROPOSED LEGISLATION

Section 1 of state bills S. 5610/A. 7648 would amend subdivision (c) of section 14-114 of the administrative code of the City of New York to provide that when a captain has served in the rank of captain for fifteen years, the captain will have the same rights with respect to the police pension fund as that of a captain detailed to act as a deputy chief who has served in that capacity for a period of time aggregating two years. This section also amends the administrative code by providing that a captain who has served less than fifteen but more than ten years as a captain will have the same rights in respect to the police pension fund as a captain that has been detailed to act as an inspector and who has served in that capacity for a period of time aggregating two years.

Section 2 is the effective date.

FISCAL IMPLICATIONS:

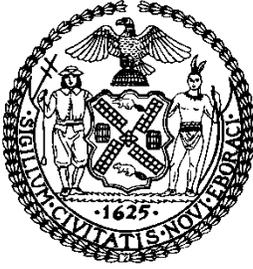
See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately.

Accordingly, this Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 2:)



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

**LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PRECONSIDERED SLR:

A. 7648 (Golden)

S. 5610 (Abbate)

COMMITTEE: State and Federal
Legislation

TITLE: An act to amend the administrative code of the city of New York, in relation to promotions of captains.

SPONSOR(S): Council Member
Koslowitz

SUMMARY OF LEGISLATION: This legislation would permit uniformed officers at the New York City Police Department serving for 15 years or more in the rank of captain or above to receive a pension benefit granted to deputy chiefs upon retirement.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal
2016

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$232,438	\$464,876	\$464,876
Net	\$232,438	\$464,876	\$464,876

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would increase expenditures. The roughly 400 police captains currently working at the Police Department earned, on average, a salary of just over \$139,000 as of April 2015. Officers of a higher rank can make considerably more, and a qualifying retiring captain might receive, under Tier II service retirement rules, an annual pension benefit that is \$23,000 higher per year than current rules. If applied to 10 individuals in the first year following the law and 20 in the second year, the measure would cost approximately \$230,000 and \$460,000, respectively. These costs would increase with time.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Police Department

ESTIMATE PREPARED BY: Christopher Eshleman, Senior Legislative
Financial Analyst

ESTIMATE REVIEWED BY: Raymond Majewski Deputy Director, New
York City Council Finance
Rebecca Chasan, Assistant Counsel, New York
City Council Finance Division
Tanisha Edwards, Chief Counsel, New York
City Council Finance Division

HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 10, 2015. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and voted on by the full Council on June 10, 2015.

DATE PREPARED: June 9, 2015

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

KAREN KOSLOWITZ, *Chairperson*; INEZ E. DICKENS, BRADFORD S. LANDER, RAFAEL L. ESPINAL, Jr., BEN KALLOS, ANTONIO REYNOSO; Committee on State and Federal Legislation, June 10, 2015.

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

Report for L.U. No. 223 & Res. No. 759

Report of the Committee on Land Use in favor of approving Application No. N 090311 ZRM submitted by the 22-23 Corp. c/o Park It Management 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 8 (Special West Chelsea District), Borough of Manhattan, Community Board 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on May 14, 2015 (Minutes, page 1771) and was coupled in committee with the resolution shown below before being sent to the City Planning Commission by the Council for further review on May 27, 2015 (Minutes, page 1825), respectfully

REPORTS:

(For text of the original report, please see the Report of the Committee on Land Use for LU No. 223 printed in the Minutes of the Stated Meeting of May 27, 2015, p. 1825)

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on May 26, 2015. The City Planning Commission filed a letter dated June 1, 2015, with the Council on June 2, 2015, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 759

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 090311 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning the transfer of development rights from the High Line Transfer Corridor in Article IX, Chapter 8, Special West Chelsea District, Section 98-33, in Community District 4, Borough of Manhattan (L.U. No. 223).

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on May 8, 2015 its decision dated May 6, 2015 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 22-23 Corp. c/o Park It Management, for an amendment of the text of the Zoning Resolution of the City of New York, concerning the transfer of development rights from the High Line Transfer Corridor in Article IX, Chapter 8, Special West Chelsea District, Section 98-33. This proposed text amendment would facilitate the transfer of the maximum allowable commercial or residential floor area, whichever is greater, from a granting site in the C6-2A and C6-3A districts and not within a subarea to an eligible receiving site (Application No. N 090311 ZRM), Community District 4, Borough of Manhattan (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 19, 2015;

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

WHEREAS, the Council has considered the relevant environmental issues, including the revised negative declaration (CEQR No. 10DCP048M) issued on June 1, 2015, which reflects the modified application (the "Revised Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 090311 ZRM, incorporated by reference herein, the Council approves the Decision with the following modifications:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

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

Matter in **bold double-underline** is new, added by the City Council;

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

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

ARTICLE IX SPECIAL PURPOSE DISTRICTS

* * *

Chapter 8 Special West Chelsea District

* * *

98-33 Transfer of Development Rights from the High Line Transfer Corridor

In the #Special West Chelsea District#, a “granting site” shall mean a #zoning lot#, or portion thereof, in the #High Line Transfer Corridor#. A “receiving site” shall mean a #zoning lot#, or portion thereof, in any subarea other than Subareas F, H and J. #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

* * *

(b) #Floor area#

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a #commercial use# or #residential use# on such granting site **as of [insert the effective date of amendment], whichever is greater,** less any existing #floor area# to remain on such granting site.

The maximum amount of #floor area# transferred from a granting site located in a subarea shall not exceed the basic maximum #floor area ratio# specified for the applicable subarea in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Area in Subareas), less any existing #floor area# to remain on such granting site.

Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred. The amount of #floor area# transferred to a receiving site from a granting site in the #High Line Transfer Corridor# shall not exceed the #floor area ratio# permitted on the receiving site through such transfer, pursuant to the table in Section 98-22.

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(c) #Use#

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 21, 2015.

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).

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 Winter Silbermann	888 Main Street #616 New York, N.Y. 10044	5
Yashira Llanos	1716 Fowler Avenue Bronx, N.Y. 10462	13
Maria Coleman	175-45 88th Avenue #4E Queens, N.Y. 11432	27
Donna Marino	73-02 58th Avenue Maspeth, N.Y. 11378	30
Shaquana J. Anderson	541 Wythe Avenue #14G Brooklyn, N.Y. 11212	33
Candace Taylor	576 East 51st Street #2R Brooklyn, N.Y. 11203	45
Kwame A. Domfe	396 Skyline Drive Staten Island, N.Y. 10301	49

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Dennis A. Campanaro	100 Beekman Street #10G New York, N.Y. 10038	1
Margaret M. Schreiber	147 East 97th Street #2W New York, N.Y. 10029	5
DeKeyia Ward	758 South Oak Drive #5 Bronx, N.Y. 10467	15
Christina H. Fiore	30-16 42nd Street #1L Astoria N.Y. 11103	22
Beverly Anne Burgess	112-18 204th Street St. Albans, N.Y. 11412	27
Deirdre Ivey	172-22 13 3rd Avenue #8A Queens, N.Y. 11434	28
Graciela M. Gutierrez	78-32 68th Avenue Middle Village, N.Y. 11379	30
Peter J. LaBella	71-49 Metropolitan Avenue #2A Middle Village, N.Y. 11379	30
Arlene Matos	64-04 Palmetto Street #1 Ridgewood, N.Y. 11385	30
Pauline Getz	1246 Sage Street Far Rockaway, N.Y. 11691	31
Pandit Ramlall	129-20 Hook Creek Blvd Queens, N.Y. 11422	31
Roxanna Mora	8781 95th Street Woodhaven, N.Y. 11421	32
Myra Radden	816 Putnam Avenue Brooklyn, N.Y. 11221	36
Karen Scallo	64 Bellhaven Place Staten Island, N.Y. 10314	50
Sarita Traiano	252 Moreland Street Staten Island, N.Y. 10306	50
John Spano	362 Ilyssa Way 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) | M 293 - | Interest rate to be charged for non-payment of taxes on real estate, and for non-payment of water and sewer rents and the discount rate to be allowed for early payment of real estate taxes. |
| (2) | M 296 - | Saint Michael's Park, S.3691-A/A.5246-A (Home Rule item introduced by the Mayor requiring majority affirmative vote for passage). |
| (3) | M 297 - | Allowing the city to sell to abutting property owners real property consisting of tax lots of unusual sizes and shapes, S.5467-A /A.7872 (Home Rule item introduced by the Mayor requiring majority affirmative vote for passage). |
| (4) | M 298 - | Disability benefits for certain members of the NYPD pension fund, FDNY pension fund and the New York city employees' retirement system, S.5705-B/A.7854-B (Home Rule item introduced by the Mayor requiring majority affirmative vote for passage). |
| (5) | Int 125-B - | Licensing car wash businesses. |
| (6) | Int 318-A - | Discrimination based on one's arrest record or criminal conviction. |
| (7) | Int 456-A - | OATH tribunal dismissals. |
| (8) | Int 723-A - | Inspector interactions with non-English speakers during agency inspections. |
| (9) | Int 724-A - | Advocates dedicated to helping business owners obtain appropriate services from the department and other city, state and federal agencies. |
| (10) | Int 725-A - | Agency inspector customer service training. |
| (11) | Int 726-A - | Business education events throughout the five boroughs. |
| (12) | Int 729-A - | Violations dismissed by the department of consumer affairs' tribunal. |
| (13) | Res 735 - | Discount percentage for early payment of real estate taxes be set at 0.5 percent. |
| (14) | Res 736 - | Interest rate be 9 percent for non-payment of taxes on properties with an assessed |

- value of not more than \$250,000.
- (15) **Res 737 -** Interest rate be 18 percent for non-payment of taxes on properties with an assessed value of over \$250,000.
- (16) **Res 738 -** Interest rate to be 9 percent for non-payment of water rents and sewer rents for real property with an assessed value of not more than \$250,000.
- (17) **Res 739 -** Interest rate to be 18 percent for non-payment of water rents and sewer rents for real property with an assessed value of over \$250,000.
- (18) **SLR 1 -** Certificates of occupancy for unmapped streets in the city of New York, **S.3472-A/A.7487 (Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (19) **SLR 2 -** Promotions of captains, **S.5610/A.7648 (Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (20) **L.U. 223 & Res 759 -** App. N **090311 ZRM**, Zoning Resolution, Manhattan, Community Board 4, Council District 3.
- (21) **L.U. 229 & Res 751 -** App. **20155571 HAX**, Urban Development Action Area Project, Bronx, Community Board 5, Council District 14.
- (22) **L.U. 230 & Res 752 -** App. **20155634 HAK**, Urban Development Action Area Project, Brooklyn, Community Board 13, Council District 47.
- (23) **L.U. 231 & Res 753 -** App. **20155451 HKK** (N 150321 HKK), Crown Heights North III Historic District (List No. 479, LP-2489), Brooklyn, Community Board 8, Council Districts 35 and 36.
- (24) **L.U. 232 & Res 754 -** App. **20155682 HAX**, Real Property Tax Exemption, Bronx, Community Board 2, Council District 17.
- (25) **L.U. 233 & Res 755 -** App. **20155683 HAQ**, Urban Development Action Area Project and a Real Property Tax Exemption, Queens, Community Boards 12 and 13, Council District 27.
- (26) **L.U. 234 & Res 756 -** App. **20155684 HAQ**, Urban

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Development Action Area Project and a Real Property Tax Exemption, Queens, Community Board 13, Council District 31.

- (27) **L.U. 235 & Res 757 -** App. **20155685 HAR,** Urban Development Action Area Project and a Real Property Tax Exemption, Staten Island, Community Board 1, Council District 49.
- (28) **L.U. 236 & Res 758 -** App. **20155695 HAX,** Urban Development Action Area Project and a Real Property Tax Exemption, Bronx, Community Board 1, Council District 49.
- (29) **L.U. 237 & Res 750 -** Rose Ellen Smith MBD HDFC, Bronx, Community District Nos. 2 and 3, Council District No. 17.

(30) 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-Copeland, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **51**.

The General Order vote recorded for this Stated Meeting was 51-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for preconsidered **M-298 (Home Rule item)**:

Affirmative – Arroyo, Barron, Chin, Cohen, Constantinides, Cornegy, Cumbo, Dromm, Eugene, Ferreras-Copeland, Garodnick, Johnson, Kallos, King, Koo, Koslowitz, Lander, Levin, Levine, Menchaca, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **31**.

Negative – Cabrera, Crowley, Deutsch, Dickens, Espinal, Gentile, Greenfield, Lancman, Maisel, Matteo, Mealy, Treyger, Ulrich, Vacca, Vallone, Weprin and Ignizio - **17**.

Abstention – Gibson, Mendez, and Miller – **3**.

The following was the vote recorded for **Int No. 125-B**:

Affirmative – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Crowley, Cumbo, Deutsch, Dickens, Dromm, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Vacca, Vallone, Weprin, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **44**.

Negative – Cornegy, Espinal, Matteo, Ulrich, Wills and Ignizio - **6**.

Abstention – Mealy – **1**.

The following was the vote recorded for **Int No. 318-A**:

Affirmative – Arroyo, Barron, Cabrera, Chin, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Vallone, Weprin, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Cohen, Matteo, Ulrich, Vacca, and Ignizio – **5**.

Abstention – Gentile – **1**.

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The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 125-B, 318-A, 456-A, 723-A, 724-A, 725-A, 726-A, and 729-A.

The Home Rule Request Bluebacks for M-296, M-297, M-298, SLR No. 1, and SLR No. 2 were signed and certified by the City Clerk and Clerk of the Council (Mr. McSweeney) following their passage by the Council at this Stated Meeting. These Bluebacks were subsequently sent to Albany and filed with the State Senate and State Assembly.

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 692

Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to sign A.4762 and S.1291, which would extend labor protections to farm workers.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on May 14, 2015 (Minutes, page 1754), respectfully

REPORTS:

Introduction:

On Thursday June 10, 2015, the Committee on Civil Service and Labor chaired by Council Member I. Daneek Miller will hold a second hearing on Resolution No. 692, which calls upon the New York State Legislature and the Governor to sign A.4762 and S.1291, which would extend labor protections to farm workers. The Committee held a first hearing on this resolution on June 4, 2015, and heard testimony from the sponsor of S.1291, State Senator Adriano Espaillat, and various farm worker advocates, after which, no amendments were made to the resolution.

Background:

Farming in New York is a thriving multi-billion dollar industry, making the state one of the nation's agricultural leaders.¹ New York is the nation's largest producer of cabbage, and a leading producer of apples, grapes, pears, strawberries and tart cherries.² According to a New York State Comptroller report in 2012, cash receipts from New York's agricultural exports more than tripled – from about \$500 million to

over \$1.7 billion.³ Additionally, according to the United States Department of Agriculture, New York is now the third largest state for the nation's dairy production and is the leading producer of yogurt in the U.S.⁴ Further, New York lawmakers and political leaders provide robust fiscal support to the state's agricultural industry and the state's budget policies support New York farmers.⁵ In the 2015-2016 fiscal plans, for instance, the state budgeted \$70 million for agricultural programs.⁶ Further, experts affirm that farming has experienced and is expected to continue experiencing record-breaking profits and growth.⁷

Despite the growth and stability of New York's agricultural industry, farm workers are living below the poverty line, are unable to meet the basic cost of living and are not covered by labor protections enjoyed by most other workers in this country. The precedent for excluding farm workers from labor laws are a legacy of the Jim Crow era.⁸ During the New Deal period, Southern segregationists conditioned their support for broadening workers' rights on the exclusion of farm workers and domestic workers.⁹ To capture the Southern vote, the Roosevelt administration agreed to exempt these workers from federal labor protections.¹⁰ Consequently, farm workers and domestic workers were excluded from the 1933 National Industry Recovery Act which established certain collective bargaining protections.¹¹ They were also excluded from the 1938 Fair Labor Standards Act (FLSA) which guaranteed most workers a minimum wage for each hour worked and provided overtime pay by requiring that most employees who work more than 40 hours in a workweek be paid one and one-half times the regular rate of pay for each hour over forty hours per week.¹² It was not until 1966 that farm workers were included in the FLSA requiring them to be paid the minimum wage; however, the overtime provision still does not apply to farmworkers.¹³

Further, the labor laws of most states reflect those of the federal government, with only marginal advancements being made.¹⁴ For instance, California, Hawaii, Maine, Maryland Minnesota and Oregon require farm workers to be paid time-and-a-half- for overtime, though in some cases after 60 hours of work in a week – and only a dozen states explicitly give farm workers the right to unionize.¹⁵

In New York, there are approximately 60,000 to 100,000 farmworkers, most of which are Latino migrants, who play an essential role in the state's agricultural economy. These farm workers routinely risk their health and safety¹⁶ ¹⁷ and are exposed to hazards such as vehicle rollovers, heat exposure, falls, musculoskeletal injuries, hazardous equipment, grain bins, unsanitary conditions, and exposure to pesticides and other chemicals.¹⁸ Moreover, farm workers and the activists who represent them claim that minimum wage violations, verbal abuse, long hours, unsafe working conditions and even physical attacks on workers are commonplace in the industry.¹⁹ New York farm workers typically earn the minimum wage and are not entitled to overtime pay, disability insurance, unemployment benefits, collective bargaining or a day of rest per week. In fact, farm workers are the only category of worker not guaranteed these rights in New York.²⁰

In 2010, New York enacted the Domestic Worker Bill of Rights which gave domestic workers, who had also been excluded from the labor laws that most workers take for granted. The law gave such workers the right to overtime pay, a day of rest every seven days, three paid days of rest each year, and protection under New

York State Human Rights Law.²¹ New York farmworkers, however, continue to be excluded from these labor protections.

Res. No 692:

The resolution would state that according to the *New York State Department of Agriculture* (NYSDA), agriculture is an important sector of the State economy. The resolution would also note that according to the most recent information provided by the NYSDA, New York State is the nation's largest producer of cabbage, and a leading producer of apples, grapes, pears, strawberries and tart cherries. The resolution would also note that it is estimated that between 60,000 to 100,000 people work as farm workers in New York State. The resolution would further note that according to the *New York Times* the majority of the farm workers in the State are foreign born migrants. The resolution would additionally note that according to the *New York State Department of Labor*, farm workers are entitled to a minimum wage of \$8.75 per hour.

The resolution would state however, that farm workers are denied many of the benefits available to other workers such as overtime pay, disability insurance, unemployment benefits, and the right to collective bargaining. The resolution would also state that farm workers work long hours, up to 15 hours per day, and often are exposed to chemicals such as pesticides. The resolution would further state that farm workers deserve the basic protections afforded to other workers in New York State.

Finally, the resolution would state that legislation has been introduced in the State Legislature – A.4762 (by Assemblywoman Catherine Nolan) and S.1291 (by Senator Adriano Espaillat) – which would extend labor protections to farm workers.

Thus, the Council of the City of New York would call upon the New York State Legislature to pass and the Governor to sign A.4762 and S.1291, which would extend labor protections to farm workers.

¹*Agriculture Facts*, New York State Department of Agriculture and Markets, (June 3, 2015), <http://www.agriculture.ny.gov/agfacts.html>.

²*Id.*

³Thomas P. Napoli, *Agriculture by the Numbers: New York Farming is Big Business*, Office of the State Comptroller, (August 2012), available at <http://www.lifb.com/Portals/1/Dinapoli.pdf>.

⁴*Governor Cuomo Announces New York State Reclaims its Status at the Third Highest Milk Producer in the Nation*, Office of the New York State Governor, Jan. 29, 2015, <https://www.governor.ny.gov/news/governor-cuomo-announces-new-york-state-reclaims-its-status-third-highest-producer-milk-nation>; Ryan Deffenbaugh, *Yogurt boom, labor shortage puts New York dairy industry in middle of immigration debate*, *Auburnpub.com*, Feb. 2, 2015, http://auburnpub.com/progress/yogurt-boom-labor-shortage-puts-new-york-dairy-industry-in/article_69bcdbea-d421-52b5-bae6-bff6cd89466d.html.

⁵*Legislative Memo: Regarding the Farmworkers Fair Labor Practices Act*, New York Civil Liberties Union, May 8, 2015, <http://www.nyclu.org/content/regarding-farmworkers-fair-labor-practices-act>.

⁶Local Officials, Business Leaders React to the 2015-16 Fiscal Plan, *The Record*, April 1, 2015, <http://www.troyrecord.com/government-and-politics/20150401/local-officials-business-leaders-react-to-2015-16-fiscal-plan>.

⁷*Legislative Memo* at <http://www.nyclu.org/content/regarding-farmworkers-fair-labor-practices-act>.

⁸Joseph Berger, *Long Days in the Fields, Without Earning Overtime* (“*Long Days in the Field*”), *New York Times*, August 7, 2014,

⁹*Legislative Memo* at <http://www.nyclu.org/content/regarding-farmworkers-fair-labor-practices-act>.

¹⁰*Id.*

¹¹*US Labor Law for Farmworkers*, Farmworker Justice, (June 3, 2013), <http://www.farmworkerjustice.org/advocacy-and-programs/us-labor-law-farmworkers>.

¹²*Id.*

¹³*Id.*

¹⁴*Id.*

¹⁵*Long Days in the Fields*.

¹⁶Agriculture ranks among the most dangerous industries and, along with mining, has the most workplace fatalities. See *Hudson Valley Framework Report* at 59.

¹⁷There were 16 deaths in the agricultural sector in New York in 2012 and 55 since 2006. See Peter, Moskowitz, *Small farms, big problems: Labor crisis goes ignored in idyllic setting*, Aljazeera American, July 29, 2014, <http://america.aljazeera.com/articles/2014/7/29/small-farms-labor.html>.

¹⁸Agricultural Operations: Hazards and Control, Occupational Health and Safety Administration, (June 3, 2015), https://www.osha.gov/dsg/topics/agriculturaloperations/hazards_controls.html.

¹⁹*Small farms, big problems* at <http://america.aljazeera.com/articles/2014/7/29/small-farms-labor.html>; *Long Days in the Fields* at <http://www.nytimes.com/2014/08/08/nyregion/in-harvest-season-endless-hours-with-no-overtime-for-new-york-farmworkers.html>; *Hudson Valley Framework Report* at <http://events.adelphi.edu/news/farmworkers/farmworker.report.pdf>.

²⁰*Justice for Farmworkers as Labor Rights Bill Makes Overdue Progress in the New York Senate*, New York Daily News, May 3, 2015.

²¹*Domestic Workers' Bill of Rights*, The New York State Department of Labor, (June 3, 2015), <https://labor.ny.gov/legal/domestic-workers-bill-of-rights.shtm>.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 692:)

Res. No. 692

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.4762 and S.1291, which would extend labor protections to farm workers.

By Council Members Miller, Arroyo, Chin, Eugene, Johnson, Lander, Mendez, Gentile, Menchaca, Rodriguez, Kallos, Dromm, Crowley, Constantinides, Rosenthal and Wills.

Whereas, According to the *New York State Department of Agriculture (NYSDA)*, agriculture is an important sector of the State economy; and

Whereas, According to the most recent information provided by the NYSDA, New York State is the nation's largest producer of cabbage, and a leading producer of apples, grapes, pears, strawberries and tart cherries; and

Whereas, It is estimated that between 60,000 to 100,000 people work as farm workers in New York State; and

Whereas, According to the *New York Times* the majority of the farm workers in the State are foreign born migrants; and

Whereas, According to the *New York State Department of Labor*, farm workers are entitled to a minimum wage of \$8.75 per hour; and

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Whereas, However, farm workers are denied many of the benefits available to other workers such as overtime pay, disability insurance, unemployment benefits, and the right to collective bargaining; and

Whereas, Farm workers work long hours, up to 15 hours per day, and often are exposed to chemicals such as pesticides; and

Whereas, Legislation has been introduced in the State Legislature – A.4762 (by Assemblywoman Catherine Nolan) and S.1291 (by Senator Adriano Espaillat) – which would extend labor protections to farm workers; and

Whereas, Farm workers deserve the basic protections afforded to other workers in New York State; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.4762 and S.1291, which would extend labor protections to farm workers.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, June 9, 2015.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 2 Council Members formally voted against this item: Council Members Matteo and Ignizio.

Adopted by the Council by voice-vote.

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

Report for voice-vote Res. No. 731

Report of the Committee on Housing and Buildings in favor of approving a Resolution calling upon the New York State Senate to pass and the Governor to sign A. 7526, in relation to strengthening rent regulation.

The Committee on Housing and Buildings, to which the annexed resolution was referred on June 10, 2015, respectfully

REPORTS:

Introduction

On June 10, 2015, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing to consider Preconsidered Res. No. 731.

The Committee expects to receive testimony from housing advocates, legal service providers, and other interested members of the public.

Background

There are two forms of rent regulation in New York City: rent control and rent stabilization. Rent control is the older of the two systems and dates back to the federal Emergency Price Control Act of 1942.¹ Rent control primarily applies to dwellings within residential buildings completed before February 1, 1947² and in which a tenant or lawful successor has been living continuously since before July 1, 1971.³ Rent stabilization generally applies to buildings with six or more units built before January 1, 1974.⁴ Both rent regulation systems restrict rent increases and limit evictions.⁵

Under current New York State Law, rent regulated units may be deregulated when the rent hits \$2,500 a month, and the tenant vacates the unit,⁶ or the tenant is found to have an income above \$200,000 two years in a row.⁷ Available data suggests that between 1994, when vacancy decontrol went into effect, and 2014, 139,408 rent stabilized units were lost to vacancy decontrol.⁸

Deregulation significantly decreases the number of affordable housing units in New York City, at a time when the City is facing an affordable housing crisis.⁹ Further, because New York State law allows for various ways to raise the rents in rent-regulated apartments, such apartments quickly reach the \$2,500 deregulation limit.

Beyond deregulation, the rent-regulation system as it currently stands fails to provide tenants with stability and security. Tenants in rent-regulated apartments may face steep rent increases at each rent-renewal if an owner decides to revoke a preferential rent. Tenants may also face increases when limited profit housing companies leave the Mitchell Lama program and owners of rental buildings terminate or decide not to renew their Section 8 contracts.

The rent regulation system is currently set to expire on June 15, 2015. However, even if the expiration date for rent regulation is extended, the system requires significant improvements.

The Council previously passed a package of Resolutions calling on the New York State Legislature to renew and strengthen rent regulation. One of the Resolutions, Res. No. 596-A, supported repealing vacancy decontrol.

Preconsidered Res. No. 731

Preconsidered Resolution 731 calls upon the New York State Senate to pass and the Governor to sign A. 7526, in relation to strengthening rent regulation. A. 7526

passed the New York State Assembly on May 19, 2015. In addition to pushing back the expiration date for rent-regulation to June 15, 2019, this Preconsidered Resolution notes that A. 7526 would, among other things:

- Increase the amount of rent for vacancy deregulation to \$3,500 and the amount of income for income deregulation to \$225,000;
- Make Major Capital Improvement (MCI) rent increases a temporary surcharge that ends when the cost of the MCI has been recouped by the owner;
- Reduce the size of the vacancy bonus to 7.5%;
- Create parity between the rent regulation systems by only allowing rents in rent-controlled apartments to be raised by the lesser of 7.5% or an amount equal to the average of the previous five rent-stabilization increases;
- Return deregulated units to the rent-regulation system where such units have been rented since January 1, 2013 for less than \$5,000;
- Prohibit owners from adjusting the preferential rent amount upon the renewal of a lease for a rent-regulated unit; and
- Allow the City to expand rent regulation to housing accommodations that cease or have ceased to be Mitchells Lamas or to receive Project Based Section 8 rental assistance.

¹ See Guy McPherson, Rent Regulation in New York City and the Unanswered Questions of Market and Society, 72 Fordham L. Rev. 1125, 1132-1133.

² See: Emergency Housing Rent Control Law §2(2)

³ *Id.*

⁴ See: Emergency Tenant Protection Act of 1974 §5.

⁵ See generally: Emergency Tenant Protection Act of 1974; Emergency Housing Rent Control Law; Local Emergency Housing Rent Control Law; New York City Administrative Code Chapter 3; New York City Administrative Code Chapter 4.

⁶ See: Emergency Tenant Protection Act of 1974 §4(5)(a)(13).

⁷ See: Emergency Tenant Protection Act of 1974 §4(5-a); Emergency Housing Rent Control Act2(2)(m).

⁸ New York City Rent Guidelines Board, Changes to the Rent Stabilized Housing Stock in New York City in 2014, 7, May 28, 2015, available at http://www.nycrgb.org/downloads/research/pdf_reports/changes2015.pdf.

⁹ Elyzabeth Gaumer & Sheree West, New York City Department of Housing Preservation and Development, Selected Initial Findings of the 2014 New York City Housing and Vacancy Survey, 3, Feb. 9, 2015.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)

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; Committee on Housing and Buildings, April 29, 2014.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally voted against this item: Council Members Matteo, Ulrich, and Ignizio.

Adopted by the Council by voice-vote.

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

Report for voice-vote Res. No. 740

Report of the Committee on State and Federal Legislation in favor of approving a Resolution calling on President Obama to grant clemency to Oscar López Rivera so that he is immediately released from prison, as his continued incarceration is unjust and serves no legitimate purpose.

The Committee on State and Federal Legislation, to which the annexed resolution was referred on June 10, 2015, respectfully

REPORTS:

Introduction

On June 10, 2015, the Committee on State and Federal legislation, chaired by Council Member Karen Koslowitz, will conduct a hearing and vote on Preconsidered Resolution calling on President Obama to grant clemency to Oscar López Rivera so that he is immediately released from prison, as his continued incarceration is unjust and serves no legitimate purpose.

Background

On January 6, 1943 Oscar López Rivera was born in San Sebastián, Puerto Rico. At age 14, López Rivera moved to Chicago, Illinois. He served with distinction in the Vietnam War, earning a Bronze Star for bravery. After his United States military service López Rivera moved back to Chicago where he worked to establish Illinois' first Latino cultural center and organized a drive to improve housing for Puerto Ricans in Chicago among other community service.

On May 29, 1981 Oscar López Rivera was convicted along with 13 other co-defendants of seditious conspiracy against the United States government due to his involvement in the Puerto Rico independence movement. The United States never charged López Rivera for participating in any action that caused violence. Despite not participating in any violent activities, he along with the 13 other Puerto Rican nationalists received harsh prison sentences. López Rivera was sentenced to 55 years

in prison. In 1988, López Rivera was convicted of conspiracy to escape from prison and was sentenced to an additional 15 years in prison, to be served consecutively with his original sentence.

Recognizing the harsh sentencing of most of the co-defendants involved in the Puerto Rico independence movement, in 1999 President Bill Clinton offered López Rivera and 12 other Puerto Rican nationalists' clemency. All but López Rivera accepted President Clinton's clemency offer. He refused to abandon Carlos Alberto Torres, the lone co-defendant that President Clinton declined to offer clemency to. Torres was granted parole in 2010; Lopez-Rivera remains the only one of his co-defendants that remains incarcerated.

As of today, López Rivera is 72 years old and has served over 33 years in federal prison. He has served 12 years of his sentence in isolation with little to no human contact in a small cell for 23 hours per day. All of his co-defendants that have been released from prison have been able to live productive lives. Among the many dignitaries to call for López Rivera's freedom are: former President Jimmy Carter, Nobel Peace Prize winner Archbishop Desmond Tutu, Puerto Rico's Governor Alejandro García Padilla and the Congressional Hispanic Caucus. The United Nations has passed a resolution every year since 2001 calling for López Rivera's release.

Preconsidered Resolution No. 740

The Resolution calls attention to the plight of Oscar López Rivera, a decorated Vietnam War veteran and community activist. López Rivera has served over 33 years of incarceration in federal prison for the conviction of seditious conspiracy based upon his work to advance the movement for the independence of Puerto Rico.

The Resolution discusses López Rivera service to the United States military, community service in the underserved areas of Chicago, Illinois. The Resolution points out the disproportionate punishment of 55 years in prison he received for his alleged offenses in 1981 and his subsequent sentence in 1988 of an additional 15 years in prison for conspiracy to escape from prison.

The Resolution discusses López Rivera's refusal to accept clemency from President Bill Clinton because he refused to leave any member of his community behind and that he is the only one of the original 14 co-defendants to remain incarcerated. The Resolution describes the harsh conditions of his confinement which includes serving 12 years with little to no human interaction in a closet-sized cell for 23 hours per day. The Resolution also discusses the humanitarian movement to release López Rivera which includes the support of Coretta Scott King, Archbishop Desmond Tutu, former President Jimmy Carter and many others.

Finally, this Resolution calls upon President Obama to grant clemency to López Rivera so that he is immediately released from prison, considering that his continued incarceration is unjust and serves no legitimate purpose.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)

KAREN KOSLOWITZ, *Chairperson*; INEZ E. DICKENS, BRADFORD S. LANDER, RAFAEL L. ESPINAL, Jr., BEN KALLOS, ANTONIO REYNOSO; Committee on State and Federal Legislation, June 10, 2015.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 8 Council Members formally voted against this item: Council Members Gentile, Lancman, Matteo, Ulrich, Vacca, Vallone, Weprin, and Ignizio.

The following 2 Council Members formally abstained to vote on this item: Council Members Cohen and Garodnick.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 803

By The Speaker (Council Member Mark-Viverito) and Council Members Richards, Chin, Constantinides, Gentile, Koo, Wills and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of children's products containing certain chemicals.

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

SUBCHAPTER 13

Children's Products

§ 20-699.7 *Children's Products. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Children. The term "children" means an individual aged twelve and under.

Children's apparel. The term "children's apparel" means any item of clothing that consists of fabric or related material intended or promoted for use in children's clothing. Children's apparel does not include protective equipment designed to prevent injury, including, but not limited to, bicycle helmets, knee pads or elbow pads.

Children's product. The term "children's product" means a product primarily intended for, made for or marketed for use by children, such as baby products, toys, car seats, personal care products, a product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, and children's bedding, furniture, furnishings, and apparel. "Children's product" does not include batteries; consumer electronic products,

including but not limited to, personal computers, audio and video equipment, calculators, wireless phones, game consoles, and handheld devices incorporating a video screen, used to access interactive software and their associated peripherals; or food, beverages, additives to a food or beverage, drugs, biologic or medical devices regulated by the United States food and drug administration.

Person. The term "person" means any individual, public or private corporation, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever.

b. Sales prohibition. No person shall knowingly distribute, sell or offer for sale a children's product containing the chemicals formaldehyde, benzene, lead, mercury, antimony, arsenic, cadmium, or cobalt. This subdivision shall not apply to a children's product solely based on such product containing an enclosed battery or enclosed electronic components.

c. Applicability. 1. The provisions of this section shall apply to chemicals in children's products sold or distributed as new and does not apply to used children's products that are sold or distributed for free at secondhand stores, yard sales, on the internet, or donated to charities.

2. The requirements of this section shall not apply to motor vehicles or their component parts, all-terrain vehicles or their component parts, or off-highway motorcycles or their component parts, except that the sale of detachable car seats containing the chemicals formaldehyde, benzene, lead, mercury, antimony, arsenic, cadmium or cobalt is not exempt.

d. Penalties. Any person who violates the provisions of this section or rules promulgated thereunder shall be subject to a civil penalty of not less than \$500 for the first violation and for each succeeding violation a civil penalty of not less than \$1,000.

§ 2. If any subsection, sentence, clause, phrase, or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force and effect.

§ 3. This local law shall take effect 180 days after it becomes law, except that the commissioner shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs.

Preconsidered Res. No. 731

Resolution calling upon the New York State Senate to pass and the Governor to sign A. 7526, in relation to strengthening rent regulation.

By The Speaker (Council Member Mark-Viverito) and Council Members Williams, Chin, Gentile, Johnson and Richards.

Whereas, Rent regulation is set to expire on June 15, 2015 and the New York State Assembly passed a bill, A. 7526, sponsored by Assembly Member Wright, which would push back the expiration to June 15, 2019; and

Whereas, New York City is currently experiencing an affordable housing crisis, and requires rent regulation to be renewed and strengthened in order to respond to such crisis; and

Whereas, Under the current rent regulation system, rent regulated units may be deregulated, which significantly decreases the number of affordable housing units in New York City, when the rent hits \$2,500 a month and the tenant vacates the unit, or the tenant is found to have an income above \$200,000 two years in a row; and

Whereas, A. 7526 would increase the amount of rent for vacancy deregulation to \$3,500 and the amount of income for high income deregulation to \$225,000; and

Whereas, There are multiple ways in which rents for rent regulated units may be increased, resulting in units quickly reaching the deregulation threshold and the City losing affordable units; and

Whereas, One way in which the rent for rent regulated units may be increased is Major Capital Improvements (MCIs), which allows an owner a permanent one-time increase sufficient to cover the cost of the improvement over a seven-year period; and

Whereas, A. 7526 would make MCI rent increases a temporary surcharge, ending when the cost of the MCI has been recouped, and would allow tenants a voice in determining whether the MCI has been satisfactorily completed; and

Whereas, Another way in which rents may be increased is the vacancy bonus, which allows owners to increase the rent of rent-stabilized units by 20% each time a unit becomes vacant; and

Whereas, A. 7526 would reduce the size of the vacancy bonus to 7.5%; and

Whereas, Rent in rent-controlled units are subject to steep annual rent increases (7.5%), while rents in rent stabilized units are set by a local Rent Guidelines Board, using a formula that takes into account various economic factors; and

Whereas, A. 7526 would create parity between the rent regulation systems by only allowing rents in rent-controlled apartments to be raised by the lesser of 7.5% annually or an amount equal to the average of the previous five Rent Guidelines Board increases; and

Whereas, Since deregulation took effect the City has lost roughly 150,000 units of affordable housing to deregulation; and

Whereas, A. 7526 would return deregulated units to the rent regulation system where such units have been rented since January 1, 2013 for less than \$5,000; and

Whereas, The rent-regulation system is intended to not only maintain affordable housing in New York, but to provide tenants with stability and safe housing; and

Whereas, Some owners may offer rent-regulated tenants a preferential rent, which is less than the legal regulated rent, generally because the legal regulated rent is higher than the market will bear, but the law as it currently stands allows owners to increase the rent to the legal regulated rent upon any lease renewal for any reason; and

Whereas, A. 7526 would prohibit owners from adjusting the preferential rent amount upon the renewal of a lease for a rent regulated unit; and

Whereas, Under existing State law, an owner can only be charged with the crime of harassment when he or she has caused physical injury to a tenant or a third party with intent to cause a rent regulated tenant to vacate a unit; and

Whereas, A. 7526 would create a misdemeanor for harassment of a tenant in the second degree where an owner intentionally impairs the habitability of a unit or creates or maintains a dangerous condition with the intent to cause a rent regulated tenant to vacate a unit; and

Whereas, Under current law, Mitchell-Lama and Project Based Section 8 developments first occupied on or after January 1, 1974, can opt-out of such programs and owners can then increase the rents to unaffordable levels for most of their residents; and

Whereas, A. 7526, would allow the City to expand rent regulation to housing accommodations that cease or have ceased to be Mitchells Lamas or to receive Project Based Section 8 rental assistance; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Senate to pass and the Governor to sign A. 7526, in relation to strengthening rent regulation

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Int. No. 804

By Council Members Barron, Eugene, Mendez, Richards and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to reasonable accommodations for individuals with disabilities.

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York is hereby amended by adding a new paragraph 27, to read as follows:

27. *The term “good faith interactive process” means a good faith, timely and flexible dialogue to determine what accommodations are feasible in which both the employee and employer may propose alternative arrangements.*

§ 2. Subsection a of paragraph 15 of section 8-107 of the administrative code of the city of New York is hereby amended to read as follows:

15. Applicability; persons with disabilities.

(a) Requirement to make reasonable accommodation to the needs of persons with disabilities. Except as provided in paragraph (b), any person prohibited by the provisions of this section from discriminating on the basis of disability shall make reasonable accommodation to enable a person with a disability to satisfy the essential requisites of a job or enjoy the right or rights in question provided that the disability

is known or should have been known by the covered entity. *For purposes of subdivisions 1, 2, and 22 of this section, the obligation to reasonably accommodate a person with a known disability requires the covered entity to engage in a good faith interactive process to identify potential accommodations and evaluate the reasonableness of any accommodation proposed by such person. At the conclusion of such process, the covered entity shall notify such person, in writing, of the covered entity's decision regarding any accommodation proposed or discussed.*

§ 3. Paragraph 15 of section 8-107 of the administrative code of the city of New York is hereby amended by adding a new subsection d to read as follows:

d. In addition to the above, nothing contained in this subsection shall be construed to offer less protection for the rights of individuals with disabilities than any applicable provision of federal, state or other local law.

§ 4. This local law shall take effect 120 days after it shall have become a law.

Referred to the Committee on Civil Rights.

Res. No. 732

Resolution calling upon the City University of New York (CUNY), the State Legislature and the Governor to provide the necessary investment to reach a fair labor agreement with the University's faculty and staff.

By Council Members Barron, Miller, Chin, Dickens, Gentile, Johnson, Mendez, Wills, Rose, Cabrera and Lander.

Whereas, The City University of New York (CUNY) is the public university system of New York City and the largest urban university in the United States, with 24 campuses across the five boroughs serving more than 269,000 degree-credit students and 247,000 adult, continuing education and professional students; and

Whereas, CUNY enrollments have grown dramatically over the last decade, with over 50,000 more new enrollments in Fall 2014 than Fall 2004, as more students seek an affordable, quality college education and high school students are increasingly encouraged to apply to college; and

Whereas, CUNY makes higher education possible for a diverse and underprivileged student body, where 76% of undergraduates belong to racial and minority groups, 38% are immigrants and 39% come from households with an annual income of \$20,000 or less; and

Whereas, CUNY faculty and professional staff have been working under an expired contract since 2010 and, according to Professional Staff Congress (PSC) President Barbara Bowen, employees no longer eligible for step increases in salary under the expired contract have gone without raises for five years; and

Whereas, According to PSC President Bowen, many CUNY faculty and staff struggle to afford to live in New York City; and

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Whereas, According to the CUNY Adjunct Project, more than half of the undergraduate courses at CUNY are taught by adjunct faculty, thousands of whom hold advanced academic degrees but receive low wages; and

Whereas, According to PSC President Bowen, increased class sizes and workloads for professors threaten the quality of education at CUNY rendering it uncompetitive and inhibiting the ability of existing faculty and professional staff to conduct research and provide needed mentoring, counseling and individualized instruction to students; and

Whereas, Tuition paid by CUNY students has increased by \$1,200 since 2011 and will go up another \$300 next fall, such that according to PSC, tuition and fees now comprise 53% of CUNY senior colleges' operating budget and 45% of the community colleges' operating budget; and

Whereas, The lack of aid to CUNY in New York State's 2015-2016 budget leaves CUNY with a \$63 million deficit in unfunded mandatory costs, forcing CUNY to use revenue from next fall's \$300 tuition hike to pay for increases in energy, supplies, equipment, benefits and some labor costs but will not adequately result in a fair wage increase to address the needs of CUNY faculty and staff; and

Whereas, The failure to provide CUNY with adequate funding threatens the quality of education at CUNY; and

Whereas, It is in the public interest to maintain accessibility to high quality higher education for all New York City residents; now therefore, be it

Resolved, That the City Council of New York calls upon the City University of New York (CUNY), the State Legislature and the Governor to provide the necessary investment to reach a fair labor agreement with the University's faculty and staff.

Referred to the Committee on Higher Education.

Res. No. 733

Resolution to amend rule 7.00 of the Rules of the Council in relation to changing the title of the standing Committee on Civil Rights.

By Council Members Barron, Dickens, Mendez and Rose.

Section 1. Rule 7.00 of the rules of the council of the city of New York is amended to read as follows:7.00. Appointment a. Prior to the establishment of the membership of any other committee, and after the selection of the Speaker, the Council shall elect the membership of the Committee on Rules, Privileges and Elections. All other committees and appointments thereto shall be recommended by the Committee on Rules, Privileges and Elections, approved by the Council and published in the Calendar. All standing committee chairpersons shall be elected by the Council as a whole. Once elected, a standing committee or subcommittee chairperson may be removed prior to the end of the session without their consent only by the uncoupled vote of 2/3 of all the members. The standing committees of the Council shall bear the following titles and possess the following substantive matter jurisdictions:

AGING – Department for the Aging and all federal, state and municipal programs pertinent to senior citizens.

CIVIL AND HUMAN RIGHTS – Human Rights Commission, Equal Employment Practices Commission and Equal Employment Opportunity.

CIVIL SERVICE AND LABOR – Municipal Officers and Employees, Office of Labor Relations, Office of Collective Bargaining, Office of Labor Services, and Municipal Pension and Retirement Systems.

COMMUNITY DEVELOPMENT – Issues relating to poverty and its reduction especially in low income neighborhoods.

CONSUMER AFFAIRS – Department of Consumer Affairs.

CONTRACTS – Procurement Policy Board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contract Services and collection agency contracts.

COURTS AND LEGAL SERVICES – Courts and Legal Aid.

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS – Department of Cultural Affairs, libraries, museums, Art Commission, New York City Commission for the United Nations, Consular Corps and Protocol, Mayor's Office of Special Projects and Community Events, and to encourage harmony among the citizens of New York City, to promote the image of New York City and enhance the relationship of its citizens with the international community.

ECONOMIC DEVELOPMENT – Economic Development Corporation and Department of Small Business Services.

EDUCATION – Department of Education, School Construction Authority, and Charter Schools.

ENVIRONMENTAL PROTECTION – Department of Environmental Protection and Office of Long Term Planning and Sustainability.

FINANCE – Executive Budget review and Budget modification, Banking Commission, Comptroller's Office, Department of Design and Construction, Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

FIRE AND CRIMINAL JUSTICE SERVICES – Fire/EMS (non-health-related issues), Department of Probation, Department of Correction, and Emergency Management Department (OEM).

GENERAL WELFARE – Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, Office of Immigrant Affairs and charitable institutions.

GOVERNMENTAL OPERATIONS – Municipal governmental structure and organization, Department of Citywide Administrative Services, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and Law Department.

HEALTH – Department of Health and Mental Hygiene, Health and Hospitals Corporation and Office of the Chief Medical Examiner and EMS (health-related issues).

HIGHER EDUCATION – City University of New York.

HOUSING AND BUILDINGS – Department of Housing Preservation and Development, Department of Buildings and rent regulation.

IMMIGRATION – Mayor’s Office of Immigrant Affairs and other matters affecting immigration.

JUVENILE JUSTICE – Division of Youth and Family Justice within the Administration for Children’s Services.

LAND USE – City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications, Landmarks Preservation Commission, land use and landmarks review.

MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, SUBSTANCE ABUSE AND DISABILITY SERVICES – Department of Health and Mental Hygiene (issues of mental health, developmental disability and alcoholism services) and Mayor’s Office for People with Disabilities.

OVERSIGHT AND INVESTIGATIONS – To investigate any matters within the jurisdiction of the Council relating to property, affairs, or government of New York City and the Department of Investigation.

PARKS AND RECREATION–Department of Parks and Recreation.

PUBLIC HOUSING – NYC Housing Authority.

PUBLIC SAFETY – Police Department, District Attorneys, Special Narcotics Prosecutor, Civilian Complaint Review Board, and Criminal Justice Coordinator.

RECOVERY AND RESILIENCY – Office of Recovery and Resiliency, issues relating to recovery in Hurricane Sandy-affected communities, including the Build It Back Program, and the Office of Long Term Planning and Sustainability as it relates to efforts to make New York City more resilient in the face of climate change, and preparing for, responding to, and recovering from emergencies.

RULES, PRIVILEGES AND ELECTIONS – Council structure and organization and appointments.

SANITATION AND SOLID WASTE MANAGEMENT – Department of Sanitation and the Business Integrity Commission.

SMALL BUSINESS – Matters relating to retail business and emerging industries.

STANDARDS AND ETHICS – Conflicts of Interest Board and Council Ethics.

STATE AND FEDERAL LEGISLATION – Federal legislation, State legislation and Home Rule requests.

TECHNOLOGY – Technology in New York City, Department of Information Technology and Telecommunications (non-land use-related issues), Mayor’s Office of Media & Entertainment, NYC TV, and dissemination of public information through the use of technology.

TRANSPORTATION – Mass Transportation Agencies and facilities, Department of Transportation, New York City Transit Authority and Taxi and Limousine Commission.

VETERANS – Mayor’s Office of Veterans Affairs and other veteran related issues.

WATERFRONTS – Matters relating to the waterfront.

WOMEN'S ISSUES – Issues relating to public policy concerns of women, domestic violence, Office to Combat Domestic Violence and Agency for Child Development.

YOUTH SERVICES – Youth Board, Department of Youth and Community Development, Interagency Coordinating Council on Youth, and youth related programs.

b. Each standing committee shall be composed of no fewer than five members.

c. The Speaker may create such subcommittees or special committees as he or she deems necessary and appropriate.

Referred to the Committee on Rules, Privileges and Elections.

Res. No. 734

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.2388/A.1019, legislation to establish the New York State Women’s Suffrage 100th Anniversary Commemoration Commission.

By Council Members Crowley, Mealy, Arroyo, Barron, Chin, Cumbo, Dickens, Ferreras-Copeland, Gibson, Koslowitz, Mendez, Palma, Rose, Rosenthal, Johnson, Richards and Wills.

Whereas, On July 19, 1848, the first women’s rights convention was held in Seneca Falls, New York; the two-day event became a catalyst for a national women’s rights movement and as a result New York is considered the birthplace of the women’s suffrage movement; and

Whereas, On November 6, 1917, after nearly 70 years of marching, fund-raising and rallies, New York passed a statewide referendum to amend its constitution and become the first eastern state to grant full suffrage to women; and

Whereas, Three years later, on August 18, 1920, the Nineteenth Amendment to the United States Constitution, prohibiting any citizen from being denied the right to vote on the basis of sex, was ratified; and

Whereas, In the great struggle toward democracy, from Anne Hutchinson to Sojourner Truth to Susan B. Anthony to Shirley Chisolm, the women of New York State have powerfully shaped both local and national histories; and

Whereas, 2017 marks the 100th anniversary of women’s suffrage in New York and 2020 marks the 100th anniversary of the Nineteenth Amendment, watershed moments for both the State and nation; and

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Whereas, The anniversary of women's suffrage is the perfect occasion to educate New Yorkers about the State's legacy of being a leader in important social and legal movements, advancing the equal treatment of all people, as the fight for gender equality continues; and

Whereas, In January 2015, New York State Senator Betty Little and Assembly Member Aileen Gunther introduced S.2388/A.1019, which would create a temporary New York State Women's Suffrage 100th Anniversary Commemoration Commission to promote the 100th anniversary of women's suffrage, which will take place between the years 2017 and 2020; and

Whereas, The Commission would plan and execute an organized series of statewide conversations and programs that celebrate the accomplishment of women's suffrage and the central role of New Yorkers and New York State; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.2388/A.1019, legislation to establish the New York State Women's Suffrage 100th Anniversary Commemoration Commission.

Referred to the Committee on Women's Issues.

Int. No. 805

By Council Members Dromm, Lander, Chin, Johnson, Mendez, Richards, Rosenthal and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to expanding the protections of the city of New York human rights law with regard to public accommodations, and making certain technical corrections

Be it enacted by the Council as follows:

Section 1. Subparagraphs a and e of paragraph 4 of section 8-107 of the administrative code of the city of New York, as amended by local law 85 for the year 2005, are hereby amended to read as follows:

4. Public accommodations.

a. It shall be an unlawful discriminatory practice for any person *who is*[being] the owner, *franchisor, franchisee, lessor, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation, because of any other person's* [the]actual, *purported* or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status[of any person], directly or indirectly[.]:

1. to refuse, withhold from or deny to [such]*that other person the full and equal enjoyment, on equal terms and conditions, of any of the accommodations,*

advantages, *services*, facilities or privileges [thereof,] *of the place or provider of public accommodation*; or,

2. [directly or indirectly,]to make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that *full and equal enjoyment, on equal terms and conditions*, of any of the accommodations, advantages, facilities and privileges of any such place or provider *of public accommodation* shall be refused, withheld from or denied to any person,[on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status] or that the patronage or custom of any person[belonging to, purporting to be, or perceived to be, of any particular race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status] is unwelcome, objectionable or not acceptable, desired or solicited.

e. The provisions of this [subdivision]*section* relating to disparate impact shall not apply to the use of standardized tests as defined by section three hundred forty of the education law by an educational institution subject to this subdivision provided that such test is used in the manner and for the purpose prescribed by the test agency which designed the test.

§ 2. This local law takes effect 120 days after enactment.

Referred to the Committee on Civil Rights.

Int. No. 806

By Council Members Ferreras-Copeland, Constantinides, Dickens, Eugene and Gentile (in conjunction with the Mayor).

A Local Law to establish a temporary program to resolve outstanding penalties imposed by the environmental control board.

Be it enacted by the Council as follows:

Section 1. Temporary program to resolve outstanding penalties.

a. Definitions. For purposes of this section, the following definitions apply:

“Base penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty that would be imposed upon a timely admission by the respondent or finding of liability after a hearing, pursuant to the environmental control board penalty schedule, without regard to reductions of penalty in cases of mitigation or involving stipulations.

“Default judgment” means a judgment of the environmental control board, pursuant to subparagraph (d) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York, determining a respondent’s liability for a violation charged based upon that respondent’s failure to plead within the time allowed by the rules of the environmental control board or failure to appear before

the environmental control board on a designated hearing date or on a subsequent date following an adjournment.

“Default penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty imposed by the environmental control board, pursuant to subparagraph (d) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York, in an amount up to the maximum amount prescribed by law for the violation charged.

“Environmental control board” means the environmental control board of the city of New York and its tribunal, as described in section 1049-a of the charter of the city of New York.

“Environmental control board penalty schedule” means the schedule of penalties adopted as a rule by the environmental control board in title 48 of the rules of the city of New York, or such predecessor schedule as may have applied on the date of the violation.

“Imposed penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty imposed by the environmental control board after a hearing, pursuant to subparagraph (a) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York.

“Judgment” means a judgment of the environmental control board that was entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state no later than April first, two thousand fifteen, pursuant to subparagraph (g) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York, determining a respondent’s liability for a violation charged in accordance with the environmental control board penalty schedule.

“Resolve” means, with respect to an outstanding judgment of the environmental control board, to conclude all legal proceedings in connection with a notice of violation.

“Respondent” means a person or entity named as the subject of a notice of violation returnable to, or a judgment issued by, the environmental control board.

b. Temporary program to resolve outstanding penalties. Subject to an appropriate authorizing resolution of the environmental control board, and notwithstanding any other provision of law to the contrary, the commissioner of finance shall establish a temporary program to resolve outstanding penalties imposed by the environmental control board, for a ninety day period to be effective during the fiscal year that commenced on July first, two thousand fifteen, that permits respondents who are subject to:

1. default judgments to resolve such judgments by payment of base penalties without payment of default penalties and accrued interest; and
2. judgments entered after a hearing and finding of violation to resolve such judgments by payment of seventy-five percent of the imposed penalties without payment of accrued interest.

c. Resolution of outstanding penalties. 1. A default judgment may not be resolved under the temporary program to resolve outstanding penalties pursuant to paragraph one of subdivision b of this local law unless the base penalty of the violation that is the subject of the default judgment can be determined from the

notice of the violation, default judgment, and environmental control board penalty schedule alone.

2. A judgment may not be resolved under the temporary program to resolve outstanding penalties pursuant to paragraph one or two of subdivision b of this local law if the judgment had been the subject of a settlement agreement with the department of finance or the department of law that was executed after the expiration of the temporary default resolution program established by the department of finance pursuant to local law number forty-seven for the year two thousand nine.

3. A judgment arising out of a notice of violation that includes an order requiring the correction of the violation may not be resolved under the temporary program to resolve outstanding penalties pursuant to paragraph one or two of subdivision b of this local law unless the respondent:

(i) enters into a written agreement with the department of finance providing that the violation shall be corrected within six months from the date of the written agreement;

(ii) pays to the department of finance a deposit equal to twenty-five percent of the amount that would resolve the judgment under the temporary program to resolve outstanding penalties pursuant to paragraph one or two of subdivision b of this local law;

(iii) demonstrates to the satisfaction of the city agency that issued the notice of violation that the condition cited in the notice of violation has been corrected; and

(iv) pays to the department of finance the balance of the amount that would resolve the judgment, provided that the violation has been corrected within such six month period pursuant to subparagraph (iii) of this paragraph.

4. If a violation that is the subject of a written agreement with the department of finance pursuant to paragraph three of this subdivision is not corrected to the satisfaction of the city agency that issued the notice of violation within the required six month period, judgment in the amount of the default penalty plus accrued interest less the deposit, or judgment in the amount of the imposed penalty plus accrued interest less the deposit, as applicable, shall continue to have full legal effectiveness and enforceability.

d. Conditions for participation in the temporary program to resolve outstanding penalties. 1. A respondent seeking resolution of a default judgment under the temporary program to resolve outstanding penalties pursuant to paragraph one of subdivision b of this local law shall admit liability for the violation that resulted in the judgment. A default judgment may not be resolved under the temporary program to resolve outstanding penalties pursuant to paragraph one of subdivision b of this local law if the respondent seeking resolution of the judgment fails or refuses to admit liability.

2. A respondent seeking resolution of a judgment under the temporary program to resolve outstanding penalties pursuant to subdivision b of this local law shall seek resolution of all outstanding judgments against such respondent.

3. A judgment shall not be resolved under the temporary program to resolve outstanding penalties pursuant to subdivision b of this local law if a respondent fails to pay the amounts described in paragraphs one and two of subdivision b of this local law to the department of finance within the three month period of such temporary program.

4. A respondent who is the subject of a criminal investigation relating to the violation that is the subject of the judgment shall not be eligible to participate in the temporary program to resolve outstanding penalties.

5. A resolution of a judgment under the temporary program to resolve outstanding penalties shall constitute a waiver of all legal and factual defenses to liability for the judgment.

e. Certificates of correction. Nothing contained herein shall require a city agency to issue or approve certificates of correction or the equivalent if such city agency does not have a program to do so as of the effective date of this local law.

f. Duration of program. The duration of the program shall be ninety days. After the program has concluded, any judgment that remains outstanding and has not been resolved by this program shall continue to have full legal effectiveness and enforceability regardless of whether it could have been resolved under this program.

g. Notification of public. The commissioner of finance shall publicize the temporary program to resolve outstanding penalties so as to maximize public awareness of and participation in such program.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 807

By Council Members Ferreras-Copeland, Kallos and Dickens.

A Local Law to amend the New York city charter, in relation to environmental control board notices of violation issued generically to the “owner of” a business, organization or premises

Be it enacted by the Council as follows:

Section 1. Subparagraph (b) of paragraph (1) of subdivision d of section 1049-a of the New York city charter, as added by chapter 944 of the laws of 1984 and renumbered by local law number 35 for the year 2008, is amended to read as follows:

(b)(i) The form and wording of notices of violation shall be prescribed by the board. [The] A notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

(ii) *An agency that issues a notice of violation that generically cites the “owner of” a business, organization or premises as the respondent shall make, within 30 days of issuing such a notice, best efforts to learn the respondent’s true name. If at any time such agency does learn the respondent’s true name, it shall amend the notice of violation to reflect such name and shall serve the amended notice as provided in paragraph (2) of subdivision d of this section.*

(iii) *Notwithstanding clause (ii) of this subparagraph, the environmental control board shall construe a notice of violation that generically cites the “owner of” a business, organization or premises as if such notice included the true name of the*

owner of such business, organization or premises and shall not dismiss such notice on the ground that it fails to include the respondent's true name. This subparagraph does not limit any right a respondent has to request a new hearing on the ground that such respondent did not receive the notice of violation.

§ 2. Subparagraph (d) of paragraph (1) of subdivision d of section 1049-a of the New York city charter, as added by chapter 944 of the laws of 1984 and renumbered by local law number 35 for the year 2008, is amended to read as follows:

(d)(i) Where a respondent has failed to plead within the time allowed by the rules of the board or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty in the maximum amount prescribed under law for the violation charged.

(ii) *Where a default decision is rendered on a notice of violation that generically cites the "owner of" a business, organization or premises as the respondent and such decision is referred to the department of finance for collection efforts, the commissioner of finance shall make, within 90 days of such referral, best efforts to learn the respondent's true name. If such commissioner does learn the respondent's true name, such commissioner shall mail a copy of the default decision to the respondent at such respondent's last known residence, business address or both.*

§ 3. This local law takes effect 180 days after it becomes law, except that the environmental control board may take any actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Governmental Operations.

Preconsidered Res. No. 735

Resolution to establish that the discount percentage for early payment of real estate taxes be set at 0.5 percent per annum for Fiscal Year 2016.

By Council Member Ferreras-Copeland.

Whereas, Pursuant to section 1519-a(7)(b) of the New York City charter, the Banking Commission is required to recommend to the City Council, not later than the 13th day of May, the proposed discount percentage allowed for early payment of real estate taxes; and

Whereas, Section 1519-a(7)(c) of the New York City charter provides that the Council may adopt a discount percentage for early payment of real estate taxes no earlier than the 14th day of May; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 13, 2015, that the discount percentage for early payment of real estate taxes for Fiscal Year 2016 be set at one-half of one percent per annum; now, therefore, be it

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Resolved, That the Council of the City of New York establishes that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2016.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Res. No. 736

Resolution to establish that the interest rate be 9 percent per annum for Fiscal Year 2016 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments

By Council Member Ferreras-Copeland.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York the Banking Commission is required to recommend to the City Council, not later than the 13th day of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

Whereas, The Banking Commission notes that as of May 12, 2015, the Prime Rate stands at three and one-quarter percent as published by the Board of Governors of the Federal Reserve System; and

Whereas, By letter dated May 13, 2015, the Banking Commission recommended to the Council an interest rate of 9 percent per annum for Fiscal Year 2016 to be charged for the non-payment of taxes on properties where the assessed value on a parcel is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate be 9 percent per annum for Fiscal Year 2016 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Res. No. 737

Resolution to establish that the interest rate be 18 percent per annum for Fiscal Year 2016 for non-payment of taxes on properties with an assessed value of

over \$250,000, or over \$250,000 per residential unit for cooperative apartments

By Council Member Ferreras-Copeland.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 13th day of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate of at least six percent per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

Whereas, The Banking Commission notes that as of May 12, 2015, the Prime Rate stands at three and one-quarter percent as published by the Board of Governors of the Federal Reserve System; and

Whereas, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 13, 2015, that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is over \$250,000, or over \$250,000 per residential unit for cooperative apartments, be 18 percent per annum for Fiscal Year 2016; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate be 18 percent per annum for Fiscal Year 2016 for non-payment of taxes on properties with an assessed value of over 250,000, or over \$250,000 per residential unit for cooperative apartments.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Res. No. 738

Resolution to establish that the interest rate to be charged for Fiscal Year 2016 for non-payment of water rents and sewer rents be 9 percent per annum for real property with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments

By Council Member Ferreras-Copeland.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 13th day of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”), to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments; and

Whereas, The Banking Commission notes that as of May 12, 2015, the Prime Rate stands at three and one-quarter percent as published by the Board of Governors of the Federal Reserve System; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 13, 2015, that the interest rate to be charged for non-payment of water rents and sewer rents be 9 percent per annum for Fiscal Year 2016 where the assessed value of the property is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate to be charged for Fiscal Year 2016 for non-payment of water rents and sewer rents be nine percent per annum for real property with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Res. No. 739

Resolution to establish that the interest rate to be charged for Fiscal Year 2016 for non-payment of water rents and sewer rents be 18 percent per annum for real property with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments

By Council Member Ferreras-Copeland.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 13th day of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York requires the Banking Commission to propose a rate at least 6 percent per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”), to be charged for non-payment of taxes on properties with an assessed value of more than \$250,000, or more than \$250,000 per residential unit for cooperative apartments; and

Whereas, The Banking Commission notes that as of May 12, 2015, the Prime Rate stands at three and one-quarter percent as published by the Board of Governors of the Federal Reserve System; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 13, 2015, that the interest rate to be charged for non-payment of water rents and sewer rents be 18 percent per annum for Fiscal Year 2016 where the assessed value of the property is more than \$250,000, or more than \$250,000 per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate to be charged for Fiscal Year 2016 for non-payment of water rents and sewer rents be 18 percent per annum for real property with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 808

By Council Member Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the public use of portable devices that can receive or transmit signals on the frequencies designated for police or fire department use.

Be it enacted by the Council as follows:

Section 1. Section 10-102 of the administrative code of the city of New York is amended to read as follows:

§ 10-102 [Permit for equipping automobiles with radio receiving sets capable of receiving signals on frequencies allocated for police use; fee] *Unlawful interference with police or fire department frequencies and use of portable receivers.* a. It shall be unlawful for any person to: 1. *Knowingly interfere with the reception or transmission of radio messages by the police or fire department, or*

2. *Use a portable device for the purpose of receiving or transmitting signals on frequencies allocated for police or fire department use, equip an automobile with a portable device, radio receiving set capable of receiving signals on the frequencies allocated for police use, or use or possess an automobile so equipped, without a permit issued by the police commissioner, in his or her discretion, and in accordance with such regulations as the commissioner may prescribe. Such permit shall expire*

one year from the date of issuance thereof, unless sooner revoked by the commissioner, and shall not be transferred from the *portable device* or vehicle [in] for which [it was installed at the time] the [license] *permit* was issued. The annual fee for such *permit* shall be twenty-five dollars [for each automobile so equipped]. A *permit* may be renewed upon the payment of a like sum and under like conditions.

b. For the purposes of this section, the term “*portable device*” shall mean any *portable receiver or transmitter, including a device that may be affixed to or installed in an automobile, capable of receiving or transmitting signals on frequencies allocated for use by police or fire department personnel. Such portable devices shall include: (i) radio receiving sets; (ii) portable transmitter sets; (iii) mobile devices, including cellular phones as defined by section 166 of this title, and mobile computers such as laptops and tablets.*

c. The police commissioner is authorized, in his or her discretion, to issue permits for [radio receiving sets] *portable devices* [capable of receiving signals on the frequencies allocated to police use] to employees of federal, state and municipal bureaus and departments without requiring the payment of the annual fee for such *permit* as required by paragraph 2 of subdivision a of this section [herein provided].

d. Subdivision a of this section shall not apply to: 1. Peace officers as defined by section 2.10 of the New York code of criminal procedure, the police or fire department or any agent thereof, acting pursuant to their official duties; and

2. Any person who holds a valid amateur radio operator’s license issued by the federal communications commission and who operates a duly licensed portable mobile transmitter, and in connection therewith, a receiver or receiving set on frequencies exclusively allocated by the federal communications commission to duly licensed radio amateurs.

[c] e. Violations. Any person who [shall violate] *violates* any provision of this section, upon conviction thereof, shall be punished by a fine of not more than [twenty-five] *five hundred* dollars, or imprisonment for thirty days, or both.

§ 2. This local law shall take effect 120 days after enactment.

Referred to the Committee on Public Safety.

Int. No. 809

By Council Members Gibson, Torres, Johnson and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to the coordination and targeted delivery of social services in high crime areas.

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. *High crime area social service planning and accountability.*

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

“High crime area” shall mean a geographic area, no larger than a precinct sector, designated by the department, in which the previous calendar year’s major felony crime data indicates that the occurrence of crime is so frequent that there exists an ongoing high likelihood of the reoccurrence of such crime.

“Major felony” shall mean any of the following offenses: murder, including penal law sections 125.25, 125.26, and 125.27, non-negligent manslaughter, including penal law sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, and 125.22, sex offenses, including penal law sections 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.65, 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.91, 130.95, and 130.96 robbery, including penal law sections 160.05, 160.10, and 160.15, burglary, including penal law sections 140.20, 140.25, and 140.30, felony assault, including penal law sections 120.01, 120.02, 120.03, 120.04, 120.04-a, 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, and 120.12, firearm and weapons possession, including penal law sections 265.01-A, 265.01-B, 265.02, 265.03, and 265.04, shooting incidents, and sale of a controlled substance, including penal law sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, and 220.43.

“Support service agency” shall include but need not be limited to the following city agencies: (1) the human resources administration; (2) the administration for children services; (3) the department of homeless services; (4) the office to combat domestic violence; (5) the department of youth and community development; (6) the department of education; (7) the department of buildings; (8) the department of housing preservation and development; (9) the fire department, (10) the New York city housing authority, and (11) the department of health and mental hygiene.

b. High crime area report. By November 1 of each year the commissioner shall prepare an annual report identifying the top thirty five high crime areas, and shall present such report to the mayor, the council and support service agencies. The report shall include a map of each high crime area and the total number of major felonies reported within each such high crime area, disaggregated by the type of crime committed. Such report shall include a comparison of the per capita number of major felonies reported in the any high crime area identified in the previous year’s report prepared pursuant to this subdivision .

c. By April 1 of each year, a deputy mayor designated by the mayor shall coordinate with appropriate support service agencies to develop a coordinated, multi-agency plan to provide necessary social services in the high crime areas identified in the report prepared pursuant to subdivision b of this section. The plan shall include an overview of the current services offered by support service agencies within each high crime area and an analysis to determine the specific services needed along with a plan for coordination and collaboration between the support services agencies to provide such services in each high crime area.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

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Int. No. 810

By Council Members Kallos and Gentile.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to providing for the suspension and revocation of city-issued licenses and permits of persons with unpaid environmental control board penalties

Be it enacted by the Council as follows:

Section 1. Section 434 of the New York city charter is amended by adding a new subdivision c to read as follows:

c. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.

§ 2. Section 487 of the New York city charter is amended by adding a new subdivision h to read as follows:

h. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.

§ 3. Section 533 of the New York city charter is amended by adding a new subdivision c to read as follows:

c. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.

§ 4. Subdivision b of section 555 of the New York city charter is amended by adding a new paragraph (3) to read as follows:

(3) Suspend or revoke a license or permit or deny an application for a license or permit pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a, relating to failure to timely pay monetary penalties imposed by the environmental control board.

§ 5. The New York city charter is amended by adding a new section 644 to read as follows:

§ 644. Department; powers. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.

§ 6. Section 753 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental

control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.

§ 7. Subparagraph (b) of paragraph 1 of subdivision d of section 1049-a of the New York city charter is amended to read as follows:

(b) The form and wording of notices of violation shall be prescribed by the board. *Each notice of violation shall include a written warning that reads as follows: "If the Environmental Control Board orders you to pay a monetary penalty in connection with this notice, failure to pay that penalty in a timely manner could lead to the suspension or revocation of a license or permit issued to you by the city agency issuing this notice or the denial of an application for such a license or permit in the future."* The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

§ 8. Paragraph 1 of subdivision d of section 1049-a of the New York city charter is amended by adding a new subparagraph j to read as follows:

(j)(i) *A city agency that issues notices of violation returnable to the environmental control board may suspend or revoke any license or permit issued by such agency or deny an application for such a license or permit where, on or after the effective date of the local law that added this subparagraph, such agency issued the licensee, permittee or applicant a notice of violation returnable to the environmental control board, the environmental control board issued a final order imposing a monetary penalty in connection with such notice, and any of the following conditions is satisfied:*

(A) *Such licensee, permittee or applicant has not entered into an installment agreement with the department of finance, two or more years have passed since the issuance of such final order not counting any time during which an appeal was pending, and such licensee, permittee or applicant owes \$50,000 or more, in aggregate, in unpaid penalties imposed by the environmental control board; or*

(B) *Such licensee, permittee or applicant has not entered into an installment agreement with the department of finance, four or more years have passed since the issuance of such final order not counting any time during which an appeal was pending, and such licensee, permittee or applicant owes \$25,000 or more, in aggregate, in unpaid penalties imposed by the environmental control board; or*

(C) *Such licensee, permittee or applicant and the department of finance have entered into one or more installment agreements relating to an aggregated amount of penalties totaling \$10,000 or more, and such license, permittee or applicant has failed to make three or more consecutive payments due pursuant to that agreement.*

(ii) *In determining whether to suspend or revoke a license or permit or to deny an application for a license or permit pursuant to clause (i) of this subparagraph, a city agency shall consider, in addition to other relevant factors:*

(A) *Whether any violation underlying the unpaid penalties imposed by the environmental control board is part of a series of repeated similar violations; and*

(B) *Whether any such violation was committed intentionally or willfully by the licensee, permittee or applicant.*

(iii) *A city agency suspending or revoking a license or permit pursuant to clause (i) of this subparagraph shall provide the licensee or permittee with notice of the proposed suspension or revocation and with a hearing to allow such licensee or permittee to contest the suspension or revocation, pursuant to such agency's rules governing suspensions and revocations generally.*

(iv) *Notwithstanding clause (i) of this subparagraph, a city agency shall not suspend or revoke a license or permit or deny an application for a license or permit pursuant to this subparagraph where any portion of the unpaid penalties was imposed pursuant to a finding of default that was subsequently vacated and following such vacatur either:*

(A) The penalties remaining unpaid do not meet the dollar threshold and time requirement of item (A) or item (B) of clause (i) of this subparagraph; or

(B) The licensee, permittee or applicant has entered into an installment agreement with the department of finance for the penalties remaining unpaid and has not missed more than three consecutive payments required by such agreement.

(v) *A city agency shall stay any proceeding to suspend or revoke a license or permit under clause (i) of this subparagraph where the licensee or permittee has filed with the environmental control board a good-faith request to vacate a default and obtain a new hearing pursuant to the rules of such board. A licensee or permittee invoking this clause (v) shall be required to demonstrate that there is a reasonable basis to believe that at least one ground enumerated in the rules of the environmental control board for vacating a default is met.*

§ 9. Chapter 48 of the New York city charter is amended by adding a new section 1072-a to read as follows:

§ 1072-a. Suspension and revocation of licenses and permits. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.

§ 10. Section 1301 of the New York city charter is amended by adding a new subdivision 6 to read as follows:

6. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.

§ 11. Section 1403 of the New York city charter is amended by adding a new subdivision j to read as follows:

j. Suspension, revocation of licenses and permits. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.

§ 12. Paragraph 1 of subdivision b of section 2101 of the New York city charter, as added by vote of the electors on November 6, 2001, is amended to read as follows:

1. to establish standards for the issuance, denial, suspension and revocation of licenses and other authorizations necessary for the operation of businesses in the industries, areas and markets it regulates; and to issue, deny, suspend and revoke such licenses and other authorizations, *including, pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, suspending or revoking a license or other authorization or denying an application for a license or other authorization;*

§ 13. Subdivision (c) of section 2203 of the New York city charter, as amended by vote of the electors on November 7, 1989, is amended to read as follows:

(c) The commissioner shall have cognizance and control of the granting, issuing, transferring, renewing, revoking, suspending and cancelling of all licenses and permits, except in the cases with respect to which and to the extent to which any of said powers are conferred on other persons or agency by laws, and shall collect all fees for licenses and permits the collection of which by some other person or agency is not authorized by law. *Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.*

§ 14. Section 2903 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. Suspension, revocation of licenses and permits. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.

§ 15. Section 3020 of the New York city charter is amended by adding a new subdivision 12 to read as follows:

12. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a relating to failure to timely pay monetary penalties imposed by the environmental control board, the commission may suspend or revoke a license or permit or deny an application for a license or permit.

§ 16. Section 15-229 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a of the charter relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit or deny an application for a license or permit.

§ 17. Article 204 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-204.7 to read as follows:

§ 28-204.7 Suspension, revocation and denial of licenses and permits. Pursuant to subparagraph (j) of paragraph 1 of subdivision d of section 1049-a of the charter relating to failure to timely pay monetary penalties imposed by the environmental control board, the commissioner may suspend or revoke a license or permit, or deny an application for a license or permit.

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§ 18. This local law takes effect 120 days after it becomes law, except that the police commissioner, the fire commissioner, the commissioner of parks and recreation, the commissioner of health and mental hygiene, the commissioner of buildings, the commissioner of sanitation, the commissioner of information technology and telecommunications, the commissioner of small business services, the commissioner of environmental protection, the commissioner of consumer affairs, the business integrity commission, the commissioner of transportation and the landmarks preservation commission may take any actions necessary for the implementation of this local law, including the promulgation of rules, before it takes effect.

Referred to the Committee on Governmental Operations.

Int. No. 811

By Council Members Kallos, Ferreras-Copeland and Gentile.

A Local Law to amend the New York city charter, in relation to requiring agencies to amend notices of violations if they are aware of deficiencies therein

Be it enacted by the Council as follows:

Section 1. Subparagraph (b) of paragraph (1) of subdivision d of section 1049-a of the New York city charter is amended to read as follows:

(b)(i) The form and wording of notices of violation shall be prescribed by the board. [The] A notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

(ii) *An agency that issues a notice of violation that does not include information required for a valid notice of violation by rule of the environmental control board or office of administrative trials and hearings shall, where possible, within 30 days of issuing such notice, or prior to the hearing date for such notice, whichever is earlier, amend the notice of violation to include such information. When a notice of violation is amended pursuant to this clause, the amending agency shall serve the amended notice as provided in paragraph (2) of subdivision d of this section, and a new hearing date shall be assigned.*

§ 2. This local law takes effect 180 days after it becomes law, except that the environmental control board and office of administrative trials and hearings may take any actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Governmental Operations.

Int. No. 812

By Council Members Kallos, Ferreras-Copeland and Gentile.

A Local Law to amend the New York city charter, in relation to requiring the inclusion of unique identifiers for properties referenced in notices of violation referred to the environmental control board

Be it enacted by the Council as follows:

Section 1. Subparagraph (b) of paragraph (1) of subdivision d of section 1049-a of the New York city charter, as added by chapter 944 of the laws of 1984 and renumbered by local law number 35 for the year 2008, is amended to read as follows:

(b)(i) The form and wording of notices of violation shall be prescribed by the board, *subject to the requirements of this subparagraph. [The] Each notice of violation shall include, in addition to other information required by the board, the borough, block and lot number and building identification number, as applicable, associated with any property described in such notice.*

(ii) A notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. *Notwithstanding clause (i) of this subparagraph, a notice of violation shall not be deemed ineffective or unenforceable on the ground that it fails to include the borough, block and lot number or building identification number associated with a property referred to in such notice.*

§ 2. This local law takes effect 180 days after it becomes law, except that the environmental control board shall take any actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Governmental Operations.

Preconsidered SLR No. 1

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.3472-A, and Assembly Member Cusick, A.7487, “AN ACT to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York”.

By Council Member Koslowitz.

Whereas, Bills have been introduced in the New York State Legislature by Senator Lanza, S.3472-A, and Assembly Member Cusick, A.7487, “AN ACT to amend the general city law, in relation to certificates of occupancy for unmapped streets in the city of New York”; *and*

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

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

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

Preconsidered SLR No. 2

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.5610, and Assembly Member Abbate, et al., A.7648, “AN ACT to amend the administrative code of the city of New York, in relation to promotions of captains”.

By Council Member Koslowitz.

Whereas, Bills have been introduced in the New York State Legislature by Senator Golden, S.5610, and Assembly Member Abbate, *et al.*, A.7648, “AN ACT to amend the administrative code of the city of New York, in relation to promotions of captains”; *and*

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

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

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

Int. No. 813

By Council Members Lancman and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to due care and the right of way of pedestrians and bicyclists

Be it enacted by the Council as follows:

Section 1. Subdivisions a, b, and c of section 19-190 of the administrative code of the city of New York is amended to read as follows:

a. Except as provided in subdivision b of this section, any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way *and fails to exercise due care with consideration given to visibility, illumination, weather conditions, roadway conditions, roadway design, faulty vehicular equipment or design, and whether such pedestrian or person was in violation of any provision of articles twenty-seven or thirty-four of the vehicle and traffic law at the time of such failure to yield*, shall be guilty of a traffic infraction, which shall be punishable by a fine of not more than fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall be subject to a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "motor vehicle" shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

b. [Except as provided in subdivision c of this section, a] Any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

[c. It shall not be a violation of this section if the failure to yield and/or physical injury was not caused by the driver's failure to exercise due care.]

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 814

By Council Members Lander and Johnson.

A Local Law to amend the administrative code of the city of New York, in relation to construction of the New York city human rights law

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. Following the passage of local law number 85 for the year 2005, known as the Local Civil Rights Restoration Act, some judicial decisions have correctly interpreted and applied the requirement of section 8-130 of the administrative code of the city of New York that all provisions of the New York city human rights law be liberally and independently construed. The purpose of

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this local law is to provide additional guidance for the development of an independent body of jurisprudence for the New York city human rights law that is maximally protective of civil rights in all circumstances.

§ 2. Section 8-130 of the administrative code of the city of New York, as amended by local law number 85 for the year 2005, is amended to read as follows:

§ 8-130 Construction. *a.* The provisions of this title shall be construed liberally for the accomplishment of the uniquely broad and remedial purposes thereof, regardless of whether federal or New York [State] *state* civil and human rights laws, including those laws with provisions [comparably-worded] *worded comparably* to provisions of this title, have been so construed.

b. Exceptions to and exemptions from the provisions of this title shall be construed narrowly in order to maximize deterrence of discriminatory conduct.

*c. Cases that have correctly interpreted and applied the requirement of subdivision a of this section include *Albunio v. City of New York*, 16 N.Y.3d 472 (2011), *Bennett v. Health Management Systems, Inc.*, 92 A.D.3d 29 (1st Dep't 2011), and *Williams v. New York City Housing Authority*, 61 A.D.3d 62 (1st Dep't 2009).*

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil Rights.

Int. No. 815

By Council Members Lander, Chin, Johnson, Mendez and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to expanding the right to truthful information under the city human rights law and giving employers and principals a cause of action for discrimination against their employees and agents

Be it enacted by the Council as follows:

Section 1. Subparagraphs a, b and c of paragraph 1 of section 8-107 of the administrative code of the city of New York, as amended by local law 85 for the year 2005, are amended to read as follows:

(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status of any person[, to]:

(1) *To represent that any employment or position of any sort is not available when in fact it is available;*

(2) *To refuse to hire or employ or to bar or to discharge from employment such person; or*

(3) *[t]To discriminate against such person in compensation or in terms, conditions or privileges of employment.*

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services (*including by representing to any such person that any employment or position of any sort is not available when in fact it is available*), or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status of any person, to exclude or to expel from its membership such person, *to deny that membership is available when it is in fact available*, or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

§ 2.Subparagraph b of paragraph 2 of section 8-107 of the administrative code of the city of New York, as amended by local law 85 for the year 2005, is amended to read as follows:

(b) To deny to or withhold from any person because of his or her actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, sexual orientation or alienage or citizenship status the right to be admitted to or participate in, a guidance program, an apprentice training program, on-the-job training program, or other occupational training or retraining program, *or to represent that such program is not available when in fact it is available*.

§ 3.Subparagraph a of paragraph 4 of section 8-107 of the administrative code of the city of New York, as amended by local law 85 for the year 2005, is amended to read as follows:

a. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation[.]:

(1) [b]Because of the actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status of any *other* person, directly or indirectly[.]

(A) [t]To refuse, withhold from or deny to such *other* person any of the accommodations, advantages, facilities or privileges thereof[.]; [or, directly or indirectly,]

(B) *To represent to any other person that any accommodation, advantage, facility or privilege of any such place or provider of public accommodation is not available when in fact it is available, provided that this section shall not be construed to prohibit speech protected by the constitution or laws of this state or by the constitution or laws of the United States; or*

(2) [t]To make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place or provider shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status,

sexual orientation or alienage or citizenship status] or that the patronage or custom of any person belonging to, purporting to be, or perceived to be, of any particular race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status is unwelcome, objectionable or not acceptable, desired or solicited.

§ 4. Subparagraphs 1, 2 and 3 of subparagraph a of paragraph 5 of section 8-107 of the administrative code of the city of New York, as amended by local law 10 for the year 2008, are amended to read as follows:

(1) *Because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of any person or group of persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons:*

(a) To refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any *such* person or group of persons such a housing accommodation or an interest therein; [because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons.]

[(2)](b) To discriminate against any *such* person or persons [because of such person's actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status, or because of any lawful source of income of such person, or because children are, may be or would be residing with such person,] in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith[.]; or

(c) *To represent to any person or persons that any housing accommodation or an interest therein is not available for inspection, sale, rental or lease when in fact it is so available.*

[(3)](2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status, or any lawful source of income, or whether children are, may be, or would be residing with a person, or any intent to make such limitation, specification or discrimination.

§ 5. Subparagraph b of paragraph 5 of section 8-107 of the administrative code of the city of New York, as amended by local law 85 for the year 2005, is amended to read as follows:

(b) Land and commercial space. It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, or lease, or approve

the sale, rental or lease of land or commercial space or an interest therein, or any agency or employee thereof:

(1) *Because of actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of any person or group of persons, or because children are, may be or would be residing with any person or persons:*

(a) To refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny or to withhold from any *such* person or group of persons land or commercial space or an interest therein[because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of such person or persons, or because children are, may be or would be residing with such person or persons.];

[(2)](b) To discriminate against any *such* person or persons [because of actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status, or because children are, may be or would be residing with such person,] in the terms, conditions or privileges of the sale, rental or lease of any such land or commercial space or an interest therein or in the furnishing of facilities or services in connection therewith[.]; or

(b) *To represent to any person or persons that any land or commercial space or an interest therein is not available for inspection, sale, rental or lease when in fact it is so available.*

[(3)]2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such land or commercial space or an interest therein or to make any record or inquiry in connection with the prospective purchase, rental or lease of such land or commercial space or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status, or whether children are, may be or would be residing with such person, or any intent to make any such limitation, specification or discrimination.

§ 6. Subparagraph d of paragraph 5 of section 8-107 of the administrative code of the city of New York, as amended by local law 85 for the year 2005, is amended to read as follows:

(d) Lending practices. It shall be an unlawful discriminatory practice for any person, bank, trust company, private banker, savings bank, industrial bank, savings and loan association, credit union, investment company, mortgage company, insurance company, or other financial institution or lender, doing business in the city *regardless of where or whether incorporated* [and if incorporated regardless of whether incorporated under the laws of the state of New York, the United States or any other jurisdiction], or any officer, agent or employee thereof:

(1) *To represent to any person, because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, age, marital status, partnership status, or alienage or citizenship status of that person, any member, stockholder, director, officer or employee of that person, or the occupants or tenants*

or prospective occupants or tenants of such housing accommodation, land or commercial space, or because children are, may be or would be residing with such person, occupant, tenant or other person, that any type or term of loan, mortgage or other form of financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space or an interest therein is not available when in fact it is available.

(2) [t]To whom application is made for a loan, mortgage or other form of financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space or an interest therein, *because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, age, marital status, partnership status, or alienage or citizenship status of (i) such applicant or applicants, (ii) any member, stockholder, director, officer or employee of such applicant or applicants, or (iii) the occupants or tenants or prospective occupants or tenants of such housing accommodation, land or commercial space, or because children are, may be or would be residing with such applicant, occupant, tenant or other person*[: (1) T]to discriminate against such applicant or applicants [because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, age, marital status, partnership status, or alienage or citizenship status of such applicant or applicants or of any member, stockholder, director, officer or employee of such applicant or applicants, or of the occupants or tenants or prospective occupants or tenants of such housing accommodation, land or commercial space, or because children are, may be or would be residing with such applicant or other person,] in the granting, withholding, extending or renewing, or in the fixing of rates, terms or conditions of any such financial assistance or in the appraisal of any housing accommodation, land or commercial space or an interest therein.

([2]3) To use any form of application for a loan, mortgage, or other form of financial assistance, or to make any record or inquiry in connection with applications for such financial assistance, or in connection with the appraisal of any housing accommodation, land or commercial space or an interest therein, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, disability, sexual orientation, age, marital status, partnership status, or alienage or citizenship status, or whether children are, may be, or would be residing with a person.

§ 7. Subparagraph e of paragraph 5 of section 8-107 of the administrative code of the city of New York, as amended by local law 85 for the year 2005, is amended to read as follows:

(e) Real estate services. It shall be an unlawful discriminatory practice, *because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, age, marital status, partnership status, or alienage or citizenship status of any person or because children are, may be or would be residing with such person*:

(1) [t]To deny [a]such person access to, [or]membership in or participation in[,] a multiple listing service, real estate brokers' organization, or other service; or

(2) *To deny to any person that access to or membership in such service or organization is available, when in fact it is available*[because of the actual or

perceived race, creed, color, national origin, gender, disability, sexual orientation, age, marital status, partnership status, or alienage or citizenship status of such person or because children are, may be or would be residing with such person].

§ 8. Subparagraph n of paragraph 5 of section 8-107 of the administrative code of the city of New York, as added by local law 39 for the year 1991, is amended to read as follows:

(n) Discrimination on the basis of occupation prohibited in housing accommodations. Where a housing accommodation or an interest therein is sought or occupied exclusively for residential purposes, the provisions of this subdivision shall be construed to prohibit discrimination *on account of a person's occupation*:

(1) *In representing whether or not any housing accommodation or interest therein is available;*

(2) [i]In (i) the sale, rental, or leasing of such housing accommodation or interest therein; [and in](ii) the terms, conditions and privileges of the sale, rental or leasing of such housing accommodation or interest therein; and [in](iii) the furnishing of facilities or services in connection therewith[, on account of a person's occupation].

§ 9. Subparagraph a of paragraph 9 of section 8-107 of the administrative code of the city of New York, as amended by local law 85 for the year 2005, is amended to read as follows:

(a) Except as otherwise provided in paragraph [(c)]c, for an agency authorized to issue a license or permit or an employee thereof to *falsely deny the availability of such license or permit, or otherwise discriminate against, an actual, putative or prospective* applicant for a license or permit because of the actual or perceived race, creed, color, national origin, age, gender, marital status, partnership status, disability, sexual orientation or alienage or citizenship status of such applicant.

§ 10. Subparagraph a of paragraph 10 of section 8-107 of the administrative code of the city of New York, as added by local law 39 for the year 1991, is amended to read as follows:

10. Criminal conviction. (a) It shall be an unlawful discriminatory practice for any person: [to]

(1) *To misrepresent the availability of any license, permit or employment because a person has been convicted of one or more criminal offenses; or*

(2) *To deny any license, [or] permit or employment to any person [by reason of his or her having been]because that person has been convicted of one or more criminal offenses, or [by reason]because of a finding of a lack of "good moral character" which is based on that person's[his or her] having been convicted of one or more criminal offenses, when such denial is in violation of the provisions of article twenty-three-a of the correction law.*

§ 11. Paragraph 11 of section 8-107 of the administrative code of the city of New York, as added by local law 39 for the year 1991, is amended to read as follows:

11. Arrest record. a. It shall be an unlawful discriminatory practice, unless specifically required or permitted by any other law, for any person *to take any of the following actions in connection with the licensing, employment or providing of credit to any other person, relating to any arrest or criminal accusation of such other person not then pending against that person which was followed by a termination of*

that criminal action or proceeding in favor of that person, as defined in subdivision two of section 160.50 of the criminal procedure law:[,]

(1) [t]To make any inquiry about *such arrest record*, whether in any form of application or otherwise[.];

(2) *To deny, because of such record, that any license, credit or employment is available when in fact it is available; or*

(3) [t]To act [upon] adversely to the person involved *based upon such record*;

[any arrest or criminal accusation of such person not then pending against that person which was followed by a termination of that criminal action or proceeding in favor of such person, as defined in subdivision two of section 160.50 of the criminal procedure law, in connection with the licensing, employment or providing of credit to such person; p]

b. Provided, however, that the prohibition of such inquiries or adverse action shall not apply to licensing activities in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions [thirty-three]³³ and [thirty-four]³⁴ of section 1.20 of the criminal procedure law.

§ 12. Subparagraph 1 of subparagraph a of paragraph 21 of section 8-107 of the administrative code of the city of New York, as added by local law number 14 for the year 2013, is amended to read as follows:

(1) Except as provided in paragraphs b and c of this subdivision, an employer, employment agency, or agent thereof shall not:

(a) *Because of any person's unemployment, represent that any employment position is not available when in fact it is available; or*

(b) [b]Base an employment decision with regard to hiring, compensation or the terms, conditions or privileges of employment on an applicant's unemployment.

§ 13. Subparagraph 2 of section 8-107.1 of the administrative code of the city of New York, as amended by local law 75 for the year 2003, is amended to read as follows:

2. Unlawful discriminatory practices. It shall be an unlawful discriminatory practice for an employer, or an agent thereof, *because of any person's actual or perceived status as a victim of domestic violence, or as a victim of sex offenses or stalking*:

(a) [t]To *represent that any employment position is unavailable when in fact it is available*;

(b) *To refuse to hire or employ or to bar or to discharge from employment[.]; or*

(c) [t]To discriminate against an individual in compensation or other terms, conditions, or privileges of employment[*because of the actual or perceived status of said individual as a victim of domestic violence, or as a victim of sex offenses or stalking*].

§ 14. Paragraph 17 of section 8-102 of the administrative code of the city of New York, as added by local law 39 for the year 1991, is amended to read as follows:

17. The term "covered entity" means a person required to comply with any provision of sections 8-107 *or 8-107.1* of this chapter.

§ 15. Section 8-102 of the administrative code of the city of New York is amended to add a new subdivision 30 to read as follows:

30. *The terms “person aggrieved” and “aggrieved person,” except as used in section 8-123, include a person whose right created, granted or protected by this chapter, exercised or enjoyed directly or through an agent or employee, is limited, interfered with, or otherwise violated by a covered entity directly or through conduct of the covered entity to which the person’s agent or employee is subjected.*

(a) A person is aggrieved even if that person’s only injury is the deprivation of such right.

(b) For a person to be aggrieved for purposes of this paragraph on the basis of the covered entity’s conduct to which the agent or employee is subjected:

(1) The conduct must have:

(A) occurred while the agent or employee was acting, or as a result of the agent or employee having acted, within the scope of the agency or employment relationship, and

(B) constituted an unlawful discriminatory practice as defined in section 8-102 or an act prohibited by chapter 6 of this title or would have constituted such a practice or act if the agent or employee had been acting on his or her own behalf.

(2) It is irrelevant whether or not the covered entity knows of the agency or employment relationship.

(c) This paragraph shall not limit or exclude any other basis for a cause of action.

§ 16. Paragraphs a and f of section 8-502 of the administrative code of the city of New York, as amended by local law 39 for the year 1991 and local law 71 for the year 2013, respectively, are amended to read as follows:

a. Except as otherwise provided by law, any person claiming to be a *person* aggrieved by an unlawful discriminatory practice as defined in chapter [one]1 of this title or by an act of discriminatory harassment or violence as set forth in chapter [six]6 of this title shall have a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, unless such person has filed a complaint with the city commission on human rights or with the state division of human rights with respect to such alleged unlawful discriminatory practice or act of discriminatory harassment or violence. For purposes of this subdivision, the filing of a complaint with a federal agency pursuant to applicable federal law prohibiting discrimination which is subsequently referred to the city commission on human rights or to the state division of human rights pursuant to such law shall not be deemed to constitute the filing of a complaint under this subdivision.

f. The provisions of this section which provide a cause of action to persons claiming to be *persons* aggrieved by an act of discriminatory harassment or violence as set forth in chapter [six]6 of this title shall not apply to acts committed by members of the police department in the course of performing their official duties as police officers whether the police officer is on or off duty. This subdivision shall in no way affect rights or causes of action created by Section 14-151 of the Administrative Code of the City of New York.

§ 16. Section 8-502 of the administrative code of the city of New York is amended to add a new paragraph h to read as follows:

h. For purposes of this section, a person is aggrieved if the person's right created, granted or protected by chapters 1 or 6 of this title, exercised or enjoyed directly or through an agent or employee, is limited, interfered with, or otherwise violated by a covered entity directly or through conduct of the covered entity to which the person's agent or employee is subjected.

1. A person is aggrieved even if that person's only injury is the deprivation of such right.

2. For a person to be aggrieved for purposes of this section on the basis of the covered entity's conduct to which the agent or employee is subjected:

(a) The conduct must have:

(1) occurred while the agent or employee was acting, or as a result of the agent or employee having acted, within the scope of the agency or employment relationship, and

(2) constituted an unlawful discriminatory practice as defined in section 8-102 or an act of discriminatory harassment or violence as set forth in chapter 6 of this title or would have constituted such a practice or act if the agent or employee had been acting on his or her own behalf.

(b) It is irrelevant whether or not the covered entity knows of the agency or employment relationship.

(3) This paragraph shall not limit or exclude any other basis for a cause of action.

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

Referred to the Committee on Civil Rights.

Int. No. 816

By Council Members Mealy, Eugene, Johnson, Mendez and Richards.

A Local Law in relation to requiring the Commission on Human Rights to evaluate its tracking system, and develop a formal policy and procedure to handle complaints concerning human rights violations

Be it enacted by the Council as follows:

Section 1. Evaluating and formalizing a policy and procedure for tracking human rights complaints. The commission on human rights shall evaluate its system for tracking and processing complaints the commission receives pursuant to title eight of the administrative code of the city of New York. Such evaluation shall include an assessment of any delays in processing and responding to such complaints, and shall include, but not be limited to, an assessment of the commission's current complaint tracking system ("CTS") and any inadequate or erroneous data fields within the CTS. Such evaluation shall commence 120 days after the enactment of this local law and

shall continue for a six month period. Upon the completion of such evaluation, the commission shall develop a formal written policy and operating procedure which shall reflect the findings of such evaluation and include, but not be limited to, plans for a modified or replacement CTS to process and respond to complaints more expeditiously and effectively. Within one hundred and twenty days of the completion of the evaluation required by this local law, the Commission shall submit such formal written policy and operating procedure to the Mayor and the Council.

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

Referred to the Committee on Civil Rights.

Int. No. 817

By Council Members Mealy, Johnson, Mendez and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to clarifying the definition of “place or provider of public accommodation” in the city human rights law

Be it enacted by the Council as follows:

Section 1. Subdivision 9 of section 8-102 of the administrative code of the city of New York, as amended by local law number 39 for the year 1991, is amended to read as follows:

9. The term “place or provider of public accommodation” shall include *any person*[providers], whether licensed or unlicensed, *providing*[of] goods, services, facilities, accommodations, advantages or privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold, or otherwise made available. Such term shall not include any club which proves that it is in its nature distinctly private. A club shall not be considered in its nature distinctly private if it has more than four hundred members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of non-members for the furtherance of trade or business. For the purposes of this section a corporation incorporated under the benevolent orders law or described in the benevolent orders law but formed under any other law of this state, or a religious corporation incorporated under the education law or the religious corporation law shall be deemed to be in its nature distinctly private.

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

Referred to the Committee on Civil Rights.

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Int. No. 818

By Council Members Mealy, Lander, Johnson, King, Mendez, Rosenthal and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to the provision of attorney's fees under the city human rights law

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 8-120 of the administrative code of the city of New York, as amended by local law 85 for the year 2005, is hereby amended to read as follows:

§ 8-120 Decision and order. a. If, upon all the evidence at the hearing, and upon the findings of fact, conclusions of law and relief recommended by an administrative law judge, the commission shall find that a respondent has engaged in any unlawful discriminatory practice or any act of discriminatory harassment or violence as set forth in chapter six of this title, the commission shall state its findings of fact and conclusions of law and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice or acts of discriminatory harassment or violence. Such order shall require the respondent to take such affirmative action as, in the judgment of the commission, will effectuate the purposes of this chapter including, but not limited to:

- (1) hiring, reinstatement or upgrading of employees;
- (2) the award of back pay and front pay;
- (3) admission to membership in any respondent labor organization;
- (4) admission to or participation in a program, apprentice training program, on-the-job training program or other occupational training or retraining program;
- (5) the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges;
- (6) evaluating applications for membership in a club that is not distinctly private without discrimination based on race, creed, color, age, national origin, disability, marital status, partnership status, gender, sexual orientation or alienage or citizenship status;
- (7) selling, renting or leasing, or approving the sale, rental or lease of housing accommodations, land or commercial space or an interest therein, or the provision of credit with respect thereto, without unlawful discrimination;
- (8) payment of compensatory damages to the person aggrieved by such practice or act;[and]
- (9) submission of reports with respect to the manner of compliance[.]; *and*
- (10) *payment of the complainant's reasonable attorney's fees, expert fees and other costs. To the extent that a complainant's attorney's fee award is based on the attorney's hourly rate, the commission shall apply the highest hourly market-rate fee charged by attorneys of similar skill and experience within all of the jurisdictions*

located within the city when determining a reasonable hourly rate on which to base a complainant's attorney's fee award.

§ 2. Subdivision g of section 8-502 of the administrative code of the city of New York, as amended by local law 71 for the year 2013, is hereby amended to read as follows:

g. In any civil action commenced pursuant to this section, the court, in its discretion, may award the prevailing party [costs and] reasonable attorney's fees, *expert fees and other costs*. For the purposes of this subdivision, the term "prevailing" includes a plaintiff whose commencement of litigation has acted as a catalyst to effect policy change on the part of the defendant, regardless of whether that change has been implemented voluntarily, as a result of a settlement or as a result of a judgment in such plaintiff's favor. *To the extent that a prevailing plaintiff's attorney's fee award is based on the attorney's hourly rate, the court shall apply the highest hourly market-rate fee charged by attorneys of similar skill and experience within all of the jurisdictions located within the city when determining a reasonable hourly rate on which to base a prevailing plaintiff's attorney's fee award.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil Rights.

Int. No. 819

By Council Members Mendez, Lander, Chin, Johnson and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to the repeal of subdivision 16 of section 8-107 of such code relating to the applicability of provisions of the human rights law regarding sexual orientation

Be it enacted by the Council as follows:

Section 1. Subdivision 16 of section 8-107 of the administrative code of the city of New York is REPEALED.

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil Rights.

Preconsidered Res. No. 740

Resolution calling on President Obama to grant clemency to Oscar López Rivera so that he is immediately released from prison, as his continued incarceration is unjust and serves no legitimate purpose.

By Council Members Mendez, The Speaker (Council Member Mark-Viverito), Rodriguez, Chin and Wills.

Whereas, Oscar López Rivera was born in Puerto Rico in 1943; and

Whereas, Oscar López Rivera moved with his family to Chicago as an adolescent; and

Whereas, Oscar López Rivera is a decorated Vietnam War veteran; and

Whereas, During his tour of service in Vietnam, López Rivera's unit was securing the perimeter of a town to ensure its safety during an election when the unit unwittingly entered a mine field where many of his fellow soldiers began to sustain serious injuries; and

Whereas, Instead of running for cover, López Rivera tended to the wounded and cleared a space for helicopters to land to evacuate them; and

Whereas, On that day, López Rivera refused to leave his friends behind, and for this act of valor he was awarded the Bronze Star; and

Whereas, It is this dedication to community, friends and family that would become a hallmark of López Rivera's life;

Whereas, When López Rivera returned home from the war he found his community wracked by drugs, poverty, substandard housing and blight; and

Whereas, Once again, López Rivera refused to run and instead became an activist, fighting to improve conditions for his family, his Puerto Rican community, and the Latino community of Chicago; and

Whereas, As a community activist, López Rivera helped found La Escuelita Puertorriqueña, now known as the Dr. Pedro Albizu Campos High School and the Juan Antonio Corretjer Puerto Rican Cultural Center. He became a community organizer for the Northwest Community Organization, ASPIRA, ASSPA, and the 1st Congregational Church of Chicago. He helped to found FREE, a half-way house for convicted drug addicts, and ALAS, an educational program for Latino prisoners at Stateville Prison in Illinois. López Rivera also worked to establish bilingual education in public schools and pressured universities to recruit Latino students and faculty. Perhaps most significantly, López Rivera struggled to end discrimination against minority communities; and

Whereas, López Rivera also fervently believed in Puerto Rican independence, and was critical of the U.S. government's role in the governance of Puerto Rico; and

Whereas, Between 1981 and 1983 López Rivera and 13 other men and women involved in the movement for Puerto Rican independence were convicted of seditious conspiracy; and

Whereas, In 1981, López Rivera was sentenced to 55 years in prison; and

Whereas, López Rivera has consistently maintained that he was not involved in any acts that harmed anyone or took a life; and

Whereas, López Rivera's sentence was greatly disproportionate to the offense for which he was convicted; and

Whereas, In 1988, López Rivera was convicted of conspiracy to escape prison and sentenced to an additional 15 years in prison to be served consecutively to his original sentence; and

Whereas, This sentence was also greatly disproportionate to the offense for which López Rivera was convicted; and

Whereas, In addition, López Rivera was made to serve over 12 years of this sentence in solitary confinement, meaning he was confined to a closet-sized cell for 23 hours a day with no human contact; and

Whereas, In 1999, President Bill Clinton, offered to commute López Rivera's sentence as well as the sentences of all but two of his co-defendants; and

Whereas, In explaining his decision to offer clemency, President Clinton noted that López Rivera was never convicted of specific crimes that resulted in deaths or injuries nor was he ever convicted of any act of violence; and

Whereas, President Clinton also noted that "our society believes that a punishment should fit the crime;" and

Whereas, President Clinton concluded that the sentences received by López Rivera and his co-defendants were "out of proportion to their crimes"; and

Whereas, Once again, López Rivera refused to leave any member of his community behind and therefore declined the President's offer of clemency; and

Whereas, Had López Rivera accepted President Clinton's clemency offer, he would have been released from prison in 2009; and

Whereas, Oscar López Rivera has now served over 33 years in prison; and

Whereas, López Rivera has served more time in prison than Nelson Mandela; and

Whereas, Many prominent politicians and world leaders including Coretta Scott King, Archbishop Desmond Tutu, former President Jimmy Carter, many Nobel Peace Prize Laureates and others have called for López Rivera to be released from prison; and

Whereas, The movement to release López Rivera has become a unifying force, bringing together people of widely diverse backgrounds and political and social beliefs; and

Whereas, In 2013, Archbishop Desmond Tutu said of López Rivera's continued imprisonment, "In any case or interpretation, justice cannot be served by keeping Oscar López Rivera in prison. Now is the time for his immediate and unconditional release;" and

Whereas, The United Nations Decolonization Committee has passed a resolution every year since 2001 calling for López Rivera's release; and

Whereas, The Congressional Hispanic Caucus recently sent a letter to President Obama urging him to commute López Rivera's sentence and "grant his immediate release from prison"; and

Whereas, In 2013, Alejandro García Padilla, Governor of Puerto Rico, called on President Obama to commute López Rivera's prison sentence saying, "We see Mr. López Rivera's release as an issue that must rise above partisan affiliations and status preferences. It is an issue that touches basic issues of humanity, justice and compassion. It is an issue that relates to principles that you certainly share with us. Thirty-two years in prison for Mr. López Rivera is just enough. I ask – Mr. President – that you exercise your constitutional power of pardon to commute his sentence and grant his release;" and

Whereas, Religious leaders including Metropolitan Archbishop of San Juan, Puerto Rico, Roberto González Nieves, and Reverend Geoffrey A. Black, General

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Minister and President, United Church of Christ have called for López Rivera's release; and

Whereas, National labor organizations including the AFL-CIO, AFSCME and SEIU have called for López Rivera to be released; and

Whereas, Supporters have sent tens of thousands of letters to the President calling for López Rivera's immediate release from prison; and

Whereas, New York City is the home of the largest Puerto Rican community outside of Puerto Rico; and

Whereas, There is overwhelming support in New York City's Puerto Rican community for López Rivera's immediate release; and

Whereas, In January of this year, López Rivera celebrated his 72nd birthday; and

Whereas, López Rivera's official release date is in 2023, when he will be 80 years old; and

Whereas, All of the other men and women sent to prison along with López Rivera have since been released and are leading productive and responsible lives; and

Whereas, López Rivera is a dedicated father, grandfather, friend, decorated war veteran and community activist; and

Whereas, Despite the length of time he has spent in prison and the over 12 years he spent in isolation, López Rivera has not lost his spirit or his profound humanity; and

Whereas, It is time for López Rivera to be set free; now, therefore, be it

Resolved, That the Council calls upon President Obama to grant clemency to Oscar López Rivera so that he is immediately released from prison, as his continued incarceration is unjust and serves no legitimate purpose.

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

Res. No. 741

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2486/S.5479, which requires every procurement contract entered into by a state agency to contain a statement from the contractor that no forced labor was used.

By Council Members Miller, Gentile and Johnson.

Whereas, According to the International Labour Organization (ILO), the United Nations agency dedicated to human and labor rights, an estimated 20.9 million people were victims of forced labor globally in 2012, of whom 14.2 million were exploited in sectors such as agriculture, manufacturing, construction, and domestic work; and

Whereas, The ILO defines forced labor as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily"; and

Whereas, According to Free the Slaves, an advocacy group that co-authored the report *Hidden Slaves: Forced Labor in the United States* with the Center for Human Rights at the University of California, Berkeley, forced labor has been found in 90 cities in the United States; and

Whereas, New York State has a moral responsibility to ensure the humane treatment of workers and to protect law-abiding contractors from being undercut by those who violate human and labor rights; and

Whereas, New York State Assembly Member Harry Bronson and State Senator Leroy Comrie introduced A.2486/S.5479, respectively, an act to prevent billions of taxpayer dollars from contributing to forced labor; and

Whereas, The act requires that every procurement contract contain a statement from the contractor that no equipment, materials, or supplies provided under the terms of the contract were provided by forced labor, prison labor, or child labor; and

Whereas, Contractors who provide goods contrary to their statements denying the use of forced labor will have their contracts voided and be fined the greater of one thousand dollars or 20% of the products' value; and

Whereas, In addition, contractors providing false statements will be prohibited from bidding for New York State business for not more than 360 days; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.2486/S.5479, which requires every procurement contract entered into by a state agency to contain a statement from the contractor that no forced labor was used.

Referred to the Committee on Civil Service and Labor.

Res. No. 742

Resolution calling on the State Legislature to pass and the Governor to sign legislation that would allow lawful permanent residents of the United States to serve on juries.

By Council Members Miller and Eugene.

Whereas, According to the United States Citizenship and Immigration Services, a lawful permanent resident is defined as a non-citizen who is residing in the United States and who is legally recognized; and

Whereas, According to the Department of Homeland Security, of the almost 1 million individuals who became lawful permanent residents in 2013, New York State was the state of residence for over 13 percent; and

Whereas, The Fiscal Policy Institute estimates that there are currently approximately 1 million lawful permanent resident immigrants living in New York City; and

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Whereas, Current New York State law requires jurors to be United States citizens but the New York State Constitution does not restrict the qualifications of jurors; and

Whereas, All lawful permanent residents, independent of their duration of residence, are automatically excused from jury duty, regardless of their capacity or willingness to serve; and

Whereas, Jury duty is a unique form of participatory democracy, allowing jurors the opportunity to engage in and fulfill a civic responsibility; and

Whereas, According to the National Center for State Courts, only approximately 46 percent of individuals summoned for jury duty in New York State are qualified and available to serve; and

Whereas, Passage of legislation allowing lawful permanent residents in New York State the ability to serve on a jury would broaden the pool of potential jurors; and

Whereas, The restriction on lawful permanent residents serving as jurors is unique in comparison to similar functions: they are allowed to serve as lawyers, parties, witnesses and court personnel; and

Whereas, Passage of legislation allowing lawful permanent residents in New York State to serve on juries would remove this unique restriction; and

Whereas, Passage of such legislation would impact individuals who contribute to their communities by allowing them to fulfill the duty and privilege of serving on a jury; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign legislation that would allow lawful permanent residents of the United States to serve on juries.

Referred to the Committee on Courts and Legal Services.

Res. No. 743

Resolution calling upon the New York State Legislature, and the Governor, to ensure that A.6722 and S.4611 are amended to apply only to elected officials

By Council Member Miller.

Whereas, Legislation has been introduced in the New York State Legislature to address recent unethical conduct by some New York State elected officials; and

Whereas, The New York State legislation, A.6722 by Assembly Member David Buchwald and S.4611 by the Senate Budget Committee, would ensure that public officials who are convicted of a felony are subject to forfeiture of their state pension benefits, rights and privileges; and

Whereas, There is concern that the legislation as currently proposed is drafted to include employees of the City or State who are not elected officials; and

Whereas, Elected officials should be held to the highest ethical standards given that they are entrusted by the public through elections to carry out their duties to the letter of the law; and

Whereas, While the State Legislature and the Governor should do all they can to ensure that elected officials are punished for abusing public trust, the proposed legislation as drafted could inadvertently apply to a broader class of City and State employees as well as the spouse and families of elected and public officials; and

Whereas, Public pension benefits are earned and accrued over time in public service to the citizens of the state or municipalities of New York; and

Whereas, While the pending legislation would require elected officials to forfeit these benefits if convicted of a felony, their benefits, which were earned over time, should be allowed to support the family of said elected officials who commit a felony; and

Whereas, The current pending legislation should be amended to ensure only elected officials forfeit their pension benefits, rather than non-elected officials; and

Whereas, The legislation should also be amended to ensure that pension benefits are transferred to families of elected officials upon their conviction of a felony; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature, and the Governor, to ensure that A.6722 and S.4611 are amended to apply only to elected officials.

Referred to the Committee on Governmental Operations.

Res. No. 744

Resolution calling upon Congress to pass, and the President to sign H.R. 509, also known as, the Student Loan Interest Deduction Act of 2015

By Council Members Miller, Eugene, Gentile, Johnson and Richards.

Whereas, A college degree has become increasingly necessary for those entering the workforce; and

Whereas, According to the Pew Research Center Study, “The Rising Cost of Not Going to College,” the unemployment rate for a college graduate is 3.8% while the rate is 12.2% for individuals who have only completed high school; and

Whereas, According to the same study, the earnings gap between individuals with high school diplomas compared to those with a college degree has more than doubled since 1965; and

Whereas, In tandem with need and demand, the cost of college has increased as well; and

Whereas, A Forbes article titled, “College Costs Out of Control,” noted that since 1985, the overall inflation rate, as reflected in the Consumer Price Index increased 115% while college costs for the same period increased nearly 500%; and

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Whereas, According to the Federal Reserve Bank of New York, national student loan debt stands at nearly \$1.2 trillion dollars, affecting 40 million Americans, with New York State graduates accounting for \$60 billion dollars of the overall debt; and

Whereas, Data from various sources indicate that record student loan debt poses a danger to the economy due to decreased consumer spending on major purchases such as homes and cars, fewer small business start-ups and greater probability of default on student loans and other debt by those carrying student loan debt; and

Whereas, Currently, federal law provides some tax relief to those paying off student loans in the form of tax deductions for interest paid on any qualified education loan; and

Whereas, There is an income cap that prevents some debtors from receiving this benefit; and

Whereas, H.R. 509, also known as, the Student Loan Interest Deduction Act of 2015 (“The Act”), sponsored by Rep. Charles Rangel, would increase the maximum tax deduction for interest paid on any qualified education loan from \$2,500 dollars to \$5,000 dollars for an individual filer and \$10,000 for married couples filing jointly; and

Whereas, The Act would also repeal the current income cap and allow for deductions based on modified adjusted gross income; and

Whereas, The Act would provide what could be a crucial financial benefit to individuals and families struggling to pay off student loan debt; now, therefore be it

Resolved, that the Council of the City of New York calls upon the Congress to pass and the President to sign, H.R. 509, the Student Loan Interest Deduction Act of 2015, by Rep. Charles Rangel, into law.

Referred to the Committee on Higher Education.

Res. No. 745

Resolution calling on the New York State Legislature, the Governor and the Attorney General to allocate funds received through settlements with lending institutions for subprime and predatory loans to those communities most affected by these loans and the foreclosure crisis.

By Council Members Miller, Wills, Richards, Barron, Rose, Garodnick, Eugene, Mendez and Torres.

Whereas, Many lenders used subprime or “predatory” loans—loans offered at a higher rate to persons who do not qualify for prime rate loans because of factors that may result in persons defaulting on repayments—when offering mortgages to first-time homeowners; and

Whereas, Millions of homeowners, up to 50% of which were first time buyers, defaulted on their loans and lost their homes to foreclosures between 2007 and 2012; and

Whereas, These foreclosures and a nationwide decline in housing values triggered the collapse of mortgage-backed securities and drove the global economic crisis of 2008; and

Whereas, While federal measures were put in place to help defaulting borrowers, the national foreclosure crisis did not begin to abate until major mortgage lenders were held accountable through historic settlements of lawsuits brought by regulators; and

Whereas, In 2010 the New York State attorney general, with several other state attorneys general, investigated lenders and mortgage-servicing banks for illegal practices during foreclosure proceedings; and

Whereas, As a result of these investigations the state attorneys general joined with the United States Justice Department and filed a lawsuit against the largest lenders and servicers; and

Whereas, The lenders settled out of court and agreed to provide over \$50 billion in relief to distressed borrowers and direct payments to signing states and the federal government, an agreement known as the National Mortgage Servicing Settlement; and

Whereas, According to Attorney General (AG) Eric Schneiderman, out of the National Mortgage Servicing Settlement, New York State was allocated more than \$500 million for loan modifications and refinancing and over \$100 million to pay for legal services and housing counseling for borrowers facing foreclosure; and

Whereas, New York State was also allocated nearly \$1 billion from settlements of other foreclosure-related litigation against individual banks in 2013 and 2014; and

Whereas, All of the settlement rulings state that the majority of the settlement money should go to direct consumer relief, address properties in foreclosure proceedings, refinance loans, and increase funding to legal service providers, housing counseling agencies, land banks and/or other community development non-profits; and

Whereas, As agreed by Governor Andrew Cuomo and AG Eric Schneiderman, half of the mortgage settlement funds received by New York State in 2014 went into the state's general budget and half went to the Attorney General's Office; and

Whereas, According to the 2015-2016 New York State approved budget, less than \$100 million of the \$248 million of the settlement funds in the general budget being used for housing purposes is going toward mortgage assistance programs; and

Whereas, According to Corelogic, a leading global property information, analytics and data-enabled service provider, New York State had the second highest foreclosure rate in the country with 4% of the state's mortgaged homes in foreclosure as of February 2015; and

Whereas, According to Realty Trac, a clearinghouse for home buyers, investors and other real estate professionals, in March 2015, foreclosure filings were up by 16.44% in New York State from February 2015, and up by 41.62% from March 2014, with 1 in every 1556 homes in New York State receiving a foreclosure filing; and

Whereas, According to the Center for New York City Neighborhoods (CNYCN), between April 2013 and March 2015 more than 28,866 1-4 family households in New York City went into foreclosure; and

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Whereas, According to a New York State Association of Realtors article, foreclosure filings in New York State rose in the first 3 months of 2015; therefore be it

Resolved, That the Council of the City of New York calls on the New York State Legislature, the Governor and the Attorney General to allocate funds received through settlements with lending institutions for subprime and predatory loans to those communities most affected by these loans and the foreclosure crisis.

Referred to the Committee on Community Development.

Int. No. 820

By the Public Advocate (Ms. James) and Council Members King and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot program to provide incentives for recycling to residents living in community districts with high rates of public housing

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-316.4 to read as follows:

16-316.4 Recycling incentives pilot program. a. On or before January 1, 2016, the department shall establish a voluntary recycling incentives pilot program in community districts in which at least 20 percent of the rental housing is comprised of public housing, as such term is defined in section 5.100 of title 24 of the code of federal regulations. Under such program, the department shall work with, or designate an entity to work with, retail stores, restaurants and other business establishments to provide incentives to participating residents based on the amount of recyclable material that the department collects from the building or public housing development where such residents reside on a weekly basis.

b. On or before January 1, 2017, the department shall report to the council and post on its website an assessment of the impact of such program on diversion rates in the community districts where such pilot program was implemented. Such assessment shall include the department's recommendation with respect to expanding or making such program permanent and any other recommended changes to such program.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 746

Resolution calling upon the state to amend the Alcohol Beverage Control Law to require the New York State Liquor Authority to deny an application for

a liquor license when the relevant state legislator, council member and community board are all united in opposition.

By Council Members Reynoso and Gentile.

Whereas, The New York State Liquor Authority (SLA) is responsible for enforcing the Alcohol Beverage Control Law (ABC), which includes regulating and licensing establishments that sell and serve alcohol throughout the state; and

Whereas, Over the years, residents of the City of New York, local community boards, and elected officials have expressed concerns regarding the SLA's lack of response to community impacts when issuing a license to serve alcohol; and

Whereas, In response to community concerns, Chapter 670 of the Laws of 1993, known as the "Padavan Law," amended the ABC to create the "500 foot rule"; and

Whereas, The 500 foot rule applies whenever an application for an on premises liquor license is made for a location where there are already three or more alcohol serving establishments within 500 feet of one another; and

Whereas, The 500 foot rule requires the SLA to notify the community board and conduct a public hearing to consider whether granting a license would be in the public interest, including the consideration of community concerns such as traffic and noise; and

Whereas, Notwithstanding the 500 foot rule, many community boards feel their concerns are inadequately represented in the SLA's process of issuing a liquor license; and

Whereas, There has been litigation related to this concern; and

Whereas, Prior to the Padavan Law, in 1997, in the *Matter of Soho Community v. New York State Liquor Authority*, the New York State Supreme Court found that the SLA had acted in an "arbitrary and capricious" manner in granting a liquor license despite community concerns, as demonstrated by the unanimous opposition of the local community board and the local city council member; and

Whereas, Post Padavan Law, in 2004, in the *Matter of Flatiron Community v. New York State Liquor Authority*, the New York State Supreme Court found that once again, the SLA failed to state the public interest that would be served by issuing a license for a proposed location where 21 such licensed businesses already existed within a 500 foot radius, and in spite of opposition from the local community board, the local council member and the local state senator; and

Whereas, In September 2009, the New York State Legislature's Law Revision Commission found that in reference to the ABC, "The law is fraught with ambiguities and deficiencies that challenge the agency's ability to interpret its requirements and to address the competing interests of the public's health, safety and welfare, and the desire for economic development;" and

Whereas, Elected officials, community boards and members of the community are often disappointed by their inability to impact the decision-making of the SLA through the established public hearing process; and

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Whereas, The rights and concerns of the community require more weight in a process that may change a neighborhood in a way that significantly impacts the community; and

Whereas, The ABC Law should be amended to provide communities proper representation and protection from arbitrary applications of the law; and

Whereas, A unanimous rejection from a state and local legislator and the local community board, also known as a “triple no,” should result in the denial of a liquor license; now, therefore, be it

Resolved, That the Council of the city of New York calls upon the state to amend the Alcohol Beverage Control Law to require the New York State Liquor Authority to deny an application for a liquor license when the relevant state legislator, council member and community board are united in opposition.

Referred to the Committee on Consumer Affairs.

Int. No. 821

By Council Member Richards.

A Local Law to amend the administrative code of the city of New York, in relation to backflow prevention device reporting and certification, and the repeal and replacement of subdivision d of section 24-343.1 of such code

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 24-343.1 of the administrative code of the city of New York is REPEALED and a new subdivision d is added to read as follows:

d. On or before January 15, 2016, and on or before every January 15 thereafter, the department shall submit a report to the council setting forth the following information:

1. The number of all facilities that the department estimates requires the installation of one or more backflow prevention devices;

2. The number of such facilities that the department has determined to be in the hazardous category;

3. The number of all facilities in which backflow prevention devices have been installed to date;

4. The number of hazardous facilities in which backflow prevention devices have been installed to date;

5. The number of annual test reports filed with the department in the preceding calendar year;

6. The number of violations issued in the preceding calendar year for failure to install a backflow prevention device; and

7. The number of violations issued in the preceding calendar year for failure to file an annual test report with the department.

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

Referred to the Committee on Environmental Protection.

Int. No. 822

By Council Member Richards.

A Local Law to amend the administrative code of the city of New York, in relation to placing a cap on the correlated color temperature of new and replacement streetlights.

Be it enacted by the Council as follows:

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

§19-157 Limitation on correlated color temperature of streetlights. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(1) "Correlated color temperature" means the perceived color of the light emitted by a lamp, expressed in Kelvin (K) units.

(2) "Kelvin" means the unit of measurement used to characterize the color of light emitted by a lamp.

b. Any lamp to be used in the illumination of streets, highways, parks, or any other public place shall have a correlated color temperature no higher than 3000 Kelvin. All new and replacement outdoor lamps shall be installed in accordance with this section.

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

Referred to the Committee on Transportation.

Int. No. 823

By Council Members Rodriguez, Rosenthal, Williams, Chin, Johnson, Kallos, Levine, Gentile, Mendez and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to increasing transparency in enforcement against illegal conversions of dwelling units.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 28 of the administrative code of the City of New York is amended by adding a new section 28-210.3.1 to read as follows:

§ 28-210.3.1 Reporting on illegal conversions of dwelling units from permanent residences. *By no later than September 1 of each year, the department, with the cooperation of the mayor's office of special enforcement and all other relevant city agencies, shall submit a report to the council including, but not limited to, the following information for the previous year, disaggregated by council district:*

1. The number of complaints alleging conduct in violation of section 28-210.3 received by the city;

2. The number of inspections conducted by the city in response to a suspected violation of section 28-210.3;

3. The number of violations of section 28-210.3 issued;

4. For each violation of section 28-210.3 issued:

4.1. The name of the owner and the address of the dwelling unit for which such violation was issued;

4.2. The number of violations of the New York city fire code and health code issued concurrently with such violation of section 28-210.3;

4.3. The number of violations of section 28-210.3 issued for such dwelling unit in the five years preceding the submission date of the report; and

4.4. The number of violations of section 28-210.3 issued for the building containing such dwelling unit in the five years preceding the submission date of the report;

5. The amount of civil penalties assessed for such violations and the amount of such penalties collected; and

6. Recommendations for legislation, policy, budget initiatives and other measures the city can take, either acting alone or in collaboration with other organizations or governmental entities, to prevent violations of section 28-210.3, including repeated violations of section 28-210.3 for a dwelling unit or building.

§2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 824

By Council Members Rose, Barron and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report in relation to deployment.

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. Officer Deployment. a. Beginning no later than March 1, 2015 for the calendar year 2014 and every year thereafter, the commissioner shall submit to the council and the mayor, and post to the department's website, the following reports:

1. The location or name of the patrol precinct, housing police service area, transit district, street crime unit or narcotics division of each of the 200 active officers with the highest cumulative number of CCRB complaints.

2. The location or name of the patrol precinct, housing police service area, transit district, street crime unit or narcotics division of each of the 200 active officers with the highest cumulative number of substantiated CCRB complaints.

3. The location or name of the patrol precinct, housing police service area, transit district, street crime unit or narcotics division of each of the 500 active officers with the highest cumulative incidence of having been named a defendant in a civil lawsuit alleging police brutality.

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 825

By Council Members Rose, Gentile, Johnson, Mendez, Richards and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to expanding the definition of employer under the human rights law to provide protections for domestic workers

Be it enacted by the Council as follows:

Section 1. Subdivision 5 of section 8-102 of the administrative code of the city of New York, as amended by local law 78 of 2013, is amended to read as follows:

(5) For purposes of subdivisions one, two, three, twenty-two, subparagraph one of paragraph a of subdivision twenty-one, and paragraph e of subdivision twenty-one of section 8-107 and section 8-107.1 of this chapter the term "employer" does not include any employer with fewer than four persons in his or her employ[.], *provided that the term "employer" does includes any employer with one or more domestic workers, as defined in section 2(16) of the labor law, in his or her employ.* For purposes of this subdivision, natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.

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

Referred to the Committee on Civil Rights.

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Int. No. 826

By Council Members Rosenthal, Rodriguez, Williams, Chin, Johnson, Kallos, Levine, Mendez and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for illegal conversions of dwelling units from permanent residences.

Be it enacted by the Council as follows:

Section 1. Item 16 of section 28-201.2.1 of the administrative code of the city of New York, as added by local law 45 of 2012, is amended to read as follows:

16. A violation of section 28-210.3 [that involves more than one dwelling unit or a second or subsequent violation of section 28-210.3 by the same person at the same dwelling unit or multiple dwelling].

16.1. The civil penalty for a violation of section 28-210.3 shall be no less than ten thousand dollars and no more than fifty thousand dollars. In addition to such civil penalty, a separate additional penalty may be imposed of no more than two thousand dollars for each day that the violation is not corrected.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 827

By Council Members Torres, Mendez, Rosenthal and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to expanding the prohibition against source of income discrimination in housing accommodations.

Be it enacted by the Council as follows:

Section 1. Paragraph o of subdivision 5 of section 8-107 of the administrative code of the city of New York is amended to read as follows:

(o) Applicability; lawful source of income. *For purposes of selling, renting, leasing, or approving the sale, rental or lease of a housing accommodation to person with a section 8 voucher, [The] the provisions of this subdivision, as they relate to unlawful discriminatory practices on the basis of lawful source of income, shall not apply to housing accommodations [that contain a total of five or fewer housing units, provided, however:*

(i) the provisions of this subdivision shall apply to tenants subject to rent control laws who reside in housing accommodations that contain a total of five or fewer units at the time of the enactment of this local law; and provided, however:

(ii) the provisions of this subdivision shall apply to all housing accommodations, regardless of the number of units contained in each, of any person who has the right to sell, rent or lease or approve the sale, rental or lease of at least one housing accommodation within New York City that contains six or more housing units, constructed or to be constructed, or an interest therein.] *that are not in compliance with any rules or regulations promulgated under section eight of the United States housing act of 1937.*

§2. This local law shall take effect one-hundred twenty days after its enactment into law.

Referred to the Committee on Civil Rights.

Int. No. 828

By Council Members Ulrich, Eugene, Gentile, Johnson, King, Koo, Mendez, Richards and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a veterans resource guide.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter one of title 3 of the administrative code of the city of New York is amended by adding a new section 3-134 to read as follows:

§ 3-134 *Veterans Resource Guide. a. The office of veterans' affairs shall maintain and periodically update a resource guide for veterans. Such guide shall be available on the office's website and shall be available in printed form upon request.*

b. The guide maintained pursuant to this section shall include, but not be limited to, information about:

(1) federal, state, and city benefits available to veterans based upon their military service, which shall include the criteria for eligibility to receive and information on how to apply for each such benefit;

(2) provisions of federal, state, and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families, including, but not limited to, protections under the uniformed services employment and reemployment rights act;

(3) physical and mental health programs and resources;

(4) educational and reeducational opportunities;

(5) available sources of low or no-cost legal assistance;

(6) social services, including but not limited to, housing and food security supports, offered by public agencies and charitable and private organizations;

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(7) *programs and services administered by public agencies to support veteran owned businesses;*

(8) *employment resources;*

(9) *any other information deemed relevant by the director of veterans' affairs.*

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

Referred to the Committee on Veterans.

Int. No. 829

By Council Members Ulrich, Gentile, Eugene, Johnson, Koo, Mendez, Richards and Wills.

A Local Law to amend the New York city charter, in relation to creating veterans resource centers.

Be it enacted by the Council as follows:

Section 1. Section 14 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. Veterans Resource Centers. 1. The director of veterans' affairs shall ensure that at least one veterans resource center is established and operational in each borough of the city by no later than November 1, 2015. Each such center shall be located in a geographic area that is easily accessible and in close proximity to public transportation. Each such center shall provide veterans with up-to-date information, free of charge, regarding (i) matters within its purview pursuant to this section and state executive law section 358, including but not limited to matters described in subparagraphs (a) through (d) of paragraph (1) of subdivision c of this section; (ii) housing; (iii) social services offered by public agencies and charitable and private organizations, including but not limited to the provision of specific contact information with respect to such agencies and organizations; and (iv) financial assistance and tax exemptions available to veterans.

2. The director of veterans' affairs shall, beginning May 1, 2016 and every six months thereafter, submit a report to the mayor and the speaker of the council regarding the operation of the veterans resource centers established pursuant to this subdivision. Such report shall include but not be limited to the following information, disaggregated by each such center: (i) the number of veterans utilizing such center; (ii) a summary of the services offered by such center; (iii) a description of the services and/or information most frequently requested by veterans utilizing such center; (iv) the number of full-time and part-time staff persons working at such center; (v) the amount of funding allocated to such center; and (vi) the number of complaints received by such center from veterans regarding the services offered by such center, and a general description of the nature of such complaints.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Veterans.

Res. No. 747

Resolution recognizing this and every June as Post-Traumatic Stress Disorder Awareness Month in New York City.

By Council Members Ulrich, Cohen, Eugene, Gentile, Johnson, Koo, Richards and Wills.

Whereas, In 2010 and every year since, the United States Congress has designated June 27th as PTSD (Post-Traumatic Stress Disorder) Awareness Day; and

Whereas, The National Center for PTSD has designated June as PTSD Awareness Month;

Whereas, According to the United States Department of Veterans Affairs, the purpose of PTSD Awareness Day is to raise public awareness of PTSD and effective treatments to help people affected by PTSD; and

Whereas, According to studies by the Rand Institute, at least 20% of Iraq and Afghanistan veterans suffer from PTSD and/or depression; and

Whereas, According to the Rand Institute, PTSD can have far-reaching and damaging consequences if left untreated and put those afflicted at higher risks for other psychological problems, homelessness and suicide; and

Whereas, According to the Rand Institute, people afflicted with PTSD have higher rates of unhealthy behaviors that can impair relationships, disrupt marriages, aggravate the difficulties of parenting, and cause problems in children that may extend the consequences of combat trauma across generations; and

Whereas, According to the Rand Institute, the symptoms of PTSD often do not appear for months or years after military deployment, thus many veterans go undiagnosed for long periods of time; and

Whereas, According to the Rand Institute, 50% of those with PTSD do not seek treatment and only half of those get adequate treatment; and

Whereas, According to the National Center for PTSD, women in the military are increasingly likely to develop PTSD because a growing number of them are being exposed to combat and are at higher risk of sexual assault than men; and

Whereas, According to the National Center for PTSD, greater public awareness of PTSD will reduce social stigma and encourage many veterans and others to seek the treatment they need; and

Whereas, Many other localities throughout the nation designate various days in June and the month itself for PTSD awareness,

Whereas, According to the United States Department of Veterans Affairs, more than 200,000 veterans reside in New York City; and

Whereas, The City Council is greatly concerned with the health of all New York Yorkers who suffer from PTSD, including veterans, therefore, be it

Resolved, The Council of the City of New York recognizes this and every June as Post-Traumatic Stress Disorder Awareness Month in New York City.

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Referred to the Committee on Veterans.

Int. No. 830

By Council Members Vallone, The Speaker (Council Member Mark-Viverito), Levin, Chin, Cohen, Gentile, Mendez, Ferreras-Copeland, Johnson, Vacca, Crowley, Koo, Eugene, Espinal, Reynoso, Deutsch, Rosenthal and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to training for certain employees of the city of New York and city-contracted agencies on adult protective services.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-136 to read as follows:

§ 21-136 Training on adult protective services. The department shall conduct biannual trainings, in accordance with article 9-b of the social services law and any applicable rules and regulations thereunder, on best practices in identifying persons who may be eligible for adult protective services and how to refer such persons to adult protective services. Such training shall be provided to employees of the following agencies and employees of any entity under contract with such agencies: the department for the aging, the police department, the department of parks and recreation, the department of housing preservation and development, the department of homeless services, and such other agencies as the mayor may assign, and shall also be made available to employees of the civil and criminal courts of the city of New York and the New York city housing authority.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Res. No. 748

Resolution calling upon the New York State Legislature to introduce and pass and the Governor to sign, legislation requiring banking organizations to provide, at a minimum, the immediately preceding six months of financial documents following a request for such financial documents to help fight financial exploitation of older adults.

By Council Members Vallone, Gentile, Mendez, Wills and Levin.

Whereas, The New York State Social Services Law defines financial exploitation as the “improper use of an adult's funds, property or resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers or denial of access to assets;” and

Whereas, According to a 2011 study on elder abuse in New York State by Lifespan of Greater Rochester, Inc., Weill Cornell Medical Center of Cornell University, and the New York City Department for the Aging, financial exploitation is the most prevalent self-reported form of elder abuse in New York State, with an estimated 41 of every 1,000 older New Yorkers falling victim to financial exploitation; and

Whereas, According to the same study an estimated 66 of every 1,000 older New York City residents reported having experienced financial exploitation; and

Whereas, Financial exploitation can destroy the lives of its victims, by depriving them of the funds, property, or resources they need to live; and

Whereas, According to the New York City Department for the Aging, because of the familial relationship, victims of financial exploitation are often hesitant to report it, and as a result, its incidence and prevalence is likely under-reported; and

Whereas, According to a national study in the United States in 2009 from the MetLife Mature Market Institute for every case of reported financial exploitation, four or more cases are unreported; and

Whereas, The New York State Banking Law requires banking organizations to provide documents indicating if an individual “has or had funds, securities or other property on deposit or in the custody of such banking organization, and the amount or probable value thereof” upon request by an authorized agency such as a social services agency; and

Whereas, While banking organizations can provide essential information to help identify the financial exploitation of older adults, they appear to be “underreporting cases of abuse to the relevant authorities even though they are permitted to report under state and federal law,” according to the New York State Department of Financial Services; and

Whereas, According to Lin Saberski, Deputy Commissioner for Adult Protective Services in New York City, currently New York State law “can be read very narrowly, minimizing the financial information received to a single monthly balance statement;” and

Whereas, Financial exploitation often occurs frequently and can be proven by reviewing banking records such as balance statements over time; and

Whereas, A requirement that banking organizations provide the immediately preceding six months of financial documents following a request for such documents would help fight the financial exploitation of older adults by, among other things, allowing authorized agencies to see if an individual has forged the signature of a suspected victim of financial exploitation, transferred the older adult’s property to themselves, or withdrawn money from the suspected victim’s bank account for themselves; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass and the Governor to sign, legislation requiring banking organizations to provide, at a minimum, the immediately preceding six months of financial documents following a request for such financial documents to help fight financial exploitation of older adults.

Referred to the Committee on Aging.

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Res. No. 749

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.1787/S.1945, to require the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other people moving devices.

By Council Members Van Bramer and Mendez.

Whereas, The use of unsafe and defective elevators exposes employees and the public to unsafe conditions and imposes substantial probability of serious injury; and

Whereas, Improper design, construction, maintenance and repair of such conveyances is preventable by requiring proper training of persons employed to perform work on elevators and by requiring the licensing of contractors and the certification of individuals involved in elevator projects; and

Whereas, An alarming number of fatal incidents involving improperly maintained or repaired elevators has occurred across the five boroughs in recent years that could have been prevented by proper training and licensing; and

Whereas, Workers in the field of elevator construction, modernization, maintenance and repair have died on the job in incidents that could have been prevented through education and training; and

Whereas, Contractors who perform and supervise work that is dangerous to the public must be held accountable; and

Whereas, A.1787, introduced by Assembly Member Keith L.T. Wright and pending in the New York State Assembly, and companion bill S.1945, introduced by State Senator John J. Bonacic and pending in the New York State Senate, seek to amend the New York Labor Law and the New York Finance Law by requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated people moving devices; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.1787/S.1945, to require the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other people moving devices.

Referred to the Committee on Housing and Buildings

Int. No. 831

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

A Local Law to amend the administrative code of the city of New York, in relation to permit filing fees for new buildings and alterations.

Be it enacted by the Council as follows:

Section 1. Table 28-112.2 of article 112 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, fees amended by local law 8 for the year 2008 and local law 45 for the year 2011, is amended to read as follows:

TABLE 28-112.2

PERMIT TYPE	FILING FEE	RENEWAL FEE	COMMENTS
<i>New Buildings</i>			
New building work permit: One-, two- or three-family dwelling, where no existing building elements are to be retained in place as part of the new building.	\$[0.12]0.06 for each square foot, or fraction thereof, of the total floor area of the new building, but not less than \$100 for each structure.	\$100	For the purposes of this fee schedule item, "building elements" means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.
<ul style="list-style-type: none"> Subsequent applications related to initial new building work permit application, filed prior to the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued. 	<p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p> <p>\$100</p>	\$100	

PERMIT TYPE	FILING FEE	RENEWAL FEE	COMMENTS
New building work permit: One-, two- or three-family dwelling, where any existing building elements are to be retained in place as part of the new building, pursuant to section 28-101.4.5.	Minimum Filing Fee - \$[170]100 Minimum filing fee for the first five thousand dollars or fraction thereof, of the cost of alteration; plus \$[5.15]2.60 for each one thousand dollars, or fraction thereof, of cost of alterations in excess of five thousand dollars.	\$100	For the purposes of this fee schedule item, "building elements" means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles

PERMIT TYPE	FILING FEE	RENEWAL FEE	COMMENTS
	<i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i>		and slabs on grade.
New building work permit: Garage for not more than three cars when accessory to and filed with plans for one-, two- or three-family dwelling to which it is accessory on the same lot.	\$100	\$100	
<p>New building work permit: All other new buildings <i>fewer than 7 stories and less than 100,000 square feet</i>, where no existing building elements are to be retained in place as part of the new building.</p> <ul style="list-style-type: none"> Subsequent applications related to initial new building work permit application, filed prior to the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued. 	<p>\$0.26 for each square foot, or fraction thereof, of the total floor area of the new building, but not less than \$[100]280 for each structure.</p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p> <p>\$100</p>	<p>\$100</p> <p>\$100</p>	<p>For the purposes of this fee schedule item, “building elements” means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</p>
New building work permit: All other <i>new buildings fewer than 7 stories and less than 100,000 square feet</i> , where any existing building elements are to be retained in place as part of the new building, pursuant to section 28-101.4.5.	<p>Minimum Filing Fee - \$280</p> <p>Minimum filing fee for the first three thousand dollars, or fraction thereof, of the cost of alteration; plus \$[20]for each one thousand dollars, or fraction thereof, of the next two thousand dollars of such cost; plus \$]10.30 for each one thousand dollars, or fraction thereof, of the alteration cost in excess of [five] <i>three</i> thousand dollars.</p>	\$100	<p>For the purposes of this fee schedule item, “building elements” means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</p>

PERMIT TYPE	FILING FEE	RENEWAL FEE	COMMENTS
	<p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>		
<p><i>New building work permit: All other new buildings 7 stories or more, or 100,000 square feet or more, where no existing building elements are to be retained in place as part of the new building.</i></p> <ul style="list-style-type: none"> <i>Subsequent applications related to initial new building work permit application, filed prior to the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued.</i> 	<p><i>\$0.45 for each square foot, or fraction thereof, of the total floor area of the new building, but not less than \$290 for each structure.</i></p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p> <p><i>\$100</i></p>	<p><i>\$100</i></p> <p><i>\$100</i></p>	<p><i>For the purposes of this fee schedule item, "building elements" means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</i></p>
<p><i>New building work permit: All other new buildings 7 stories or more, or 100,000 square feet or more, where any existing building elements are to be retained in place as part of the new building, pursuant to section 28-101.4.5.</i></p>	<p><i>Minimum Filing Fee - \$290</i></p> <p><i>Minimum filing fee for the first three thousand dollars, or fraction thereof, of the cost of alteration; plus \$17.75 for each one thousand dollars, or fraction thereof, of the alteration cost in excess of three thousand dollars.</i></p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>	<p><i>\$100</i></p>	<p><i>For the purposes of this fee schedule item, "building elements" means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</i></p>
<p><i>Alterations</i></p>			

PERMIT TYPE	FILING FEE	RENEWAL FEE	COMMENTS
<p>Alteration work permit: One-, two- or three-family dwelling</p> <ul style="list-style-type: none"> • Alteration Type 1 • Alteration Type 2 • Alteration Type 3 • Limited Alteration Application 	<p>Minimum Filing Fee - \$170</p> <p>Minimum Filing Fee - \$130</p> <p>Minimum Filing Fee - \$130</p> <p>Minimum Filing Fee - \$130</p> <p>Minimum filing fee for the first five thousand dollars, or fraction thereof, of the cost of alteration; plus \$[5.15]2.60 for each one thousand dollars, or fraction thereof, of cost of alterations in excess of five thousand dollars.</p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>	<p>\$100</p>	

PERMIT TYPE	FILING FEE	RENEWAL FEE	COMMENTS
<p>Alteration work permit: Alterations in all other buildings and structures <i>fewer than 7 stories and less than 100,000 square feet</i>, including but not limited to aerial towers and masts, tank structures, fire escapes, etc., which are unoccupied and not easily valued by area.</p> <ul style="list-style-type: none"> • Alteration Type 1 • Alteration Type 2 • Alteration Type 3 • Limited Alteration Application 	<p>Minimum Filing Fee - \$280 Minimum Filing Fee - \$225 Minimum Filing Fee - \$195 Minimum Filing Fee - \$195</p> <p>Minimum filing fee for the first three thousand dollars, or fraction thereof, of the cost of alteration; plus \$[20for each one thousand dollars, or fraction thereof, of the next two thousand dollars of such cost; plus \$]10.30 for each one thousand dollars, or fraction thereof, of the alteration cost in excess of [five] <i>three</i> thousand dollars.</p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>	<p>\$100</p>	<p>Such alterations work shall include:</p> <ul style="list-style-type: none"> • Applications related to new building work permit application, filed after the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued. • Installation or alteration of elevators, escalators, amusement devices and other devices regulated under this code, except those filed under a new building application.

PERMIT TYPE	FILING FEE	RENEWAL FEE	COMMENTS
<p><i>Alteration work permit: Alterations in all other buildings and structures 7 stories or more, or 100,000 square feet or more, including but not limited to aerial towers and masts, tank structures, fire escapes, etc., which are unoccupied and not easily valued by area.</i></p> <ul style="list-style-type: none"> • <i>Alteration Type I</i> • <i>Subsequent or related filings</i> 	<p><i>Minimum Filing Fee - \$290</i></p> <p><i>Minimum filing fee for the first three thousand dollars, or fraction thereof, of the cost of alteration; plus \$17.75 for each one thousand dollars, or fraction thereof, of the alteration cost in excess of three thousand dollars.</i></p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>	<p><i>\$100</i></p>	<p><i>Such alterations work shall include:</i></p> <ul style="list-style-type: none"> • <i>Applications related to new building work permit application, filed after the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued.</i> • <i>Installation or alteration of elevators, escalators, amusement devices and other devices regulated under this code, except those filed under a new building application.</i>

§2. This local law shall take effect 30 days after its enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 832

By Council Members Williams, Cumbo, The Speaker (Council Member Mark-Viverito), Lander, Eugene, Gentile, Johnson, Mendez, Richards, Wills and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in housing accommodations on the basis of an individual’s status as a victim of domestic violence.

Be it enacted by the Council as follows:

Section 1. Section 8-107.1 of the administrative code of the city of New York is amended to read as follows:

[1.]*a.* Definitions. Whenever used in this chapter the following terms [shall] have the following meanings:

[a.]“Acts or threats of violence” [shall] includes, but *is* not [be] limited to, acts, which would constitute violations of the penal law.

[b.]“Victim of domestic violence” [shall] means a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.

[c.]“Victim of sex offenses or stalking” [shall] means a victim of acts which would constitute violations of article 130 of the penal law, or a victim of acts which would constitute violations of sections 120.45, 120.50, 120.55, or 120.60 of the penal law.

[d.]Practices “based on,” “because of,” “on account of,” “as to,” “on the basis of,” or “motivated by” an individual's “status as a victim of domestic violence,” or “status as a victim of sex offenses or stalking” include, but are not limited to, those based solely upon the actions of a person who has perpetrated acts or threats of violence against the individual.

[2.]*b.* Unlawful discriminatory practices. *1.* It shall be an unlawful discriminatory practice for an employer, or an agent thereof, to refuse to hire or employ or to bar or to discharge from employment, or to discriminate against an individual in compensation or other terms, conditions, or privileges of employment because of the actual or perceived status of said individual as a victim of domestic violence, or as a victim of sex offenses or stalking.

[3. Applicability; actual or perceived victims of domestic violence, sex offenses or stalking.]

(a) Requirement to make reasonable accommodation to the needs of victims of domestic violence, sex offenses or stalking. Except as provided in [paragraph] *subparagraph* (c), any person prohibited by [this section 8-107.1] *paragraph 1* from discriminating on the basis of actual or perceived status as a victim of domestic violence or a victim of sex offenses or stalking shall make reasonable accommodation to enable a person who is a victim of domestic violence, or a victim of sex offenses or stalking to satisfy the essential requisites of a job provided that the status as a victim of domestic violence or a victim of sex offenses or stalking is known or should have been known by the covered entity.

(b) Documentation of status. Any person required by [paragraph] *subparagraph* (a) to make reasonable accommodation may require a person requesting reasonable accommodation pursuant to [paragraph] *subparagraph* (a) to provide certification that the person is a victim of domestic violence, sex offenses or stalking. The person requesting reasonable accommodation pursuant to [paragraph] *subparagraph* (a) shall provide a copy of such certification to the covered entity within a reasonable period after the request is made. A person may satisfy the certification requirement of

this paragraph by providing documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider, from whom the individual seeking a reasonable accommodation or that individual's family or household member has sought assistance in addressing domestic violence, sex offenses or stalking and the effects of the violence or stalking; a police or court record; or other corroborating evidence. All information provided to the covered entity pursuant to this paragraph, including a statement of the person requesting a reasonable accommodation or any other documentation, record, or corroborating evidence, and the fact that the individual has requested or obtained a reasonable accommodation pursuant to this section, shall be retained in the strictest confidence by the covered entity, except to the extent that disclosure is requested or consented to in writing by the person requesting the reasonable accommodation; or otherwise required by applicable federal, state or local law.

(c) Affirmative defense in domestic violence, sex offenses or stalking cases. In any case where the need for reasonable accommodation is placed in issue, it shall be an affirmative defense that the person aggrieved by the alleged discriminatory practice could not, with reasonable accommodation, satisfy the essential requisites of the job or enjoy the right or rights in question.

2. It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee thereof to refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any person or group of persons such a housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith because of an actual or perceived status of said individual as a victim of domestic violence, or as a victim of sex offenses or stalking.

(a) The provisions of this paragraph 2 shall not apply:

(1) to the rental of a housing accommodation, other than a publicly-assisted housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of the owner's family reside in one of such housing accommodations, and if the available housing accommodation has not been publicly advertised, listed, or otherwise offered to the general public; or

(2) to the rental of a room or rooms in a housing accommodation, other than a publicly-assisted housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in such housing accommodation.

§ 2. This local law shall take effect immediately after it becomes law.

Referred to the Committee on Civil Rights.

Preconsidered L.U. No. 237

By Council Member Ferreras-Copeland:

Rose Ellen Smith MBD HDFC, Block 2744, Lots 55 and 63 and Block 2983, Lot 28; Bronx, Community District Nos. 2 and 3, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 238

By Council Member Greenfield:

Application No. 20155523 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of EAT LEXINGTON 87 LLC, d/b/a Eli's Essentials, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1291 Lexington Avenue, Borough of Manhattan, Community Board 8, Council District 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

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

L.U. No. 239

By Council Member Greenfield:

Application No. 20155534 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of MVNBC CORP. d/b/a Benvenuto Cafe, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 189 Franklin Street, Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

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

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L.U. No. 240

By Council Member Greenfield:

Application No. 20155582 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 768 MAD RESTAURANT, LLC d/b/a Bar Italia, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 768 Madison Avenue, Borough of Manhattan, Community Board 8, Council District 4. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

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

L.U. No. 241

By Council Member Greenfield:

Application No. 20155587 HKK (N 150353 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Brooklyn Public Library, Stone Avenue Branch, 581 Stone Avenue a/k/a 581-591 Mother Gaston Boulevard (Block 3794, Lot 18) (List No. 480, LP-2568) Borough of Brooklyn, Community Board 16, Council District 41.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 242

By Council Member Greenfield:

Application No. 20155741 TAX, a proposed disposition of city-owned property (Bronx, Tax Block 3838, part of Lot 60) to the Metropolitan Transportation Authority – New York City Transit Authority (MTA-NYCTA), in Community Board 9, Council District No. 13, Borough of Bronx. This matter is subject to Council review and action pursuant to Section 1266-c(5) of the Public Utilities Authorities Law, at the request of the New York City Economic Development Corporation on behalf of the MTA-NYCTA.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

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L.U. No. 243

By Council Member Greenfield:

Application No. C 150218 PSQ submitted by the New York City Department of Environmental Protection and Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 58-26 47th Street (Block 2601, Lot 25), for use as an aeration facility, Borough of Queens, Community Board 5, Council District 30. This application is subject to 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.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 244

By Council Member Greenfield:

Application No. 20155740 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an amendment to an Urban Development Action Area Project for property identified as Block 2518, part of Lot 31, Borough of the Bronx, Community Board 4, Council District 16.

Referred to the Committee on Land Use and the Subcommittee on Planning, Disposition and Concessions.

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

ANNOUNCEMENTS:

Tuesday, June 16, 2015

Committee on **SANITATION AND
SOLID WASTE MANAGEMENT****1:00 P.M.**

Int 76 - By Council Members Koslowitz, Arroyo, Dickens, King, Maisel, Reynoso, Lancman, Gentile, Johnson, Levine, Torres, Constantinides, Cohen, Kallos, Koo, Vallone, Cabrera, Crowley, Deutsch, Ferreras-Copeland, Miller, Palma, Rose, Dromm, Espinal, Cumbo, Rodriguez, Treyger, Gibson, Cornegy, Van Bramer,

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Richards, Wills, Eugene, Chin, Mendez, Levin, Ulrich and the Public Advocate (Ms. James) - **A Local Law** to amend the administrative code of the city of New York, in relation to exempting licensed plumbers from registering with the business integrity commission.

Committee Room – 250 Broadway, 16th Floor Antonio Reynoso, Chairperson

★ Addition

Committee on **VETERANS** **1:00 P.M.**

Oversight - Connecting NYC’s Veterans With Benefits

Proposed Int 426-A - By Council Members Ulrich, Arroyo, Dickens, Koo, Vallone, Rodriguez, Treyger, Deutsch, Cohen, Rose, Gentile, Koslowitz and Reynoso - **A Local Law** to amend the administrative code of the city of New York, in relation to benefits counseling services for veterans

Committee Room – City Hall Eric Ulrich, Chairperson

Wednesday, June 17, 2015

★ Addition

Committee on **COURTS AND LEGAL SERVICES** jointly with the

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** **10:00 A.M.**

Oversight - Examining The New York Bail System And The Need For Reform

Committee Room – City Hall Rory Lancman, Chairperson

..... Elizabeth Crowley, Chairperson

★ Deferred

Committee on ~~**ECONOMIC DEVELOPMENT**~~ ~~**10:00 A.M.**~~

~~Agenda to be announced~~

~~Committee Room – 250 Broadway, 16th Floor Daniel Garodnick, Chairperson~~

★ Addition

Committee on **GENERAL WELFARE** jointly with the

Committee on **AGING** **10:00 A.M.**

Oversight - Reforming Adult Protective Services in New York City.

Int 89 - By Council Members Levin, Johnson, Mendez, Rose, Vallone, Rosenthal, Reynoso and Menchaca (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of social services to provide semiannual reports to the council regarding referrals to adult protective services.

Int 802 - By Council Members Vallone, Chin, Arroyo, Constantinides, Cumbo, Eugene, Gentile, Gibson, Johnson, Koo, Mealy, Mendez, Rose and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to a senior emergency information card.

Int 830 - By Council Member Vallone, The Speaker (Council Member Mark-Viverito), Levin, Chin and Cohen – A Local Law to amend the administrative code of the city of New York, in relation to training for certain employees of the city of New York and city-contracted agencies on adult protective services.

Res 748 - By Council Member Vallone - **Resolution** calling upon the New York State Legislature to introduce and pass and the Governor to sign, legislation requiring banking organizations to provide, at a minimum, the immediately preceding six months of financial documents following a request for such financial documents to help fight financial exploitation of older adults.

Council Chambers – City Hall.....Stephen Levin, Chairperson
..... Margaret Chin, Chairperson

★ Note Topic and Committee Addition

Committee on **EDUCATION** jointly with the

★Committee on HEALTH.....1:00 P.M.

Oversight - Meeting Physical Education Requirements.

Int 644 - By Council Members Crowley, Dromm, Johnson, Kallos, Rosenthal, Levin, Arroyo, Cabrera, Chin, Cohen, Deutsch, Eugene, Gibson, Koo, Koslowitz, Lancman, Rose, Wills, Mendez, Rodriguez, Constantinides, Levine, King, Torres, Cornegy, Williams, Cumbo, Vacca, Reynoso, Palma, Ferreras-Copeland, Espinal, Lander, Mealy, Greenfield, Maisel, Ulrich and the Public Advocate (Ms. James) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to report information on physical education in New York city schools.

Council Chambers – City Hall.....Daniel Dromm, Chairperson
..... Corey Johnson, Chairperson

★ Deferred

Committee on **PARKS AND RECREATION1:00 P.M.**

~~Agenda to be announced~~

~~Committee Room – 250 Broadway, 16th FloorMark Levine, Chairperson~~

Thursday, June 18, 2015

★ Addition

Committee on **CONSUMER AFFAIRS 10:00 A.M.**

Int 697 - By Council Members Torres, Garodnick, Reynoso, Menchaca, Miller, Palma, Gibson, Arroyo, Levine, Rodriguez, Constantinides, Richards, Johnson, Kallos, Espinal, Lander, Cabrera, Dromm, Eugene, King, Treyger, Williams, Wills, Barron, Crowley, Cohen, Lancman, Koslowitz, Gentile and Cumbo - **A Local Law** to amend the administrative code of the city of New York, in relation to the regulation of laundries.

Committee Room – 250 Broadway, 14th Floor Rafael L. Espinal, Chairperson

★ Note Topic Addition

Committee on **JUVENILE JUSTICE**..... **10:00 A.M.**

★Oversight - Examining New York City’s Crossover Youth Practice Model

Committee Room – 250 Broadway, 16th Floor Fernando Cabrera, Chairperson

Friday, June 19, 2015

★ Note Committee Deferred

★ ★ Note Location Change

Committee on **IMMIGRATION** jointly with the

~~★ Committee on **HIGHER EDUCATION** and~~

Committee on **COMMUNITY DEVELOPMENT** and

Committee on **YOUTH SERVICES** **1:00 P.M.**

Oversight - How is New York City Educating its Adult Immigrant Community?

★ ★ Council Chambers – City Hall Carlos Menchaca, Chairperson

..... ~~★ Inez Barron, Chair person~~

..... Maria del Carmen Arroyo, Chairperson

..... Mathieu Eugene, Chairperson

★ Note Time Change

Committee on **PARKS AND RECREATION** **★1:30 P.M.**

Proposed Int 154 –A - By Council Members Lander, Levine, Barron, Chin, Cohen, Ferreras-Copeland, Gentile, Miller, Reynoso, Richards, Rose, Vacca, Rosenthal, Kallos and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to an annual report on park maintenance and capital expenditures.

Committee Room – 250 Broadway, 16th Floor Mark Levine, Chairperson

Monday, June 22, 2015

Subcommittee on **ZONING & FRANCHISES** **9:30 A.M.**

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor Chairperson

Committee on **TRANSPORTATION**..... **10:00 A.M.**

Agenda to be announced

Council Chambers – City Hall Ydanis Rodriguez, Chairperson

Committee on **YOUTH SERVICES** **10:00 A.M.**
Oversight - Are Youth Violence Prevention Programs Adequately Serving the
Needs of NYC's Most Vulnerable Youth?
Committee Room – 250 Broadway, 14th Floor Mathieu Eugene, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING**
& MARITIME USES **11:00 A.M.**
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

★ Note Committee and Topic Addition

Committee on **HIGHER EDUCATION** jointly with the
★Committee on EDUCATION **1:00 P.M.**
★Oversight - College Testing Access
Committee Room – 250 Broadway, 14th Floor Inez Barron, Chairperson
..... Daniel Dromm, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS**
& CONCESSIONS **1:00 P.M.**
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor Inez
Dickens, Chairperson

Tuesday, June 23, 2015

★ Note Topic Addition

Committee on **MENTAL HEALTH, DEVELOPMENTAL DISABILITY,**
ALCOHOLISM, SUBSTANCE ABUSE AND DISABILITY SERVICES jointly
with the Committee on **PUBLIC SAFETY** **10:00 A.M.**
Oversight - Examining NYC's Response to Heroin Use and Overdoses
★ Int 748**Error! Bookmark not defined.** - By Council Members Johnson, Cohen,
Gibson, Constantinides, Eugene, Koo, Palma, Torres and Rodriguez – **A Local Law**
to amend the New York city charter in relation to an office of drug strategy.
Council Chambers – City Hall Andrew Cohen, Chairperson
..... Vanessa L. Gibson, Chairperson

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Wednesday, June 24, 2015

Committee on **GENERAL WELFARE**..... **10:00 A.M.**
Agenda to be announced
Council Chambers – City Hall Stephen Levin, 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 HallDavid G. Greenfield, Chairperson

Committee on **CIVIL RIGHTS**..... **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th FloorDarlene Mealy, Chairperson

Thursday, June 25, 2015

Committee on **ENVIRONMENTAL PROTECTION** **1:00 P.M.**
Int 420 - By Council Members Levine, Chin, Gentile, Koo, Rodriguez, Rosenthal, Kallos, Treyger, Constantinides, Richards, Rose, Deutsch, Reynoso, Levin, Lancman, Dromm, Arroyo, King, Johnson, Gibson, Torres, Lander and Espinal - **A Local Law** to amend the administrative code of the city of New York, in relation to mitigation of construction noise within seventy-five feet of a school. Committee Room – City Hall Donovan Richards, Jr., Chairperson

Monday, June 29, 2015

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*

**DUE TO THE EXIGENCIES OF THE BUDGET ADOPTION AND THE
IMPENDING ADJOURNMENT IN ALBANY,
MEETINGS OF THE FINANCE AND STATE AND FEDERAL LEGISLATION
COMMITTEES AND THE STATED MEETING OF
THE COUNCIL ARE RECESSED SUBJECT TO CALL
WE WILL KEEP YOU ADVISED ACCORDINGLY**

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) asked everyone to honor the life of the late Kalief Browder. She noted that Mr. Browder was jailed on Riker's Island for three years as a pre-trial detainee since his family could not afford bail and he subsequently suffered abuse and physical and psychological torment while there. The Speaker (Mark-Viverito) called for comprehensive criminal justice reforms and asked that the Council commit itself to fixing this system. At the end of the day's proceedings, the Public Advocate (Ms. James) announced that the Meeting stood in recess in memory of Kalief Browder.

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

Editor's Note: These proceedings mark the last Stated Meeting for departing Council Member Mark S. Weprin (23rd Council District, Queens) who is leaving the Council for a position in the administration of New York State Governor Andrew Cuomo. His resignation is effective at the end of the day, June 14, 2015 (please see M-299 printed in these Minutes).

Editor's Local Law Note: Int Nos. 222-A, 240-A, 579-A, 592-A, 702-A, 742-A, 761, 764, and 772 were signed into law by the Mayor on June 2, 2015 as, respectively, Local Law Nos. 47, 48, 49, 50, 51, 52, 53, 54, and 55 of 2015 (the bills were adopted by the Council at the May 14, 2015 Stated Meeting except for Int No. 764 which was adopted by the Council at the May 27, 2015 Stated Meeting).

June 10, 2015

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