

## THE COUNCIL

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Wednesday, May 25, 2016, 2:05 p.m.

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

### Council Members

Melissa Mark-Viverito, *Speaker*

Inez D. Barron	Vanessa L. Gibson	I. Daneek Miller
Joseph C. Borelli	David G. Greenfield	Annabel Palma.
Fernando Cabrera	Barry S. Grodenchik	Donovan J. Richards
Margaret S. Chin	Corey D. Johnson	Ydanis A. Rodriguez
Andrew Cohen	Ben Kallos	Deborah L. Rose
Costa G. Constantinides	Andy L. King	Helen K. Rosenthal
Robert E. Cornegy, Jr	Peter A. Koo	Rafael Salamanca, Jr
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	Jumaane D. Williams
Julissa Ferreras-Copeland	Darlene Mealy	
Daniel R. Garodnick	Carlos Menchaca	
Vincent J. Gentile	Rosie Mendez	

Absent on May 25, 2016: Council Member Reynoso (*but see Editor's Note on Attendance below*\*).  
Medical Leave: Council Member Wills.

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

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

*There were 49 Council Members marked present on May 25, 2016 at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y (but see Editor's Note re Attendance below\*).*

*\*Editor's Note re: Attendance for the Stated Meeting held on May 25, 2016 and the Recessed Meetings held on June 8, 2016 and June 14, 2016: The Recessed Meetings held subsequently on June 8, 2016 and June 14, 2016 are considered to be the respective continuation and conclusion of this Stated Meeting which opened on May 25, 2016. For attendance purposes, therefore, any Council Member who was present at any one of these three Meetings will be considered present for all of these proceedings known collectively as the Stated Meeting of May 25, 2016. Although Council Member Reynoso was absent at this Stated Meeting held on May 25, 2016, he was subsequently marked Present but Not Voting for these May 25<sup>th</sup> proceedings since he was present at the later Recessed Meetings held on June 8, 2016 and June 14, 2016.*

## INVOCATION

The Invocation was delivered by Apostle E. C. Dorsey, Pastor of Tehillah Word Ministries, 220-10 131<sup>st</sup> Avenue, Laurelton, N.Y. 11413.

Father God in the name of Jesus  
 we thank you for this day  
 for this is the day that you have made,  
 and we shall rejoice and be glad in it.  
 Father, we invoke your presence  
 even in these Chambers in the name of Jesus.  
 We thank you, Lord God for all of the Council Members.  
 We thank you Lord God for the Speaker even of the Council.  
 Lord, we pray for those that are in authority  
 in the City of New York,  
 and most of all, we pray for our communities.  
 Father, we pray, Lord, that there be peace in our communities,  
 peace in our nation, priest--priest--peace,  
 we pray priest--peace in the might name of Jesus,  
 and Father, continue to direct in their wisdom  
 with knowledge and even understanding.  
 This in Jesus' name we pray and everyone said Amen.

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

**ADOPTION OF MINUTES**

Council Member Chin moved that the Minutes of the Stated Meeting of April 20, 2016 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-407

**Communication from the Mayor - Withdrawing the nomination of Robert Farrell, Jr. (M 395) from the City Council for its advice and consent concerning his appointment to the New York City Tax Commission.**

April 29, 2016

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

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 153 of the New York City Charter, I am pleased to present the name of Robert Farrell, Jr. to the City Council for advice and consent concerning his appointment to the New York City Tax Commission. When appointed to the Commission, Mr. Farrell will serve for the remainder of a six-year term expiring on January 6, 2020.

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

Sincerely,

Bill de Blasio  
Mayor

BDB:tf  
cc: Robert Farrell, Jr.  
Anthony Shorris, First Deputy Mayor  
Ellen Hoffman, President, New York City Tax Commission

Received, Ordered, Printed and Filed.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

Preconsidered M-408

**Communication from the New York City Banking Commission - Transmitting recommendations of the interest rate to be charged for Fiscal Year 2017 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 2017, pursuant to the New York city charter and the administrative code of the city of New York.**

May 11, 2016

Honorable Melissa Mark-Viverito  
Speaker, New York City Council  
ATTN: Gary Altman  
City Hall  
New York, NY 10007

Re: FY2017 Interest Rates Recommendations for:  
Early Payment (Discount) of Real Estate Taxes  
Non-Payment of Real Estate Taxes; and  
Non-Payment of Water and Sewer Rents

Dear Speaker Mark-Viverito:

Pursuant to Sections 11-224.1, 11.312(c), 11-313(e) of the New York City Administrative Code and Section 1519(a) of the New York City Charter, at its meeting on May 10, 2016, the NYC Banking Commission approved resolutions recommending to the City Council the following proposed FY2017 interest rates for the discount rate for early real estate tax payments and the rates for non-payment of real estate taxes and water and sewer rents:

- a. One-half of one percent (0.5%) discount per annum for early payment of real estate taxes;
- b. Seven and one-half percent (7.5%) per annum for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;
- c. Eighteen percent (18.0%) per annum for non-payment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land;
- d. Nine and one-half percent (9.5%) per annum for non-payment of water and sewer rents.

Attached are copies of the Banking Commission resolutions.

Sincerely,

Elaine A. Kloss

Assistant Commissioner and Treasurer  
NYC Department of Finance

Attachment

Cc: Honorable Bill de Blasio  
Comptroller Scott M. Stringer  
Commissioner Jacques Jiha, Ph.D., NYC Department of Finance  
May 11, 2016  
Honorable Melissa Mark-Viverito

**ATTACHMENT: Banking Commission Resolutions of 2016 Nos. 1 to 4**

**RESOLUTION NO. 1 — FY2017 EARLY PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION**

**WHEREAS**, pursuant to Section 1519(a) of the City Charter, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed discount rate for the early payment of real estate taxes, now, therefore be it

**RESOLVED**, the Banking Commission recommends to the City Council that the discount rate for the early payment of real estate taxes shall be one-half percent (0.5%) per annum for FY2017, and be it further **RESOLVED**, that said discount rate is to be offered only for that portion of the real estate tax that is paid before the due date.

**RESOLUTION NO. 2 — FY2017 LATE TAX PAYMENT INTEREST RATE FOR PROPERTIES ASSESSED NO MORE THAN \$250,000 RECOMMENDATION**

**WHEREAS**, pursuant to the New York City Administrative Code §11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth day of May, the proposed interest rate to be charged for non-payment of taxes for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, and

**WHEREAS**, the proposed interest rate shall be 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 10, 2016 said prime rate stands at three and one-half per cent (3.50%), as published by the Board of Governors of the Federal Reserve System, and

**WHEREAS**, it is in the City's best interest to encourage the prompt payment of real estate taxes by all taxpayers, now, therefore be it

**RESOLVED**, the Banking Commission recommends to the City Council that the interest rate to be charged for nonpayment of taxes for all properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, be set at seven and one-half per cent (7.5%) per annum for FY2017.

**RESOLUTION NO. 3 — FY2017 LATE TAX PAYMENT INTEREST RATE FOR PROPERTIES ASSESSED GREATER THAN \$250,000 RECOMMENDATION**

**WHEREAS**, pursuant to the New York City Administrative Code §11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth day of May, the proposed interest rate to be charged for non-payment of taxes for properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land,

**WHEREAS**, said provisions of the Administrative Code require the Banking Commission to propose a rate at least six percentage points (6.0%) 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 for the record that as of May 10, 2016 said prime rate stands at three and one-half per cent (3.50%), as published by the Board of Governors of the Federal Reserve System, and

**WHEREAS**, it is in the City's best interest to encourage the prompt payment of real estate taxes by all large taxpayers, now, therefore be it

**RESOLVED**, the Banking Commission recommends to the City Council that the interest rate to be charged for nonpayment of real estate taxes where the assessed value of a property is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land remains eighteen per cent (18.0%) per annum for FY2017.

**RESOLUTION NO. 4 — FY2017 LATE WATER AND SEWER RENT PAYMENT INTEREST RATE RECOMMENDATION**

**WHEREAS**, pursuant to the New York City Administrative Code §§11-312(c) and 11-313(e) and 11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth day of May, the proposed interest rate to be charged for non-payment of water and sewer rents, and

**WHEREAS**, said provisions of the Administrative Code require the Banking Commission to propose a rate to be charged for non-payment of water and sewer rents at least six percentage points (6.0%) 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 for the record that as of May 10, 2016, said prime rate stands at three and one-half per cent (3.50%), as published by the Board of Governors of the Federal Reserve System, now, therefore, be it

**RESOLVED**, that the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water and sewer rents be set to nine and one-half per cent (9.5%) per annum for FY2017.

Dated May 10, 2016

*The NYC Banking Commission unanimously approved Resolutions No. 1-4.*

May 11, 2016

Honorable Melissa Mark-Viverito

Interest Rate Recommendations — FY2017

Referred to the Committee on Finance.

### LAND USE CALL-UPS

M-409

By the Chair of the Land Use Committee Council Member Greenfield:

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 160140 ZSQ shall be subject to Council review. This item is related to Application Nos. C 160138 ZMQ, N 160139 ZRQ and C 160143 HAQ which are subject to Council review pursuant to Section 197-d(b)(1) of the New York City Charter.**

Coupled on Call-Up Vote.

M-410

By the Chair of the Land Use Committee Council Member Greenfield:

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 160141 ZSQ shall be subject to Council review. This item is related to Application Nos. C 160138 ZMQ, N 160139 ZRQ, and C 160143 HAQ which are subject to Council review pursuant to Section 197-d(b)(1) of the New York City Charter.**

Coupled on Call-Up Vote.

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

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

(Non-voting; subsequently marked Present but Not Voting – Reynoso)

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.

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Finance

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 M-408

**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 2017 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 2017, 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 preconsidered communication was referred on May 25, 2016, respectfully

### REPORTS:

**(For text of related reports, please see, respectively, the Reports of the Committee on Finance for Res Nos. 1067, 1068 1069, and 1070 printed below in these Minutes).**

*Accordingly, this Committee recommends its adoption.*

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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



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

Report for Res No. 1067

**Report for the Committee on Finance in favor of a Resolution to establish that the interest rate be 6 percent per annum for Fiscal Year 2017 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 May 25, 2016, 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,<sup>1</sup> the Banking Commission shall propose a rate at least equal to the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 11, 2016, a recommendation to the Council to establish an interest rate of 7.5% per annum for Fiscal Year 2017 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.<sup>2</sup>

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 2017 recommendation, the Banking Commission considered the penalty rates used by other property tax collectors, interest rates charged for consumer loans, the penalty rates charged by major credit card issuers, and the penalty rate on New York State civil judgments.

The Council has considered the recommendation of the Banking Commission and has reviewed the report detailing the factors considered when making the recommendation. After its review, and pursuant to §11-224.1 of the Administrative Code, the Council determines that the interest rate be established at 6% per annum for Fiscal Year 2017 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.

*Accordingly, this Committee recommends its adoption.*

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

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

<sup>1</sup> 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.

<sup>2</sup> 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 10, 2016 the Prime Rate stands at 3.50% as published by the Board of Governors of the Federal Reserve System.

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. 1068

**Report for the Committee on Finance in favor of approving a Resolution to establish that the interest rate be 18 percent per annum for Fiscal Year 2017 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 May 25, 2016, 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,<sup>1</sup> the Banking Commission shall propose an interest rate of at least 6% per annum greater than the prevailing Prime Rate.

By letter dated May 11, 2016, the Banking Commission recommended to the Council an interest rate of 18% per annum for Fiscal Year 2017 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.<sup>2</sup>

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 2017 recommendation, the Banking Commission considered the penalty rates used by other property tax collectors, the interest rates charged for consumer loans, 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 2017 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.

*Accordingly, this Committee recommends its adoption.*

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

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<sup>1</sup>To 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.

<sup>2</sup>Interest rate reflects the Prime Rate referenced in the Banking Commission’s resolution and letter. The Banking Commission notes that on May 10, 2016, the Prime Rate stands at 3.50% as published by the Board of Governors of the Federal Reserve System.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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

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

Report for Res No. 1069

**Report for the Committee on Finance in favor of a Resolution to establish that the interest rate to be charged for Fiscal Year 2017 for non-payment of water rents and sewer rents be 9 percent per annum.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on May 25, 2016, 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.

Sections 11-312 and 11-313 of the Administrative Code require the Banking Commission to propose a rate at least six percent 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 water and sewer rents.

By letter dated May 11, 2016, the Banking Commission recommended to the Council an interest rate of 9.5% per annum for Fiscal Year 2017 be charged for the non-payment of water and sewer rents. In that letter, the Banking Commission notes that as of May 10, 2016, the Prime Rate stands at 3.50%, as published by the Board of Governors of the Federal Reserve System.

The Council has considered the recommendation of the Banking Commission and after its review, and pursuant to the Council's authority set forth in §§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 has determined that the interest rate to be charged for Fiscal Year 2017 for non-payment of water rents and sewer rents should be established at 9% per annum.

*Accordingly, this Committee recommends its adoption.*

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

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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

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

Report for Res No. 1070

**Report for 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 one-half of one percent per annum for Fiscal Year 2017.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on May 25, 2016, 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 1<sup>st</sup> installment could be paid without interest. 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 15<sup>th</sup>, 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 15<sup>th</sup>, the taxpayer receives a discount equal to one-third of the discount percentage. A tax installment paid after the January 15<sup>th</sup> 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, §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, §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 §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 11, 2016, its recommendation that the discount percentage for early payment of real estate taxes for Fiscal Year 2017 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 2017 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 §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 2017.

*Accordingly, this Committee recommends its adoption.*

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

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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

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

Report for LU No. 366

**Report of the Committee on Finance in favor of approving 491 Gerard Avenue, Block 2351, Lot 50; Bronx, Community District No. 1, Council District No. 8.**

The Committee on Finance, to which the annexed Land Use item was referred on May 25, 2016 and which same Land Use item 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:)**

May 25, 2016

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

FROM: Rebecca Chasan, Counsel, Finance Division

RE: Finance Committee Agenda of May 25, 2016 - Resolution approving a tax exemption for seven Land Use items (Council Districts 7, 8, 9, 11, 17, and 27)

**Item 1: Riverview I**

Riverview I is a preservation project consisting of 3 buildings with 110 units. The buildings are part of a 19 building portfolio owned by Tahl Propp. The buildings will be undergoing a substantial rehabilitation that will include work to the facades, roof, common areas, unit interiors HVAC system, window replacement, plumbing, elevators, and replacement of kitchen and bathroom fixtures.

Under the proposed project, HP Harlem Portfolio Housing Development Fund Company, Inc. (“HDFC”) will acquire the fee interest in the property and Riverview I Affordable Preservation LLC will acquire the beneficial interest and will operate the property. The HDFC and the LLC will finance the acquisition and rehabilitation of the property with tax-exempt bonds issued by the New York City Housing Development Corporation (“HDC”), low-income housing tax credits and a loan from the City of New York, acting by and through its Department of Housing Preservation and Development (“HPD”). Eligible tenants will receive Section 8 rental assistance.

The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 50% of Area Median Income (“AMI”). In 2015, 50% of AMI was as follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
50%	\$45,300	\$40,800	\$36,250	\$31,750

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

**Summary:**

- Council District – 7
- Council Member – Levine
- Council Member approval – Yes
- Borough – Manhattan
- Block/Lot – 2001/38
- Number of Buildings – 3
- Number of Units – 110
- Type of Exemption – Article XI, partial, 40-year
- Population Served – Rentals for low-income households
- Sponsor/Developer – Tahl Propp, HP Harlem Portfolio HDFC, Riverview I Affordable Preservation LLC
- Purpose – Finance a substantial rehabilitation of the building and maintain affordability.
- Cost to the City – \$18.9M (cost of New West I, Riverview I, and Riverview II combined because they are being financed by HPD as one project)
- Housing Code Violations – 15 Class A, 30 Class B, 2 Class C
- Income Limitation – all units will be rented to households earning up to 50% of AMI with rents set as affordable to those earning 50% of AMI

**Item 2: Riverview II**

Riverview II is a preservation project consisting of 1 building with 63 units. The buildings are part of a 19 building portfolio owned by Tahl Propp. The buildings will be undergoing a substantial rehabilitation that will include work to the facades, roof, common areas, unit interiors HVAC system, window replacement, plumbing, elevators, and replacement of kitchen and bathroom fixtures.

Under the proposed project, HP Harlem Portfolio HDFC will acquire the fee interest in the property and Riverview II Affordable Preservation LLC will acquire the beneficial interest and will operate the property. The HDFC and the LLC will finance the acquisition and rehabilitation of the property with tax-exempt bonds issued by HDC, low-income housing tax credits and a loan from the City of New York, acting by and through HPD. Eligible tenants will receive Section 8 rental assistance.

The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 50% of AMI. In 2015, 50% of AMI was as follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
50%	\$45,300	\$40,800	\$36,250	\$31,750

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 7
- Council Member – Levine
- Council Member approval – Yes
- Borough – Manhattan
- Block/Lot – 2001/50
- Number of Buildings – 1
- Number of Units – 63
- Type of Exemption – Article XI, partial, 40-year
- Population Served – Rentals for low-income households
- Sponsor/Developer – Tahl Propp, HP Harlem Portfolio HDFC, Riverview II Affordable Preservation LLC
- Purpose – Finance a substantial rehabilitation of the building and maintain affordability.
- Cost to the City – \$18.9M (cost of New West I, Riverview I, and Riverview II combined because they are being financed by HPD as one project)
- Housing Code Violations – 5 Class A, 21 Class B, 4 Class C
- Income Limitation – all units will be rented to households earning up to 50% of AMI with rents set as affordable to those earning 50% of AMI

**Item 3: 491 Gerard Avenue**

491 Gerard Avenue is a new construction project that will consist of 1 building with 153 units. The project is the final phase of a multi-phase development in the Special Harlem River Waterfront District. The project is being developed under HPD's Mixed Income Program through which sponsors purchase City-owned or privately owned land or vacant buildings and construct multifamily buildings in order to create affordable rental housing units with a range of affordability in which at least half of the units are affordable to low-income households earning up to 60% of AMI and the remaining units are affordable to other low-income households.

Under the proposed project, Samaritan-Gerard HDFC will lease the property from East 149<sup>th</sup> Realty Corp., pursuant to a ground lease with a term of approximately 98 years. The HDFC will enter a nominee agreement with RAM Housing LLC pursuant to which the LLC will be the beneficial owner of the leasehold interest in the property and will operate the property. The HDFC and the LLC will construct the building.

The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 30%, 60%, or 90% of Area Median Income (“AMI”). For

the first 30 years of the regulatory agreement, the units at the 30% AMI level will be set aside for homeless families. For the remaining 10 years of the regulatory agreement, the units will be available to any household earning up to 30% of AMI. In 2015, those AMIs were as follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
90%	\$77,670	\$69,930	\$62,190	\$54,450
60%	\$51,780	\$46,620	\$41,460	\$36,300
30%	\$25,890	\$23,310	\$20,730	\$18,150

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a full, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 8
- Council Member – The Speaker (Mark-Viverito)
- Council Member approval – Yes
- Borough – the Bronx
- Block/Lot – 2531/50
- Number of Buildings – 1
- Number of Units – 153
- Type of Exemption – Article XI, full, 40-year
- Population Served – Rentals for low-income households
- Sponsor/Developer – Signature Urban Properties, Samaritan-Gerard HDFC, RAM Housing LLC
- Purpose – new construction
- Cost to the City – \$8.3M
- Housing Code Violations – none
- Income Limitation –
  - 23 of the units will be available to households earning up to 30% of AMI with rents set as affordable to those earning 30% of AMI;
  - 54 units will be available to households earning up to 60% of AMI with rents set as affordable to those earning 57% of AMI; and
  - 76 units will be available to households earning up to 90% of AMI with rents set as affordable to those earning 80% of AMI

**Item 4: New West I**

New West I is a preservation project consisting of 4 buildings with 98 units. The buildings are part of a 19 building portfolio owned by Tahl Propp. The buildings will be undergoing a substantial rehabilitation that will include work to the facades, roof, common areas, unit interiors HVAC system, window replacement, plumbing, elevators, and replacement of kitchen and bathroom fixtures.

Under the proposed project, HP Harlem Portfolio HDFC will acquire the fee interest in the property and New West I Affordable Preservation LLC will acquire the beneficial interest and will operate the property. The HDFC and the LLC will finance the acquisition and rehabilitation of the property with tax-exempt bonds issued by HDC, low-income housing tax credits and a loan from the City of New York, acting by and through HPD. Eligible tenants will receive Section 8 rental assistance.

The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 50% of AMI. In 2015, 50% of AMI was as follows:



<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
50%	\$45,300	\$40,800	\$36,250	\$31,750

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a partial, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 9
- Council Member – Dickens
- Council Member approval – Yes
- Borough – Manhattan
- Block/Lot – 1594/42, 54, 58
- Number of Buildings – 4
- Number of Units – 98
- Type of Exemption – Article XI, partial, 40-year
- Population Served – Rentals for low-income households
- Sponsor/Developer – Tahl Propp, HP Harlem Portfolio HDFC, New West I Affordable Preservation LLC
- Purpose – Finance a substantial rehabilitation of the building and maintain affordability.
- Cost to the City – \$18.9M (cost of New West I, Riverview I, and Riverview II combined because they are being financed by HPD as one project)
- Housing Code Violations – 14 Class A, 36 Class B, 5 Class C
- Income Limitation – all units will be rented to households earning up to 50% of AMI with rents set as affordable to those earning 50% of AMI

**Item 6: Norwood Gardens**

Norwood Gardens is a new construction project that will consist of 1 building with 118 units. In addition, there will be approximately 10,890 square feet of community facility/commercial space, and approximately 2,480 square feet of recreational space. The project is being developed under HPD's Mixed Income Program through which sponsors purchase City-owned or privately owned land or vacant buildings and construct multifamily buildings in order to create affordable rental housing units with a range of affordability in which at least half of the units are affordable to low-income households earning up to 60% of AMI and the remaining units are affordable to other low-income households.

Under the proposed project, which will be financed with funds provided by HPD and HDC and low-income housing tax credits, HP Norwood Gardens HDFC will acquire the property and Norwood Gardens LLC will be the beneficial owner and will operate the Property. The HDFC and the LLC will demolish the building currently onsite and construct the new building.

The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 60%, 90%, 100%, or 130% of AMI. In 2015, those AMIs were as follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
130%	\$117,780	\$106,080	\$94,250	\$82,550
100%	\$90,600	\$81,600	\$72,500	\$63,500
90%	\$77,670	\$69,930	\$62,190	\$54,450
60%	\$51,780	\$46,620	\$41,460	\$36,300

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a full, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 11
- Council Member – Cohen
- Council Member approval – Yes
- Borough – the Bronx
- Block/Lot – 3330/52
- Number of Buildings – 1
- Number of Units – 118
- Type of Exemption – Article XI, full, 40-year
- Population Served – Rentals for low- and moderate-income households
- Sponsor/Developer – Stagg Group, HP Norwood Gardens HDFC, Norwood Gardens LLC
- Purpose – new construction
- Cost to the City – \$8.6M
- Housing Code Violations – none
- Income Limitation –
  - 56 of the units will be available to households earning up to 60% of AMI with rents set as affordable to those earning 57% of AMI;
  - 34 units will be available to households earning up to 90% of AMI with rents set as affordable to those earning 80% of AMI;
  - 8 units will be available to households earning up to 100% of AMI with rents set as affordable to those earning 90% of AMI; and
  - 16 units will be available to households earning up to 130% of AMI with rents set as affordable to those earning up to 100% of AMI

**Item 6: Story Avenue East**

Story Avenue East is a new construction project that will consist of 1 building with 212 units. The project is part of a two-phase, mixed-use project located in the Soundview neighborhood in the Bronx. Both phases of the project will be constructed on the northern end of the existing Lafayette-Boynton complex, a former Mitchell-Lama development that consists of four 19-story residential towers. The first phase of the project, Story Avenue East, will include a 12-story building on the northeastern end of the site, where there is currently a parking lot.

The project is being developed under HPD's Mixed Income Program through which sponsors purchase City-owned or privately owned land or vacant buildings and construct multifamily buildings in order to create affordable rental housing units with a range of affordability in which at least half of the units are affordable to low-income households earning up to 60% of AMI and the remaining units are affordable to other low-income households.

Under the proposed project, which will be financed with funds provided by HPD and HDC and low-income housing tax credits, HP Story Avenue HDFC will acquire the property and Story Avenue East Residential LLC will be the beneficial owner and will operate the Property. The HDFC and the LLC will construct the building.

The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 60%, 90%, 95%, or 125% of AMI. In 2015, those AMIs were as follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
125%	\$107,875	\$97,125	\$86,375	\$75,625
95%	\$81,985	\$73,815	\$65,645	\$57,475
90%	\$77,670	\$69,930	\$62,190	\$54,450
60%	\$51,780	\$46,620	\$41,460	\$36,300

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a full, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 17
- Council Member – Salamanca
- Council Member approval – Yes
- Borough – the Bronx
- Block/Lot – 3623/30
- Number of Buildings – 1
- Number of Units – 212
- Type of Exemption – Article XI, full, 40-year
- Population Served – Rentals for low- and moderate-income households
- Sponsor/Developer – L&M Development Partners, Inc., HP Story Avenue HDFC, Story Avenue East Residential LLC
- Purpose – new construction
- Cost to the City – \$15.7M
- Housing Code Violations – none
- Income Limitation –
  - 105 of the units will be available to households earning up to 60% of AMI with rents set as affordable to those earning 57% of AMI;
  - 21 units will be available to households earning up to 90% of AMI with rents set as affordable to those earning 80% of AMI;
  - 43 units will be available to households earning up to 95% of AMI with rents set as affordable to those earning 80% of AMI; and
  - 42 units will be available to households earning up to 125% of AMI with rents set as affordable to those earning up to 95% of AMI

**Item 7: 147-20 94<sup>th</sup> Avenue**

147-20 94<sup>th</sup> Avenue is a new construction project that will consist of 1 building with 380 units. In addition, there will be approximately 5,949 square feet of fitness center space and approximately 17,410 square feet of parking structure at-grade for both residential and public use. The project is being developed under HPD's Mixed Income Program through which sponsors purchase City-owned or privately owned land or vacant buildings and construct multifamily buildings in order to create affordable rental housing units with a range of affordability in which at least half of the units are affordable to low-income households earning up to 60% of AMI and the remaining units are affordable to other low-income households.

Under the proposed project, HP Jamaica 94th HDFC will be the legal owner and 94<sup>th</sup> Avenue Jamaica LLC will be the beneficial owner and will operate the property. The HDFC and the LLC will construct the new building.

The HDFC and the LLC will enter into a regulatory agreement with HPD establishing that all units must be rented to households whose incomes do not exceed 50%, 60%, 120%, 130%, or 165% of AMI. In 2015, those AMIs were as follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
165%	\$142,395	\$128,205	\$114,015	\$99,825
130%	\$117,780	\$106,080	\$94,250	\$82,550
120%	\$103,560	\$93,240	\$82,920	\$72,600
60%	\$51,780	\$46,620	\$41,460	\$36,300
50%	\$45,300	\$40,800	\$36,250	\$31,750

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a full, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 27
- Council Member – Miller
- Council Member approval – Yes
- Borough – Queens
- Block/Lot – 9999/9, 10, 11, 13, 15
- Number of Buildings – 1
- Number of Units – 380
- Type of Exemption – Article XI, full, 40-year
- Population Served – Rentals for low- and moderate-income households
- Sponsor/Developer – Artimus, HP Jamaica 94th HDFC, 94<sup>th</sup> Avenue Jamaica LLC
- Purpose – new construction
- Cost to the City – \$31.9M
- Housing Code Violations – none
- Income Limitation –
  - 15 of the units will be available to households earning up to 50% of AMI with rents set as affordable to those earning 47% of AMI;
  - 80 units will be available to households earning up to 60% of AMI with rents set as affordable to those earning 57% of AMI;
  - 110 units will be available to households earning up to 120% of AMI with rents set as affordable to those earning 100% of AMI;
  - 40 units will be available to households earning up to 130% of AMI with rents set as affordable to those earning 120% of AMI; and
  - 134 units will be available to households earning up to 165% of AMI with rents set as affordable to those earning 130% of AMI

**(For text of the coupled resolutions for LU Nos. 367 through 372, please see, respectively, the Reports of the Committee on Finance for LU Nos. 367 through 372 printed in these Minutes; for the text of the coupled resolution for LU No. 366, please see below)**

*Accordingly, this Committee recommends the adoption of LU Nos. 366, 367, 368, 369, 370, 371, and 372*

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

Res No. 1077

**Resolution approving an exemption from real property taxes for property located at (Block 2351, Lot 50) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 366).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 10, 2016 that the Council take the following action regarding a housing project located at (Block 2351, Lot 50) the 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 a partial exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) "HDFC" shall mean Samaritan-Gerard Housing Development Fund Corporation.
  - b) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d) "Effective Date" shall mean the later of (i) the date of leasehold conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Lessee enter into the Regulatory Agreement in their respective sole discretion.
  - e) "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of the Bronx, City and State of New York, identified as Block 2351, Lot 50.

- f) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - g) "Lessee" shall mean the HDFC and the LLC, or any future lessee of the Exemption Area.
  - h) "LLC" shall mean RAM Housing LLC or an affiliate.
  - i) "Project" shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 153 rental dwelling units.
  - j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Lessee establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
  3. (a) 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 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 operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the leasehold interest in the Exemption Area is conveyed to a new lessee without the prior written consent of HPD, or (v) the demolition or construction 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 Lessee and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - (b) Nothing herein shall entitle the Lessee to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
    - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by June 30, 2021, as such date may be extended in writing by HPD.
  4. In consideration of the Exemption, the Lessee (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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

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

Report for LU No. 367

**Report of the Committee on Finance in favor of approving Story Avenue East, Block 3623, Lot 30; Bronx, Community District No. 9, Council District No. 17.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 25, 2016, and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 366 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1078

**Resolution approving an exemption from real property taxes for property located at (Block 3623, Lot 30) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 367).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 3, 2016 that the Council take the following action regarding a housing project located at (Block 3623, Lot 30) the 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 a partial exemption from real property taxes provided:

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

- a) "HDFC" shall mean HP Story Avenue Housing Development Fund Company, Inc.
  - b) "HDC" shall mean New York City Housing Development Corporation.
  - c) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - d) "LLC" shall mean Story Avenue East Residential LLC or an affiliate.
  - e) "New Owner" shall mean the HDFC and the LLC or any future owner of the Exemption Area.
  - f) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - g) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
  - h) "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of the Bronx, City and State of New York, identified as Block 3623, Lot 30.
  - i) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - j) "Project" shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 211 rental dwelling units plus one unit for a superintendent and 7,486 square feet of ground floor community space.
  - k) "Regulatory Agreement" shall mean the regulatory agreement between HPD, HDC and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
  3. (a) 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 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 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 or construction 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 Exemption shall prospectively terminate.
    - (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.



- (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by June 30, 2021, as such date may be extended in writing by HPD.
4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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

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

Report for LU No. 368

**Report of the Committee on Finance in favor of approving New West I Apartments, Block 1594, Lots 42, 54, and 58; Manhattan, Community District No. 10, Council District No. 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 25, 2016 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 366 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1079

**Resolution approving an exemption from real property taxes for property located at (Block 1594, Lots 42, 54, and 58) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 368).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 6, 2016 that the Council take the following action regarding a housing project located at (Block 1594, Lots 42, 54, and 58) Manhattan, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants a partial exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Company" shall mean New West I Affordable Preservation LLC.
  - (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (d) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1594, Lots 42, 54 and 58 on the Tax Map of the City of New York.
  - (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, (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.
  - (f) "HDFC" shall mean HP Harlem Portfolio Housing Development Fund Company, Inc.
  - (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (h) "Owner" shall mean, collectively, the HDFC and the Company.
  - (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - (j) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but

not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.

(k) "Shelter Rent Tax" shall mean an amount equal to seven percent (7%) of Shelter Rent.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments as follows: (a) commencing upon the Effective Date and during each year thereafter until the sixteenth anniversary of the Effective Date, in the sum of the Shelter Rent Tax; and (b) commencing upon the sixteenth anniversary of the Effective Date and during each year thereafter until the Expiration Date, in the sum of (i) an amount equal to the Shelter Rent Tax due on the fifteenth anniversary of the Effective Date, 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 fifteenth anniversary of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - (c) Nothing herein shall entitle the 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.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits, 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.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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

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

Report for LU No. 369

**Report of the Committee on Finance in favor of approving Riverview I, Block 2001, Lot 38; Manhattan, Community District No. 9, Council District No. 7.**

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

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 366 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1080

**Resolution approving an exemption from real property taxes for property located at (Block 2001, Lot 38) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 369).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 6, 2016 that the Council take the following action regarding a housing project located at (Block 2001, Lot 38) Manhattan, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants a partial exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) “Company” shall mean Riverview I Affordable Preservation LLC.
  - (b) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (c) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - (d) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2001, Lot 38 on the Tax Map of the City of New York.
  - (e) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, (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.
  - (f) “HDFC” shall mean HP Harlem Portfolio Housing Development Fund Company, Inc.
  - (g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (h) “Owner” shall mean, collectively, the HDFC and the Company.
  - (i) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - (j) “Shelter Rent” shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.
  - (k) “Shelter Rent Tax” shall mean an amount equal to seven percent (7%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments as follows: (a) commencing upon the Effective Date and during each year thereafter until the sixteenth anniversary of the Effective Date, in the sum of the Shelter Rent Tax; and (b) commencing upon the sixteenth anniversary of the Effective Date and during each year thereafter until the Expiration Date, in the sum of (i) an amount equal to the Shelter Rent Tax due on the fifteenth anniversary of the Effective Date, 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 fifteenth anniversary of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:
  - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - (c) Nothing herein shall entitle the 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.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits, 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.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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

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

Report for LU No. 370

**Report of the Committee on Finance in favor of approving Riverview II, Block 2001, Lot 50; Manhattan, Community District No. 9, Council District No. 7.**

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

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 366 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1081

**Resolution approving an exemption from real property taxes for property located at (Block 2001, Lot 50) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 370).**

By Council Member Ferreras-Copeland

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 6, 2016 that the Council take the following action regarding a housing project located at (Block 2001, Lot 50) Manhattan, ("Exemption Area"):

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

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

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

**RESOLVED:**

The Council hereby grants a partial exemption from real property taxes provided:

- 1 For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Company" shall mean Riverview II Affordable Preservation LLC.
  - (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDPC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (d) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2001, Lot 50 on the Tax Map of the City of New York.
  - (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, (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.

- (f) "HDFC" shall mean HP Harlem Portfolio Housing Development Fund Company, Inc..
  - (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (h) "Owner" shall mean, collectively, the HDFC and the Company.
  - (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - (j) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.
  - (k) "Shelter Rent Tax" shall mean an amount equal to seven percent (7%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments as follows: (a) commencing upon the Effective Date and during each year thereafter until the sixteenth anniversary of the Effective Date, in the sum of the Shelter Rent Tax; and (b) commencing upon the sixteenth anniversary of the Effective Date and during each year thereafter until the Expiration Date, in the sum of (i) an amount equal to the Shelter Rent Tax due on the fifteenth anniversary of the Effective Date, 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 fifteenth anniversary of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - (c) Nothing herein shall entitle the 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.
  5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits, 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.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK



LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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

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

Report for LU No. 371

**Report of the Committee on Finance in favor of approving Norwood Gardens, Block 3330, Lot 52; Bronx, Community District No. 7, Council District No. 11.**

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

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 366 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1082

**Resolution approving an exemption from real property taxes for property located at (Block 3330, Lot 52) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 371).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 6, 2016 that the Council take the following action regarding a housing project located at (Block 3330, Lot 52) 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 a partial exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) “HDFC” shall mean HP Norwood Gardens Housing Development Fund Company, Inc.
  - b) “HDC” shall mean New York City Housing Development Corporation.
  - c) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - d) “LLC” shall mean Norwood Gardens LLC or an affiliate.
  - e) “New Owner” shall mean the HDFC and the LLC or any future owner of the Exemption Area.
  - f) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - g) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
  - h) “Exemption Area” shall mean the real property located on the Tax Map of the City of New York in the Borough of the Bronx, City and State of New York, identified as Block 3330, Lot 52.
  - i) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - j) “Project” shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 117 rental dwelling units plus one unit for a superintendent, approximately 10,890 of community facility/commercial space, and approximately 2,480 square feet of recreational space.
  - k) “Regulatory Agreement” shall mean the regulatory agreement between HPD, HDC and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. (a) 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 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 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 or construction 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 Exemption shall prospectively terminate.

- (b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by June 30, 2021, as such date may be extended in writing by HPD.
4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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

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

Report for LU No. 372

**Report of the Committee on Finance in favor of approving 147-20 94th Avenue, Block 9999, Lots 9, 10, 11, 13, and 15; Queens, Community District No. 12, Council District No. 27.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 25, 2016, and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 366 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1083

**Resolution approving an exemption from real property taxes for property located at (Block 9999, Lots 9, 10, 11, 13, 15) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 372).**

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 25, 2016 that the Council take the following action regarding a housing project located at (Block 9999, Lots 9, 10, 11, 13, 15) Queens ("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 a partial exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) "HDFC" shall mean HP Jamaica 94th Avenue Housing Development Fund Company, Inc.
  - b) "HDC" shall mean New York City Housing Development Corporation.
  - c) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - d) "LLC" shall mean 94<sup>th</sup> Avenue Jamaica LLC or an affiliate.
  - e) "New Owner" shall mean the HDFC and the LLC or any future owner of the Exemption Area.
  - f) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - g) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
  - h) "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of Queens, City and State of New York, identified as Block 9999, Lots 9, 10, 11, 13, and 15.

- i) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - j) “Project” shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 379 rental dwelling units plus one unit for a superintendent.
  - k) “Regulatory Agreement” shall mean the regulatory agreement between HPD, HDC and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. a) 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 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 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 or construction 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 Exemption shall prospectively terminate.
- b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by June 30, 2021, as such date may be extended in writing by HPD.
4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 25, 2016.

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

### **Report of the Committee on Land Use**

Report for L.U. No. 350

**Report of the Committee on Land Use in favor of approving Application No. 20165423 HAK submitted by New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for a modification of an approved plan and project for properties located at 198 Johnson Avenue (Block 3071, part of Lot 10, and Block 3072, part of Lot 1), Borough of Brooklyn, Community Board 1, Council District 34.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 22, 2016 (Minutes, p. 794) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**BROOKLYN - CB 1**

**20165423 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for modification of an approved plan and project for the properties located at 198 Johnson Avenue (Block 3071, part of Lot 10, and Block 3072, part of Lot 1), Borough of Brooklyn, Community Board 1, Council District 34.

#### **INTENT**

To remove two (2) parcels (Development Parcel A and Development Parcel B) from the original plan and project previously approved by the Board of Estimate on August 21, 1980, (Cal. No. 23), predecessor of the Council, in order to facilitate a new project.

#### **PUBLIC HEARING**

**DATE:** May 17, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 17, 2016

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

**In Favor:**

Dickens, Mealy, Cohen, Treyger.

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

**COMMITTEE ACTION**

**DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

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

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

Res No. 1084

**Resolution to approve modification to a previously approved plan and project located at Block 3071, p/o Lot 10 (Development Parcel A) and Block 3072, p/o Lot 1 (Development Parcel B), Community District 1, Borough of Brooklyn (L.U. No. 350; 20165423 HAK).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 1, 2016 its request dated February 15, 2016 that the Council take the following actions regarding the project ("New Project") located at Block 3071, p/o Lot 10 (Development Parcel A) and Block 3072, p/o Lot 1 (Development Parcel B), Community District 1, Council District 34, Borough of Brooklyn (the "Development Parcels");

**WHEREAS**, (PHFL), the deletion of Development Parcel A (Block 3071, p/o Lot 10) and Development Parcel B (Block 3072, p/o Lot 1), from the original Plan and Project approved pursuant to the PHFL Section 114 by the Board of Estimate on August 21, 1980 (Cal. No. 23) (the "Original Plan and Project") is requested pursuant to Section 115 of the Private Housing Finance Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the New Project on May 17, 2016;

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

**RESOLVED:**

The Council approves, pursuant to Section 115 of the PHFL, the deletion of Development Parcel A (Block 3071, p/o Lot 10) and Development Parcel B (Block 3072, p/o Lot 1), from the Original Plan and Project. All references in the Plan and Project to Parcel A and Parcel B are modified so as to exclude them.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

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

Report for L.U. No. 351

**Report for the Committee on Land Use in favor of approving Application No. 20165424 HAK submitted by New York City Department of Housing Preservation and Development pursuant to Section 122(l) of the Private Housing Finance Law for approval of a conveyance from the current owner to a new owner of properties located at 198 Johnson Avenue (Block 3071, part of Lot 10, and Block 3072, part of Lot 1), Borough of Brooklyn, Community Board 1, Council District 34.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 22, 2016 (Minutes, p. 794) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BROOKLYN - CB 1****20165424 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(l) of the Private Housing Finance Law for the approval of the conveyance from the current owner to a new owner of properties located at 198 Johnson Avenue (Block 3071, part of Lot 10, and Block 3072, part of Lot 1), Borough of Brooklyn, Community Board 1, Council District 34.

**INTENT**

To approve a tax exemption pursuant to Section 122(1) of the Private Housing Finance Law for a new project that will consists of approximately 215 rental units, contingent upon the execution and recordation of the Restrictive Covenant and the conveyance by the current owner to the new owners of the Conveyance Area.

**PUBLIC HEARING****DATE:** May 17, 2016**Witnesses in Favor:** Three**Witnesses Against:** None



**SUBCOMMITTEE RECOMMENDATION****DATE:** May 17, 2016

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

**In Favor:**

Dickens, Mealy, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1085

**Resolution to approve the conveyance of properties located at Block 3071, p/o Lot 10 (Development Parcel A) and Block 3072, p/o Lot 1 (Development Parcel B), parts of a previously approved project, Borough of Brooklyn (L.U. No. 351; 20165424 HAK).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 1, 2016 its request dated February 15, 2016 that the Council approve the conveyance of properties located at Block 3071, p/o Lot 10 (Development Parcel A) and Block 3072, p/o Lot 1 (Development Parcel B) ("New Project"), Community District 1, Council District 34, Borough of Brooklyn (the "Development Parcels");

**WHEREAS**, the original project was approved by the Board of Estimate on August 21, 1980 (Cal. No. 23), ("Original Project");

**WHEREAS**, the Current Owner wishes to sell the Development Parcels to New Owners for the New Project;

**WHEREAS**, a restrictive covenant will be executed and recorded binding the New Owners to the terms set forth in the HPD request;

**WHEREAS**, upon due notice, the Council held a public hearing on the New Project on May 17, 2016;

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

**RESOLVED:**

The Council approves, pursuant to Section 122(1) of the PHFL, contingent upon the execution and recordation of the Restrictive Covenant, the conveyance of the Development Parcels by the Current Owner to the New Owners.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

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

Report for L.U. No. 352

**Report of the Committee on Land Use in favor of approving Application No. 20165425 HAK submitted by New York City Department of Housing Preservation and Development pursuant to Section 125(l)(a-3) of the Private Housing Finance Law for an extension to a previously approved real property tax exemption for property located at 198 Johnson Avenue (Block 3071, part of Lot 10, and Block 3072, part of Lot 1), Borough of Brooklyn, Community Board 1, Council District 34.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 22, 2016 (Minutes, p. 795) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN - CB 1**

**20165425 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 125(l)(a-3) of the Private Housing Finance Law for an extension to a previously approved real property tax exemption for properties located at 198 Johnson Avenue (Block 3071, part of Lot 10, and Block 3072, part of Lot 1), Borough of Brooklyn, Community Board 1, Council District 34.

**INTENT**

To approve the extension of a previously approved real property tax exemption pursuant to Article V of the Private Housing Finance Law, Section 125(1)(a-3) for a project, known as Caribe Gardens, which when

completed will provide rental housing for low income persons and families. The original exemption ("Original Exemption") will expire on January 16, 2022.

**PUBLIC HEARING**

**DATE:** May 17, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 17, 2016

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

**In Favor:**

Dickens, Mealy, Cohen, Treyger

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Rose, Richards, Barron, Cohen, Kallos, Torres, Treyger.

**Against:**

None

**Abstain:**

None

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

Res No. 1086

**Resolution to approve an amendment to a previously approved urban development action area project located at Block 3071, p/o Lot 10 (Development Parcel A) and Block 3072, p/o Lot 1 (Development Parcel B), Community District 1, Borough of Brooklyn (L.U. No. 352; 20165425 HAK**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 1, 2016 its request dated February 15, 2016 that the Council approve an amendment to a previously approved tax exemption pursuant to Article V of the Private Housing Finance Law,

Section 125(1)(a-3), (the “Amended Exemption”) for properties located at Block 3071, p/o Lot 10 (Development Parcel A) and Block 3072, p/o Lot 1 (Development Parcel B), Community District 1, Borough of Brooklyn (the “Exemption Area”):

**WHEREAS**, the original project was approved by the Board of Estimate on August 21, 1980 (Cal. No. 23), (the “Original Exemption”);

**WHEREAS**, HPD submitted to the Council on March 1, 2016 its request dated February 15, 2016 relating to the tax exemption for the Exemption Area (“The HPD Request”);

**WHEREAS**, upon due notice, the Council held a public hearing on the Amended Exemption on May 17, 2016;

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

**RESOLVED:**

The Council approves the Amended Exemption pursuant to Section 125(1)(a-3) of the Private Housing Finance Law, an additional period of tax exemption as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean Lindsay Bushwick Associates, L.P..
  - b. “Effective Date” shall mean January 16, 2022.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 3071, Lot 10 and Block 3072, Lot 1, with the exception of Development Parcels A and B as described on Schedule A and Schedule B attached hereto, on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, (iii) the date upon which the Exemption Area ceases to be owned by the Owner or, with the prior written approval of HPD, another redevelopment company organized pursuant to Article V of the Private Housing Finance Law, (iv) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (v) the date of the expiration or termination of the Exemption Area's Section 8 Housing Assistance Payments Contract.
  - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. “Owner” shall mean the Company or, with the prior written approval of HPD, any future owner of the Exemption Area that is a redevelopment company organized pursuant to Article V of the Private Housing Finance Law.
  - h. “Regulatory Agreement” shall mean the Redevelopment Agreement dated August 21, 1980 between the City of New York and the Owner, establishing certain controls upon the

operation of the Exemption Area in accordance with Private Housing Finance Law Section 114.

2. All of the value of the property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the (i) the amount of taxes due in the year immediately prior to the Effective Date, 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 were authorized on the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article V 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 Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. Nothing herein shall entitle the Company to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

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

L.U. No. 357

**Report of the Committee on Land Use in favor of approving Application No. 20165533 HAK submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approved real property tax exemption for property located in the Borough of Brooklyn, Community Board 3, Council District 16.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 20, 2016 (Minutes, p. 1221) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN - CB 3**

**20165533 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law, Section 577, for a real property tax exemption for property located at Block 1820, Lot 32; Block 1823, Lots 27 and 81; Block 1824, Lots 49 and 56; Block 1825, Lot 42; Block 1826, Lots 18, 20, 21, 23, and 29; Block 1829, Lots 4 and 78; Block 1833, Lot 79; Block 1834, Lots 39 and 42; Block 1835, Lot 4; and Block 1838, Lot 22; Borough of Brooklyn, Community Board 3, Council District 36.

**INTENT**

Approve a new tax exemption pursuant to Section 577 of the Private Housing Finance Law in order to ensure that the continued affordability of the Exemption Area.

**PUBLIC HEARING**

**DATE:** May 17, 2016

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 17, 2016

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

**In Favor:**

Dickens, Mealy, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Rose, Richards, Barron, Cohen, Kallos, Torres, Treyger.

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

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

Res No. 1087

**Resolution approving a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Exemption Area located at Block 1820, Lot 32, Block 1823, Lots 27 and 81, Block 1824, Lots 49 and 56, Block 1825, Lot 42, Block 1826, Lots 18, 20, 21, 23, and 29, Block 1829, Lots 4 and 78, Block 1833, Lot 79, Block 1834, Lots 39 and 42, Block 1835, Lot 4, and Block 1838, Lot 22), Borough of Brooklyn (L.U. No. 357; 20165533 HAK).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 19, 2016 its request dated April 12, 2016 that the Council take the following actions regarding a tax exemption for real property located at Block 1820, Lot 32, Block 1823, Lots 27 and 81, Block 1824, Lots 49 and 56, Block 1825, Lot 42, Block 1826, Lots 18, 20, 21, 23, and 29, Block 1829, Lots 4 and 78, Block 1833, Lot 79, Block 1834, Lots 39 and 42, Block 1835, Lot 4, and Block 1838, Lot 22), Community District 3, Borough of Brooklyn (the "Exemption Area"):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC or (ii) the date that HPD and the HDFC enter into the Regulatory Agreement.
  - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1820, Lot 32, Block 1823, Lots 27 and 81, Block 1824, Lots 49 and 56, Block 1825, Lot 42, Block 1826, Lots 18, 20, 21, 23, and 29, Block

1829, Lots 4 and 78, Block 1833, Lot 79, Block 1834, Lots 39 and 42, Block 1835, Lot 4, and Block 1838, Lot 22 on the Tax Map of the City of New York.

- (d) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of expiration or termination of the Regulatory Agreement or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (e) “HDFC” shall mean EDJ Apartments Housing Development Fund Corporation.
  - (f) “HPD” shall mean the City of New York Department of Housing Preservation and Development.
  - (g) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.
  - (h) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
  - (i) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Notwithstanding any provision hereof to the contrary:
    - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - (b) The Exemption shall apply to all land in the Exemption area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - (c) Nothing herein shall entitle the 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.
  4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state



or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of the J-51 Benefits.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

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

Report for L.U. No. 363

**Report of the Committee on Land Use in favor of approving Application No. C 160064 ZMX submitted by Mosholu Petrol Realty, LLC pursuant to Sections 197-s and 201 of the New York City for an amendment of the Zoning Map, Section No. 1d, changing from an R8 district to a C8-2 district property located at Jerome Avenue and Risse Street, Borough of the Bronx, Community Board 7, Council District 11.**

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

**REPORTS:**

**SUBJECT**

**BRONX - CB 7**

**C 160064 ZMX**

City Planning Commission decision approving an application submitted by Mosholu Petrol Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1d, changing from an R8 District to a C8-2 District property bounded by Risse Street, a line 150 feet northerly of Van Cortlandt Avenue, a line perpendicular to the southeasterly street line of Jerome Avenue distant 180 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Jerome Avenue and the westerly street line of Risse Street, and a line 100 feet southeasterly of Jerome Avenue.

**INTENT**

This amendment to the Zoning Map would bring into conformance existing commercial land uses on portions of properties located at 3276 Jerome Avenue (Block 3323, Lots 82, 55 and portion of Lot 22).

**PUBLIC HEARING**

**DATE:** May 17, 2016

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 17, 2016

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

**In Favor:**

Richards, Garodnick, Reynoso. Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1088

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160064 ZMX, a Zoning Map amendment (L.U. No. 363).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on April 27, 2016 its decision dated April 25, 2016 (the "Decision"), on the application submitted by Mosholu Petrol Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 1d, to bring into conformance existing commercial land uses on residentially-zoned portions of property located around 3276 Jerome Avenue, Community District 7, (ULURP No. C 160064 ZMX), Borough of the Bronx (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 17, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 15DCP067X) issued on December 14, 2015, (the “Negative Declaration”);

**RESOLVED:**

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 160064 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 1d, changing from an R8 District to a C8-2 District property bounded by Risse Street, a line 150 feet northerly of Van Cortlandt Avenue, a line perpendicular to the southeasterly street line of Jerome Avenue distant 180 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Jerome Avenue and the westerly street line of Risse Street, and a line 100 feet southeasterly of Jerome Avenue, as shown on a diagram (for illustrative purposes only) dated December 14, 2015, Community District 7, Borough of the Bronx.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

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

Report for L.U. No. 364

**Report of the Committee on Land Use in favor of approving Application No. 20165576 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a real property tax exemption for property located at 775 Jennings Street, Borough of the Bronx, Community Board 3, Council District 16.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 5, 2016 (Minutes, p. 1323) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BRONX - CB 3**

**20165576 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at 775 Jennings Street, Borough of the Bronx, Community Board 3, Council District 16.

**INTENT**

To approve a new real property tax exemption for property at 775 Jennings Street and terminate the current tax exemption in order to ensure the continued affordability of the property, which provides homeownership units for low income families.

**PUBLIC HEARING**

**DATE:** May 17, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 17, 2016

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

**In Favor:**

Dickens, Mealy, Cohen, Treyger

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1089

**Resolution to approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and terminate the current tax exemption, for the Exemption Area located at Block 2962, Lot 46, Community District 3, Borough of the Bronx (L.U. No. 364; 20165576 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 19, 2016 its request dated April 11, 2016 that the Council take the following actions regarding a tax exemption for the real property located at Block 2962, Lot 46, Community District 3, Borough of the Bronx (the "Exemption Area"):

Approve a tax exemption of the Exemption Area from real property taxes pursuant to the Private Housing Finance Law (PHFL) Section 577 and terminate the current tax exemption in order to ensure the continued affordability of the exemption area (the "Tax Exemption");

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
  - (b) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2962, Lot 46 on the Tax Map of the City of New York.
  - (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of expiration or termination of the Regulatory Agreement or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (d) "Gross Residential Revenue" shall mean the total rents received from the residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).

- (e) “Gross Residential Revenue Tax” shall mean an amount equal to two percent (2%) of Gross Residential Revenue.
- (f) “HDFC” shall mean 775 Jennings Street Housing Development Fund Corporation.
- (g) “HPD” shall mean the City of New York Department of Housing Preservation and Development.
- (h) “New Exemption” shall mean the exemption from real property taxation provided hereunder.
- (i) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
- (j) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the City Council on July 27, 2005 (Res. No.1103).
- (k) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.

2. The Prior Exemption shall terminate on the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Residential Revenue Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
  - (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
  - (b) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.

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

6. 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.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

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

Report for L.U. No. 365

**Report of the Committee on Land Use in favor of approving Application No. 20165577 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a real property tax exemption for properties located at 384 Grand Concourse, 1038 Rogers Place, 1129 Morris Avenue, 1202, 1183, and 1171 Clay Avenue, Borough of the Bronx, Community Boards 1, 2, and 4, Council Districts 8, 17, and 16.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 5, 2016 (Minutes, p. 1323) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BRONX - CBs 1, 2 and 4**

**20165577 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a real property tax exemption for properties located at 384 Grand Concourse, 1038 Rogers Place, 1129 Morris Avenue, 1202, 1183, and 1171 Clay Avenue, Borough of the Bronx, Community Boards 1, 2, and 4, Council Districts 8, 17 and 16.

**INTENT**

To approve a real property tax exemption for a Disposition Area pursuant to Section 577 of the Private Housing Finance Law for a forty-year term.

**PUBLIC HEARING**

**DATE:** May 17, 2016

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** May 17, 2016

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

**In Favor:**

Dickens, Mealy, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1090

**Resolution to approve a tax exemption under Section 577 of the Private Housing Finance Law consisting of the Disposition Area 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 (L.U. No. 365; 20165577 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 19, 2016 its request dated April 12, 2016 that the Council approve a tax exemption under Section 577 of the Private Housing Finance Law (the "Exemption") 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), the "Disposition Area"), Community Districts 1, 2, and 4, Borough of the Bronx;

**WHEREAS**, the HPD request is related to previously approved City Council Resolution No. 1987, L.U. No. 943, of October 9, 2013 ("Original Project) and Resolution No. 758 (L.U. No. 236, amended on June 10, 2015 (the "Prior Resolution");

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

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

**RESOLVED:**

The Council approves a real property tax exemption for the Disposition Area 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 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 to a new owner 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 apply only to buildings in the Disposition Area that exist on the date of the approval of the Exemption by the Council.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

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

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

Report for L.U. No. 373

**Report of the Committee on Land Use in favor of approving Application No. 20165581 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Sections 197-c and 197-d of the New York City Charter for the approval of an urban development action area project and waiver of area designation requirement for property located at 1370 Lyman Place (Block 2970) Lot 52), Borough of the Bronx, Community Board 3, Council District 16.**

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

#### **REPORTS:**

#### **SUBJECT**

**BRONX - CB 3**

**20165581 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for the approval of an urban development action area project under Article 16 of the General Municipal Law; waiver of area designation requirement and Sections 197-c and 197-d of the New York City Charter; and approval of the project as an Urban Development Action Area Project for property located at 1370 Lyman Place (Block 2970, Lot 52), Borough of the Bronx, Community District 3, Council District 16.

#### **INTENT**

To approve the conveyance of a disposition area that will become part of a larger project which when completed will provide an aggregate of 270 rental dwelling units and 16 commercial spaces.

#### **PUBLIC HEARING**

**DATE:** May 17, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 17, 2016

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

**In Favor:**

Dickens, Mealy, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1091

**Resolution pursuant to Article 16 of the New York General Municipal Law to approve an Urban Development Action Area Project, waive the urban development action area designation requirement, and waive Section 197-c and 197-d of the New York City Charter, for property located at 1370 Lyman Place (Block 2970, Lot 52), Borough of the Bronx (Preconsidered L.U. No. 373; 20165581 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 5, 2016 its request dated April 25, 2016 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 1370 Lyman Place (Block 2970, Lot 52), Community District 3, Borough of the Bronx (the "Project 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; and
4. Approve the Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

**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 May 17, 2016;

**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 May 5, 2016, a copy of which is attached hereto and made part hereof.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

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

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

Report for LU No. 374

**Report of the Committee on Land Use in favor of approving Application No. 20165582 HAM submitted**

**by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 1955, Lot 26, Borough of the Manhattan, Community Board 10, Council Districts 9.**

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

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 10**

**20165582 HAM**

Application submitted by the New York City Department of Housing Preservation and Development for the approval of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at Block 1955, Lot 26, Borough of Manhattan, Community Board 10, Council District 9.

**INTENT**

To approve a new tax exemption for the exemption area, conveyance of the exemption area from the current owner to the new owner, consent to the voluntary dissolution of the current owner and termination of the prior tax exemption.

**PUBLIC HEARING**

**DATE:** May 17, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 17, 2016

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

**In Favor:**

Dickens, Mealy, Cohen, Treyger.

**Against:**

None

**Abstain**

None

**COMMITTEE ACTION**

**DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1092

**Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), terminate a prior exemption under PHFL Section 125, consent to the voluntary dissolution of the prior owner under PHFL 123(4), and approve the conveyance to a new owner for the Exemption Area located on Block 1955, Lot 26, Borough of Manhattan (Preconsidered L.U. No. 374; 20165582 HAM).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 12, 2016 its request dated May 6, 2016 that the Council take the following actions regarding a tax exemption for real property located on Block 1955, Lot 26, Community District 10, Borough of Manhattan (the "Exemption Area"):

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

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

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

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (1) "Company" shall mean Gladys Hampton Affordable Preservation LLC.
  - (2) "Current Owner" shall mean Gladys Hampton Houses Associates Limited Partnership.

- (3) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
  - (4) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1955, Lot 26 on the Tax Map of the City of New York.
  - (5) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, (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.
  - (6) “HDFC” shall mean HP Harlem Portfolio Housing Development Fund Company, Inc.
  - (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 Company.
  - (10) “Prior Exemption” shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on December 20, 1979 (Cal. No. 6).
  - (11) “PHFL” shall mean the Private Housing Finance Law.
  - (12) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
  - (13) “Shelter Rent” shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.
  - (14) “Shelter Rent Tax” shall mean an amount equal to seven percent (7%) of Shelter Rent
- b) All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  - c) Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments as follows: (a) commencing upon the Effective Date and during each year thereafter until the sixteenth anniversary of the Effective Date, in the sum of the Shelter Rent Tax; and (b) commencing upon the sixteenth anniversary of the Effective Date and during each year thereafter until the Expiration Date, in

the sum of (i) an amount equal to the Shelter Rent Tax due on the fifteenth anniversary of the Effective Date, 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 fifteenth anniversary of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by 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 at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
  - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - (3) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- e) In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits, 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.
2. The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
  3. The Council approves the conveyance of the Exemption Area from the Current Owner to the New Owner.
  4. The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
  5. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above



shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

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

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

Report for L.U. No. 375

**Report of the Committee on Land Use in favor of approving Application No. 20165583 HAM submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 1594, Lots 50, 61 and 65, Borough of the Manhattan, Community Board 10, Council Districts 9.**

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

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN - CB 10**

**20165583 HAM**

Application submitted by the New York City Department of Housing Preservation and Development for the approval of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at Block 1594, Lots 50, 61 and 65, Borough of Manhattan, Community Board 10, Council District 9.

#### **INTENT**

To approve a new tax exemption for the exemption area, conveyance of the exemption area from the current owner to the new owner, consent to the voluntary dissolution of the current owner and termination of the prior tax exemption.

#### **PUBLIC HEARING**

**DATE:** May 17, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 17, 2016

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

**In Favor:** Dickens, Mealy, Cohen, Treyger.

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

**COMMITTEE ACTION**

**DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Rose, Richards, Barron, Cohen, Kallos, Torres, Treyger.

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

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

Res No. 1093

**Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), terminate a prior exemption under PHFL Section 125, consent to the voluntary dissolution of the prior owner under PHFL 123(4), and approve the conveyance to a new owner for the Exemption Area located on Block 1594, Lots 50, 61 and 65, Borough of Manhattan (Preconsidered L.U. No. 375; 20165583 HAM).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 12, 2016 its request dated May 6, 2016 that the Council take the following actions regarding a tax exemption for real property located on Block 1594, Lots 50, 61 and 65, Community District 10, Borough of Manhattan (the "Exemption Area"):

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

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

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

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

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

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

**RESOLVED:**

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

- a) For the purposes hereof, the following terms shall have the following meanings:
- (1) "Company" shall mean New West II Affordable Preservation LLC.
  - (2) "Current Owner" shall mean New West 111th Street Two Associates Limited Partnership.
  - (3) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
  - (4) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1594, Lots 50, 61 and 65 on the Tax Map of the City of New York.
  - (5) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, (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.
  - (6) "HDFC" shall mean HP Harlem Portfolio Housing Development Fund Company, Inc.
  - (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 Company.

- (10) "Prior Exemption" shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on August 21, 1980 (Cal. No. 13).
  - (11) "PHFL" shall mean the Private Housing Finance Law.
  - (12) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
  - (13) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.
  - (14) "Shelter Rent Tax" shall mean an amount equal to seven percent (7%) of Shelter Rent
- b) All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c) Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments as follows: (a) commencing upon the Effective Date and during each year thereafter until the sixteenth anniversary of the Effective Date, in the sum of the Shelter Rent Tax; and (b) commencing upon the sixteenth anniversary of the Effective Date and during each year thereafter until the Expiration Date, in the sum of (i) an amount equal to the Shelter Rent Tax due on fifteenth anniversary of the Effective Date, 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 fifteenth anniversary of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by 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 at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty

- (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - (3) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- e) In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits, 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.
2. The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
  3. The Council approves the conveyance of the Exemption Area from the Current Owner to the New Owner.
  4. The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
  5. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

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

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

Report for L.U. No. 376

**Report of the Committee on Land Use in favor of disapproving Application No. C 150361 ZMK submitted by the Conover King Realty, LLC pursuant to Sections 197-c and 201 of the New York**

**City Charter for an amendment of the Zoning Map, Section No. 16a, changing an M2-1 District to an M1-4/R6 District and establishing a Special Mixed Use District (MX-5) on property located at King and Conover Street, Borough of Brooklyn, Community Board 6, Council District 38.**

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

**REPORTS:**

**SUBJECT**

**BROOKLYN - CB 6**

**C 150361 ZMK**

City Planning Commission decision approving an application submitted by Conover King Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an M2-1 District to an M1-4/R6 District and establishing a Special Mixed Use District (MX-5) in the Red Hook neighborhood of Brooklyn.

**INTENT**

The amendment to the Zoning Map, in conjunction with the related action, would facilitate the development of a nursing home and an ambulatory diagnostic and treatment facility at 141 Conover Street (Block 555, portion of Lot 5), in the Red Hook neighborhood of Community District 6 in Brooklyn.

**PUBLIC HEARING**

**DATE:** May 17, 2016

**Witnesses in Favor:** Fourteen

**Witnesses Against:** Four

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 19, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against: Abstain:**

None None

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

Res No. 1094

**Resolution disapproving the decision of the City Planning Commission on ULURP No. C 150361 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 376).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on May 9, 2016 its decision dated May 9, 2016 (the "Decision"), on the application submitted by Conover King Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section 16a, which in conjunction with the related zoning text amendment, would facilitate the development of a nursing home and an ambulatory diagnostic and treatment facility at 141 Conover Street (Block 555, portion of Lot 5), in the Red Hook neighborhood of Community District 6 in Brooklyn (ULURP No. C 150361 ZMK), Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to application N 160081 ZRK (Preconsidered L.U. No. 377), zoning text amendments to Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) and a related section in Article XII, Chapter 3 (Special Mixed Use District) to apply Inclusionary Housing regulations in Community District 6, Borough of Brooklyn;

**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 17, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 15DCP067X) issued on December 14, 2015, (the "Negative Declaration");

**RESOLVED:**

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 160064 ZMX, incorporated by reference herein, the Council disapproves the Decision.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

Coupled to be Disapproved.

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

Report for L.U. No. 377

**Report for the Committee on Land Use in favor of disapproving Application No. N 160081 ZRK submitted by Conover King Realty, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York modifying Appendix F (Inclusionary Housing Designated Areas) and a related section in Article XII, Chapter 3 (Special Mixed Use District) to apply Mandatory Inclusionary Housing regulations on property located at King and Conover Street, Borough of Brooklyn, Community Board 6, Council District 38.**

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

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN - CB 6**

**N 160081 ZRK**

City Planning Commission decision approving an application submitted by Conover King Realty, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York modifying Appendix F (Inclusionary Housing Designated Areas) and a related section in Article XII, Chapter 3 (Special Mixed Use District) to apply Inclusionary Housing regulations.

#### **INTENT**

The zoning text amendment, in conjunction with the related action, would facilitate the development of a nursing home and an ambulatory diagnostic and treatment facility at 141 Conover Street (Block 555, portion of Lot 5), in the Red Hook neighborhood of Community District 6 in Brooklyn.



**PUBLIC HEARING****DATE:** May 17, 2016**Witnesses in Favor:** Fourteen**Witnesses Against:** Four**SUBCOMMITTEE RECOMMENDATION****DATE:** May 19, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, .Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** May 19, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1095

**Resolution disapproving the decision of the City Planning Commission on Application No. N 160081 ZRK, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F (Inclusionary Housing Designated Areas) and a related section in Article XII, Chapter 3 (Special Mixed Use District) to apply Inclusionary Housing regulations in Community District 6, Borough of Brooklyn (Preconsidered L.U. No. 377).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on May 9, 2016 its decision dated May 9, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Conover King Realty, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F (Inclusionary Housing Designated Areas) and a related section in Article XII, Chapter 3 (Special Mixed Use District) to apply Inclusionary Housing regulations in Community District 6. This action in conjunction with the related zoning map amendment would facilitate the development of a nursing home and an ambulatory diagnostic and treatment facility at 141 Conover Street (Block 555, portion of Lot 5), in the Red Hook neighborhood of Brooklyn, (Application No. N 160081 ZRK), Community District 6, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to application C 150361 ZMK (Preconsidered L.U. No. 376), a zoning map amendment to change an approximately 38,000 square foot portion of Block 555, Lot 5 from an M2-1 District to an M1-4/R-6 District and establish a Special Mixed-Use District (MX-5);

**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 17, 2016;

**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. 15DCP193K) issued on May 6, 2016, which includes an (E) Designation (E-371) related to hazardous materials, air quality and noise "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 160081 ZRK, incorporated by reference herein, the Council disapproves the Decision.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 19, 2016.

Coupled to be Disapproved.

**Report of the Committee on Public Safety**

Report for Int No. 639-B

**Report of the Committee on Public Safety in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit quarterly reports relating to the issuance of summonses.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on January 22, 2015 (Minutes, page 361), respectfully

## REPORTS:

### I. INTRODUCTION

On May 25, 2016, the Committee on Public Safety, chaired by Vanessa L. Gibson, will vote on the Criminal Justice Reform Act, a package of eight bills regarding the equitable enforcement of criminal and civil offenses established in local laws. These bills amend laws governing behavior in five broad categories: the possession of an open container of alcohol in public, parks rules, public urination, unreasonable noise, and littering. Two of these bills require reporting related to the enforcement of these laws, one bill requires the New York City Police Department (“NYPD”) to create guidance regarding the enforcement of these laws, and one bill requires tribunals of the Office of Administrative Trials and Hearings (“OATH”) to offer community service as an alternative to paying civil penalties.

### II. BACKGROUND

#### A. Levels of Offenses

There are three basic levels of offenses in New York that are handled through the criminal court system: felonies, misdemeanors, and violations.<sup>1</sup> Only felonies and misdemeanors are classified as crimes<sup>2</sup> and carry the penalty of a permanent criminal record,<sup>3</sup> but violations are processed exclusively in criminal courts.<sup>4</sup> A misdemeanor carries a possible penalty of more than 15 days in jail,<sup>5</sup> but a violation may involve a sentence of either a fine or jail.<sup>6</sup>

The City may create misdemeanors or violations, but not felonies.<sup>7</sup> The City may also create offenses that carry a civil penalty.<sup>8</sup> Civil penalties are purely monetary. These penalties are imposed in an entirely different manner than those processed in criminal court. In fact, because civil penalties are independent from those imposed in criminal court, an individual may be liable simultaneously in civil and criminal courts without violating the principles of double jeopardy.<sup>9</sup> Offenses that carry only the possibility of a civil penalty are typically handled in a civil adjudicative body such as the Environmental Control Board (“ECB”) of OATH.<sup>10</sup>

#### B. Methods of Enforcement for Local Laws

The enforcement of State and local laws differ in many respects, most notably in the use of criminal summonses, commonly known as “c-summonses.”<sup>11</sup> A c-summons is a notice to appear in criminal court that charges an individual with either a violation or a misdemeanor.<sup>12</sup> A police officer may issue a c-summons

<sup>1</sup> See New York Penal Law § 10.00

<sup>2</sup> New York Penal Law § 10.00(6)

<sup>3</sup> See New York Criminal Procedure Law, Article 160

<sup>4</sup> New York City Criminal Court Act, Article III; New York State Constitution, Article VI

<sup>5</sup> New York Penal Law § 10.00(4)

<sup>6</sup> New York Penal Law § 10.00(1)

<sup>7</sup> New York Municipal Home Rule Act § 10

<sup>8</sup> *Id.*

<sup>9</sup> E.g., *Rex Trailer Co. v. United States*, 350 U.S. 148 (1956)

<sup>10</sup> New York City Charter § 1049-a(c)

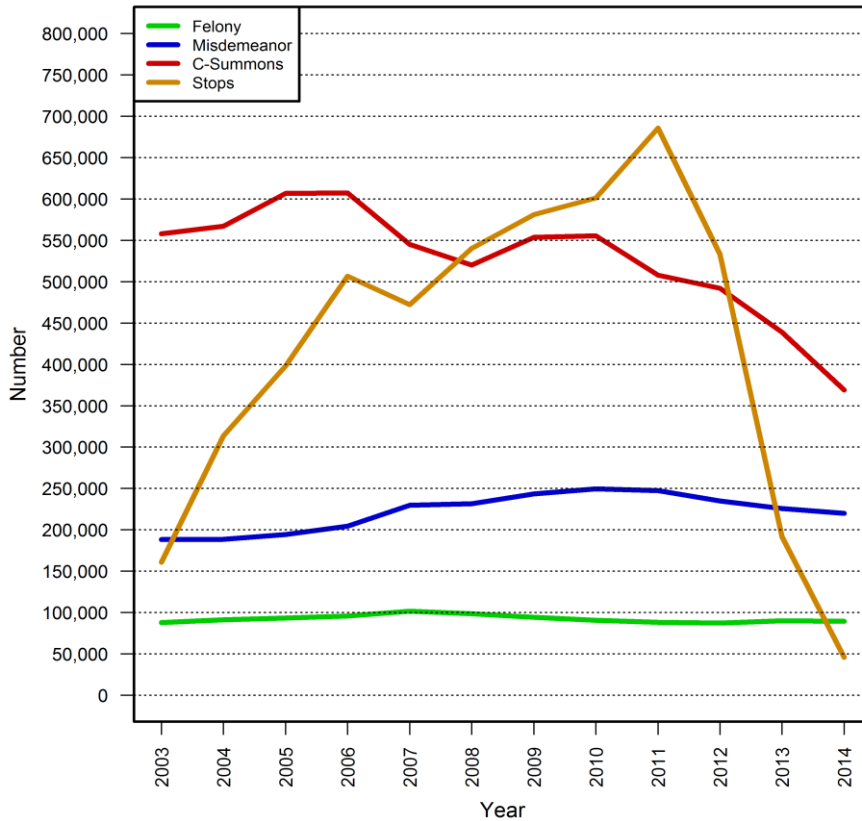
<sup>11</sup> John Jay College of Criminal Justice, Trends in the Issuance and Disposition of Summonses in New York City, released April 27, 2015, p. 15, available at [http://www.jjay.cuny.edu/sites/default/files/news/Summons\\_Report\\_DRAFT\\_4\\_24\\_2015\\_v8.pdf](http://www.jjay.cuny.edu/sites/default/files/news/Summons_Report_DRAFT_4_24_2015_v8.pdf) As noted in this report, from a strictly legal standpoint, a c-summons is actually an “appearance ticket” pursuant to Article 150 of the Criminal Procedure Law, as it “directs a designated person to appear in a designated local criminal court at a designated future time in connection with his alleged commission of a designated offense.” New York Criminal Procedure Law § 150.10. A c-summons is also an “accusatory instrument” pursuant to Article 100 of the Criminal Procedure Law, as it charges a person with an offense. New York Criminal Procedure Law Article 100. For the purposes of this committee report, however, criminal summonses will be referred to by their commonly known designation as “criminal summonses” or “c-summonses.”

<sup>12</sup> See *Id.*

charging either a misdemeanor or violation defined in local law, but may not issue a c-summons charging a misdemeanor defined in the State Penal Law.<sup>13</sup> For State Penal Law offenses, c-summonses may only be used to charge violations.<sup>14</sup>

In 2014, 391,171 criminal summonses were issued in New York City, down from 458,095 in 2013, and 648,638 in 2005 - the highest number in the previous decade.<sup>15</sup> As illustrated in the following graph, the use of c-summonses far outweighs felony and misdemeanor arrests. While the rate of c-summons has varied over the last decade, the felony rate has remained constant.<sup>16</sup>

**Arrests, Summonses, and Stops in New York City 2003-2014**



The most commonly charged offense for which a c-summons is issued is the consumption of alcohol in public. According to data provided to the Council by the Office of Court Administration (“OCA”), in 2015, 96,389 c-summonses alleging the possession of an open container of alcohol were docketed. The NYPD issued 104,859 c-summonses in 2015 for the same charge; the difference between the two numbers represents the number of cases dismissed by OCA before the cases were docketed.<sup>17</sup> The second most frequently

<sup>13</sup> See New York Criminal Procedure Law § 160.10(1)

<sup>14</sup> *Id.*

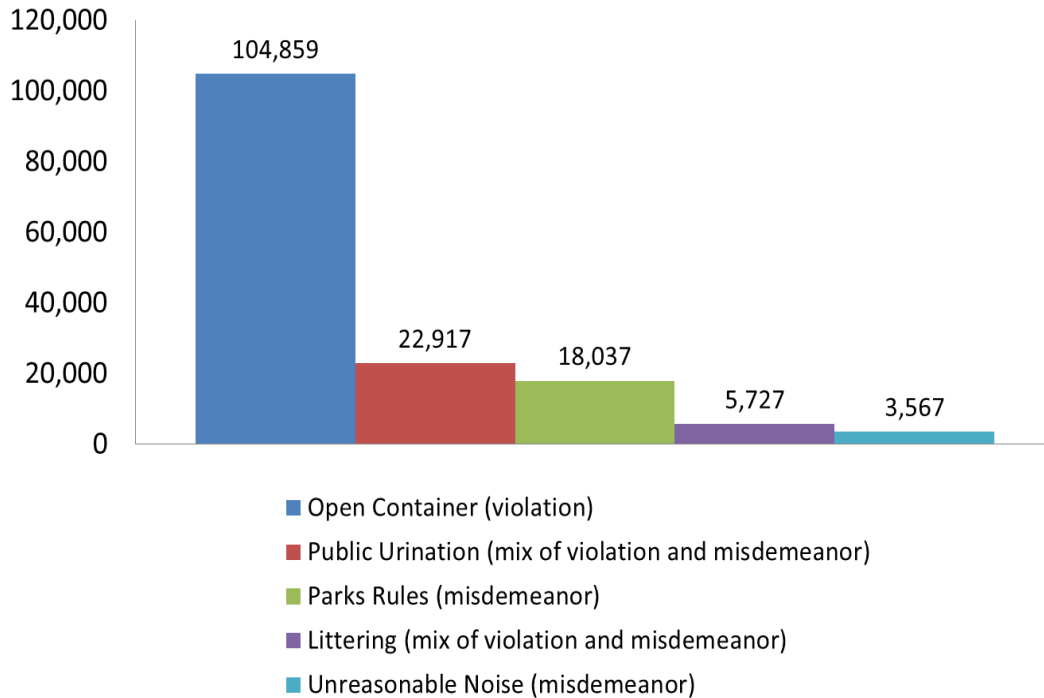
<sup>15</sup> Criminal Court of the City of New York, Annual Report, 2014, p.9. Available at [https://www.nycourts.gov/COURTS/nyc/criminal/cc\\_annl\\_rpt\\_2014.pdf](https://www.nycourts.gov/COURTS/nyc/criminal/cc_annl_rpt_2014.pdf)

<sup>16</sup> John Jay College, *Tracking Enforcement Rates in New York City, 2003-2014*, released December 11, 2015, available at <http://www.jjay.cuny.edu/news/john-jay-college-report-tracks-police-enforcement-rates-new-york-city> Note that in this chart, the use of “misdemeanor” and “felony” is in the custodial arrest context, and does not include c-summonses that charge misdemeanors.

<sup>17</sup> OCA conducts a review of every summons for legal deficiencies prior to docketing such cases. See Criminal Court of the City of New York, Annual Report, 2014, p.34-35. Available at [https://www.nycourts.gov/COURTS/nyc/criminal/cc\\_annl\\_rpt\\_2014.pdf](https://www.nycourts.gov/COURTS/nyc/criminal/cc_annl_rpt_2014.pdf)

docketed local law offense was public urination, which had 22,433 c-summonses. The following chart indicates common offenses for which c-summonses are issued for violations of local laws.<sup>18</sup>

**Criminal Summonses Issued by the NYPD in 2015**



Of the commonly charged offenses listed above, the majority are misdemeanors: all parks rules are misdemeanors,<sup>19</sup> as is unreasonable noise<sup>20</sup> and many of the public urination charges.<sup>21</sup> Advocates, criminal justice scholars and members of the community have long expressed concern that these penalties are disproportionate to the respective act. For example, the refusal to obey any park sign carries the threat of a permanent criminal record,<sup>22</sup> and even those offenses that do not carry the possibility of a permanent criminal record do carry the possibility of a warrant being ordered for failing to appear on any court date. It is widely believed that these outcomes disproportionately and adversely impact those charged, and erode the public trust in the just enforcement of local laws.<sup>23</sup>

Another concern with how these low-level offenses are treated under local law is that many of these non-violent offenses, such as public urination, are covered by multiple local statutes that create overlapping and sometimes inconstant penalties for the same behavior. For example, public urination is punishable by a misdemeanor under the Health Code,<sup>24</sup> but is a violation in the Administrative Code.<sup>25</sup> As

<sup>18</sup> NYPD, "Criminal Court Summonses 2007-2015 Year-to-Date," available at [http://www.nyc.gov/html/nypd/html/analysis\\_and\\_planning/reports.shtml](http://www.nyc.gov/html/nypd/html/analysis_and_planning/reports.shtml)

<sup>19</sup> New York City Charter § 533

<sup>20</sup> New York City Administrative Code § 24-269

<sup>21</sup> Public urination is presently charged under two different offenses, and is a violation under Administrative Code § 16-118(6) and a misdemeanor under the Health Code § 153.09. For the purposes of this chart, these offenses were combined.

<sup>22</sup> New York City Charter § 533; 56 R.C.N.Y. 1-03(c)(2)

<sup>23</sup> E.g., Jeffrey Fagan and Garth Davies, *Street Stops and Broken Windows: Terry, Race, and Disorder in New York City*, 28 Fordham Urb. L.J. 457 (2000); David A. Harris, *Across the Hudson: Taking the Stop and Frisk Debate Beyond New York City*, 16 N.Y.U. J. Legis. & Pub. Pol'y 853, 854 (2013)

<sup>24</sup> New York City Health Code 156.09

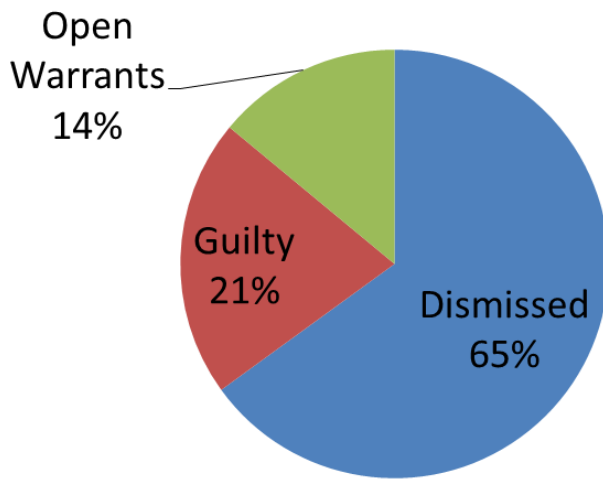
<sup>25</sup> New York City Administrative Code § 16-118

discussed in Section V, *infra*, the Council has endeavored to create consistency in the enforcement of such offenses going forward.

C. Outcomes of C-Summons Enforcement

From 2003 to 2013, 65% of criminal summonses issued were either dismissed or adjourned in contemplation of dismissal.<sup>26</sup> During the same period, defendants in 21% of the cases were convicted, and the overwhelming majority of those found guilty, 99.6%, were sentenced to fines.<sup>27</sup> Summons courts may order bench warrants for the arrest of any person who does not appear in response to a summons,<sup>28</sup> and at the end of this 11-year period, 14% of the total number of cases still had outstanding warrants.<sup>29</sup> A chart summarizing the outcome of cases during this 11-year period follows.<sup>30</sup>

**Disposition of Criminal Summonses in New York City, 2003-2013**



There is a concern that imposing an actual punishment on only 21% of those charged with an offense does not meaningfully hold offenders responsible for their behavior, nor does it meaningfully deter unwanted behavior. Furthermore, the fact that 99.6% of those convicted are sentenced to pay a fine suggests that there is little substantive difference between the monetary penalties imposed in criminal court and those imposed in civil adjudicative bureaus such as OATH’s ECB,<sup>31</sup> which handles allegations of various offenses established under local laws,<sup>32</sup> or the Transit Adjudication Bureau (“TAB”), which handles allegations of misconduct in transit facilities.<sup>33</sup> Reports indicate that TAB collects 82% of those fines it imposes.<sup>34</sup>

<sup>26</sup> *Supra* note 11. An adjournment in contemplation of dismissal involves a case being dismissed automatically after a specified period of time, typically six months, after the person to whom it was issued complies with certain conditions, typically not to be arrested within that time period. See New York Criminal Procedure Law § 170.55.

<sup>27</sup> *Id.*

<sup>28</sup> See CPL 530.70

<sup>29</sup> *Supra* note 11.

<sup>30</sup> *Supra* note 11.

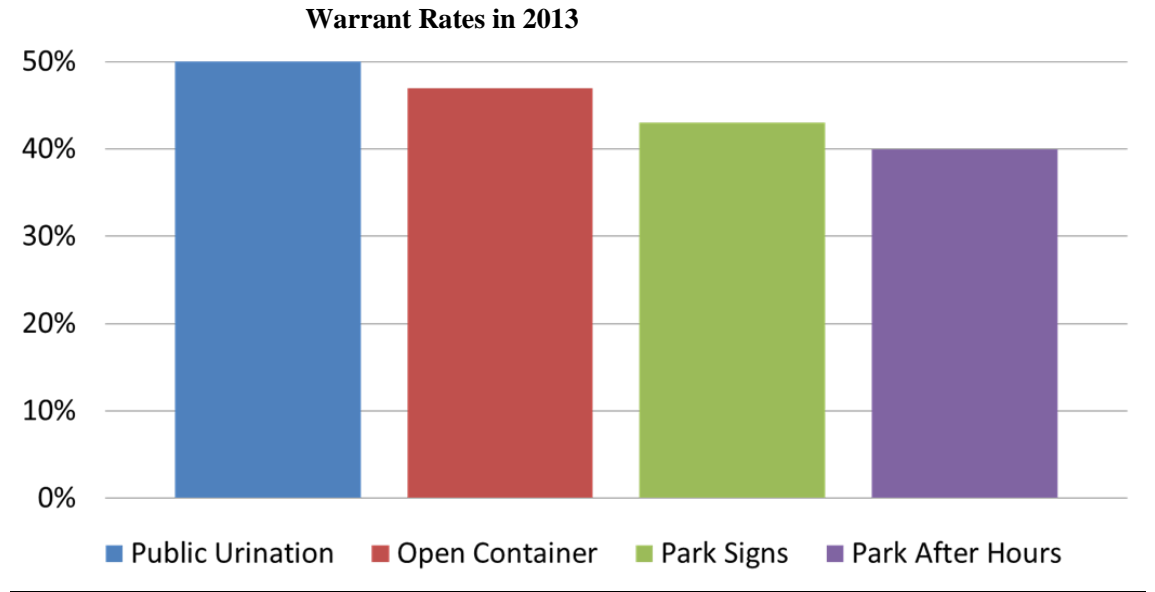
<sup>31</sup> New York City Charter, Chapter 45-A

<sup>32</sup> New York City Charter § 1049-a(c)

<sup>33</sup> New York Public Authorities Law § 1209-a

<sup>34</sup> New York Daily News, New York’s Metropolitan Transportation Authority has an 82% success rate in collecting fines, February 27, 2012, available at <http://www.nydailynews.com/opinion/new-york-metropolitan-transportation-authority-82-success-rate-collecting-fines-article-1.1028969>

According to OCA data provided to the Council, as of December 2015, there were 1.5 million open summons warrants dating back to 1980 and approximately 1.1 million of those (75%) belong to unique individuals. Fifty thousand of these warrants were over 30 years old.<sup>35</sup> While the number of outstanding summons warrants at the end of an 11-year period was only 14%, the rate of warrants per summons case is significantly higher: 38% in 2014.<sup>36</sup> These rates vary dramatically because at the end of an 11-year period, numerous individuals have returned to court, either voluntarily or after being apprehended by the NYPD. The actual rate of warrants for some of the most commonly charged offenses was between 40% and 50% in 2013, as referenced in the chart below.<sup>37</sup>



**D. Consequences of a Warrant**

The consequences of a warrant can be significant. According to information provided by the NYPD to the Council, the NYPD is required to arrest an individual with an open warrant at any point at which an officer determines that such a warrant exists. The arrestee then goes through a booking process that often takes up to 24 hours before the arrestee sees a judge,<sup>38</sup> regardless of the seriousness of the offense for which the warrant was issued. In other words, summons warrants can have similar negative outcomes as warrants for felonies.<sup>39</sup>

The consequences of warrants are broader than their direct effect. Under current NYPD policy, officers use discretion in deciding whether to arrest or issue a civil summons to an individual charged with Theft of Services related to not paying a subway or bus fare, commonly known as “turnstile jumping,” and in

<sup>35</sup> Data provided to the Council by the Office of Court Research & Division of Technology, New York State Unified Court System, as of December 11, 2015.

<sup>36</sup> New York City Mayor’s Office, press release, “Mayor de Blasio Announces Justice Reboot, an Initiative to Modernize the Criminal Justice System,” April 14, 2015. Available at <http://www1.nyc.gov/office-of-the-mayor/news/235-15/mayor-de-blasio-chief-judge-lippman-justice-reboot-initiative-modernize-the>

<sup>37</sup> Data provided to the Council by the Office of Court Administration for the year 2013.

<sup>38</sup> See *People ex rel. Maxian on behalf of Damian Roundtree et al v. Brown et al*, 164 A.D.2d 56 (App. Div. 1st Dept. 1990)

<sup>39</sup> It should be noted that these policies apply only to those situations in which an officer is made aware of a warrant’s existence, and it is not the case that the NYPD actively seeks out those with warrants for c-summons as they do those with warrants for felony cases. According to information provided by the NYPD to the Council, the NYPD does not actively seek out those with warrants for c-summons.

2013, the NYPD issued civil summonses to the vast majority of these offenders.<sup>40</sup> However, according to NYPD policy, any individual with an open warrant must be arrested for such conduct.<sup>41</sup> It is notable that turnstile jumping was the second most commonly charged crime for which individuals were arrested in 2014.<sup>42</sup> A similar policy applies to marijuana arrests: according to NYPD policy, a person charged with a certain low-level marijuana offense should be issued a c-summons charging a non-criminal offense, but if that person has any outstanding warrant, they must be arrested and charged with a misdemeanor.

#### E. Consequences of a Criminal Conviction

Individuals found guilty of misdemeanors face consequences including a criminal record<sup>43</sup> and negative impacts on employment,<sup>44</sup> immigration status,<sup>45</sup> and myriad other consequences. Much attention in recent years has focused on how the enforcement of low-level crimes disproportionately impacts low-income communities of color, burdening many young people of color with harsh consequences for the rest of their lives.<sup>46</sup>

#### F. Civil Enforcement

Though many of the local laws for which c-summonses are most commonly issued contain possible civil penalties,<sup>47</sup> the NYPD has not enforced civil penalties for the vast majority of local law offenses, instead enforcing criminal penalties almost exclusively.<sup>48</sup> However, the NYPD has enforced civil penalties extensively in the context of turnstile jumping, as described in Section II(D) above. The tribunal that enforces these penalties, TAB, reportedly collects 82% of the fines it imposes.<sup>49</sup> In addition, in 2014, the NYPD began enforcing civil penalties for biking on a sidewalk in lieu of c-summonses.<sup>50</sup> Notwithstanding these specific offenses, according to information provided by the NYPD to the Council, the NYPD does not have a general policy regarding when to enforce civil penalties, nor do such policies exist for the specific local laws being amended by the bills being heard at this hearing.

The differences between enforcing civil penalties and issuing c-summonses are significant. Among others, one important distinction is that a warrant for arrest is typically issued for a failure to appear in criminal court, but such warrants are not issued in civil tribunals such as those operated by OATH.<sup>51</sup> Also, cases processed in criminal court carry a presumption of innocence and must be proven beyond a reasonable doubt,<sup>52</sup> whereas OATH tribunals have no such presumption and cases must be proven by a preponderance of evidence.<sup>53</sup> However, in other ways OATH tribunals and criminal courts are similar, most notably in that unpaid monetary penalties are handled identically: in both courts, civil judgments are entered for those with

<sup>40</sup> Barry Paddock and Sarah Ryley, *Fare evasion arrests surge in recent years, making it among city's top offenses leading to jail*, New York Daily News, August 18, 2014, available at <http://www.nydailynews.com/new-york/nyc-crime/fare-evasion-arrests-surge-years-article-1.1906667>

<sup>41</sup> Information provided by the NYPD to the Council.

<sup>42</sup> See *Supra* note 15.

<sup>43</sup> See Section II(A), *supra*

<sup>44</sup> Among other impacts on employment, criminal convictions preclude employment in certain law enforcement and federal government agencies and in various other fields, including many health care jobs, e.g., NY Compilation of Codes, Rules, and Regulations title 10 § 402.7, as well as from obtaining many professional licenses. NY Correction Law §752[1]

<sup>45</sup> See e.g., 8 U.S.C. § 1101

<sup>46</sup> Baker, Al. *Concerns in Criminal Justice System as New York City Eases Marijuana Policy*. New York Times, November 10, 2014. Available at <http://www.nytimes.com/2014/11/11/nyregion/concerns-in-criminal-justice-system-as-new-york-city-eases-marijuana-policy.html>.

<sup>47</sup> See New York City Administrative Code §§ 16-118, 24-259; New York City Charter § 533

<sup>48</sup> Office of Administrative Trials and Hearings, Environmental Control Board Tribunal Data, available at <http://www.nyc.gov/html/oath/html/ecb/ecb-tribunal-data.shtml>. This report indicates that the NYPD enforces civil penalties for vending-related offenses, and the NYPD also informed the Council that it is not presently their practice to enforce the civil penalties in local laws.

<sup>49</sup> New York Daily News, *New York's Metropolitan Transportation Authority has an 82% success rate in collecting fines*, February 27, 2012, available at <http://www.nydailynews.com/opinion/new-york-metropolitan-transportation-authority-82-success-rate-collecting-fines-article-1.1028969>

<sup>50</sup> NYPD "Broken Windows and Quality of Life Policing in New York City" available at [http://www.nyc.gov/html/nypd/downloads/pdf/analysis\\_and\\_planning/qol.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/qol.pdf)

<sup>51</sup> See Section II(C), *supra*

<sup>52</sup> New York Criminal Procedure Law § 300.10

<sup>53</sup> 48 R.C.N.Y. § 3-54



unpaid monetary penalties.<sup>54</sup> Also, as noted in section II(C), *supra*, 99.6% of penalties imposed in criminal court are monetary, while 100% of penalties currently imposed in OATH are monetary.<sup>55</sup>

### **III. PROPOSED INT. NO. 662-A**

This bill would require the NYPD to issue a quarterly report on the usage of desk appearance tickets. Desk appearance tickets are in many ways identical to summonses; both are technically referred to as “appearance tickets” in the Criminal Procedure Law.<sup>56</sup> The key difference between a desk appearance ticket and a summons, as these terms are used by the NYPD and in this and other bills referenced in this committee report, is that a desk appearance ticket is not an accusatory instrument, whereas a summons is.<sup>57</sup>

This bill would require the NYPD to issue a quarterly report on the number of desk appearance tickets issued, disaggregated by the race, gender, and age of the person to whom it was issued, the offense charged, and the precinct and borough in which it was issued. The bill would also require the NYPD to report on the guidelines it uses to determine when a desk appearance ticket is used in lieu of a custodial arrest. It also requires reporting on the number of desk appearance tickets used relative to custodial arrests for each offense for which at least 500 appearance tickets or arrests were made each quarter.

### **IV. AMENDMENTS TO PROPOSED INT. NO. 662-A**

Int. No. 662-A has been modified subsequent to its initial hearing. The bill now requires the NYPD to report on the guidelines it uses to determine when a desk appearance ticket is used in lieu of a custodial arrest, and to report the number of desk appearance tickets used relative to custodial arrests for each offense for which at least 500 appearance tickets or arrests were made each quarter. Neither of these requirements appeared in the previous version of the bill. Also, the bill now requires these reports to be stored permanently on the NYPD’s website, and that each quarterly report be compared to the same quarter in the prior three years, and the current year to the prior five years. Finally, these reports are now due within 30 days of the beginning of each quarter, while the initial version of the bill required the reports to be submitted immediately upon the start of each quarter.

Notably, the previous version of this bill included a definition of “desk appearance ticket” that now appears in Proposed Int. No. 1057-A, which is analyzed *infra*.

### **V. PROPOSED INT. NO. 639-B**

This bill would require the NYPD to issue a quarterly report on both criminal and civil summonses. The bill would require a basic report on the number of each such summons issued, and would require this information to be disaggregated by the offense charged. The bill would further require this information to be disaggregated by the borough and precinct in which summonses were issued, and the age, race, and gender of the person to whom a summons was issued. The bill would also require this information to be disaggregated by the criteria used to determine whether a civil or criminal summons was issued. These criteria are mandated in Proposed Int. No. 1057-A, which is analyzed *infra*.

### **VI. AMENDMENTS TO PROPOSED INT. NO. 639-B**

Int. No. 639-B has been modified subsequent to its initial hearing. The bill now includes disaggregation by the criteria used to determine whether a civil or criminal summons was issued, described *supra*. The previous version of the bill required a separate comparison of the number of criminal and civil summonses issued for any offense for which either a criminal or civil summons could be issued, which does not appear in the current version of the bill. The previous version of the bill only required disaggregation by offense for which at least either 100 criminal or civil summonses were issued, whereas the bill now requires such disaggregation for all offenses. Also, the previous version of the bill required “a historical comparison to previous quarters,” whereas the current version requires that each quarterly report be compared to the same quarter in the prior three years, and the current year to the prior five years. Finally, these reports are now due

<sup>54</sup> Information provided to the Council by the State’s Office of Court Administration and OATH.

<sup>55</sup> See Section II(C), *supra*

<sup>56</sup> See New York Criminal Procedure Law Article 150

<sup>57</sup> See New York Criminal Procedure Law §§ 150.10; see also New York Criminal Procedure Law Article 100

within 30 days of the beginning of each quarter, while in the initial version of the bill they were due within 20 days of the beginning of each quarter.

**VII. PROPOSED INT. NO. 1056-A**

Presently, the violation of any Department of Parks and Recreation (“DPR”) rule is punishable by a misdemeanor, with a penalty of up to 90 days in jail and a fine of up to \$1,000, or by a civil penalty of up to \$10,000. This means that a conviction for violating any rule passed by the DPR automatically gives the offender a permanent criminal record. This bill would remove the misdemeanor penalty for violating DPR rules and replace it with a penalty of a violation and a fine of up to a \$200 fine. As a result, any rule passed by the DPR would automatically carry a penalty that could be enforced in criminal court, but not one that would give an offender a permanent criminal record.<sup>58</sup> These rules would also carry a possible civil penalty of up to \$300.

Also, numerous offenses in parks will be codified as misdemeanors in the Administrative Code, with a penalty of up to 20 days imprisonment or a fine of up to \$1,000, and a possible civil penalty of up to \$5,000, and up to \$10,000 for a second offense within 12 months. These misdemeanors include offenses summarized as follows:

1. Failure to comply with a lawful order
2. Water pollution
3. Unlawful dumping
4. Aviation
5. Explosives, firearms, and weapons
6. Animal nests and eggs
7. Failure to control animals
8. Trespass
9. Fare evasion
10. Climbing
11. Dangerous roads
12. Unlawful exposure
13. Unlawful commercial activity
14. Events without permits
15. Unauthorized vending
16. Noise at night
17. Sound reproduction device
18. Music or advertising noise without a permit
19. Unauthorized commercial cinematic production
20. Dangerous transportation vehicles
21. Boating
22. Unlawful fires
23. Unauthorized construction
24. Unauthorized excavations
25. Area use restrictions
26. Exclusive children’s playgrounds

This bill goes into effect in one year after it becomes law; however, from 30 days after the bill becomes law to one year after it becomes law, the criminal penalties for parks offenses related to disobeying a parks sign and being in a park after hours will be reduced from misdemeanors to violations, and the related penalties reduced from up to 90 days in jail to up to 1 day in jail, and the fine reduced from up to a \$15,000 fine to up to a \$200 fine.

The bill also creates a separate section in the Administrative Code that creates a misdemeanor for the destruction or removal of any tree on DPR property, or the destruction or abuse of any DPR property that

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<sup>58</sup> See Section II, *supra*.

results in significant damage or expense. This offense carries a penalty of up to 6 months imprisonment, a fine of up to \$15,000, or both. It also carries a possible civil penalty of up to \$10,000.

### **VIII. AMENDMENTS TO PROPOSED INT. NO. 1056-A**

Int. No. 1056-A has been modified subsequent to its initial hearing. The original version of the bill contained no jail penalty for violations of parks rules. The bill now includes a possible penalty of up to 1 day imprisonment. This change was made because without including a possible jail penalty, the only possible penalty would have been a fine of some amount. This would force judges to impose a fine on persons who may be entirely indigent. In such situations, a sentence of “time served” may be more appropriate, and would only be legally permissible if a possible jail penalty were included in this bill. The Council understands that the law requires that the Department of Correction include the date of sentence in the calculation of a sentenced person’s jail time credit, and therefore that a sentence of one day jail would be the functional equivalent of “time served.”

Also, in the original version of the bill, the list of misdemeanors codified in the Administrative Code carried a penalty of up to 90 days imprisonment and a fine of up to \$1,000, or both, as well as a civil penalty of up to \$1,000. In the current version, the potential jail penalty was reduced to a maximum of 20 days, and the civil penalties were increased to a maximum of \$5,000 for a first offense and \$10,000 for a second offense within 12 months.

#### **A. Modified Misdemeanors**

A number of misdemeanor offenses related to parks that are codified in the Administrative Code were included in the original version of the bill but have been modified in the new version of the bill. These changes are as follows:

1. Failure to comply with a lawful order. The original version of the bill only included the failure to comply with the lawful order of a police or peace officer, whereas the bill now includes the failure to comply with a park supervisor or such person’s superior, lifeguard, or department employee under the command of the parks enforcement patrol division.

2. Aviation. The bill now requires that any aviation related offense “endanger persons or property.” The language of the bill has also been modified to make clear that violations related to “balloons” refer only to hot air balloons.

3. Explosives, firearms and weapons. The current version of the bill expands the exception to the prohibition on explosives, firearms, and weapons from police or peace officers to also include military personnel in some circumstances, and other types of police officers including state police, if on duty. The current version of the bill also clarifies that NYPD officers may bring such materials into parks while on- or off-duty, whereas peace officers may only do so while on duty.

4. Animal nests and eggs. The current version permits certain behavior if permitted by a DPR permit, and also expands the prohibition on harming such nests and eggs to include any behavior that would harm or could reasonably harm such nests and eggs.

5. Dangerous roads. The original version of the bill prohibited the interference, obstruction, or encumbering of any road, while the current version of the bill only prohibits actions that make such roads “dangerous.”

6. Events without permits. The current version of the bill adds a provision that did not appear in the original version of the bill. This provision prohibits events without permits that significantly interfere with ordinary park use, as such interference is defined by rules of the DPR.

7. Unauthorized vending. The current version of the bill prohibits vending any manner prohibited by the DPR, whereas the original version of the bill included numerous provisions that codified the DPR’s rules in the Administrative Code.

8. Unlawful fires. The bill now excludes the extinguishing of any cigar or cigarette on a paved surface, and does not include certain provisions that appeared in the original version of the bill, such as the blanket prohibition on “open or ground camp fires,” which are covered by the offense’s prohibition on any fire in a manner prohibited by the DPR.

9. Unauthorized excavations. This provision has been modified to prohibit only unauthorized excavations that significantly damage parks property.

10. Exclusive children's playgrounds. This provision has been slightly modified to allow the DPR to determine the age of a child who must accompany a person into an exclusive children's playground. The previous version of this bill fixed that age at 12 years old.

11.

**B. New Misdemeanors**

The current version of the bill also includes a number of misdemeanors that were not included in the original version of the bill:

1. Climbing. This offense prohibits climbing on any statute or artwork on DPR property where such climbing damages or could reasonably damage such statute or artwork.

2. Noise at night. This offense prohibits the playing or operating of any musical instrument or sound reproductive device between the hours of 10:00 PM and 8:00 AM without a permit.

3. Dangerous transportation vehicles. This offense prohibits the operation of any bicycle, motor vehicle, or similar vehicle in a manner that endangers any other person or property. This offense covers behavior that had been prohibited by the original version of the bill's broader prohibitions on motor vehicles in any park except on designated roads, parking except in designated parking areas, and using parks property for non-emergency vehicle maintenance. These provisions of the original bill have been removed entirely from the current bill.

4. Boating. This offense prohibits boating in any manner prohibited by the DPR.

5. Unauthorized construction. This offense prohibits construction on DPR property without a permit.

6. Area use restrictions. This offense prohibits toy or model aviation, model boating, or model automobiling outside designated areas. It also prohibits roller skating, skateboarding, or similar activities outside designated areas in a manner that endangers persons or property. Finally, it prohibits entering the ice of any lake or pond outside the rules of the DPR.

7.

**C. Other Amendments**

The following offenses appeared as misdemeanors in the original bill but are not included in the current version of the bill: fortune telling, assault, harassment, and reckless endangerment. Note that all of these offenses were removed from the current version of the bill because they are covered by offenses defined in the New York State Penal Law. Also, the current version of the bill removed a provision that appeared in the original version of the bill which prohibited the solicitation of money from any person in a park without a permit.

Both the original version of the bill and the current version include an offense related to the destruction or removal of trees on parks property, and the destruction or abuse of other DPR property. However, these two provisions appeared in the original version as part of the larger list of misdemeanors in the Administrative Code, with a possible penalty of a fine of up to 90 days imprisonment or a fine of up to \$1,000 or both, and a possible civil penalty of up to \$1,000. In the current version of the bill, these two provisions appear in a separate section of the Administrative Code, with penalties of up to 6 months imprisonment, a fine of up to \$10,000, and a civil penalty of up to \$10,000. Furthermore, the current bill now requires such damage to parks property other than trees to be "significant."

The original version of this bill included a provision that the violation of any DPR rule that mirrors a misdemeanor codified in the Administrative Code should be punishable only by the penalty provided in the Administrative Code. That provision has been removed.

The effective date of the bill has been changed from an immediate effective date to one year after it becomes law. The provision of the bill that temporarily reduces the criminal penalty for a violation of parks rules related to violating parks signs and being in a park after hours did not appear in the original version of the bill.

**IX. PROPOSED INT. NO. 1057-A**

Presently, according to information provided by the NYPD to the Council, the NYPD has no established policy or guidance for the enforcement of various local laws that have both criminal and civil penalty options, except for limited circumstances, such as turnstile jumping and riding a bicycle on a sidewalk. As illustrated in Section II, *supra*, the NYPD essentially never imposes civil penalties for such offenses.

This bill would require the NYPD to establish written, public guidance with respect to the enforcement of five offenses: possession of an open container of alcohol in public, the violation of all DPR rules, public urination, littering, and unreasonable noise. This guidance would detail when officers should issue criminal and civil summonses for these offenses, such as the guidance that currently exists regarding turnstile jumping. The “legislative findings and intent” section of this bill states that the Council has “concluded that criminal enforcement of these offenses should be used only in limited circumstances and that, in the absence of such circumstances, civil enforcement should be utilized.”

**X. AMENDMENTS TO PROPOSED INT. NO. 1057-A**

The only substantive change to this bill is that the effective date was changed from 180 days to 1 year after the bill becomes law. Otherwise, the only amendments to this bill are the addition of a number of definitions of terms that appear repeatedly in this title of the Administrative Code such as “criminal summons” and “desk appearance ticket.” Defining these terms in the title of the Code permits the use of these terms throughout the title without repeatedly needing to define these terms for each section. Correspondingly, small changes were made to 3 preexisting sections of the Code to conform with these new definitions.

Also, the term “notice of violation,” which is used repeatedly throughout the Administrative Code, is now defined throughout the Code to add clarity.

**XI. PROPOSED INT. NO. 1058-A**

The New York City Noise Control Code contains dozens of offenses,<sup>59</sup> and the violation of any such offense is punishable by a misdemeanor with a penalty of up to 20 days in jail or a fine of between \$50 and \$500, with escalating fines for multiple convictions.<sup>60</sup> Such violations are also punishable by a civil penalty, and the exact penalties for each of the dozens of offenses are specifically enumerated in the Administrative Code.<sup>61</sup>

The broadest prohibition in the Noise Control Code is contained in the subchapter entitled “general prohibitions,” which includes one section that contains a broad prohibition on unreasonable noise.<sup>62</sup> Dozens of more specific offenses are enumerated later in the code; for example, prohibitions on commercial music,<sup>63</sup> animal noise,<sup>64</sup> motor vehicles,<sup>65</sup> and sound reproductive devices.<sup>66</sup> This bill would affect only the broad prohibition on unreasonable noise, and would reduce the civil penalties for these violations in the non-commercial context. The civil penalties for a first offense would be reduced from a range of \$350 to \$450 to a range of \$75 to \$150, the civil penalty for a second offense within 12 months would be reduced from a range of \$700 to \$2,000 to a range of \$150 to \$250, and the civil penalty for a third offense within 12 months would be reduced from \$1,050 to \$3,000 to a range of \$350 to \$500. The civil penalties for unreasonable noise in the commercial context would be unchanged. Also, the civil penalties for unreasonable noise in a non-commercial context but for devices causing unreasonable noise in multiple dwelling units for non-residential purposes would also be unchanged.

The bill also affects the civil penalties for analogous provision of the parks rules and the Administrative Code as applied in parks. This provision was added to create uniformity in the civil penalties associated with unreasonable noise.

**XII. AMENDMENTS TO PROPOSED INT. NO. 1058-A**

Int. No. 1058-A has been modified subsequent to its initial hearing. The original version of the bill reduced the criminal penalty for this broad section of the Administrative Code from a misdemeanor to a violation, eliminated the possibility of jail for this offense, and modified the fine by eliminating the minimum of \$50. This original bill also contained a prohibition on committing an unreasonable noise twice within 24 hours, with a penalty of a misdemeanor punishable by up to 20 days imprisonment, a fine of up to \$1,000, or

<sup>59</sup> See New York City Administrative Code, Title 24, Chapter 2; see also New York City Administrative Code § 24-257

<sup>60</sup> New York City Administrative Code § 24-269(e)

<sup>61</sup> New York City Administrative Code § 24-257(a)(5)

<sup>62</sup> New York City Administrative Code § 24-218

<sup>63</sup> New York City Administrative Code § 24-231

<sup>64</sup> New York City Administrative Code § 24-235

<sup>65</sup> New York City Administrative Code § 24-236

<sup>66</sup> New York City Administrative Code § 24-244

both. These provisions have been eliminated entirely from the current version of the bill. Also, the original version of the bill contained no modification of the civil penalties associated with unreasonable noise, and went into effect six months after it became law. The current version of the bill goes into effect nine months after it becomes law.

### **XIII. PROPOSED INT. NO. 1059-A**

Presently, violations returnable to and adjudicated by OATH, including those within ECB, are punishable only by monetary penalties.<sup>67</sup> To address the concern that moving adjudications from criminal court to OATH will result in monetary fines being issued to individuals who do not have the means to pay them, this bill would require that OATH judges offer the option to complete community service in lieu of paying civil penalties. The bill requires offering the option of community service only for “specified violations,” which are defined as those related to the possession of an open container of alcohol, public urination, littering, one provision of the noise code, and violating most parks rules. “Specified violations” do not include violations based on activities taken for a commercial purpose, or the following offenses in parks: water pollution, unlawful dumping, unlawful boating, unauthorized construction, and unauthorized excavation.

The bill defines the term “community service” broadly, to include the possibility of programming designed to benefit the person completing such program. Anyone who availed themselves of the community service option but does not complete such service would have civil judgments entered against them. No fees could be charged in accordance with this service, nor could community service be used to displace existing employment. Up to seven hours of community service may be used to satisfy a payment of up to \$300.

This bill also permits an administrative law judge or hearing officer to dismiss an alleged violation of a “specified offense” “in the interest of justice,” a possibility that currently exists in criminal court<sup>68</sup> but not in OATH tribunals. A case could be so dismissed upon an examination of 9 enumerated factors. These factors purposefully match those in the analogous provision of the Criminal Procedure Law.<sup>69</sup> This provision of the bill ensures that those charged with “specified offenses,” which heretofore have been handled largely in criminal court, are afforded largely similar rights in OATH tribunals to those that exist in criminal courts. An administrative law judge or hearing officer would be required to enumerate the reasons for such a dismissal on the record, and would only be permitted to base such a dismissal on the nine enumerated factors and not any opinion as to whether, “as a matter of policy,” certain conduct should or shouldn’t be prohibited.

The bill requires reporting on the outcomes of adjudications alleging violations of “specified offenses.” This quarterly reporting would include the number and percentage of adjudications disaggregated by the outcome of the adjudication, including whether the option to perform community service was accepted and if so whether such service was completed successfully.

Finally, the bill requires OATH to conduct a yearly analysis of the penalties and judgments imposed on persons for “specified offenses.” The Council does not intend the enforcement of these offenses to be a money-making apparatus for the City, or to burden offenders with significant debt that individuals could not feasibly pay. Instead, the Council intends to impose reasonable, proportionate penalties that individual offenders could reasonably pay. Therefore, the Council is requiring that OATH conduct a yearly analysis of these penalties and judgments to ensure that OATH is not imposing such penalties and judgments in amounts that are disproportionate to the harm caused by the underlying offenses, and to recommend a possible limit on such penalties and judgments where appropriate. The Council intends to examine each yearly report and consider such limits where appropriate.

### **XIV. AMENDMENTS TO PROPOSED INT. NO. 1059-A**

Int. No. 1059-A has been modified subsequent to its initial hearing. The portions of the bill relating to a dismissal “in furtherance of justice,” requiring reporting on the outcomes of cases, and requiring a yearly evaluation of penalties and judgments did not exist in the original version of this bill.

Regarding the issue of community service, the current bill removed a requirement that only persons at a certain income level would be eligible to complete such service. The original bill applied to the violation of all parks-related misdemeanors, while the current version contains exceptions outlined *supra*. The current

<sup>67</sup> See New York City Charter § 1049-a(d)

<sup>68</sup> New York Criminal Procedure Law § 170.40

<sup>69</sup> See *Id.*

version of the bill added the definition of “community service,” the provision to ensure that no fees are imposed on those who choose the option to complete community service, and the amount of civil liability that such service satisfies has been increased from up to \$250 to up to \$300. Finally, the effective date has been increased from six months to one year.

**XV. PROPOSED INT. NO. 1067-A**

As illustrated in Section II, *supra*, the NYPD issued almost 105,000 c-summonses for the possession of an open container of alcohol in 2015. As the law presently stands, the only possible penalty for this offense is either a fine of up to \$25 or five days in jail. This bill would add a possible civil penalty of up to \$25 for any violation of this offense. This penalty would be returnable to and adjudicated by OATH. The bill also reduces the possible jail penalty from 5 days to 1 day.

The bill also contains a provision that requires that civil penalties imposed pursuant to an analogous provision in DPR rules can be no greater than those permitted in this section of the Administrative Code. This provision is included to ensure uniformity in sentencing for similar acts.

This bill goes into effect 30 days after it becomes law, except that the provision regarding DPR civil penalties goes into effect nine months after it becomes law.

**XVI. AMENDMENTS TO PROPOSED INT. NO. 1067-A**

Int. No. 1067-A has been modified subsequent to its initial hearing. The provision regarding uniform civil penalties for the analogous provision in parks rules was modified to refer only to this parks rule and not all agency rules or regulations. Also, the possible jail penalty of 1 day was added, the original version of this bill contained no possible jail penalty. As noted in Section VIII, *supra*, this change was made because without including a possible jail penalty, the only possible penalty would have been a fine of some amount. This would force judges to impose a fine on persons who may be entirely indigent. In such situations, a sentence of “time served” may be more appropriate, and would only be legally permissible if a possible jail penalty were included in this bill. The Council understands that the law requires that the Department of Correction include the date of sentence in the calculation of a sentenced person’s jail time credit, and therefore that a sentence of one day jail would be the functional equivalent of “time served.”

Finally, the effective date has been reduced from six months to 30 days after the bill becomes law, except that the provision related to DPR civil penalties goes into effect nine months after it becomes law.

**XVII. PROPOSED INT. NO. 1070-A**

Littering and dumping are prohibited in numerous areas of both state and local law, including within the seven subsections of section 16-118 of the Administrative Code, section 16-119 of the Administrative Code, New York Penal Law section 145.50, New York Vehicle and Traffic Law section 1219, and New York Railroad Law section 52-e. This bill addresses the very broad prohibition on littering in subdivision one of section 16-118 of the Administrative Code. This offense covers virtually any form of littering, including “rubbish and refuse of any kind whatsoever, in or upon any street or public place.”<sup>70</sup> This provision is currently punishable by either a violation, with a penalty of up to 10 days in jail or a fine of between \$50 and \$250, or by a civil penalty of between \$50 and \$250, with escalating civil penalties for multiple convictions within one year. This bill would reduce the possible jail penalty for this offense from 10 days to 1 day. It would also reduce the possible jail penalty for the act of public urination from 10 days to 1 day.

This bill would also repeal a different subdivision of section 16-118 that has been found unconstitutional.<sup>71</sup>

Many of the prohibitions in section 16-118 are presently duplicative of offenses in the Health Code promulgated by the New York City Board of Health. Most notably, the prohibition on “offensive animal matter” in section 16-118(6), which is commonly used to charge public urination, is very similar to the prohibition against “offensive animal matter” located in Health Code section 153.09. NYPD public reports indicate that thousands of c-summonses for violations of both section 16-118(6) and section 153.09 of the Health Code are issued every year. This has proved problematic, as all violations of the Health Code are

<sup>70</sup> New York City Administrative Code § 16-118(1)

<sup>71</sup> *People v. Remeny*, 40 N.Y.2d 527 (1976)

misdemeanors,<sup>72</sup> while violations of section 16-118 constitute violations.<sup>73</sup> Therefore, in preparing this bill, the Council has discussed with the Board of Health the possibility of repealing five sections of its Code that are duplicated in the Administrative Code: sections 139.05, 139.07(a), 153.01, 153.11, and 181.03(a). If such sections are repealed, in order to maintain a local law that addresses the behavior covered by these sections, this bill adds a prohibition on spitting to the general prohibition on littering.

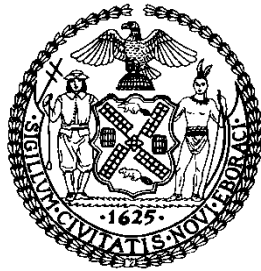
This bill reduces the civil penalties for first-time offenders for the offenses of littering as described *supra* and for the act of public urination. For such offenders, the possible civil penalty is reduced from a range of \$50 to \$250 to a fixed amount of \$75. Civil penalties for subsequent offenses within a 12 month period are unchanged. The bill also adds a provision that requires civil penalties for violations of analogous parks rules and parks-related misdemeanors to be no greater than those permitted in this section of the Administrative Code. Finally, the bill contains a provision related to the imposition of judgments against those who fail to answer civil summonses. This bill caps those judgments at an amount no greater than 50 percent higher than the civil penalty that would have otherwise been imposed.

**XVIII. AMENDMENTS TO PROPOSED INT. NO. 1070-A**

Int. No. 1070-A has been modified subsequent to its initial hearing. The original version of this bill contained no penalty that could be imposed in criminal court, while the current version contains a possible fine in the same amount as is presently permitted, and a possible jail penalty of up to 1 day. As noted in Section VIII, *supra*, the decision to include this possible jail penalty was made because without including a possible jail penalty, the only possible penalty would have been a fine of some amount. This would force judges to impose a fine on persons who may be entirely indigent. In such situations, a sentence of “time served” may be more appropriate, and would only be legally permissible if a possible jail penalty were included in this bill. The Council understands that the law requires that the Department of Correction include the date of sentence in the calculation of a sentenced person’s jail time credit, and therefore that a sentence of one day jail would be the functional equivalent of “time served.”

The original version of the bill contained none of the changes to civil penalties outlined *supra*, nor did it address civil penalties imposed pursuant to parks rules or parks-related misdemeanors. Finally, the effective date of this bill has been reduced from six months to 60 days after the bill becomes law.

**(The following is the text of the Fiscal Impact Statement for Int No. 639-B):**



**THE COUNCIL OF THE CITY  
OF NEW YORK**

**FINANCE DIVISION  
LATONIA MCKINNEY,  
DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 639-B  
COMMITTEE: Public Safety**

**TITLE:** To amend the administrative code of the city of New York, in relation to requiring the police department to submit quarterly reports relating to the issuance of summonses.

**SPONSORS:** Council Members Williams, Torres, Lancman, Johnson, Wills, Gibson, Chin, Mendez, Rose, Rodriguez, Rosenthal, Menchaca, Cohen, Dromm, The Speaker (Council Member Mark-Viverito), Levine and Cumbo

<sup>72</sup> New York City Charter § 558(e)

<sup>73</sup> New York City Administrative Code § 16-118(8)



**SUMMARY OF LEGISLATION:** Proposed Intro. 639-B would require the New York Police Department (“NYPD”) to submit quarterly reports to the City Council and the Mayor showing the number of criminal and civil summonses issued disaggregated by race, gender, offense, age, borough and precinct. The reports would include the criteria used to make the determination to issue criminal or civil summonses. The reports would also be posted on the NYPD’s website and would include a comparison of the current quarter to the same quarter in the prior three years and the current year to the prior five years, where such information is available.

**EFFECTIVE DATE:** This local law would take effect immediately, provided that the first quarterly report is due within 30 days of the quarter beginning October 1, 2017.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$650,000	\$0	\$650,000
<b>Net</b>	\$650,000	\$0	\$650,000

**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 estimated that this legislation would impact expenditures in the amount of \$650,000. The impact on expenditures is a one-time cost to create the database at the NYPD to track the summons data required by the legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council  
New York Police Department  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, Senior Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** Intro. No. 639 was introduced to the Council on January 22, 2015 and referred to the Committee on Public Safety. The Committee considered an amended version of the legislation at a hearing on January 25, 2016 and the legislation was laid over. The legislation was subsequently amended again and the second amended version, Proposed Intro. No. 639–B, will be voted on by the Committee at a hearing on May 25, 2016. Upon successful vote of the Committee, Proposed Intro. No. 639-B will be submitted to the full council for a full vote on May 25, 2016.

**DATE PREPARED:** May 13, 2016

(For text of Int Nos. 662-A, 1056-A, 1057-A, 1058-A, 1059-A, 1067-A, and 1070-A, please see, respectively, the Reports of the Committee on Public Safety for Int Nos. 662-A, 1056-A, 1057-A, 1058-A, 1059-A, 1067-A, and 1070-A printed in these Minutes)

*Accordingly, this Committee recommends the adoption of Int Nos. 639-B, 662-A, 1056-A, 1057-A, 1058-A, 1059-A, 1067-A, and 1070-A.*

**(The following is the text of Int No. 639-B:)**

Int. No. 639-B

By Council Members Williams, Torres, Lancman, Johnson, Wills, Gibson, Chin, Mendez, Rose, Rodriguez, Rosenthal, Menchaca, Cohen, Dromm, The Speaker (Council Member Mark-Viverito), Levine, Cumbo, Levin, Richards, Palma, Garodnick, Eugene and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit quarterly reports relating to the issuance of summonses**

*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 14-157 to read as follows:

*§14-157 Summons report.*

*a. The commissioner shall submit to the council and the mayor, and post to the department's website, within 30 days of the beginning of each quarter, a report containing the following information for the previous quarter:*

- 1. The number of criminal summonses issued;*
- 2. The number of civil summonses issued; and*
- 3. Where applicable, for criminal summonses, the criteria applied pursuant to subdivision b of section 14-155 of this chapter in making the determination to issue such summonses.*

*b. The information required pursuant to subdivision a of this section shall be listed in total and disaggregated by:*

- 1. offense;*
- 2. race;*
- 3. gender;*
- 4. age;*
- 5. the borough in which the summons was issued; and*

*6. the patrol precinct, housing police service area, and transit district in which the summons was issued.*  
*c. The information required pursuant to subdivisions a and b for each quarter shall be stored permanently on the department's website and shall be provided in a format that permits automated processing. Each quarterly report shall include a comparison of the current quarter to the same quarter in the prior three years, and the current year to the prior five years, where such information is available.*

§ 2. This local law takes effect immediately, provided that the first quarterly report pursuant to section 1 is due within 30 days of the quarter beginning October 1, 2017.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, May 25, 2016. *Other Council Members Attending: Johnson, Treyger and Rosenthal.*

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. 662-A

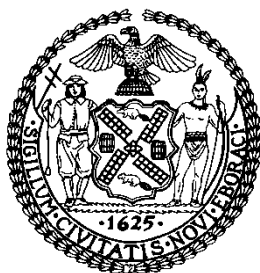
**Report of the Committee on Public Safety in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit quarterly reports relating to the issuance of desk appearance tickets**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 12, 2015 (Minutes, page 476), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int No. 639-B printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int No. 662-A:*



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

**PROPOSED INTRO. NO: 662-A  
COMMITTEE: Public Safety**

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**TITLE:** To amend the administrative code of the city of New York, in relation to requiring the police department to submit quarterly reports relating to the issuance of desk appearance tickets.

**SPONSORS:** Levine, Dromm, Chin, Cohen, Gibson, Rose, Williams, Wills, Rodriguez and Rosenthal

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 662-A would require the New York Police Department (“NYPD”) to submit quarterly reports to the City Council and the Mayor relating to the issuance of desk appearance tickets. The reports would include the guidelines used by the NYPD to determine when a desk appearance ticket is used. In addition, the reports would include the rate of the use of arrests or desk appearance tickets for each offense that State law authorizes the issuance of a desk appearance ticket and for which either more than 500 desk appearance tickets or arrests were made. The reports would include the total number of desk appearance tickets issued disaggregated by the precinct, housing area or transit district where the ticket was issued, the offense charged, and the gender, race, and age of the individual to whom the ticket was issued. The reports would be posted on the NYPD’s website and include comparisons of the current quarter to the same quarter in the prior three years and the current year to the prior five years, where this information is available.

**EFFECTIVE DATE:** This local law would take effect immediately, provided that the first quarterly report is due within 30 days of the quarter beginning July 1, 2016.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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:** Because the Department would use existing resources to implement this legislation, it is estimated that the enactment of this legislation would have no impact on expenditures.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council  
New York Police Department  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, Senior Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** Intro. No. 662 was introduced to the Council on February 12, 2015 and referred to the Committee on Public Safety. The Committee considered the legislation at a hearing on January 25, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 662-A, will be voted on by the Committee at a hearing on May 25, 2016. Upon successful vote of the Committee, Proposed Intro. No. 662-A will be submitted to the full council for a full vote on May 25, 2016.

**DATE PREPARED:** May 13, 2016

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

**(The following is the text of Int No. 662-A):**

Int. No. 662-A

By Council Members Levine, Dromm, Chin, Cohen, Gibson, Rose, Williams, Wills, Rodriguez, Rosenthal, Kallos, Torres, The Speaker (Council Member Mark-Viverito), Cumbo, Levin, Richards, Palma, Garodnick, Eugene and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit quarterly reports relating to the issuance of desk appearance tickets**

*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 14-156 to read as follows:

*§14-156 Desk appearance ticket report. a. The commissioner shall submit to the council and the mayor, and post to the department's website, within 30 days of the beginning of each quarter, a report regarding the use of desk appearance tickets for the previous quarter. This report shall include the guidelines used by the department to determine when desk appearance tickets are used in lieu of a custodial arrest pursuant to subdivision 1 of section 140.20 of the penal law. This report shall also include, for any offense for which a desk appearance ticket may be issued by state law and for which either more than 500 desk appearance tickets were issued or for which more than 500 arrests were made pursuant to subdivision 1 of section 140.20 of the penal law, the rate of the use of arrests and desk appearance tickets for each such offense. This report shall also include the number of desk appearance tickets issued, in total and disaggregated as follows:*

- 1. the patrol precinct, housing police service area and transit district in which such desk appearance ticket was issued;*
- 2. the borough in which such desk appearance ticket was issued;*
- 3. race;*
- 4. gender;*
- 5. age; and*
- 6. offense charged.*

*b. The information in subdivision a of this section shall be stored permanently on the department's website, and each quarterly report shall include a comparison of the current quarter to the same quarter in the prior three years, and the current year to the prior five years, where such information is available.*

§ 2. This local law takes effect immediately, provided that the first quarterly report pursuant to section 1 is due within 30 days of the quarter beginning July 1, 2016.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, May 25, 2016. *Other Council Members Attending: Johnson, Treyger and Rosenthal.*

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. 1056-A

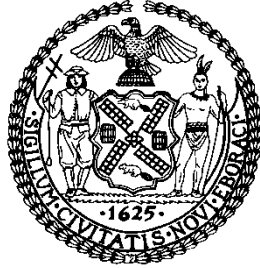
**Report of the Committee on Public Safety in favor of approving, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to penalties for violating park rules.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 5, 2016 (Minutes, page 299), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int No. 639-B printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int No. 1056-A:*



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO:** 1056-A  
**COMMITTEE:** Public Safety

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**TITLE:** To amend the New York city charter and the administrative code of the city of New York, in relation to penalties for violating certain park rules.

**SPONSORS:** The Speaker (Council Member Mark-Viverito) and Rosenthal.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1056-A would remove the misdemeanor penalty for violating Department of Parks and Recreation (“DPR”) rules and replace it with a penalty of a violation, which is a non-criminal offense that is enforced in criminal court. The possible sentence would be a fine of up to a \$200 or up to one-day imprisonment. As a result, any rule passed by the DPR would automatically carry a penalty that could be enforced in criminal court, but not one that would give an offender a permanent criminal record. These rules would also carry a possible civil penalty of up to \$300. OATH currently has a schedule that lists a fine for each particular offense.

In addition, numerous offenses in parks will be codified as misdemeanors in the Administrative Code, with a penalty of up to 20 days imprisonment or a fine of up to \$1000, and a possible civil penalty of up to \$5000, and up to \$10,000 for a second offense within 12 months. These misdemeanors include offenses summarized as follows:

1. Failure to comply with a lawful order
2. Water pollution
3. Unlawful dumping
4. Aviation
5. Explosives, firearms, and weapons
6. Animal nests and eggs
7. Failure to control animals
8. Trespass
9. Fare evasion
10. Climbing
11. Dangerous roads
12. Unlawful exposure
13. Unlawful commercial activity
14. Events without permits
15. Unauthorized vending
16. Noise at night
17. Sound reproduction device
18. Music or advertising noise without a permit
19. Unauthorized commercial cinematic production

- 20. Dangerous transportation vehicles
- 21. Boating
- 22. Unlawful fires
- 23. Unauthorized construction
- 24. Unauthorized excavations
- 25. Area use restrictions
- 26. Exclusive children’s playgrounds

The bill also creates a separate section in the Administrative Code that creates a misdemeanor for the destruction or removal of any tree on DPR property, or the destruction or abuse of any DPR property that results in significant damage or expense. This offense carries a penalty of up to six months imprisonment, a fine of up to \$15,000, or both. It also carries a possible civil penalty of up to \$10,000.

**EFFECTIVE DATE:** This local law would take effect one year after it becomes law, however, between 30 days after the bill becomes law and one year after it becomes law, the criminal penalty for the violation of two parks rules related to parks signs and being in a park after hours would be reduced from a misdemeanor to a violation, the maximum jail penalty reduced from 90 days to one day, and the maximum fine reduced from \$1,000 to \$200.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$375,000	\$0	\$375,000
<b>Net</b>	\$375,000	\$0	\$375,000

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation at this time. However, a variety of factors could contribute to the potential revenue impact as a result of this legislation and the package of bills known as the Criminal Justice Reform Act. Some such factors include the number of civil penalties issued, the collection rate, and the number of people that choose the community service option in Proposed Intro. No. 1059-A. These will determine whether revenue will decrease or increase as a result of these bills.

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would impact the budgets of the DPR and the NYPD. Park rules are enforced by NYPD and DPR. Both police officers and parks enforcement agents would require instruction in how to apply the changes proposed. According to the Administration, the DPR would require a one-time cost of \$375,000 to train its more than 200 park enforcement patrol officers and create a new database to track the issuing of notices of violations.

The impact to NYPD, as a result of the enactment of Proposed Intro. No. 1056-A, would be a portion of a one-time cost to train 19,000 uniform officers associated with the Criminal Justice Reform Act, as outlined in the Council’s Fiscal Impact Statement for Proposed Intro. No. 1057-A.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council  
 New York Police Department  
 Department of Parks and Recreation  
 Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, Senior Legislative Financial Analyst  
James Subudhi, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was heard by the Committee on Public Safety as a preconsidered matter on January 25, 2016 and it was laid over. The legislation was introduced to the Council on February 5, 2016 as Intro. 1056-A. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1056-A, will be voted on by the Committee at a hearing on May 25, 2016. Upon successful vote of the Committee, Proposed Intro. No. 1056-A will be submitted to the full council for a full vote on May 25, 2016.

**DATE PREPARED:** May 13, 2016

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

**(The following is the text of Int No. 1056-A):**

Int. No. 1056-A

By The Speaker (Council Member Mark-Viverito) and Council Members Rosenthal, Torres, Williams, Gibson, Levine, Cumbo, Rodriguez, Levin, Richards, Palma, Garodnick, Eugene and Lander.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to penalties for violating park rules.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 9 of subdivision a of section 533 of the New York city charter, as amended by chapter 167 of the laws of 2010, is amended to read as follows:

9. to establish and enforce rules and regulations for the use, government and protection of public parks and of all property under the charge and control of the department, which rules and regulations so far as practicable shall be uniform in all boroughs and shall have the force and effect of law. Such rules and regulations shall apply to and be enforceable within public parks, recreational facilities and other property under the jurisdiction of the Hudson River park trust, the battery park city authority and the Brooklyn bridge park corporation provided that such trust, authority or corporation have entered into agreements with the commissioner to provide for the maintenance, protection and/or government of such property by the department, except to the extent that such rules and regulations are inconsistent with specific rules and regulations of the Hudson river park trust, the battery park city authority or the Brooklyn bridge park corporation.

(i) [Any] *Except as otherwise provided by subparagraphs (ii) and (iii) of this paragraph, any violation of such rules or regulations[, except any violation of subparagraph (ii) of this paragraph,] shall be [a misdemeanor triable by a judge of the criminal court of the city of New York and] an offense punishable by [not more than ninety days] imprisonment of up to one day or by a fine of not more than [one thousand] 200 dollars[ or by both]. Any violation of such rules or regulations shall also subject the violator to a civil penalty of not more than [ten thousand] 300 dollars for each violation, provided that the default judgment for any such violation shall not exceed 150 percent of the scheduled penalty as set forth in section 3-116 of title 48 of the rules of the city of New York or any successor provision,* which may be recovered in a proceeding before the [environmental control board] *office of administrative trials and hearings pursuant to section 1049-a.* Such proceeding shall be commenced by the service of a notice of violation returnable to [the environmental control



board] *such office pursuant to such section.*

(ii) [Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree shall be a misdemeanor triable by a judge of the criminal court of the city of New York and punishable by not more than one year imprisonment or by a fine of not more than fifteen thousand dollars or by both. Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree shall also subject the violator to a civil penalty of not more than ten thousand dollars for each violation which may be recovered in a proceeding before the environmental control board. Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board. The environmental control board shall have the power to impose the civil penalties prescribed herein;] *Notwithstanding subparagraph (i) of this paragraph, the civil penalty limitations in relation to open container restrictions, littering and urination, and noise set forth in sections 10-173, 16-141 and 24-270, respectively, shall govern where applicable.*

(iii) *Notwithstanding subparagraphs (i) and (ii) of this paragraph, the administrative code may classify violations of such rules as misdemeanors, and may prescribe sanctions consistent with such classification. Violations of rules that are subject to misdemeanor sanctions in accordance with this subparagraph and the administrative code may also subject the violator to civil penalties greater than those specified in subparagraph (i), as may be provided in such code.*

§ 2. Paragraph 9 of subdivision a of section 533 of the New York city charter, as amended by chapter 167 of the laws of 2010, is amended to read as follows:

9. to establish and enforce rules and regulations for the use, government and protection of public parks and of all property under the charge or control of the department, which rules and regulations so far as practicable shall be uniform in all boroughs and shall have the force and effect of law. Such rules and regulations shall apply to and shall be enforceable within public parks, recreational facilities and other property under the jurisdiction of the Hudson river park trust, the battery park city authority and the Brooklyn bridge park corporation provided that such trust, authority or corporation have entered into agreements with the commissioner to provide for the maintenance, protection and/or government of such property by the department, except to the extent that such rules and regulations are inconsistent with specific rules and regulations of the Hudson river park trust, the battery park city authority or the Brooklyn bridge park corporation.

(i) Any violation of such rules or regulations, except any violation of [subparagraph] *subparagraphs* (ii) and (iii) of this paragraph, shall be a misdemeanor triable by a judge of the criminal court of the city of New York and punishable by not more than ninety days imprisonment or by a fine of not more than one thousand dollars. Any violation of such rules or regulations shall also subject the violator to a civil penalty of not more than ten thousand dollars for each violation which may be recovered in a proceeding before the environmental control board. Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board.

(ii) Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree shall be a misdemeanor triable by a judge of the criminal court of the city of New York and punishable by not more than one year imprisonment or by a fine of not more than fifteen thousand dollars or by both. Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree shall also subject the violator to a civil penalty of not more than ten thousand dollars for each violation which may be recovered in a proceeding before the environmental control board. Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board. The environmental control board shall have the power to impose the civil penalties prescribed herein;

(iii) *Any violation of sections 1-03(a) and 1-03(c)(2) of such rules and regulations shall be an offense punishable by imprisonment of up to one day or a fine of not more than 200 dollars;*

§ 3. Title 18 of the administrative code of the city of New York is amended by adding new sections 18-146 and 18-147 to read as follows:

*§18-146 Prohibitions in Parks.*

*a. Penalties. In accordance with subparagraph (ii) of paragraph 9 of section 533 of the charter, the violation of any provision of this section shall be a misdemeanor punishable by not more than 20 days imprisonment or by a fine of not more than 1,000 dollars. Any person who violates this section shall, for the first violation, also be liable for a civil penalty of not more than 5,000 dollars, and for the second or any*

*subsequent violation committed within a twelve month period, for a civil penalty of no more than 10,000 dollars, which may be recovered in a proceeding before the office of administrative trials and hearings pursuant to section 1049-a of the charter. For the purposes of this subdivision, the term "first violation" means any number of violations issued during a single incident. Nothing in this section shall be construed to prevent the department from promulgating additional rules concerning activities within the scope of this section; provided that except as specifically provided in this section, violation of such additional rules shall be subject to penalties in accordance with subparagraph (i) of paragraph 9 of section 533 of the charter rather than this section.*

*b. Notwithstanding any provision of law to the contrary, the civil penalty limitation in relation to noise set forth in section 24-270 shall govern where applicable.*

*c. Offenses. The prohibitions set forth in this subdivision shall apply to public parks and to all property under the charge and control of the department.*

*1. Failure to comply with lawful order. No person shall fail, neglect or refuse to comply with the lawful direction or command of any member of the police department, peace officer, park supervisor or such person's superior, lifeguard, or department employee under the command of the parks enforcement patrol division.*

*2. Pollute waters. No person shall throw, drop, allow to fall, or discharge into or leave in, or otherwise introduce into the waters within the jurisdiction of the department, including pools and bathing areas, or any tributary, brook, stream, sewer or drain flowing into said waters, any substance, liquid or solid, gas, or other item which may or will result in the pollution of said waters.*

*3. Unlawful dumping. No person shall engage in unlawful dumping. For purposes of this subdivision "unlawful dumping" shall mean suffering or permitting any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle or conveyance to be dumped, deposited or otherwise disposed of.*

*4. Aviation. No person shall voluntarily bring, land or cause to alight within or upon the jurisdiction of the department, any airplane, hot air balloon, parachute, hang glider, or other aerial craft or device, that endangers any person or property, except that certain areas may be designated appropriate landing places for medical evacuation helicopters. For the purposes of this subdivision "voluntarily" shall mean anything other than a forced landing caused by mechanical or structural failure of the aircraft or other aerial device.*

*5. Explosives, firearms and weapons. No person shall bring into or have in his or her possession any firearms, slingshots, firecrackers, missile propelling instruments or explosives, including any substance, compound or mixture having properties of such a character that alone or in combination with other substances, compounds or mixtures, propel missiles, explode or decompose to produce flames, combustion, noise, or noxious or dangerous odors; provided that this subdivision shall not apply to: a sworn member of the uniformed force of the police department, whether on or off-duty; persons in the military or other service of the United States who are in pursuit of official duty or duly authorized by federal law, regulation or order to possess the relevant firearm or other item; persons in the military service of the state of New York when on duty and duly authorized by applicable regulations to possess the relevant firearm or other item; police officers as defined by subdivision 34 of section 1.20 of the criminal procedure law, if not otherwise specified by this subdivision, when on duty; or peace officers as defined by section 2.10 of the criminal procedure law, when on duty. Nothing in this subdivision shall be construed to prohibit the proper use of cigarette lighters, matches or of charcoal lighter fluid in proper containers in picnic grills where permissible pursuant to the rules promulgated by the commissioner.*

*6. Animals, nests and eggs. Except pursuant to a permit for trapping issued by the department, no person shall molest, chase, harass, injure, wound, trap, hunt, shoot, throw missiles at, kill or remove any animal, any nest, or the eggs of any amphibian, reptile or bird, or, otherwise harm or intentionally take actions that could reasonably harm any animal, nest, or such eggs. Further, no person shall knowingly buy, receive, have in his or her possession, sell or give away any such animal or egg taken from or killed within the jurisdiction of the department including any zoo area.*

*7. Failure to control animals. No person owning, possessing or controlling any animal shall cause or allow such animal to be unleashed or out of control in a manner prohibited by the rules of the department.*

*8. Trespass. No person, unless authorized to do so, shall knowingly enter or remain in a building or other structure, or upon real property, which is fenced, barricaded or otherwise enclosed in a manner designed to*

*exclude or otherwise discourage entrance by any unauthorized individual, or shall enter or leave the jurisdiction of the department except by designated entrance ways or exits.*

9. *Fee evasion. No person shall gain or attempt to gain admittance to department facilities or structures for the use of which charge is made without paying such charge.*

10. *Climbing. No person shall climb upon any statue or artwork not specifically intended for climbing purposes in a manner that damages or could reasonably damage such statue or artwork.*

11. *Dangerous roads. No person shall render dangerous any part of a road.*

12. *Unlawful exposure. No person shall appear in public in such a manner that one's genitalia are unclothed or exposed.*

13. *Unlawful commercial activity. No person shall engage in any commercial activity or commercial speech, except pursuant to a permit issued by the department.*

14. *Events without permits. No person shall hold or sponsor any event that significantly interferes with ordinary park use, as such interference is defined by rules of the department, without a permit issued by the department, or erect any structure, stand, booth, platform, or exhibit in connection with any event without a permit issued by the department.*

15. *Unauthorized vending. No person shall vend in a manner prohibited by the rules of the department.*

16. *Noise at night. No person shall play or operate any musical instrument or drum, radio, tape recorder or other device for producing sound in any park between the hours of 10:00 p.m. and 8:00 a.m., except under the express terms of a permit issued by the department, provided that the department may vary the hours specified in this paragraph in a particular park or area by means of posting signs advising the public of the restricted hours applicable to such park or area.*

17. *Sound reproduction device. No person shall play or operate any sound reproduction device, as defined by the rules of the department, without a permit issued by the department and any other city agency or agencies with pertinent jurisdiction. This paragraph shall not apply to the regular and customary use of sound reproduction devices operated in full accordance with the rules of the department so as not unreasonably to disturb other persons in their permitted uses of the park, except that in areas designated by the department as "quiet zones," such regular and customary use of sound reproduction devices shall be prohibited. Signs shall be posted in all quiet zones advising the public of such prohibition. Use of radios and other sound reproduction devices listened to solely by headphones or earphones, and inaudible to others, is permitted in all areas.*

18. *Music or advertising noise without a permit. No person shall play or operate any musical instrument or drum or cause any noise for advertising or commercial purposes except under the express terms of a permit issued by the department.*

19. *Unauthorized commercial cinematic production. No person shall engage in filming or photography, where such activity is subject to the permit requirements of the mayor's office of film, theatre and broadcasting or any successor agency, except under the express terms of a permit issued by that office.*

20. *Dangerous transportation vehicles. No person shall operate a bicycle, motor vehicle, or similar vehicle in a manner that endangers any other person or property.*

21. *Boating. No owner or operator of a boat, vessel or dinghy shall violate rules of the department regulating the operation, docking, storage, maintenance or removal of such boat, vessel or dinghy, or the use or alteration of facilities connected with such activities.*

22. *Unlawful fires.*

(a) *No person shall kindle, build, maintain, or use a fire in any place in a manner prohibited by the rules of the department.*

(b) *No person shall leave, throw away, drop, or toss any lighted match, cigar, or cigarette, hot coals, or other flammable material within, on, near, or against any tree, building, structure, boat, vehicle or enclosure, or in any open area. This paragraph shall not apply to extinguishing a cigar or cigarette on a paved surface.*

23. *Unauthorized construction. No person shall perform or cause to be performed construction work of any kind or any work incidental thereto, including, but not limited to, construction staging, except pursuant to a permit issued by the department.*

24. *Unauthorized excavations. No person shall perform, cause, suffer or allow to be performed any excavations or similar activity that significantly disrupts park property within or adjacent to any park property without a permit issued by the department.*

25. *Area use restrictions.*

(a) *No person shall engage in any toy or model aviation, model boating or model automobiling, or activity involving other similar devices except at such times and at such places designated or maintained therefor.*

(b) *No person shall roller skate, ski, skateboard, sled or coast or ride on any similar device outside areas designated and maintained for such use in a manner that endangers any other person or property.*

(c) *No person shall go upon the ice of any lake or pond in a manner prohibited by the department.*

26. *Exclusive Children's Playgrounds.* No person shall enter any playground designated by sign as an exclusive children's playground unless such person is accompanied by a child, in accordance with rules of the department.

§18-147. *Destruction of trees and property.* Any violation of a department rule or regulation concerning the cutting, removal or destruction of any tree or concerning the destruction or abuse of other public property under the charge and control of the department, where such destruction or abuse results in significant damage or expense, shall be a misdemeanor punishable by not more than six months imprisonment or by a fine of not more than 15,000 dollars, or by both. Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree or concerning the destruction or abuse of other public property, where such destruction or abuse results in significant damage or expense, shall also subject the violator to a civil penalty of not more than 10,000 dollars for each violation which may be recovered in a proceeding before the office of administrative trials and hearings pursuant to section 1049-a of the charter. Such proceeding shall be commenced by the service of a notice of violation returnable to such office pursuant to such section. The office of administrative trials and hearings shall have the power to impose the civil penalties prescribed herein in accordance with such section.

§ 4. Sections 1 and 3 of this local law take effect one year after they become law and apply to proceedings for enforcement of section 533 of the charter commenced on and after such date. Section 2 of this local law takes effect 30 days after it becomes law and expires and is deemed repealed one year after it becomes law, and applies to proceedings for enforcement of section 533 of the charter commenced 30 days after it becomes law.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, May 25, 2016. *Other Council Members Attending: Johnson, Treyger and Rosenthal.*

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. 1057-A

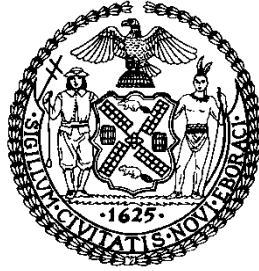
**Report of the Committee on Public Safety in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the enforcement of criminal and civil offenses.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 5, 2016 (Minutes, page 304), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Public Safety for Int No. 639-B printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int No. 1057-A:*



**THE COUNCIL  
OF THE CITY OF NEW YORK**

**FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1057-A  
COMMITTEE: Public Safety**

**TITLE:** To amend the administrative code of the city of New York, in relation to the enforcement of criminal and civil offenses.

**SPONSORS:** The Speaker (Council Member Mark-Viverito) and Rosenthal

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1057-A would require the NYPD to establish written, public guidance with respect to the enforcement of five offenses: possession of an open container of alcohol in public, the violation of parks rules and related parks offenses, public urination, littering, and unreasonable noise. This guidance would detail when officers should issue criminal and civil summonses for these offenses, such as the guidance that currently exists regarding turnstile jumping. The “legislative findings and intent” section of this bill would state that the Council has “concluded that criminal enforcement of these offenses should be used only in limited circumstances and that, in the absence of such circumstances, civil enforcement should be utilized.”

**EFFECTIVE DATE:** This local law would take effect one year after enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$7,045,000	\$2,345,000	\$7,045,000
<b>Net</b>	\$7,045,000	\$2,345,000	\$7,045,000

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation at this time. However, a variety of factors could contribute to the potential revenue impact as a result of this legislation and the package of bills known as the Criminal Justice Reform Act. Some such factors include the number of civil penalties issued, the collection rate, and the number of people that choose the community service option in Proposed Intro. No. 1059-A. These will determine whether revenue will decrease or increase as a result of the reduction of these bills.

**IMPACT ON EXPENDITURES:** It is estimated that this legislation would impact expenditures at Office of Administrative Trials and Hearings (“OATH”) and the NYPD. The Administration estimates the impact to total \$7,045,000 in Fiscal 2017 and \$2,345,000 in the outyears. Proposed Intro. No. 1057-A requires the NYPD to create guidelines for uniform officers on when to use criminal enforcement as opposed to civil

enforcement for five specified types of offenses. These new guidelines would increase the caseload adjudicated by OATH and require NYPD to retrain its officers on the new enforcement procedures.

The guidelines developed by NYPD to implement the requirements of Proposed Intro. 1057-A would determine the actual OATH caseload increase, but it is anticipated that OATH would require increased staffing capacity to address an increase in responsibility and caseload. The estimated impact on expenditures for OATH totals \$2,445,000 in the first fiscal year and \$2,345,000 in the outyears. This cost includes \$1.7 million in personnel services and \$745,000 in other than personal services costs in the first year. In the outyears, the estimated cost decreases to \$1.7 million in personnel services and \$645,000 in other than personal services costs. As mentioned before, the new NYPD guidelines will determine the actual number of cases adjudicated by OATH, thus increasing or decreasing the fiscal impact of this legislation.

Proposed Intro. 1057-A would also require NYPD to retrain its officers on the new enforcement guidelines. The estimated cost of this retraining is a one-time cost of \$4.6 million. The \$4.6 million supports the uniform overtime costs to provide four hours of training for 19,000 uniform personnel. NYPD assumes that the remaining uniform personnel will receive training on straight time, which can be absorbed with existing resources.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council  
New York Police Department  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, Senior Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation heard by the Committee on Public Safety as a preconsidered matter on January 25, 2016 and it was laid over. It was introduced to the Council on February 5, 2016. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1057-A, will be voted on by the Committee at a hearing on May 25, 2016. Upon successful vote of the Committee, Proposed Intro. No. 1057-A will be submitted to the full council for a full vote on May 25, 2016.

**DATE PREPARED:** May 13, 2016

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

**(The following is the text of Int No. 1057-A:)**

Int. No. 1057-A

By The Speaker (Council Member Mark-Viverito) and Council Members Rosenthal, Torres, Gibson, Levine, Cumbo, Rodriguez, Levin, Richards, Williams, Palma, Garodnick, Eugene, Wills and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of criminal and civil offenses.**

*Be it enacted by the Council as follows:*

Section 1. Section 1-112 of the administrative code is amended by adding a new subdivision 22 to read as follows:

22. *“Notice of violation”*. *An instrument charging a person or entity with violation of a local law or rule. “Notice of violation” shall be deemed to include a “civil summons”, “a summons for a civil violation” and a “notice of hearing”.*

§ 2. Section 14-101 of title 14 of the administrative code of the city of New York is amended to read as follows:

§ 14-101 Definitions. As used in this title, the following [words shall] terms have the following meanings:

*Civil enforcement*. *The term “civil enforcement” means the issuance of a civil summons.*

*Civil summons*. *The term “civil summons” means a civil notice of violation.*

[a. *“Commissioner”*] *Commissioner*. *The term “commissioner” [shall] means the commissioner of the [police] department [of the city].*

*Criminal enforcement*. *The term “criminal enforcement” means the charging of a misdemeanor or violation.*

*Criminal summons*. *The term “criminal summons” means an appearance ticket issued by the department pursuant to article 150 of the criminal procedure law that is an accusatory instrument pursuant to article 100 of the criminal procedural law, and returnable to the criminal court.*

[b. *“Department”*] *Department*. *The term department [shall] means the police department of the city of New York.*

*Desk appearance ticket*. *The term “desk appearance ticket” means an appearance ticket issued by the department pursuant to article 150 of the criminal procedure law that is not an accusatory instrument pursuant to article 100 of the criminal procedure law.*

*Specified unlawful act*. *The term “specified unlawful act” means an act that violates any of the following provisions: subdivision b of section 10-125 of the code, subdivision 1 of section 16-118 of the code, subdivision 6 of section 16-118 of the code with respect to the act of public urination, subdivision a of section 24-218 of the code, section 18-146 of the code, section 18-147 of the code, and rules and regulations of the department of parks and recreation described in paragraph 9 of subdivision a of section 533 of the charter.*

§ 3. Paragraph 4 of subdivision a of section 14-150 of title 14 of the administrative code, as amended by local law number 2 for the year 2014, is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal [court] summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation, pursuant to the following timetable:

1. Beginning January first, two thousand fourteen, the thirty largest parks, as determined by acreage;
2. Beginning June first, two thousand fourteen, the one hundred largest parks, as determined by acreage;
3. Beginning January first, two thousand fifteen, the two hundred largest parks, as determined by acreage;
4. Beginning January first, two thousand sixteen, the three hundred largest parks, as determined by acreage;
5. Beginning January first, two thousand seventeen, all parks one acre or greater in size; and
6. Beginning January first, two thousand eighteen, all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size.

The department shall conspicuously post all quarterly reports of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation online via the department's website within five business days of the department's submission of such reports to the council.

§ 4. Paragraph 5 of subdivision a of section 14-150 of title 14 of the administrative code, as added by local law number 55 for the year 2001, is amended to read as follows:

5. A report based on the information provided in the department's Stop, Question and Frisk Report Worksheet and any successor form or worksheet. Such report shall include the number of stop, question and frisks for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a breakdown of the number of stop, question and frisks by race and gender for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; the number of suspects arrested or issued a *criminal* summons as indicated on each stop, question and frisk report for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a breakdown by race and gender of the suspects arrested or issued a *criminal* summons as indicated on each stop, question and frisk report for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a listing, by category, of the factors leading to the stop, question and frisk for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division, with a breakdown by race and gender for each listed factor; and a summary of complaints of violent felony crime for each patrol precinct, with a breakdown by race and gender of the suspect as identified by the victim.

§ 5. Subdivision b of section 14-152 of the administrative code, as added by local law number 6 for the year 2011, is amended to read as follows:

b. Report of activity relating to schools. The department shall submit to the council on a quarterly basis, a report based on data reflecting *criminal* summons, arrest, and non-criminal incident activity from the preceding quarter. Such report shall be disaggregated by patrol borough and include, at a minimum:

1. the number of individuals arrested and/or issued a *criminal* summons by school safety agents or police officers assigned to the school safety division of the New York city police department;
2. in those cases where arrests were made or *criminal* summonses were issued: (i) the charges (including penal law section or other section of law), and (ii) whether the charge was a felony, misdemeanor or violation; and
3. the number and type of non-criminal incidents that occurred.

§ 6. Paragraph 5 of subdivision a of section 14-150 of title 14 of the administrative code, as added by local law number 55 for the year 2001, is amended to read as follows:

5. A report based on the information provided in the department's Stop, Question and Frisk Report Worksheet and any successor form or worksheet. Such report shall include the number of stop, question and frisks for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a breakdown of the number of stop, question and frisks by race and gender for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; the number of suspects arrested or issued a *criminal or civil* summons as indicated on each stop, question and frisk report for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a breakdown by race and gender of the suspects arrested or issued a *criminal or civil* summons as indicated on each stop, question and frisk report for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a listing, by category, of the factors leading to the stop, question and frisk for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division, with a breakdown by race and gender for each listed factor; and a summary of complaints of violent felony crime for each patrol precinct, with a breakdown by race and gender of the suspect as identified by the victim.

§ 7. Subdivision b of section 14-152 of the administrative code, as added by local law number 6 for the year 2011, is amended to read as follows:

b. Report of activity relating to schools. The department shall submit to the council on a quarterly basis, a report based on data reflecting *criminal* summons, *civil* summons, arrest, and non-criminal incident activity from the preceding quarter. Such report shall be disaggregated by patrol borough and include, at a minimum:

1. the number of individuals arrested and/or issued a *criminal* summons by school safety agents or police officers assigned to the school safety division of the [New York city police] department;
2. in those cases where arrests were made or *criminal* summonses were issued: (i) the charges (including penal law section or other section of law), and (ii) whether the charge was a felony, misdemeanor or violation;



3. the number of individuals issued a civil summons by school safety agents or police officers assigned to the school safety division of the department; and

[3.] 4. the number and type of non-criminal incidents that occurred.

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

*§14-155 Enforcement criteria.*

*a. Declaration of legislative findings and intent. The Council has analyzed the application of criminal and civil enforcement in numerous low-level offenses. Based upon this analysis, the Council has identified concerns with the use of criminal enforcement for many of these offenses and has concluded that criminal enforcement of these offenses should be used only in limited circumstances and that, in the absence of such circumstances, civil enforcement should be utilized. Therefore, the Council finds that it would be productive for the Police Department to communicate to its officers and to the public guidance regarding the important determination whether to utilize civil or criminal enforcement in particular instances.*

*b. The department shall provide guidance to its uniformed officers with respect to determining whether to utilize civil enforcement or criminal enforcement, or both, for any individual who commits a specified unlawful act. Such guidance shall be made publicly available. Nothing contained in this subdivision or in the administration or application hereof shall be construed as creating:*

*1. a right to be subject to civil or criminal enforcement or prosecution in connection with any alleged specified unlawful act; or*

*2. a private right of action on the part of any persons or entity against the city of New York, the department, or any official or employee thereof.*

§ 9. This local law takes effect immediately, except that paragraph 5 of subdivision a of section 14-150 of the administrative code, as amended by section 6 of this local law, subdivision b of section 14-152 of the administrative code, as amended by section 7 of this local law, and section 14-155 of the administrative code, as added by section 8 of this local law, take effect 1 year after such sections become law, provided that paragraph 5 of subdivision a of section 14-150 of the administrative code, as amended by section 4 of this local law, and subdivision b of section 14-152 of the administrative code, as amended by section 5 of this local law, are deemed repealed 1 year after this local law takes effect.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, May 25, 2016. *Other Council Members Attending: Johnson, Treyger and Rosenthal.*

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. 1058-A

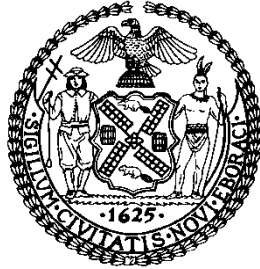
**Report of the Committee on Public Safety in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the penalties for excessive noise.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 5, 2016 (Minutes, page 305), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int No. 639-B printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int No. 1058-A:*



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

**PROPOSED INTRO. NO: 1058-A  
COMMITTEE: Public Safety**

**TITLE:** To amend the administrative code of the city of New York, in relation to penalties for excessive noise. **SPONSORS:** The Speaker (Council Member Mark-Viverito), Rosenthal, and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1058-A would establish a two-tier system for penalties for violation of the broad prohibition on unreasonable noise under the New York City Noise Control Codes. For individuals violating the general broad prohibition against unreasonable noise, the legislation would establish a civil penalty for a first offense of \$75 to \$150, a civil penalty for a second offense within 12 months of \$150 to \$250, and a civil penalty for a third offense within 12 months of \$350 to \$500. The civil penalties for unreasonable noise in the commercial context would be unchanged. In addition, the civil penalties for unreasonable noise in a non-commercial context but for devices causing unreasonable noise in multiple dwelling units for non-residential purposes would also be unchanged.

The bill also would also affect the civil penalties for analogous provision of the parks rules and the Administrative Code as applied in parks.

**EFFECTIVE DATE:** This local law would take effect nine months after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation at this time. However, a variety of factors could contribute to the potential revenue impact as a result of this legislation and the package of bills known as the Criminal Justice Reform Act. Some such factors include the number of civil penalties issued, the collection rate, and the number of people that choose the community service option in Proposed Intro. No. 1059-A. These will determine whether revenue will decrease or increase as a result of the reduction of the civil penalties.

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would have no impact on expenditures. The Department of Environmental Protection (“DEP”) and the New York Police Department (“NYPD”) enforce the Noise Code. Proposed Intro. No. 1058-A would not require either agency to change their enforcement practices. As a result, DEP and NYPD would both be able to use existing resources to address the changes that result from the enactment of Proposed Intro. No. 1058-A.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council  
New York Police Department  
Department of Environmental Protection  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, Senior Legislative Financial Analyst  
James Subudhi, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was heard by the Committee on Public Safety as a preconsidered matter on January 25, 2016 and it was laid over. It was introduced to the Council on February 5, 2016. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1058-A, will be voted on by the Committee at a hearing on May 25, 2016. Upon successful vote of the Committee, Proposed Intro. No. 1058-A will be submitted to the full council for a full vote on May 25, 2016.

**DATE PREPARED:** May 13, 2016

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

**(The following is the text of Int No, 1058-A):**

Int. No. 1058-A

By The Speaker (Council Member Mark-Viverito) and Council Members Rosenthal, Torres, Williams, Gibson, Levine, Cumbo, Rodriguez, Levin, Richards, Palma, Garodnick, Eugene, Wills, Lander and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the penalties for excessive noise.**

*Be it enacted by the Council as follows:*

Section 1. Section 24-218 of the administrative code of the city of New York is amended by adding a new subdivision (a-1) to read as follows:

*(a-1) No person shall make, continue or cause to permit or be made or continued any unreasonable noise: (1) for any commercial purpose or during the course of conducting any commercial activity; or*

(2) through the use of a device, other than a device used within the interior living space of an individual residential unit, installed within or upon a multiple dwelling or a building used in part or in whole for non-residential purposes.

§ 2. Table I of paragraph 5 of subdivision b of section 24-257 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended by adding a new row following the row that begins 24-216(d), and the row beginning 24-218 is amended, to read as follows:

24-218 (a)	150	75	250	150	500	350
24-218 (a-1)	1000	350	2000	700	3000	1050

§ 3. Section 24-257 of the administrative code of the city of New York is amended by adding a new subdivision (g) to read as follows:

(g) *The default penalty imposed pursuant to paragraph 5 of subdivision (b) of this section for a violation of section 24-218(a), as set forth in section 3-115 of title 48 of the rules of the city of New York or any successor provision, shall not exceed 150 percent of the scheduled penalty set forth therein.*

§ 4. The administrative code of the city of New York is amended by adding a new section 24-270 to read as follows:

§ 24-270 *Uniform civil penalties for unreasonable noise. Notwithstanding any inconsistent provision of law, the civil penalties for the violation of paragraphs 1, 2, and 3 of section 1-05(d) of title 56 of the rules of the city of New York, or any successor rule of the department of parks and recreation that prohibits or regulates noise, or paragraphs 16 and 17 of subdivision c of section 18-146 of the administrative code, shall be no greater than the civil penalties established in section 24-257 of this chapter for a violation of section 24-218(a) of this chapter, except in such cases in which the respondent received notice of such violation while engaged in commercial activities.*

§ 5. This local law takes effect nine months after it becomes law, and shall apply to proceedings for enforcement of title 24 of the administrative code commenced on and after such date.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, May 25, 2016. *Other Council Members Attending: Johnson, Treyger and Rosenthal.*

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. 1059-A

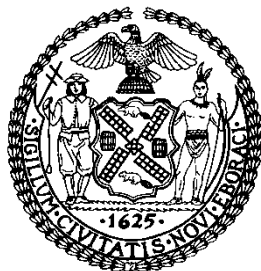
**Report of the Committee on Public Safety in favor of approving, as amended, a Local Law to amend the New York city charter, in relation to OATH procedures for certain quality of life offenses.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 5, 2016 (Minutes, page 306), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Public Safety for Int No. 639-B printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int No. 1059-A:*



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

**PROPOSED INTRO. NO:** 1059-A  
**COMMITTEE:** Public Safety

**TITLE:** A local law to amend the New York city charter, in relation to OATH procedures for certain quality of life offenses

**SPONSORS:** The Speaker (Council Member Mark-Viverito) and Council Members Gibson, Kallos, Lancman, Rosenthal, and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1059-A would require that judges at the Office of Administrative Trials and Hearings (“OATH”) offer the option to complete community service in lieu of paying civil penalties for “specified violations,” defined as those related to the possession of an open container of alcohol, public urination, littering, one provision of the noise code, and violating most parks rules (with the exception of certain activities taken for a commercial purpose, water pollution, unlawful dumping, unlawful boating, unauthorized construction and unauthorized excavation).

The term “community service” would be broadly defined to include the possibility of programming designed to benefit the person completing such program. Anyone who would avail themselves of the community service option but does not complete such service would have civil judgments entered against them. No fees could be charged in accordance with this service, nor could community service be used to displace existing employment. Up to seven hours of community service would be able to be used to satisfy a payment of up to \$300.

This bill would also permit an OATH judge to dismiss an alleged violation of a “specified offense” “in furtherance of justice,” a possibility that currently exists in criminal court but not in OATH tribunals. A case could be so dismissed upon an examination of nine enumerated factors, which match those in the analogous provision of the Criminal Procedure Law. An administrative law judge or hearing officer would be required to enumerate the reasons for such a dismissal on the record.

The bill also would require reporting on the outcomes of adjudications alleging violations of “specified offenses.” Finally, the bill would require OATH to conduct a yearly analysis of the penalties and judgments imposed on persons for “specified offenses” to ensure that OATH is not imposing such penalties and judgments in amounts that are disproportionate to the harm caused by the underlying offenses, and to recommend a possible limit on such penalties and judgments where appropriate.

**EFFECTIVE DATE:** This local law would take effect one year after enactment, except that the provision relating to the reporting requirement would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$500,000	\$775,000	\$775,000
<b>Net</b>	\$500,000	\$775,000	\$775,000

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation. However, a variety of factors could contribute to the potential revenue impact as a result of this legislation and the package of bills known as the Criminal Justice Reform Act. Some such factors include the number of civil penalties issued, the collection rate, and the number of people that choose the community service option in Proposed Intro. No. 1059-A. These will determine whether revenue will decrease or increase as a result of the reduction of the civil penalties.

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would cost \$500,000 in the first year for the Mayor’s Office of Criminal Justice (“MOCJ”) and \$775,000 in the outyears for OATH. In the first year of enactment, MOCJ would need an estimated \$500,000 to develop a database to evaluate the Criminal Justice Reform Acts impacts to the City. As part of Proposed Intro. No. 1059-A, MOCJ would assist OATH in meeting the reporting requirements.

In order to comply with the requirements of Proposed Intro. No. 1059-A, according to the Administration, OATH would need \$775,000 to staff the community service options and create an IT module for web-based community service programming. The individual components of this \$775,000 cost include \$525,000 for program staff associated with the community service option and \$250,000 for the IT module. These costs to OATH would impact City expenditures in the second year of enactment.

The total cost of Proposed Intro. No. 1059-A may fluctuate depending on the number of participants opting for the community service option or whether existing community service programs could be accessed.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, Senior Legislative Financial Analyst  
James Subudhi, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was heard by the Committee on Public Safety as a preconsidered matter on January 25, 2016 and it was laid over. It was introduced to the Council on February 5, 2016. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1059–A, will be voted on by the Committee at a hearing on May 25, 2016. Upon successful vote of the Committee, Proposed Intro. No. 1059-A will be submitted to the full council for a full vote on May 25, 2016.

**DATE PREPARED:** May 13, 2016

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

**(The following is the text of Int No. 1059-A):**

Int. No. 1059-A

By The Speaker (Council Member Mark-Viverito) and Council Members Gibson, Kallos, Lancman, Rosenthal, Torres, Williams, Levine, Cumbo, Rodriguez, Levin, Richards, Palma, Garodnick, Eugene, Wills and Lander.

**A Local Law to amend the New York city charter, in relation to OATH procedures for certain quality of life offenses.**

*Be it enacted by the Council as follows:*

Section 1. Section 1049 of chapter 45-A of the New York city charter is amended by adding new subdivisions 4, 5, 6 and 7 to read as follows:

4. *Notwithstanding any other provision of law, in the conduct of an adjudication relating to a natural person accused of committing a specified violation, as defined in paragraph (b) of this subdivision, an administrative law judge or a hearing officer shall offer the respondent the option to perform community service in lieu of a monetary civil penalty.*

*(a) For purposes of this section, the term “community service” means performing services for a public or not-for-profit corporation, association, institution, or agency in lieu of payment of a monetary civil penalty. Such services may include, but are not limited to, attendance at programs, either in person or web-based, designed to benefit, improve, or educate either the community or the respondent.*

*(b) For purposes of this section, the term “specified violation” means a violation of: subparagraph (i) of paragraph 9 of subdivision a of section 533; section 10-125 of the administrative code; subdivision 1 of section 16-118 of the administrative code; subdivision 6 of section 16-118 of the administrative code, with respect to the act of public urination; section 18-146 of the administrative code, excluding paragraphs 2, 3, 21, 23, and 24 of subdivision c; or subdivision (a) of section 24-218 of the administrative code. Specified violations shall not include violations arising during the course of conducting any commercial activity or violations arising from any activity carried out for a commercial purpose, except that a violation of paragraph 15 of section 18-146 of the administrative code is a specified violation, regardless of whether such violation arose during the course of conducting a commercial activity or from an activity carried out for a commercial purpose.*

*(c) The option to perform community service shall not require the payment of any fee by the respondent.*

*(d) The performance of community service offered pursuant to this subdivision shall not result in the displacement of employed workers or in the impairment of existing contracts for services, nor shall the performance of any such services be required or permitted in any establishment involved in any labor strike or lockout.*

*(e) An administrative law judge or a hearing officer shall offer up to seven hours of community service in lieu of payment of a civil penalty in an amount up to 300 dollars. Fractional and multiple hours of service shall be offered for civil penalties that are less than, and greater than, 300 dollars, respectively.*

*(f) If a respondent accepts the option to perform community service and an administrative law judge or hearing officer finds that the respondent has failed to perform such services within the time prescribed, an administrative law judge or hearing officer shall issue an order reinstating the applicable civil penalty and, if otherwise authorized by law, such order shall constitute a judgment which may be entered and enforced without court proceedings in the same manner as the enforcement of money judgments entered in civil actions.*

*(g) The office of administrative trials and hearings shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this subdivision, which shall include, but not be limited to, rules specifying the correspondence between the amount of service that shall be offered and the amount of civil penalties imposed.*

5. *During the course of an adjudication and upon the request of an agency or any party, or upon the administrative law judge's or hearing officer's own initiative, an administrative law judge or hearing officer*

may dismiss a notice of violation for a specified violation, as defined by paragraph (b) of subdivision 4 of this section, when dismissal is appropriate in the interest of justice, within the meaning of this subdivision.

(a) An administrative law judge or hearing officer may dismiss a notice of violation in the interest of justice when, even though there may be no basis for dismissal as a matter of law, such dismissal is appropriate as a matter of discretion due to the existence of one or more compelling factors, considerations, or circumstances clearly demonstrating that finding the respondent in violation of the provision at issue would constitute or result in injustice. In determining whether such compelling factor, consideration, or circumstance exists, the administrative law judge or hearing officer must, to the extent applicable, examine and consider, individually and collectively, the following:

- (i) the seriousness and circumstances of the violation;
- (ii) the extent of harm caused by the violation;
- (iii) the evidence supporting or refuting the violation charged, whether admissible or inadmissible at a hearing;
- (iv) the history, character, and condition of the respondent;
- (v) the purpose and effect of imposing upon the respondent a civil penalty authorized by one of the provisions listed in this section;
- (vi) the impact of a dismissal on the safety or welfare of the community;
- (vii) the impact of a dismissal upon the confidence of the public in the office of administrative trials and hearings and in the implementation of laws by the city of New York;
- (viii) the position of the relevant city agency regarding the proposed dismissal with reference to the specific circumstances of the respondent and the violation charged; and
- (ix) any other relevant fact indicating that a decision to sustain the alleged violation would or would not serve a useful purpose.

(b) The administrative law judge or hearing officer's determination shall be limited to a consideration of the factors described in paragraph (a), and shall not include a consideration of the administrative law judge or hearing officer's judgment as to whether, as a matter of policy, certain conduct should be prohibited.

(c) Upon dismissing a violation in the interest of justice, the administrative law judge or hearing officer must set forth the reasons therefor upon the record.

6. No later than 20 days after the quarter ending June 30, 2017, and no later than 20 days after the end of each quarter thereafter, the chief administrative law judge shall submit to the council and the mayor, and post to the office of administrative trial and hearing's website a report regarding adjudications for specified violations, as defined by paragraph (b) of subdivision 4 of this section, during the prior quarter. Such report shall contain the number and percentage of such adjudications, in total and disaggregated by violation, in which:

- (a) the respondent appeared, in total and disaggregated by whether such appearance was made in person or by another method;
- (b) the respondent accepted the option to perform community service pursuant to subdivision 4 of this section, in total and disaggregated by whether such service was performed;
- (c) a pre-adjudication withdrawal was made by the agency;
- (d) a decision was rendered after a hearing;
- (e) a civil penalty was ordered, disaggregated by numerical ranges of penalty amounts;
- (f) the violation was dismissed;
- (g) the violation was dismissed in the interest of justice pursuant to subdivision 5 of this section;
- (h) the respondent paid the civil penalties imposed, in whole or in part; and
- (i) a default judgment was ordered due to the respondent's failure to appear for a hearing.

7. The chief administrative law judge shall conduct a yearly evaluation of penalties and judgments imposed for specified violations, as defined by paragraph (b) of subdivision 4 of this section. Such evaluation shall examine the amount of penalties and judgments accrued by natural persons for such specified violations both in total and during the previous year. A summary of this evaluation shall be provided to the council and the mayor within 45 days of the end of each year. Such summary shall include, but not be limited to, the number of natural persons who have accrued civil penalties and judgments in amounts higher than 500 dollars, 750 dollars, 1000 dollars, and 2000 dollars, both in total and during the previous year, for specified violations. Such summary shall additionally include the chief administrative law judge's recommendation as



*to whether, based upon the chief administrative law judge’s evaluation, a limit should be enacted by local law on the civil penalties and judgments that may be imposed for specified violations upon a natural person within a particular period of time. This recommendation shall take into account whether the amount of civil penalties or community service imposed for the specified violations on certain natural persons is disproportionate to the harm caused by such specified violations and shall additionally include the chief administrative law judge’s recommendations for which specified violations, if any, should be subject to a limit and the dollar amount of such limit, if any.*

§ 2. This local law takes effect 1 year after it becomes law, except that subdivision 6 of section 1049 of chapter 45-A of the New York city charter, as added by section one of this local law, takes effect immediately.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, May 25, 2016. *Other Council Members Attending: Johnson, Treyger and Rosenthal.*

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. 1067-A

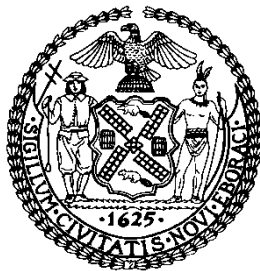
**Report of the Committee on Public Safety in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the penalties for possessing an open container of alcohol.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 5, 2016 (Minutes, page 318), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Public Safety for Int No. 639-B printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int No. 1067-A:*



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

**LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1067-A  
COMMITTEE: Public Safety**

**TITLE:** To amend the administrative code of the city of New York, in relation to the penalties for possessing an open container of alcohol.

**SPONSORS:** Gibson, The Speaker (Council Member Mark-Viverito) and Rosenthal

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1067-A would add a possible civil penalty of up to \$25 for possessing an open container of alcohol, which would be returnable to and adjudicated by the Environmental Control Board or another tribunal of the Office of Administrative Tribunals and Hearings. The bill would also reduce the possible jail penalty from five days to one day.

The bill would also require that civil penalties imposed pursuant to an analogous provision in parks rules can be no greater than those permitted in this section of the Administrative Code.

**EFFECTIVE DATE:** This local law would take effect 30 days after it becomes law, except that the section capping the civil penalties in parks would take effect nine months after it becomes law.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation at this time. However, a variety of factors could contribute to the potential revenue impact as a result of this legislation and the package of bills known as the Criminal Justice Reform Act. Some such factors include the number of civil penalties issued, the collection rate, and the number of people that choose the community service option in Proposed Intro. No. 1059-A. These will determine whether revenue will decrease or increase as a result of the reduction of the civil penalties.

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would result in no impact on expenditures. The New York Police Department (“NYPD”), the enforcement agency impacted by this legislation, would use a portion of the one-time retraining cost identified in the Council’s Fiscal Impact Statement for Proposed Intro. No. 1057-A.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council  
New York Police Department  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, Senior Legislative Financial Analyst  
James Subudhi, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was heard by the Committee on Public Safety as a preconsidered matter on January 25, 2016 and it was laid over. It was introduced to the Council on February 5, 2016. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1067-A, will be voted on by the Committee at a hearing on May 25, 2016. Upon successful vote of the Committee, Proposed Intro. No. 1067-A will be submitted to the full council for a full vote on May 25, 2016.

**DATE PREPARED:** May 13, 2016

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

**(The following is the text of Int No, 1067-A):**

Int. No. 1067-A

By Council Members Gibson and The Speaker (Council Member Mark-Viverito), Rosenthal, Torres, Williams, Levine, Cumbo, Rodriguez, Levin, Richards, Palma, Garodnick, Eugene, Wills and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to the penalties for possessing an open container of alcohol.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 10-125 of the administrative code of the city of New York is amended to read as follows:

e. [Any person who shall be found to have violated any of the provisions] The violation of subdivision b of this section shall [be punished by] *constitute an offense punishable by* a fine of not more than [twenty-five dollars (\$25)] *25 dollars* or imprisonment of up to [five (5) days] *one day*, [or both,] or pursuant to the provisions of the family court act of the state of New York where applicable.

§ 2. Section 10-125 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

*f. Any person who violates subdivision b of this section shall be liable for a civil penalty of up to 25 dollars, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.*

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

*§ 10-173 Uniform civil penalties for possessing an open container of alcohol. Notwithstanding any inconsistent provision of law, the civil penalty for the violation of section 1-05(f)(1) of title 56 of the rules of the city of New York, or any successor rule of the department of parks and recreation that prohibits or restricts the consumption or possession with intent to consume an open container of alcohol, shall be no greater than the civil penalties established by section 10-125 of the code.*

§ 4. Sections 1 and 2 of this local law take effect 30 days after it becomes law, and applies to proceedings for enforcement of section 10-125 of the administrative code commenced on and after such date. Section 3 of this local law takes effect 9 months after it becomes law.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, May 25, 2016. *Other Council Members Attending: Johnson, Treyger and Rosenthal.*

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. 1070-A

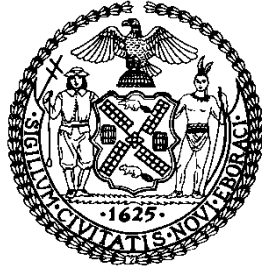
**Report of the Committee on Public Safety in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the penalties for littering, and to repeal subdivision 5 of section 16-118 of the administrative code of the city of New York, relating to the distribution of advertising matter.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 5, 2016 (Minutes, page 324), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Int No. 639-B printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int No. 1070-A:*



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

**LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1070-A  
COMMITTEE: Public Safety**

**TITLE:** To amend the administrative code of the city of New York, in relation to the penalties for littering, and to repeal subdivision 5 of section 16-118 of the administrative code of the city of New York, relating to the distribution of advertising matter.

**SPONSORS:** Council Member Lancman, the Speaker (Council Member Mark-Viverito), and Rosenthal

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1070-A would add a prohibition on spitting to the general prohibition on littering. This bill would establish a civil penalty of \$75 for first-time offenders for the offenses of littering and public urination. Civil penalties for subsequent offenses within a 12 month period would be \$250-\$350 for a second offense and \$350-\$450 for a third offense. This bill would bring the civil penalties imposed in such tribunals more in line with those imposed in criminal court, which have a median of \$50, and would reduce the possible jail penalty from ten days to one day.

Additionally, the bill would require civil penalties for violations of analogous parks rules and parks-related misdemeanors to be no greater than those permitted in this section of the Administrative Code. Finally, the bill would cap judgments against those who fail to answer civil summonses at an amount no greater than 50 percent higher than the civil penalty that would have otherwise been imposed.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation at this time. However, a variety of factors could contribute to the potential revenue impact as a result of this legislation and the package of bills known as the Criminal Justice Reform Act. Some such factors include the number of civil penalties issued, the collection rate, and the number of people that choose the community service option in Proposed Intro. No. 1059-A. These will determine whether revenue will decrease or increase as a result of these bills.

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would have no impact on expenditures. The Department of Sanitation (“DSNY”) and the New York Police Department (“NYPD”) enforce these proposed changes. It is assumed that this bill would not require the NYPD or DSNY significant changes to enforcement and that existing resources at both agencies would be used to implement this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council  
 New York Police Department  
 Department of Sanitation  
 Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, Senior Legislative Financial Analyst  
 James Subudhi, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
 Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was heard by the Committee on Public Safety as a preconsidered matter on January 25, 2016 and it was laid over. It was introduced to the Council on February 5, 2016. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1070–A, will be voted on by the Committee at a hearing on May 25, 2016. Upon successful vote of the Committee, Intro. No. 1070-A will be submitted to the full council for a full vote on May 25, 2016.

**DATE PREPARED:** May 13, 2016

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

**(The following is the text of Int No, 1070-A):**

## Int. No. 1070-A

By Council Members Lancman and The Speaker (Council Member Mark-Viverito), Rosenthal, Torres, Williams, Gibson, Levine, Cumbo, Rodriguez, Richards, Garodnick, Eugene, Wills, Lander and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to the penalties for littering, and to repeal subdivision 5 of section 16-118 of the administrative code of the city of New York, relating to the distribution of advertising matter.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 5 of section 16-118 of the administrative code of the city of New York is REPEALED.

§ 2. Subdivisions 1, 8, 9, 10, and 11 of section 16-118 of the administrative code of the city of New York, subdivisions 8 and 9 as amended by local law number 56 for the year 2013 and subdivision 11 as amended by local law number 1 for the year 2003, are amended to read as follows:

1. (a) No person shall litter, sweep, throw or cast, or direct, suffer or permit any servant, agent, employee, or other person under his or her control, to litter, sweep, throw or cast any ashes, garbage, paper, dust or other rubbish and refuse of any kind whatsoever, in or upon any street or public place, vacant lot, air shaft, areaway, backyard court, *park*, or alley

(b) *No person shall spit upon a sidewalk of a street or public place, or on a floor, wall or stairway of any public or private building or premises used in common by the public, or in or on any public transportation facility.*

8. The violation of any provision of this section shall constitute an offense punishable by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to exceed ten days, or *both; provided that the violation of subdivision 1 of this section, or the violation of subdivision 6 of this section by means of the act of public urination, shall constitute an offense punishable only by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to exceed one day.*

9. Any person violating the provisions of this section shall be liable for a civil penalty [of not less than fifty dollars nor more than two hundred fifty dollars, except that for a second violation of subdivision one, three, or six of this section within any twelve-month period, such person shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than three hundred fifty dollars and for a third or subsequent violation of subdivision one, three, four, or six of this section within any twelve-month period such person shall be liable for a civil penalty of not less than three hundred fifty dollars nor more than four hundred fifty dollars] *in the following amounts, provided that for the purposes of this subdivision, the term "first violation" means any number of violations issued for a single incident:*

*a. not less than 50 and not more than 250 dollars for a first violation, except that the civil penalty shall be not less than 250 and not more than 350 dollars for a second violation of subdivision 3, 4 or 6 of this section within any 12 month period, and not less than 350 and not more than 450 dollars for a third or subsequent violation of subdivision 3, 4 or 6 of this section within any 12 month period;*

*b. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 6 of this section by means of the act of public urination:*

*(1) 75 dollars for a first violation, and*

*(2) not less than 250 and not more than 350 dollars for any second violation within any 12 month period, and*

*(3) not less than 350 and not more than 450 dollars for any third violation within any 12 month period; and*

*c. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 1 of this section:*

*(1) 75 dollars for a first violation, and*

*(2) not less than 250 and not more than 350 dollars for any second violation within any 12 month period, and*

*(3) not less than 350 and not more than 450 dollars for any third violation within any 12 month period.*

10. In the instance where [the] a notice of violation[, appearance ticket or summons] is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the [environmental control board] *office of administrative trials and hearings pursuant to section 1049-a of the charter*[, which shall have the power to impose the civil penalties hereinabove provided in subdivision nine of this section].

11. In the event that a violator fails to answer such notice of violation[, appearance ticket or summons] within the time provided therefor by the rules and regulations of the environmental control board, *a tribunal of the office of administrative trials and hearings, pursuant to section 1049-a of the charter*, he or she shall become liable for additional penalties. The additional penalties shall not exceed four hundred fifty dollars for each violation, *provided that such penalties imposed for a violation of this section for the act of public urination shall not exceed 150 percent of the penalties enumerated in paragraph b of subdivision 9 of this section, and further provided that such penalties imposed for violations of subdivision 1 of this section shall not exceed 150 percent of the penalties enumerated in paragraph c of subdivision 9 of this section.*

§ 3. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-141 to read as follows:

§ 16-141 *Uniform civil penalties for littering and public urination.*

a. *Notwithstanding any inconsistent provision of law, the civil penalties for the violation of the prohibition against urination set forth section 1-04(k) of title 56 of the rules of the city of New York, or any successor rule of the department of parks and recreation that prohibits public urination, shall be no greater than the civil penalties established in paragraph b of subdivision 9 of section 16-118 of the code.*

b. *Notwithstanding any inconsistent provision of law, the civil penalties for the violation of the first two sentences of section 1-04(c)(1) of title 56 of the rules of the city of New York, or any successor rules of the department of parks and recreation that prohibit littering and require the use of receptacles for refuse disposal, shall be no greater than the civil penalties established in paragraph c of subdivision 9 of section 16-118 of the code.*

§ 4. This local law takes effect 60 days after it becomes law, and shall apply to proceedings for enforcement of section 16-118 of the administrative code commenced on and after such date.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES; Committee on Public Safety, May 25, 2016. *Other Council Members Attending: Johnson, Treyger and Rosenthal.*

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 Rules, Privileges and Elections**

Report for M-396

**Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment of by the Mayor of Nora Marino as a member of the New York City Taxi and Limousine Commission.**

The Committee on Rules, Privileges, and Elections, to which the annexed communication was referred on May 5, 2016 (Minutes, page 1232) and which same communication was coupled with the resolution shown below, respectfully

**REPORTS:**

**Topic:** *New York City Taxi and Limousine Commission – (Candidate recommended by the Council’s Queens Delegation for re-appointment by the Mayor, upon the advice and consent of the Council)*

- **Nora Marino [M-0396]**

In a letter dated April 29, 2016, Mayor Bill de Blasio formally submitted the name of Nora Marino to the Council of the City of New York, for its advice and consent, regarding her nomination for re-appointment to the New York City Taxi and Limousine Commission (“TLC”).

The TLC was created pursuant to Local Law 12 of 1971. Chapter 65 of section 2300 of the *Charter* states that there shall be a TLC, which shall have the purpose of further developing and improving the taxi and limousine service in New York City (“the City”). It shall also remain consistent with the promotion and protection of the public comfort and convenience, adopting and establishing an overall public transportation policy, which will govern taxi, coach, limousine, and wheelchair accessible van services, as it relates to the overall public transportation network of the City. The TLC is also responsible for establishing certain rates, standards, and criteria for the licensing of vehicles, drivers, chauffeurs, owners, and operators engaged in such services. Furthermore, the TLC provides authorization to individuals who wish to operate commuter van services within the City.

The TLC consists of nine members appointed by the Mayor, all with the advice and consent of the Council. Five of the said members must be a resident from each of the five boroughs of the City, and are recommended for appointment by a majority vote of the Council Members from the respective borough. The TLC members are appointed for seven year terms, and can serve until the appointment and qualification of a successor. Vacancies, other than those that occur due to an expiration of a term, shall be filled for the unexpired term. Furthermore, the mayor may remove any such member for cause, upon stated charges.

The mayor designates one TLC member to act as the Chairperson and Chief Executive Officer. The Chairperson shall have be in-charge of the organization of his/her office, and possesses the authority to employ, assign, and superintend the duties of such officers and employees, as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and as such, the Chair will receive compensation that is set by the Mayor. The Chair currently receives an annual salary of \$192,198.00. The other TLC members are not entitled to compensation.

Pursuant to the *Charter*, all TLC proceedings and all documents and records in its possession, shall be public records. Furthermore, the TLC is required to make an annual report to the Council, on or before the second Monday of January, of every year, concerning information that consists of the following; complaints received by the commission from the public, including, but is not limited to, complaints of overcharging, as well as enforcement actions undertaken by the commission, whether the enforcement action was dismissed or settled, or if a penalty was imposed by the commission on the subject of the enforcement action. The information regarding enforcement actions shall also include, but is not limited to; enforcement action relating to illegal street hails, unlicensed vehicles, overcharging, and toll lane infractions.

If Ms. Marino, a resident of Queens, receives the advice and consent of the Council and is subsequently appointed to the TLC, she will be eligible to complete the remainder of a seven-year terms, expiring on January 31, 2022.

Copies of the following are annexed to this briefing paper: candidate’s résumé, as well as the related associated messages.

**PROJECT STAFF**

Jason A. Otaño, Esq., Deputy General Counsel  
Charles W. Davis III, Director of Investigations  
Diandra Johnson, Senior Legislative Investigator  
Sheen Blaise, Investigative Intern

*After interviewing the candidate and reviewing the submitted material, the Committee decided to approve the re-appointment of the nominee Nora Marino [M-396].*



The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2301 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the reappointment by the Mayor of Nora Marino as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2022.

In connection herewith, Council Lander approved the following resolution:

Res. No. 1096

**RESOLUTION APPROVING THE REAPPOINTMENT BY THE MAYOR OF NORA MARINO AS A MEMBER OF THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION.**

By Council Member Lander.

**RESOLVED**, that pursuant to §§ 31 and 2301 of the *New York City Charter*, the Council does hereby approve the reappointment by the Mayor of Nora Marino as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2022.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, RAFAEL L. ESPINAL, Jr., MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, May 25, 2016.

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

**GENERAL ORDER CALENDAR****Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Koren D. Adams	101-125 West 147th Street #21C New York, N.Y. 10039	9
Carlotta Frances Hayes	210 West 146th Street #4L New York, N.Y. 10039	9
Carol Quintero-Gjelaj	67-52 182nd Street Queens, N.Y. 11365	24
Cheryl Elder	134-37 166th Place #12F Queens, N.Y. 11434	28
Catina Jones	153-25 110th Avenue Queens, N.Y. 11433	28
Parbattie Lalloo	105-25 90th Street Queens, N.Y. 11417	32
Meizi Xiong	704 60th Street Brooklyn, N.Y. 11220	38
Darryl W. Hollon	1818 Newkirk Avenue #2K Brooklyn, N.Y. 11226	40
Laura E. D'Alessio	80 Locust Avenue Staten Island, N.Y. 10306	50
Rosalyn Palladino	109 Arthur Avenue Staten Island, N.Y. 10305	50
Caroline Scarimbolo	43A McDivitt Avenue Staten Island, N.Y. 10314	50

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Donald Neville	1 Haven Plaza #21A New York, N.Y. 10009	2
David Warren	455 West 34th Street #3C New York, N.Y. 10001	3
Michael K. Zumbluskas	441 East 83rd Street New York, N.Y. 10028	5
Martin M. Williamson	2508 Broadway #2A New York, N.Y. 10025	6
Norma Cortes	221 East 122nd Street #704 New York, N.Y. 10035	8
Yvelisse Mota	1707-09 Park Avenue #2B New York, N.Y. 10035	9
Ramona Ramirez	246 West 116th Street #5C New York, NY. 10026	9
Hope Sterling	2441 7th Avenue #1C New York, N.Y. 10030	9
Cynthia Watkins	480 St. Nicholas Avenue #12E New York, N.Y. 10030	9
Lizbeth Ceballos	117 Post Avenue #3H New York, N.Y. 10034	10
Carl Merante	4295 Webster Avenue #5G Bronx, N.Y. 10470	11
Soina Espinoza	100 Casals Place #10A Bronx, N.Y. 10475	12
Mary Y. Scheman	3866 Laconiz Avenue Bronx, N.Y. 10469	12
Victor B. Tosi	3309 Hone Avenue Bronx, N.Y. 10469	12
Carmen E. Lepin	2830 Schley Avenue #6A Bronx, N.Y. 10465	13
Carmen S. Lopez	1950 Andrews Avenue#4B2 Bronx, N.Y. 10453	14

Erica Dillard	2666 Valentine Avenue #3A Bronx, N.Y. 10458	15
Maria J. Adorno	595 Trinity Avenue #19B Bronx, N.Y. 10455	17
Ronda Middleton-Pendelton	1002 Garrison Avenue #5D Bronx, N.Y. 10474	17
Renee Reeves	750 Grand Concourse #1A Bronx, N.Y. 10451	17
Janice Balderas	45-64 168th Street Flushing, N.Y. 11358	19
John Mulvey	125-03 6th Avenue Queens, N.Y. 11356	19
Sabrina Adele Jenkins	97-28 57th Avenue #201 Corona, N.Y. 11368	21
Daniel Puerta	35-24 95th Street #D2 Jackson Heights, N.Y. 11372	21
Rose Birtley	141-08 Coolidge Avenue Queens, N.Y. 11435	24
Debbie C. Hyles	148-19 90th Avenue #5F Jamaica, N.Y. 11435	24
Lucia Mendieta	35-20 Leverich Street Queens, N.Y. 11372	25
Mikaela Mihai	1-50 50th Avenue #317 Long Island City, N.Y. 11101	26
Linda Hood	186-09 Baisley Blvd Queens, N.Y. 11412	27
Timothy James	118-68 Riverton Street St. Albans, N.Y. 11412	27
Nancy F. Redden	120-36 218th Street Queens, N.Y. 11411	27
Donna Erdmann-Gruber	88-41 Doran Avenue Glendale, N.Y. 11385	30
Sandra Stewart	133-05 229th Street Queens, N.Y. 11413	31
Evelyn Vega	334 Beach 56th Street #6C Arverne, N.Y. 11692	31

Salvatore Galasso	242 Beach 130th Street Belle Harbor, N.Y. 11694	32
Martha Ilegbameh	7400 Shorefront Pkwy #8K Arverne, N.Y. 11692	32
Ruben A. Baez	122 McGuinness Blvd #3R Brooklyn, N.Y. 11222	33
Myrta R. Colon	31 Leonard Street #9G Brooklyn, N.Y. 11206	34
Sakinah Springs	126 Majuer Street #3C Brooklyn, N.Y. 11206	34
Llyod Noel	239 New York Avenue #2R Brooklyn, N.Y. 11216	35
Yves Vilus	345 Lincoln Place #1D Brooklyn, N.Y. 11238	35
Julio Segura	858 Wycoff Avenue Brooklyn, N.Y. 11237	37
Herminia Eludia Brown	145 Erasmus Street Brooklyn, N.Y. 11226	40
Wilvina Canal	1745 Caton Avenue Brooklyn, N.Y. 11226	40
Edeline Dubuche	210 East 51st Street #B7 Brooklyn, N.Y. 11203	41
Vanessa Jones	249 Thomas Boyland Street #23K Brooklyn, N.Y. 11233	41
Sunday Ayanfodun	735 Lincoln Avenue #13E Brooklyn, N.Y. 11208	42
Ernest Vasquez	596 Pine Street #2 Brooklyn, N.Y. 11208	42
Katherine Baiardi	953 71st Street Brooklyn, N.Y. 11228	43
Jerome Daniel Burdi	8616 Fort Hamilton Pkwy Brooklyn, N.Y. 11209	43
Mary Forestiere	7005 Louise Terrace Brooklyn, N.Y. 11209	43

Carolyn D. Baskin	859 East 10th Street Brooklyn, N.Y. 11230	45
Martha Berkowitz	2286 Brigham Street #5E Brooklyn, N.Y. 11229	46
Joan P. Byrnes	3105 Avenue V #3H Brooklyn, N.Y. 11229	46
Joanne Collins	1343 East 57th Street Brooklyn, N.Y. 11234	46
Polina Smolianski	4596 Bedford Avenue Brooklyn, N.Y. 11235	48
Michael Arvanites	966 Clove Road #H1 Staten Island, N.Y. 10301	49
Vanessa Raggi	422 Maryland Avenue #3B Staten Island, N.Y. 10305	49
Susan Been	77 Cameron Avenue Staten Island, N.Y. 10305	50
Edmund Golat Jr.	93 Sawyer Avenue Staten Island, N.Y. 10314	50
Patricia A. Ledoux	75B Freedom Avenue Staten Island, N.Y. 10314	50
Roberta Lipner	1160 Richmond Road #7K Staten Island, N.Y. 10304	50
Dawn Townsley	1316 Mason Avenue Staten Island, N.Y. 10306	50
Debra Vadola	959 Nugent Avenue Staten Island, N.Y. 10306	50
John Buday	11 Windham Loop #III Staten Island, N.Y. 10314	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)  | <b>M 396 &amp; Res 1096 -</b>    | <b>Nora Marino</b> - As a member of the New York City Taxi and Limousine Commission.  |
| (2)  | <b>M 408 -</b>                   | 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. |
| (3)  | <b>Int 639-B -</b>               | NYPD quarterly report on the issuance of summonses.   |
| (4)  | <b>Int 662-A -</b>               | NYPD quarterly report on the issuance of desk appearance tickets.   |
| (5)  | <b>Int 1056-A -</b>              | Penalties for violating park rules.   |
| (6)  | <b>Int 1057-A -</b>              | Enforcement of criminal and civil offenses.   |
| (7)  | <b>Int 1058-A -</b>              | Penalties for excessive noise.  |
| (8)  | <b>Int 1059-A -</b>              | OATH procedures for certain quality of life offenses.   |
| (9)  | <b>Int 1067-A -</b>              | Penalties for possessing an open container of alcohol.  |
| (10) | <b>Int 1070-A -</b>              | Penalties for littering and the distribution of advertising matter.   |
| (11) | <b>Res 1067 -</b>                | Interest rate be 6 percent for non-payment of taxes on properties with an assessed value of not more than \$250,000.  |
| (12) | <b>Res 1068 -</b>                | Interest rate be 18 percent for non-payment of taxes on properties with an assessed value of over \$250,000   |
| (13) | <b>Res 1069 -</b>                | Interest rate be 9 percent for non-payment of water rents and sewer rents.  |
| (14) | <b>Res 1070 -</b>                | Discount percentage for early payment of real estate taxes be set at 0.5 percent.   |
| (15) | <b>L.U. 350 &amp; Res 1084 -</b> | App. <b>20165423 HAK</b> , 198 Johnson Avenue, Brooklyn, Community Board 1, Council District 34.  |

- (16) **L.U. 351 & Res 1085 -** **App. 20165424 HAK**, 198 Johnson Avenue, Brooklyn, Community Board 1, Council District 34.
- (17) **L.U. 352 & Res 1086 -** **App. 20165425 HAK**, 198 Johnson Avenue, Brooklyn, Community Board 1, Council District 34.
- (18) **L.U. 357 & Res 1087-** **App. 20165533 HAK**, Real Property Tax Exemption, Brooklyn, Community Board 3, Council District 16.
- (19) **L.U. 363 & Res 1088 -** **App. C 160064 ZMX**, Jerome Avenue and Risse Street, Bronx, Community Board 7, Council District 11.
- (20) **L.U. 364 & Res 1089 -** **App. 20165576 HAX**, 775 Jennings Street, Bronx, Community Board 3, Council District 16.
- (21) **L.U. 365 & Res 1090 -** **App. 20165577 HAX**, Real Property Tax Exemption, Bronx, Community Boards 1, 2, and 4, Council Districts 8, 17, and 16.
- (22) **L.U. 366 & Res 1077 -** 491 Gerard Avenue, Bronx, Community District No. 1, Council District No. 8.
- (23) **L.U. 367 & Res 1078 -** Story Avenue East, Bronx, Community District No. 9, Council District No. 17.
- (24) **L.U. 368 & Res 1079 -** New West I Apartments, Manhattan, Community District No. 10, Council District No. 9.
- (25) **L.U. 369 & Res 1080 -** Riverview I, Manhattan, Community District No. 9, Council District No. 7.
- (26) **L.U. 370 & Res 1081 -** Riverview II, Manhattan, Community District No. 9, Council District No. 7.
- (27) **L.U. 371 & Res 1082 -** Norwood Gardens, Bronx, Community District No. 7, Council District No. 11.
- (28) **L.U. 372 & Res 1083 -** 147-20 94th Avenue, Queens, Community District No. 12, Council District No. 27.
- (29) **L.U. 373 & Res 1091 -** **App. 20165581 HAX**, Urban Development Action Area, 1370 Lyman Place, Bronx, Community Board 3, Council District 16.



- (30) L.U. 374 & Res 1092 - App. **20165582 HAM**, Real Property Tax Exemption, Manhattan, Community Board 10, Council Districts 9.
- (31) L.U. 375 & Res 1093 - App. **20165583 HAM**, Real Property Tax Exemption, Manhattan, Community Board 10, Council Districts 9.
- (32) L.U. 376 & Res 1094 - App. **C 150361 ZMK**, Conover King Realty, LLC, Brooklyn, Community Board 6, Council District 38 (**Coupled to be Disapproved**).
- (33) L.U. 377 & Res 1095 - App. N 160081 ZRK, Conover King Realty, LLC, Brooklyn, Community Board 6, Council District 38 (**Coupled to be Disapproved**).
- (34) Resolution approving various persons Commissioners of Deeds.

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

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

(Non-voting; marked Present but Not Voting – Reynoso)

**The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items (Council Member Reynoso should be considered Present but Not Voting for all the items listed below as well):**

The following was the vote recorded for **Int No. 1056-A**:

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

**Negative** – Borelli, Deutsch, Greenfield, Ulrich and Matteo – **5**.

The following was the vote recorded for **Int No. 1057-A**:

**Affirmative** – Barron, Cabrera, Chin, Constantinides, Cornegy, Crowley, Cumbo, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

**Negative** – Borelli, Cohen, Deutsch, Greenfield, Palma, Ulrich, Vacca, Vallone, and Matteo – **9**.

The following was the vote recorded for **Int No.1058-A** :

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

**Negative** – Borelli, Deutsch, Vacca and Matteo – **4**.

The following was the vote recorded for **Int No.1059-A and 1067-A** :

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **43**.

**Negative** – Borelli, Deutsch, Ulrich, Vacca, Vallone, and Matteo – **6**.

The following was the vote recorded for **Int 1070-A** :

**Affirmative** – Barron, Cabrera, Chin, Constantinides, Cornegy, Crowley, Cumbo, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **39**.

**Negative** – Borelli, Cohen, Deutsch, Greenfield, Mendez, Palma, Ulrich, Vacca, Vallone, and Matteo – **10**.

The following was the vote recorded for **LU No. 376 & Res No. 1094 and LU No. 376 & Res No. 1094**:

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Palma, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

**Negative** – Eugene and Miller – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 639-B, 662-A, 1056-A, 1057-A, 1058-A, 1059-A, 1067-A, 1070-A.*

## INTRODUCTION AND READING OF BILLS

Int. No. 1181

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

**A Local Law to amend the New York city charter, in relation to improving access to city services for limited english proficient individuals.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of Legislative Findings and Intent. The city recognizes that a large percentage of its inhabitants speak languages other than english and that the well-being and safety of the city as a whole is put in jeopardy if the people of the city are unable to access city services or effectively communicate with city agencies. It is therefore desirable that the city promote the utilization of city services by all its residents, including speakers of foreign languages.

§ 2. Subdivision c of section 15 of the New York city charter, as added at General Election, November 7, 1989, is amended as follows:

c. There shall be an office of the language services coordinator within the office of operations, *or within such other office or agency as the mayor may specify*. Within appropriations therefor, the *office of the language services coordinator* [coordinator] shall appoint such experts and assistants as necessary to fulfill the duties assigned to the office by this charter. The office of the language services coordinator shall have the following powers and duties:[.]

[1. To establish standards and criteria, to be used by city agencies which provide services to the public, for estimating, and reporting on, the need to provide such services in languages other than English.]

*1. To work with each city agency that provides direct public services to develop and implement an agency-specific language access implementation plan. For purposes of this subdivision, direct public services shall mean services administered by an agency directly to program beneficiaries or participants. Such language access implementation plan shall, for each such agency:*

*(i) designate a language access coordinator to oversee the creation and execution of an agency-specific language access implementation plan and post contact information for such language access coordinator in a conspicuous place on such agency's website;*

*(ii) incorporate, after consideration, the following factors: (a) the number or proportion of limited english proficiency persons in the eligible service population; (b) the frequency with which limited english proficiency individuals come into contact with the agency; (c) the importance of the benefit, service, information, or encounter to the limited english proficiency person (including the consequences of lack of language services or inadequate interpretation or translation); (d) the resources available to the agency and the costs of providing various types of language services; and (e) the information gathered from the language access survey developed and distributed pursuant to paragraph 2 of this subdivision;*

*(iii) require such agency to provide services for the top six limited english proficiency languages spoken by the population of New York city as determined by the department of city planning, based on United States census data and the top six languages spoken by the population served by such agency as determined by the language access survey conducted pursuant to paragraph 2 of this subdivision, to the extent that such languages differ. Such services shall include, but not be limited to: (a) identifying and translating those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services; (b) providing interpretation services, including the use of telephonic interpretation services; and (c) posting of signage in conspicuous locations about the availability of free interpretation services;*

*(iv) require such agency to train frontline workers and managers on language access policies and procedures; and*

*(v) require such agency to create appropriate public awareness strategies for the agency's service populations.*

2. *Beginning one year after enactment of the local law that added this paragraph and every two years thereafter, to:*

(1) *develop a language access survey, which survey shall seek information from the service population of city agencies that provide direct public services, including, but not limited to: (a) the client's preferred spoken language; (b) the client's preferred written language; (c) the geographical location where such client resides; (d) the language access services requested by such client in the past and whether those services were received; and (e) the language access services currently requested by such client;*

(2) *work with each city agency that provides direct public services to distribute such language access survey to each agency's service population and collect information therefrom;*

(3) *determine whether 5% or more of the service population of each city agency that provides direct public services speaks a shared language other than english; and*

(4) *work with each city agency that provides direct public services to incorporate the information gathered through such language access survey into the language access implementation plan created by each agency pursuant to paragraph 1 of this subdivision.*

3. *Beginning one year after enactment of the local law that added this paragraph and every two years thereafter, work with city agencies that provide direct public services to determine each agency's staffing capacity with regard to providing language access services.*

4. *Beginning no later than June 30, 2016, and no later than every June 30 thereafter, submit to the city council and post on the office of operations' website a report providing information regarding each city agency that provides direct public services, including:*

(1) *the name of the individual designated as each agency's language access coordinator pursuant to paragraph 1 of this subdivision, including all titles held by such individual;*

(2) *each agency's language access policy and implementation plan developed pursuant to paragraph 1 of this subdivision;*

(3) *a summary of the results of the language access surveys collected pursuant to paragraph 2 of this subdivision; and*

(4) *information regarding each agency's staffing capacity as determined pursuant to paragraph 3 of this subdivision.*

5. [2.] *To provide technical assistance to such city agencies in meeting the requirements of this subdivision. [developing appropriate plans and programs to: (i) deliver their services in languages other than English, (ii) translate written materials into such languages, and (iii) educate the public about such agency plans and programs.]*

[3. *In conjunction with a committee of agency representatives, to develop testing materials to evaluate the ability of city employees to deliver services in languages other than English; to develop materials to be used in the training of such employees; and, either on its own or in cooperation with the appropriate agencies, to provide such training.*]

6. [4.] *To monitor and report on the performance of city agencies in delivering services in languages other than English.*

7. [5.] *To maintain in a central place which is accessible to the public a library of written materials published by city agencies in such languages.*

8. *To establish, in furtherance of the purposes of this subdivision, additional standards and criteria for city agencies that provide direct public services.*

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

Referred to the Committee on Governmental Operations.

Res. No. 1066

**Resolution calling upon the New York State Office of Alcoholism and Substance Abuse Services to require that all addiction treatment facilities and programs use evidence-based treatment and make**

**public comprehensive information about which treatment approaches are used and long-term patient outcomes.**

By Council Members Borelli, Johnson and Matteo.

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

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

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

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

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

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

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

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

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

Referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services.

Int. No. 1182

By Council Members Chin, Mendez, Levine, Lander, Kallos, Gentile and Borelli (by request of the Manhattan Borough President).

**A Local Law to amend the New York city charter, in relation to tracking and removing deed restrictions placed on city properties when they are sold or otherwise disposed of.**

*Be it enacted by the Council as follows:*

Section 1. Section 384 of the New York City Charter is amended by adding a new subdivision c to read as follows:

*c. The mayor, or his or her designee, shall maintain and update with any applicable changes not less than weekly a searchable electronic database of all real property of the city sold, exchanged or otherwise disposed of, the deed to which contains a deed restriction that is imposed by or on behalf of the city. Such database shall be posted on the city's website, shall have the ability to produce reports by query and shall be published*

*to the city's open data portal in a non-proprietary format that permits automated processing and shall include, but not be limited to, the following information:*

- 1. The location of the property including the borough, community board district, block and lot number;*
- 2. The name and address of the person or entity to whom the property was disposed and the name and address of the current holder of the property interest if different;*
- 3. A description of all restrictions contained in the deed to the property;*
- 4. A summary of the history of the restriction process including the date on which the restriction was imposed, and if the restriction was imposed as part of an application pursuant to section 197-c of this charter or pursuant to another provision of law or administrative process;*
- 5. A copy of or electronic link to the relevant documents such as the deed conveyance;*
- 6. Any other information that the mayor, or his or her designee, deems relevant.*

§ 2. Section 384 of the New York city charter is amended by adding a new subdivision d to read as follows:

*d. 1. The mayor, or his or her designee, shall provide notice of the proposed removal or modification of any deed restriction on real property of the city sold, exchanged or otherwise disposed of at least 60 days prior to its removal or modification to: (a) the borough president within whose borough the real property is located, (b) the council member within whose council district the real property is located and (c) the community board within whose community district the real property is located. Such notice shall be titled in large bold letters "Notice of Removal or Modification of Deed Restriction on Real Property."*

*2. At least 20 but not more than 30 days prior to the removal or modification of any such deed restriction the mayor, or his or her designee, shall hold a public hearing on the removal or modification of any such deed restriction. Such public hearing shall be held within the community district in which the subject real property is located. Notice of such public hearing shall be published in the city record for at least seven consecutive business days commencing at least 30 days and no more than 40 days prior to such public hearing, and such notice shall be mailed to (a) the borough president within whose borough the real property is located, (b) the council member within whose council district the real property is located and (c) the community board within whose community district the real property is located. No later than 20 days prior to the public hearing, a public file containing copies of the relevant deed and related public documents shall be made available for public review at the office of the community board in which the real property is located. This subdivision shall not apply to any removal or modification of a deed restriction that occurs pursuant to section 197-c of this charter.*

§ 3. Section one of this local law takes effect 120 days after it becomes law; provided, however, that the mayor, or his or her designee, may take all actions necessary for the implementation of section one, including the promulgation of rules, prior to such effective date. Section two of this local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1183

By Council Members Cohen and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring arrestee mental health screenings and the exchange of health information of inmates in the custody of the department of correction**

*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 14-158 to read as follows:

*§ 14-158 Arrestee health information.*

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

*“Arrestee” means any person in the custody of the department.*

*“Health care provider” means any person licensed under federal or New York state law to provide medical or emergency services, including but not limited to doctors, nurses and emergency room personnel.*

*“Medical treatment form” means a report prepared by the New York city police department documenting any injury suffered by an arrestee which requires medical treatment, including but not limited to a description of the injury.*

*“Symptoms of a mental illness” means behavior that an employee of the department reasonably believes is likely to have been caused by a mental illness or mental health issue, and does not require any special medical or other training to identify.*

*b. Arrestee mental health report. Whenever an arrestee exhibits symptoms of a mental illness, the department shall create a report. Such report shall include a brief description of the arrestee’s symptoms, and the arrestee’s name and any other identifying information regarding that arrestee, including but not limited to the arrestee’s New York state identification number and date of birth. Such report must be prepared only if an arrestee is held in the custody of the department until arraignment.*

*c. Arrestee hospital notification. Whenever an arrestee is treated by a health care provider while in the custody of the department, the department shall create a report. Such report shall include a brief description of the arrestee’s medical condition, and the arrestee’s name and any other identifying information regarding that arrestee, including but not limited to the arrestee’s New York state identification number and date of birth.*

*d. Arrestee health information exchange. All records made pursuant to subdivision b of this section shall be transmitted to the department of health and mental health within 2 hours of transferring custody of such arrestee to a local criminal court for arraignment. All records made pursuant to subdivision c of this section shall be transmitted to the department of health and mental health within 10 hours of the completion of the health care provider’s medical care. The department shall also transmit any other documentation prepared by the department regarding the health of an arrestee, including but not limited to a medical treatment of prisoner form, to the department of health and mental health within 2 hours the completion of any such documentation.*

§ 2. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 18 to read as follows:

*Chapter 18*

*Police and Inmate Healthcare Information Sharing Act*

*§17-1801 Definitions.*

*§17-1802 Arrestee mental health screening*

*§ 17-1803 Arrestee mental health information exchange*

*§ 17-1804 Inmate health information request*

*§ 17-1805 Inmate health information policy*

*§ 17-1806 Inmate health information exchange*

*§ 17-1801 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:*

*“Arrestee” means any person in the custody of the New York city police department.*

*“Health care provider” means any person licensed under federal or New York state law to provide medical or emergency services, including but not limited to doctors, nurses and emergency room personnel.*

*“Health evaluation” means any evaluation of an inmate’s health and/or mental health upon their admission to the custody of the department of correction pursuant to minimum standards of inmate care established by the board of correction.*

*“Inmate” means any inmate in the custody of the New York city department of correction.*

*“Screened” means evaluated by a health care provider trained on the identification of mental illnesses for the purpose of identifying potential mental health issues.*



*§ 17-1802 Arrestee mental health screening. Every arrestee scheduled for arraignment at a local criminal court shall be screened. The department shall oversee such screening.*

*§ 17-1803 Arrestee mental health information exchange. For any arrestee identified as having a possible mental health issue pursuant to section 17-1802 of this chapter, the department shall prepare a report regarding such arrestee. Such report shall include a description of such arrestee's mental health issues, and such arrestee's name and any other identifying information regarding that arrestee, including but not limited to the arrestee's New York state identification number and date of birth.*

*§ 17-1804 Inmate health information request. The department shall request the medical records of any inmate identified in any report provided to the department pursuant to subdivision c of section 14-155 of the administrative code. Such request shall be limited to medical records prepared during the inmate's treatment immediately preceding their incarceration, and if such records are unreasonably voluminous such request may be limited to only information necessary for the inmate's medical treatment while in the custody of the department.*

*§ 17-1805 Inmate health information policy. The department shall establish a policy to request pertinent medical records of any inmate identified in section 17-803 of this chapter maintained by any health care provider. Such policy shall establish protocols for determining when such requests would reasonably assist the inmate's medical care, and for distributing such records to appropriate medical personnel.*

*§ 17-806 Inmate health information exchange. The department shall make available for an inmate's health evaluation reports and records maintained by the department pursuant to sections 17-803 and 17-804 of this chapter, and reports and records provided by the New York city police department pursuant to section 14-157 of the administrative code. The department shall make available such records and reports, and medical records maintained by the department pursuant to section 17-805 of this chapter, to any health care provider operating within the department of correction.*

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

**§ 4.** This local law takes effect 6 months after it becomes law.

Referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services.

Int. No. 1184

By Council Members Constantinides, Levine and Dickens

**A Local Law to amend the administrative code of the city of New York, in relation to locking playgrounds in city parks.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-147 to read as follows:

*§ 18-147 Locking park playground gates after dark. The gates at all exclusive childrens playgrounds under the control of the department that are enclosed by a gated fence shall be locked in the evening when such playground is closed to the public, or by 9:00 p.m., whichever is earlier, and shall be unlocked no earlier than 5:45 a.m.*

**§ 2.** This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

## Int. No. 1185

By Council Members Deutsch, Johnson, Dickens, Grodenchik, Menchaca, Maisel, Gentile and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department for the aging to provide certain information to households with users of life-sustaining equipment and individuals with a medical hardship.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended to add a new section 21-206 to read as follows:

*§21-206 Users of life-sustaining equipment and persons with medical hardship. The department shall engage in outreach and education efforts to provide information on how to register with any utility providing electrical service within the city as a household with a user of life-sustaining equipment or an individual with a serious medical hardship. Such efforts shall include the distribution of written materials to senior centers and naturally occurring retirement communities and to any individual requesting such materials. Electronic versions of such materials shall be placed in a conspicuous location on the department's website and on the website of the mayor's office for people with disabilities. These materials shall be made available in the top ten languages most commonly spoken within the city as determined by the department of city planning.*

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Aging.

## Int. No. 1186

By Council Members Dromm and Chin

**A Local Law to amend the administrative code of the city of New York, in relation to amending the definitions of sexual orientation and gender in the New York city human rights law.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 20 of Section 8-102 of Title 8 of the administrative code of the city of New York is amended to read as follows:

20. The term "sexual orientation" means *actual or perceived sexual, physical, emotional, or romantic attraction or attachment, or lack thereof, to another person(s) or partner(s), regardless of gender, or being perceived as having an orientation for such attachment, or lack thereof.* [heterosexuality, homosexuality, or bisexuality]

§ 2. Subdivision 23 of Section 8-102 of Title 8 of the administrative code of the city of New York is amended to read as follows:

23. The term "gender" shall include actual, [or] perceived or *purported* sex and shall also include a person's gender identity, self-image, appearance, *physical characteristics, operative status*, behavior or expression, whether or not [that] *their* gender identity, self-image, appearance, *physical characteristics, operative status*, behavior or expression is different from that traditionally associated with *either* the legal sex assigned to that person at birth, *their chromosomal sex or their physical anatomy.*

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

Referred to the Committee on Civil Rights.

## Int. No. 1187

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

**A Local Law to amend the administrative code of the city of New York, in relation to a report on obtaining government-issued identification for youth.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 21-908 of the administrative code of the city of New York is amended to read as follows:

b. Beginning no later than January 31, 2015, and no later than every January 31 thereafter, the commissioner shall submit to the speaker of the council and post on ACS' website an annual report for the prior calendar year that includes the following information:

1. *the number of youth in foster care who are aged seventeen or older; and the total number of youth in foster care who are aged seventeen or older and have a form of government-issued personal identification, disaggregated by birth certificate, social security card, state-issued identification, municipal identification, passport or other form of government-issued personal identification, and the number of youth in foster care who obtained such identification with assistance from ACS; provided, however, that the information relating to municipal identification, passports or other forms of government-issued personal identification required by this paragraph shall be included in such report only upon required New York state approval of changes to the Discharge Checklist and PYA Checklist in a manner that reasonably allows for the collection of such information beginning with the report for the second calendar year following such approval;*

2. *the number of youth in foster care who were discharged with an APPLA goal; and the total number of youth with an APPLA goal who were in possession of a birth certificate, social security card, state-issued identification, municipal identification or passport at the time of discharge from foster care, disaggregated by the type of identification; provided, however, that the information relating to municipal identification and passports required by this paragraph shall be included in such report only upon required New York state approval of changes to the Discharge Checklist and PYA Checklist in a manner that reasonably allows for the collection of such information beginning with the report for the second calendar year following such approval; and*

3. a description of the actions ACS has taken in the prior calendar year to assist youth in foster care in obtaining the kinds of government-issued personal identification described in the report required by this subdivision.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

## Int. No. 1188

By Council Member Ferreras-Copeland.

**A Local Law to amend the administrative code of the city of New York, in relation to interest rate charged for the nonpayment of water and sewer charges.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 11-312 of the administrative code of the city of New York, as amended by local law 30 of the year 2015, is amended to read as follows:

c. No later than the thirteenth day of May in each year, the banking commission shall transmit a written recommendation to the council of a proposed interest rate to be charged for nonpayment of water rents. In making such recommendations the commission shall consider the prevailing interest rates charged for commercial loans extended to prime borrowers by commercial banks operating in the city and shall propose a rate [of at least six per centum per annum greater than such rates] *at least equal to such prevailing interest rate*. The council may by resolution adopt an interest rate to be charged for nonpayment of water rents pursuant to section 11-224 of the code and, for nonpayment of water rents that become due and payable on or after July first, two thousand five, pursuant to section 11-224.1 of the code, and may specify in such resolution the date on which such interest rate is to take effect.

§2. Subdivision e of section 11-313 of the administrative code of the city of New York, as amended by local law 30 of the year 2015, is amended to read as follows:

e. No later than the thirteenth day of May in each year, the banking commission shall transmit a written recommendation to the council of a proposed interest rate to be charged for nonpayment of sewer rents. In making such recommendations the commission shall consider the prevailing interest rates charged for commercial loans extended to prime borrowers by commercial banks operating in the city and shall propose a rate [of at least six per centum per annum greater than such rates] *at least equal to such prevailing interest rate*. The council may by resolution adopt an interest rate to be charged for nonpayment of sewer rents pursuant to section 11-224 of the code and, for nonpayment of sewer rents that become due and payable on or after July first, two thousand five, pursuant to section 11-224.1 of the code, and may specify in such resolution the date on which such interest rate is to take effect.

§3. This local law takes effect immediately.

Referred to the Committee on Finance.

Preconsidered Res. No. 1067

**Resolution to establish that the interest rate be 6 percent per annum for Fiscal Year 2017 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 10, 2016, the Prime Rate stands at three and one-half percent as published by the Board of Governors of the Federal Reserve System; and

**Whereas**, By letter dated May 11, 2016, the Banking Commission recommended to the Council an interest rate of 7.5 percent per annum for Fiscal Year 2017 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; and

**Whereas**, The Council determines that an interest rate of 6 percent per annum for Fiscal Year 2017 should 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 6 percent per annum for Fiscal Year 2017 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. 1068

**Resolution to establish that the interest rate be 18 percent per annum for Fiscal Year 2017 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 10, 2016, the Prime Rate stands at three and one-half 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 11, 2016, 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 2017; 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 2017 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. 1069

**Resolution to establish that the interest rate to be charged for Fiscal Year 2017 for non-payment of water rents and sewer rents be 9 percent per annum.**

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 13<sup>th</sup> 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**, Sections 11-312 and 11-313 of the Administrative Code require the Banking Commission to propose a rate 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”), to be charged for non-payment of water and sewer rents; and

**Whereas**, The Banking Commission notes that as of May 10, 2016, the Prime Rate stands at three and one-half 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 11, 2016, that the interest rate to be charged for non-payment of water rents and sewer rents be 9.5 percent per annum for Fiscal Year 2017; and

**Whereas**, The Council determines that the interest rate to be charged for non-payment of water rents and sewer rents should be 9 percent per annum for Fiscal Year 2017; 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 9 percent per annum.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Res. No. 1070

**Resolution to establish that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2017.**

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 11, 2016, that the discount percentage for early payment of real estate taxes for Fiscal Year 2017 be set at one-half of one percent per annum; now, therefore, be it

**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 2017.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 1189

By Council Member Garodnick.

**A Local Law in relation to a pilot program for the use of beacon navigation technology.**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. As used in this section, the following terms shall have the following meanings:  
Beacon. The term “beacon” means a hardware transmitter broadcasting a low energy identifier signal to

nearby electronic devices.

Beacon navigation. The term “beacon navigation” means the use of a network of beacons to micro-locate an electronic device equipped with receiving software, for the purposes of providing navigation assistance within the beacon network area to the operator of the electronic device. Such navigation assistance may be in an audio or visual form, or both.

b. No later than January 1, 2017, the director of the office of operations, in consultation with the commissioner of information technology and telecommunications and the director of the mayor’s office for people with disabilities, shall establish a one-year pilot program for the use of beacon navigation technology in no fewer than twenty locations, including five indoor locations and five outdoor locations. After consulting with experts in navigational accommodations for people with disabilities, locations for the pilot program shall be selected based on the capability of the location to support beacon infrastructure, the number of persons transiting the location daily and the difficulty that persons with disabilities may have in navigating the location. Each indoor location shall utilize a sufficient number of beacons to cover the entire portion of such location open to the public. Each outdoor location shall utilize a sufficient number of beacons to cover a three square block area. The director of the office of operations shall determine the form of the navigation assistance to be used in each location, provided that any indoor locations include an audio navigation assistance form. The director of the office of operations shall also develop and post online a beacon navigation technology privacy protection and data stewardship policy prior to the establishment of such pilot program.

c. Within six months after the conclusion of the pilot program required by subdivision b of this local law, the director of the office of operations shall submit a report to the mayor and the speaker of the council assessing the efficacy of such pilot program including, but not limited to, the following:

1. a description of the locations selected for the pilot program;
2. a description of the pilot program’s results;
3. an estimate of the installation, maintenance and operational costs of a permanent program; and
4. recommendations on whether and how the technology could best be utilized in a permanent program.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services.

Int. No. 1190

By Council Members Levin, Dickens, Dromm, Salamanca, Eugene, Richards, Chin, Grodenchik, Miller, Johnson and Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to a report on the educational continuity of children in foster care.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-907.1 to read as follows:

§ 21-907.1 *Educational continuity of children in foster care. a. For the purposes of this section, the term “school of origin” means the school that a child or youth attended prior to entering foster care or prior to transferring foster homes.*

*b. ACS shall submit to the speaker of the council and post on its website quarterly reports regarding the educational continuity of children in foster care. The first such report shall be due 30 days following the end of the calendar quarter covering October 1, 2016 to December 31, 2016, and all subsequent reports shall be due 30 days following the last day of each succeeding calendar quarter. Such reports shall include the following information:*

1. *The percentage of children in foster care who remained in their school of origin upon their initial entry into foster care;*
2. *The percentage of children in foster care who remained in their school of origin after transferring foster homes;*
3. *The percentage of children in foster care who did not return to their school of origin upon initial entry into foster care or a transfer of foster homes due to a determination that it was not in the child's best interest, disaggregated by the reasons such determination was made; and*
4. *The average school attendance rates of children in foster care disaggregated by the following percentages: less than 50 percent, 50 percent, 60 percent, 70 percent, 80 percent and 90 percent.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1191

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

**A Local Law to amend the administrative code of the city of New York, in relation to certain children who have spent the greatest length of time in foster care.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-909 to read as follows:

§ 21-909 *Foster care quarterly reports. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

*Another planned permanent living arrangement (APPLA). The term "another planned permanent living arrangement (APPLA)" means a permanency planning goal to assist foster care youth in their transition to self-sufficiency by connecting the youth to an adult permanency resource, equipping the youth with life skills and, upon discharge, connecting the youth with any needed community and/or specialized services.*

*Kinship guardianship assistance program (KinGAP). The term "kinship guardianship assistance program (KinGAP)" means the permanency outcome for children in foster care who have been cared for by a relative for six consecutive months and for whom it has been determined that returning home or adoption are not viable options.*

*b. ACS shall submit to the speaker of the council and post on its website quarterly reports regarding information on the 200 children who have spent the longest length of time in foster care. The first such report shall be due 30 days following the end of the calendar quarter covering October 1, 2016 to December 31, 2016, and all subsequent reports shall be due 30 days following the last day of each succeeding calendar quarter. Such reports shall include information on such 200 children disaggregated by the following information:*

1. *Age, gender, race, and sexual orientation;*
2. *Permanency plan, including reunification, adoption, KinGAP, APPLA, or other.*
3. *The number of months in care; and*
4. *Barriers to placement, including but not limited to parental homelessness, parental relapse, parental childcare needs, education issues, and any other barrier as determined by ACS.*

*c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting youth in foster care or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If any category requested contains between 1 and 5*



*youth in foster care, or allows another category to be narrowed to between 1 and 5 youth in foster care, the number shall be replaced with a symbol.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1192

By Council Members Levin, Richards, Dickens, Dromm, Salamanca, Eugene, Chin, Grodenchik, Miller, Johnson and Cohen.

**A Local Law in relation to a foster care task force.**

*Be it enacted by the Council as follows:*

Section 1. a. There shall be an interagency task force to issue recommendations for improving services for youth in foster care and outcomes for youth aging out of foster care.

b. The task force shall consist of 17 members which shall be:

1. the commissioner of children's services, or their designee, who shall serve as chair;
2. the commissioner of homeless services, or their designee;
3. the chancellor of the city school district, or their designee;
4. the commissioner of youth and community development, or their designee;
5. the commissioner of health and mental hygiene, or their designee;
6. the chairperson of the New York city housing authority, or their designee;
7. four members, as appointed by the mayor, including two members who shall represent foster care service providers and two members who shall represent advocacy organizations with relevant expertise;
8. five members, as appointed by the speaker of the city council, including two youth currently in foster care and three youth who have aged out of the system in the previous 48 months; and
9. the speaker of the city council, or their designee and the chairperson of the council committee on general welfare or a designee.

c. All members shall be appointed within 60 days of the enactment of this local law. All members of such task force shall serve without additional compensation. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official.

d. Such task force shall submit a report of its findings and recommendations to the mayor and the council no later than 14 months after the effective date of the local law that added this section. Such recommendations shall address areas including, but not limited to education, housing, financial literacy, health and mental health services, parenting, decreasing the number of youth who age out of foster care, and prioritizing permanent placements of youth with families before they age out. Annual reports on the implementation of such recommendations shall be submitted to the mayor and the council no later than 12 and 24 months following the submission of the initial report, after which the task force will cease to exist. Each report required pursuant to this section shall be posted on the administration for children's services' website.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Res. No. 1071

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6303/A.1719, which would provide a beer production tax credit to registered distributors that produce beer within New York City.**

By Council Members Levin and Dickens.

**Whereas**, New York City imposes a tax on commercial beer brewers and distributors within the City in the amount of 12 cents per gallon; and

**Whereas**, New York State similarly imposes a tax of 14 cents per gallon on commercial beer brewers within the State;

**Whereas**, However, in order to foster and cultivate New York State's brewing industry, the State offers brewers a beer production credit; and

**Whereas**, Such credit is available to registered distributors that produce 60,000,000 gallons or fewer of beer within New York State; and

**Whereas**, The available credit is 14 cents per gallon for the first 500,000 gallons of beer produced and 4.5 cents per gallon for each additional gallon over 500,000 up to 15,500,000 gallons; and

**Whereas**, Since the credit was instituted in 2012, the number of breweries in the State has grown from 95 to 240 in 2015, making New York State the fifth highest beer-producing state in the country, according to the New York State Brewers Association; and

**Whereas**, Since there is no corresponding credit against the City's tax, New York City's brewers are penalized when compared to brewers in other parts of the State simply by virtue of their location; and

**Whereas**, S.6303, sponsored by Senator Golden, and A.1719, sponsored by Assembly Member Lentol, would erase that disparity and provide a beer production tax credit to registered distributors that produce 60,000,000 or fewer gallons of beer within New York City;

**Whereas**, Such tax credit would be 12 cents per gallon for the first 500,000 gallons of beer produced and 3.86 cents per gallon for each additional gallon over 500,000 up to 15,500,000 gallons; and

**Whereas**, There are more than 30 breweries in New York City, all of which contribute to the City and State's economic engines, and they deserve to be treated equitably as compared to other brewers in the State; and

**Whereas**, The City is committed to promoting local industry, job creation, and products made in New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.6303/A.1719, which would provide a beer production tax credit to registered distributors that produce beer within New York City.

Referred to the Committee on Finance.

Int. No. 1193

By Council Members Levine, Menchaca and Chin.

**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 computer science education in New York city schools.**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

*Chapter 10. Computer Science Education Reporting*

*§21-971 Reporting on computer science education. a. For the purposes of this section, the following terms have the following meanings:*

*Computer science programs. The term "computer science programs" means any class or curriculum designed to provide students with certain skills that will enable them to pursue a career in certain disciplines, including but not limited to, coding, computational systems, algorithmic processes, and computer software design and applications.*

*Certified STEM instructor. The term "certified STEM instructor" means a teacher who is certified to teach a specific science, technology, engineering or math (STEM) subject.*

*Co-located school. The term "co-located school" means any public school serving students in the elementary, middle or high school grades, or any combination thereof, including any charter school, which shares space with another public school or organization in a building within the city school district of the city of New York.*

*b. Not later than March 31, 2017, and annually thereafter on or before March 31, the department shall submit to the speaker of the council and post conspicuously on the department's website, a report for the preceding academic year which shall include, but not be limited to, the following:*

*1. The total number of computer science programs, including information regarding the nature of the computer science programs offered in each school;*

*2. The total number of computer science programs available to students in each grade level disaggregated by grade, K through 12 in each school;*

*3. The number and percentage of students who listed a computer science program, or a program related thereto as their first choice in the high school application process during the previous application year;*

*4. The number and percentage of students who listed a computer science program as their second choice in the high school application process during the previous application year;*

*5. The number and percentage of students who enrolled in a computer science program;*

*6. The 4 year graduation rate for students in a high school computer science program;*

*7. The 6 year graduation rate for students in a high school computer science program;*

*8. For each grade level (i) the number and percentage of students who have an individualized education program. This data shall be disaggregated by (i) race and ethnicity; (ii) gender; (iii) special education status; and (iv) English language learner status;*

*9. The number of designated full-time and part-time certified STEM instructors providing instruction at each school disaggregated by grade, K through 12; and the ratio of full time STEM certified instructors to students at each such school;*

*10. A list of schools, including co-located schools that share certified STEM instructors with at least one other school;*

*11. Information regarding the STEM institute administered by the department, including but not limited to, the nature of the professional training, the number of teachers trained, external organizations involved, the costs associated, the funding provided and the source of such funding; and*

*12. Information regarding the department's Computer Science for All initiative, including but not limited to, the expansion of the Software Engineering program, and availability and access to advanced placement computer science classes.*

*c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 0 and 5 students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.*

§2. This local law shall take effect immediately.

Referred to the Committee on Education.

## Int. No. 1194

By Council Members Matteo, Johnson and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to clarifying the responsibilities of youth leagues with respect to defibrillators.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 4-209 of the administrative code of the city of New York, as added by local law 57 for the year 2016, is amended to read as follows:

b. [A] *Subject to the provision of a sufficient number of automated external defibrillators and training courses by the department pursuant to subdivision c, a youth baseball league using a baseball field for which the department is the lessor shall:*

1. make available an automated external defibrillator at every baseball game and practice occurring at such field in which a team of such league participates; and
2. where practicable, ensure that there is at least one coach, umpire or other qualified adult who is present at each such game and practice who has successfully completed a training course within 24 months of each such game and practice.

§ 2. Subdivision b of section 18-146 of the administrative code of the city of New York, as added by local law 57 for the year 2016, is amended to read as follows:

b. [A] *Subject to the provision of a sufficient number of automated external defibrillators and training courses by the department pursuant to subdivision c, a youth league using a ballfield under the jurisdiction and management of the department to play or practice baseball shall:*

1. make available an automated external defibrillator at every baseball game and practice in which any team in such league participates; and
2. where practicable, ensure that there is at least one coach, umpire or other qualified adult who is present at each such game and practice who has successfully completed a training course within 24 months of every such game and practice.

§ 3. This local law takes effect on the same date that local law 57 for the year 2016 takes effect.

Referred to the Committee on Health.

## Int. No. 1195

By Council Members Menchaca, Ferreras-Copeland, Reynoso, Wills, Cabrera, Cohen, Gibson, Eugene, Maisel, Chin, Miller, Mendez, Treyger, Rose, Espinal, Levine and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of operations to report on adult literacy programs offered by the city or pursuant to a contract with the city.**

*Be it enacted by the Council as follows:*

Section 1. Title 21 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

*Chapter 10. Adult and Continuing Education.*

§ 21-1001 *Adult and continuing education reporting. a. Not later than June 1, 2016, and annually thereafter, the director of the mayor's office of operations or other designee of the mayor shall report to the speaker on all adult literacy programs offered by the city or pursuant to a contract with the city. Such report shall include the number of adult literacy programs offered, the number of persons who applied to such programs, the scoring method of any literacy intake examination used to screen such applicants, the number of such applicants who were denied admission to such programs based on the results of such an examination,*

*and the number of such applicants who were denied admission to such programs due to an adult literacy program's capacity limitations. For the purposes of this section, "adult literacy programs" include the following courses: English for speakers of other languages, adult basic education, general educational development and other classes designed to enhance the literacy of adults.*

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

Referred to the Committee on Education.

Int. No. 1196

By Council Members Palma, Levin, Dromm, Salamanca, Eugene, Richards, Grodenchik, Chin, Miller, Johnson and Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to a report on permanency indicators.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended to add a new section 21-902.2 to read as follows:

*§ 21-902.2 Report on permanency indicators a. Definitions. For the purposes of this section, the term "kinship guardianship assistance program (KinGAP)" means the permanency outcome for children in foster care who have been cared for by a relative for six consecutive months and for whom it has been determined that returning home or adoption are not viable options.*

*b. Not later than January 31, 2017, and no later than January 31 annually thereafter, ACS shall submit to the speaker of the council and post on its website a report on permanency indicators for children in foster care. Such report shall include, but not be limited to the following information:*

*1. The rate of substantiated incidents of abuse or neglect per 100,000 days in care for children in foster care during the calendar year beginning two years prior to the date the report required pursuant to this section is due;*

*2. The percentage of children with a substantiated allegation of abuse or neglect during the calendar year beginning two years prior to the date the report required pursuant to this section is due who had a subsequent substantiated allegation of abuse or neglect during the calendar year beginning one year prior to the date the report required pursuant to this section is due;*

*3. The percentage of children entering foster care during the calendar year beginning two years prior to the date the report required pursuant to this section is due who achieved permanency within 12 months from the date of their entry into foster care;*

*4. The percentage of children who were in foster care on the first day of the calendar year beginning two years prior to the date the report required pursuant to this section is due, and had been in care for 12-23 months prior to such period, who were discharged to permanency during the calendar year beginning two years prior to the date the report required pursuant to this section is due;*

*5. The percentage of children who were in foster care on the first day of the calendar year beginning two years prior to the date the report required pursuant to this section is due, and had been in care for 24 months or more prior to such period, who were discharged to permanency during the calendar year beginning two years prior to the date the report required pursuant to this section is due;*

*6. The percentage of children who entered foster care during the calendar year beginning three years prior to the date the report required pursuant to this section is due who were discharged to reunification or KinGAP during the calendar year beginning two years prior to the date the report required pursuant to this section is due, and who returned to foster care within 12 months after their discharge from foster care;*

7. *The rate of moves per 1,000 days for children in foster care for 8 or more days during the calendar year beginning two years prior to the date the report required pursuant to this section is due; and*

8. *The percentage of children who were absent without leave from foster care during the calendar year beginning two years prior to the date the report required pursuant to this section is due, disaggregated by the number of months such children were absent without leave.*

*c. No report required pursuant to this section shall be removed from ACS' website.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1197

By the Public Advocate (Ms. James) and Council Members Ferreras-Copeland, Levin, Dromm, Salamanca, Eugene, Richards, Chin, Grodenchik, Miller, Johnson and Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to information collected and reported about youth and foster care.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 21-902.1 of the administrative code of the city of New York is amended to read as follows:

b. Annual Reports Regarding Youth and Foster Care. Beginning no later than February 28, 2015 for the calendar year 2014 and every year thereafter, ACS shall furnish to the speaker of the council, the public advocate, and post on ACS' website a report regarding youth in foster care. Such report shall include the following information disaggregated where available and indicated with an explanation where not available by gender, race and ethnicity:

1. Discharge Outcomes of Foster Care Youth: The following information regarding the discharge outcomes of youth in foster care shall be included in the annual report:

i. number of youth who have been adopted, disaggregated by age from 0 to 21 *and over 21*;

ii. number of youth who have been reunified with family, disaggregated by age from 0 to 21 and over 21;

iii. number of youth who are placed with family through KinGAP, disaggregated by age from 0 to 21 *and over 21*;

iv. *number of youth who have aged out of care with a goal of APPLA, disaggregated by age from 0 to 21, and over 21*;

v. *number of youth who left foster care with any other discharge outcome, including discharges to psychiatric institutions, correctional facilities, or unspecified destinations, disaggregated by age from 0 to 21 and over 21*;

vi. number of youth who did not consent to remain in foster care past age 18 and for whom the court approved a discharge from foster care, disaggregated by age from 18 to 20; provided, however, that this information shall be included in such report only upon required New York state approval of the necessary changes to the Discharge Checklist, beginning with the report for the second calendar year following such approval;

[v. number of youth who aged out at 21;]

[vi.] *vii.* number of youth for whom an ACS Exception to Policy to remain in foster care after age 21 was requested;

[vii.] *viii.* number of youth who remained in foster care after age 21 under an ACS Exception to Policy;

[viii.] *ix.* number of youth who requested to return to foster care after not consenting to remain in care after age 18;

[ix.] *x.* number of youth who returned to foster care after not consenting to remain in care after age 18.

2. Youth Currently in Foster Care. The following information regarding youth currently in foster care shall be included in the annual report:

- i. *the total number of youth in care disaggregated by age from 0 to 21 and over 21, and the number of youth who have a permanency planning goal of APPLA, including those who have concurrent plans, disaggregated by age as follows: 14-15; 16-17; 18-19; 20-21; over 21;*
- ii. number of youth for whom ACS paid an independent living stipend;
- iii. number of youth who receive vocational training, disaggregated by age as follows: [17-19; 20-21; over 21] *14-15; 16-17; 18-19; 20-21; over 21;*
- iv. number of youth who may be eligible to petition for SIJS or other immigration relief, disaggregated by age as follows: [14-18; 19-21] *14-15; 16-17; 18-19; 20-21; over 21;*
- v. number of youth who have SIJS applications or other immigration applications pending, disaggregated by age as follows: 0-3; 4-6; 7-9; 10-12; 13-15; 16-18; 19-21;
- vi. number of youth who have a permanent connection to a caring adult;
- vii. number of youth who applied for housing assistance, disaggregated by the type of assistance as follows:
  - (a) NYCHA public housing;
  - (b) section 8 voucher;
  - (c) supportive housing;
  - (d) adult residential care;
  - (e) ACS housing subsidy;
  - (f) [to the extent it is available,] any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;
- viii. number of youth who have been found eligible for housing assistance, disaggregated by the type of assistance as follows:
  - (a) NYCHA public housing;
  - (b) section 8 voucher;
  - (c) supportive housing;
  - (d) adult residential care;
  - (e) ACS housing subsidy;
  - (f) [to the extent it is available,] any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;
- ix. number of youth who have been found ineligible for housing assistance, disaggregated by the type of assistances as follows:
  - (a) NYCHA public housing;
  - (b) section 8 voucher;
  - (c) supportive housing;
  - (d) adult residential care;
  - (e) ACS housing subsidy;
  - (f) [to the extent it is available,] any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;
- x. number of youth who are currently enrolled in high school, disaggregated by social education status and by age as follows: [under 16; 16-18; over 18] *14-15; 16-17; 18-19; 20-21; over 21;*
- xi. number of youth who are currently enrolled in a New York city department of education approved High School Equivalency program, disaggregated by age as follows: [16-18; over 18] *14-15; 16-17; 18-19; 20-21; over 21;*
- xii. number of youth who are currently enrolled in colleges, disaggregated by age as follows: [18 and younger; 19-20; 21 and over] *under 18; 18-19; 20-21; over 21.*

3. Youth Who Left Foster Care Who Were Discharged to APPLA. The following information regarding youth who left foster care who had a goal of APPLA, including those who had other concurrent goals, shall be included in the annual report:

- i. number of youth who were on trial discharge status;
- ii. number of youth who received housing assistance, broken down by the type of assistance as follows:
  - (a) NYCHA public housing;

- (b) section 8 voucher;
- (c) [supported or] supportive housing;
- (d) adult residential care;
- (e) ACS housing subsidy;

(f) [to the extent it is available,] any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized; provided, however, that the information required by this subparagraph shall be included in such report only upon required New York state approval of the necessary changes to the Discharge Checklist, beginning with the report for the second calendar year following such approval;

iii. number of young people who left foster care to alternative safe and stable housing, including but not limited to an apartment or other place of residence shared with friends or family members, or remained in the home of their foster families; provided, however, that this information shall be included in such report only upon required New York state approval of the necessary changes to the Discharge Checklist, beginning with the report for the second calendar year following such approval;

iv. number of youth who completed high school, disaggregated by the type of diploma or credential certification received;

v. number of youth who passed the TASC high school equivalency test;

vi. number of youth who obtained an ETV;

vii. number of youth who are enrolled in college;

viii. number of youth who were enrolled in a vocational/trade program at the time of discharge;

ix. number of youth who obtained a college diploma, disaggregated by the type of diploma received; provided, however, that this information shall be included in such report only upon required New York state approval of the necessary changes to the Discharge Checklist, beginning with the report for the second calendar year following such approval;

x. number of youth who have a verifiable source of income;

xi. number of youth who obtained SIJS;

xii. number of youth who obtained lawful permanent resident status;

xiii. number of young people who were parents at the time of their discharge from foster care;

xiv. number of youth who had a permanent connection to a caring adult at the time of their discharge from foster care;

xv. number of youth who were discharged as AWOL at the time of their discharge from foster care.

§ 2. Subdivision c of section 21-902.1 of the administrative code of the city of New York is amended to read as follows:

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting youth in foster care or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If any category requested contains between [0 and 9] *1 and 5* youth in foster care, or allows another category to be narrowed to between [0 and 9] *1 and 5* youth in foster care, the number shall be replaced with a symbol.

§ 3. Section 21-902.1 of the administrative code of the city of New York is amended to add new subdivisions d and e to read as follows:

*d. The commissioner, in consultation with the commissioner of social services, shall establish a procedure to determine how many youth who were discharged from foster care entered a shelter operated by or under contract or similar agreement with the department of homeless services or the department of social service/human resources administration. The following information regarding youth who were discharged from foster care during the calendar year covered by the report required pursuant to this section who entered such shelters shall be included such report, disaggregated as follows: number who entered within 30 days of their discharge from foster care; number who entered within 90 days of their discharge from foster care; number who entered within 180 days of their discharge from foster care; number who entered within 3 years of their discharge from foster care. For the purposes of this subdivision, "entering the homeless shelter system" shall include seeking and being found eligible for shelter at any intake facility operated by or under contract or similar agreement with the department of homeless services or the department of social service/human resources administration.*



*e. The commissioner, in consultation with the commissioner of social services, shall establish a procedure to determine how many youth who were discharged from foster care received cash assistance, supplemental nutrition assistance benefits, and/or medicaid. The following information regarding youth who were discharged from foster care during the calendar year covered by the report required pursuant to this section who received such benefits shall be included in such report, disaggregated as follows: number who received cash assistance within 30 days of their discharge from foster care; number who received SNAP benefits within 30 days of their discharge from foster care; number who received cash assistance within 60 days of their discharge from foster care; number who received SNAP benefits within 60 days of their discharge from foster care; number who received cash assistance within 180 days of their discharge from foster care; number who received SNAP benefits within 180 days of their discharge from foster care; and the number of youth who were discharged from foster care with a goal of APPLA were successfully transitioned to medicaid without any gap in coverage.*

§ 4. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1198

By Council Members Richards, Miller, Wills, Chin and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to flood mitigation in southeast Queens.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-530 to read as follows:

§ 24-530 *Southeast Queens flood mitigation plan. a. By no later than one year after the effective date of the local law that added this section, the department of environmental protection shall submit to the mayor and speaker of the council, and make publicly available online, a plan for mitigating flooding in Queens community districts 12, 13 and 14. Such plan shall include, but not be limited to, a timeline for implementation, annual performance milestones and a description of funds anticipated to be expended by or on behalf of the city in connection with such flood mitigation, including, but not limited to, funds committed in the 2016 fiscal year for such purposes.*

*b. By no later than six months after the end of each fiscal year, beginning with the first fiscal year that commences more than one year after the effective date of the local law that added this section, the department of environmental protection shall submit to the mayor and the speaker of the council a report on progress in implementing the plan required by subdivision a of this section during the prior fiscal year. Each such report shall include, but not be limited to, a description of any changes to such plan, a description of any changes in funds committed by or on behalf of the city in furtherance of such plan and a description of all funds expended by or on behalf of the city in furtherance of such plan.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 1199

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

**A Local Law to amend the administrative code of the city of New York, in relation to surveys for youth in foster care regarding experiences with foster parents.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-909 to read as follows:

§ 21-909 *Foster parent experience surveys.* a. Commencing January 1, 2017, ACS shall provide to all youth in foster care ages 13 and older who reside with a foster parent an annual survey regarding such youth's experiences with their foster parents. Such surveys shall be administered in a location other than the foster parent's home. In addition to questions, such survey shall provide space for such youth to provide ACS with any additional information they wish to share. Such survey shall include but not be limited to the following questions:

1. If the youth has enough food to eat on a regular basis;
2. If the youth is allowed to enter the kitchen to access food;
3. If the youth has enough clothing in their appropriate size;
4. If the youth is allowed to choose the clothing that is purchased on their behalf;
5. If the youth is allowed to practice their religion;
6. If the youth is treated like a member of the family;
7. If the youth is included in all family activities;
8. If the youth receives their personal allowance;
9. If the youth has internet access and is allowed to use it;
10. If the youth has access to a cell phone and/or other mobile device and is allowed to use it;
11. If the youth is allowed to participate in school or extracurricular activities; and
12. If the youth is allowed to invite friends to the home.

b. No later than March 1, 2018, and annually thereafter, ACS shall submit to the speaker of the council and post on its website aggregated data from the surveys required pursuant to this section for the previous calendar year and any steps ACS had taken in response to the information provided in such surveys.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting youth in foster care or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If any category requested contains between 1 and 5 youth in foster care, or allows another category to be narrowed to between 1 and 5 youth in foster care, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1200

By Council Members Richards, Salamanca, Dickens, Gentile, Dromm and Chin.

**A Local Law to amend the New York city charter, in relation to requiring the board of standards and appeals to notify the council member for the relevant council district when an application to vary the zoning resolution or an application for special permit is received by the board.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision a of section 668 of the New York city charter, as amended at general election, November 7, 1989, is amended by adding a new subdivision f to read as follows:

*f. The board of standards and appeals shall forward a copy of each proposal or application to vary the zoning resolution or for special permits filed with the board within five days of such filing to the council member for each council district in which the land involved, or any part thereof, is located.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 1072

**Resolution calling upon the Port Authority of New York and New Jersey to widen the George Washington Bridge's sidewalks.**

By Council Members Rodriguez, Constantinides, Rosenthal, Johnson and Cohen.

**Whereas**, The George Washington Bridge's sidewalks are the only connection across the Hudson River between New York City and New Jersey for pedestrians, runners, and bicyclists; and

**Whereas**, The paths are heavily used, with an average of 1,700 cyclists and 900 pedestrians crossing each day; and

**Whereas**, The sidewalks are ten feet wide except where the bridge's suspender ropes pass through, where they are less than seven feet wide; and

**Whereas**, According to Federal Highway Administration guidelines, shared-use paths should be at least ten feet wide and up to fourteen feet wide if they are heavily used; and

**Whereas**, The Port Authority of New York and New Jersey is planning an extensive renovation that will replace all of the bridge's suspender ropes beginning in 2017 and lasting until 2024; and

**Whereas**, As part of the project, the sidewalks will be replaced and new ramps that will provide access to the sidewalks will be constructed, but the sidewalks will not be widened; and

**Whereas**, New York City has made efforts in recent years to make its roadways safer and more convenient for pedestrians and bicyclists, particularly through the Vision Zero street safety initiative and the expansion of the bicycle lane network; and

**Whereas**, The Port Authority's own Bicycle Policy states that its goals are to integrate "improved bicycle access" and "safe bicycle lanes," and to "promote the safe co-existence of motor vehicles, bicycles and pedestrians" at its facilities; and

**Whereas**, The width of the bridge's sidewalks do not meet federal standards for high-use pedestrian and bicycle paths, and

**Whereas**, The planned renovation project presents a unique opportunity to build sidewalks that would be able to safely and comfortably accommodate the increasing number of pedestrians and bicyclists expected to use the bridge in the decades to come; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Port Authority of New York and New Jersey to widen the George Washington Bridge's sidewalks.

Referred to the Committee on Transportation.

Res. No. 1073

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign A.7756-A, to increase the amount of housing subsidy from \$300 to \$600 per month, and to extend the age eligibility from 21 to 24 for youth who have aged out of foster care.**

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

**Whereas**, Several national studies have demonstrated that many youth who age out of foster care are most likely to become homeless, lack a high school diploma, become involved in the criminal justice system, and rely on public assistance; and

**Whereas**, There are currently 9,748 youth in foster care in New York City, according to the Administration for Children's Services ("ACS"); and

**Whereas**, Youth who are discharged from foster care either reunify with their families, enter legal guardianship by a relative, become adopted, or end up living on their own; and

**Whereas**, In 2015, approximately 3,800 youth in New York City were discharged from the foster care system, of which 652 were discharged to independent living, also known as another planned permanent living arrangement (APPLA), according to ACS data; and

**Whereas**, The Housing Subsidy program administered through ACS provides rental assistance to families who need housing in order to reunify with children in foster care or to prevent children from entering foster care; and

**Whereas**, Young adults ages 18-21 who have no other permanent living arrangement than to live independently after leaving foster care are also eligible for this program; and

**Whereas**, The Housing Subsidy program currently provides a maximum monthly rent allowance of \$300; and

**Whereas**, The subsidy amount has remained the same for more than 20 years, during which rents throughout New York City have dramatically increased; and

**Whereas**, Youth advocates argue that public housing for which foster youth and their families qualify is extremely limited and there are not enough supportive housing units; and

**Whereas**, Of the 652 foster youth discharged to APPLA, less than half received some type of housing assistance, including public housing, ACS housing subsidies, supportive housing, Section 8 vouchers or adult residential care; and

**Whereas**, Advocates also argue that youth who have aged out of foster care at age 21 do not have enough income to afford housing, and therefore, the age eligibility for a housing subsidy should be increased to 24; and

**Whereas**, A.7756-A by Assembly Member Andrew Hevesi would amend the Social Services law to increase the housing subsidy from a maximum of \$300 to \$600 per month, not exceeding three years, for youth up to age 24 who aged out of the foster care system; and

**Whereas**, The bill would also allow former foster youth to live with roommates just as other young adults make such living arrangements to afford their rent; and

**Whereas**, In order to reduce the risk of homelessness among youth who have aged out of foster care, New York State should increase the housing subsidy to enable them to achieve self-sufficiency; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the the New York State Legislature to pass, and the Governor to sign A.7756-A, to increase the amount of housing subsidy from \$300 to \$600 per month, and to extend the age eligibility from 21 to 24 for youth who have aged out of foster care.

Referred to the Committee on General Welfare.

Int. No. 1201

By Council Members Treyger, Greenfield, Grodenchik, Rose, Richards, Dickens, Deutsch, Gentile and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to waiving parking violations when a parking sign is illegible.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.5 to read as follows:

*§ 19-175.5 Illegible parking signs. a. Notwithstanding any rule or regulation to the contrary, when a notice of violation is issued to an owner of a vehicle for failure to observe a parking sign that is not sufficiently legible to an ordinarily observant person at the time and place of the alleged violation, such illegibility constitutes an affirmative defense to the notice of violation.*

*b. The affirmative defense of illegibility is provable through photographic or other suitable evidence as determined by the hearing officer, hearing examiner, or other appropriate adjudicatory authority.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Transportation.

Res. No. 1074

**Resolution calling upon the Metropolitan Transportation Authority to end MetroCard expiration dates.**

By Council Members Vallone, Dickens and Chin.

**Whereas**, According to the Metropolitan Transportation Authority (“MTA”), MetroCards expire two years after the initial date of purchase; and

**Whereas**, Although MetroCards can be refilled, a MetroCard user has up to two years from the date of expiration to transfer any unused balances to a new MetroCard; and

**Whereas**, The balance transfer can be done at a subway station, if done within the first year after the expiration date, or by mailing the expired MetroCard to the MTA, if done during the second year; and

**Whereas**, According to the *New York Times* article, in the decade between 2000 to 2010, the MTA accumulated \$500 million in unspent fares; and

**Whereas**, The MTA is currently developing a new fare payment system, however, according a 2015 report in the *New York Post*, the new fare payment system will probably not be introduced for several years; and

**Whereas**, While the MTA is developing a new fare payment system, straphangers should not be forced to give away millions of dollars in unspent fares because of expiring MetroCards; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to end MetroCard expiration dates.

Referred to the Committee on Transportation.

Res. No. 1075

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would eliminate the cap on the number of speed cameras allowed to be deployed in school zones in New York City and remove the authorizing law’s sunset provision.**

By Council Members Van Bramer, Rodriguez, Gibson, Lander, the Public Advocate (Ms. James), Cabrera, Chin, Cohen, Constantinides, Ferreras-Copeland, Garodnick, Johnson, Kallos, King, Koo, Levin, Levine, Maisel, Menchaca, Mendez, Reynoso, Richards, Rosenthal, Salamanca, Torres, and Vacca.

**Whereas**, Speeding is a leading cause of traffic collisions, which are too common on the streets of New York City; and

**Whereas**, Two hundred forty nine people, including 159 pedestrians and bicyclists, were killed in traffic crashes in New York City in 2015, and “unsafe speed” was cited as a contributing factor in over 4,000 collisions that resulted in injuries or fatalities, according to Police Department data; and

**Whereas**, In 2013, the State Legislature passed, and the Governor signed, legislation authorizing New York City to implement a demonstration program in which it may use cameras to automatically enforce speeding laws at no more than 20 locations near schools, during school hours, for five years; and

**Whereas**, The 2013 State legislation was subsequently amended, and the City is now authorized to operate a maximum of 140 speed cameras; and

**Whereas**, The current cap on the number of speed cameras authorized to operate within the City means that many school zones do not receive the protection of the speed cameras; and

**Whereas**, Moreover, the current State law authorizing the speed camera program is scheduled to expire on July 25, 2018; and

**Whereas**, According to the City’s Department of Transportation (“DOT”), the school speed camera program has been effective in reducing speeding; and

**Whereas**, Speeding violations “decline by half at locations with speed cameras” according to DOT’s *Vision Zero: Year Two Report*; and

**Whereas**, Moreover according to DOT municipalities that use speed cameras reduce fatal and serious crashes by 30 to 40 percent; and

**Whereas**, The speed camera program would be more effective in preventing reckless speeding if it was expanded to all school zones within the City, and if it was made permanent with the removal of the sunset provision; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would eliminate the cap on the number of speed cameras allowed to be deployed in school zones in New York City and remove the authorizing law’s sunset provision.

Referred to the Committee on Transportation.

Res. No. 1076

**Resolution calling upon the City of New York to eliminate the disparity in compensation paid to teachers, staff and directors at community-based EarlyLearn NYC centers, as compared to the compensation paid to Department of Education instructors for similar employment.**

By Council Members Wills, Cumbo, Miller, Dickens, Kallos, Palma, Cornegy, Torres, Koo and Chin.

**Whereas**, According to the Center for Public Education (“CPE”), an initiative of the National School Boards Association, a large and growing body of research shows that investing in high-quality early childhood education yields benefits for children, schools and communities; and

**Whereas**, The CPE describes the short and long-term benefits of high-quality Pre-K programs, as well as the potential cost savings and benefits to communities, with the long-term cost benefits of such programs ranging from an estimated \$2 to \$4 for every dollar spent; and

**Whereas**, As discussed in a November 2015 report by the Office of Public Advocate Letitia James, entitled “Policy Report: Child Care in New York City, Part II, Investing in Child Care” (PA Report), “the research on the relationship of child care to labor force outcomes is clear: affordable and quality care is positively linked to economic and social mobility”; and

**Whereas**, The PA Report further informs us that “the cost of child care in New York City is increasing by an average of \$1,612 each year [and] the average family spends \$16,250 per year for an infant, \$11,648 for a toddler and \$9,620 for a school-age child, making child care unaffordable for many low and middle income families”; and

**Whereas,** The City of New York provides free and subsidized early care and education to young children through the Administration for Children’s Services’ (ACS) EarlyLearn NYC programs, as well as through Department of Education (DOE) pre-kindergarten (pre-K) programs; and

**Whereas,** EarlyLearn NYC includes center-based and home-based child care programs, which serve children from six-weeks through four-years-old; Head Start programs, which serve children ages three through four-years-old; and pre-kindergarten programs for four-year-olds offered in partnership with DOE under the Universal Pre-Kindergarten (UPK) program; and

**Whereas,** According to DOE, UPK programs are located throughout New York City public schools and DOE-operated pre-K centers, as well as in NYC Early Education Centers, which are community-based organizations (CBOs); and

**Whereas,** Mayor Bill de Blasio ran for office on a platform that included expanded pre-K and early childhood programs, and has in fact worked very hard to implement this plan; and

**Whereas,** The Mayor’s pre-K expansion efforts have been very successful, with current pre-K enrollment at nearly 70,000 students, more than triple the approximately 20,000 students enrolled prior to Mayor de Blasio’s Administration; and

**Whereas,** However, the PA Report states that EarlyLearn NYC providers have seen their capacity drop from 48,971 seats in 2012 (the year before EarlyLearn NYC was implemented) to 35,256 slots in 2015, and has dropped even further to 32,344 as of March 2016; and

**Whereas,** The rate of compensation for pre-K teachers employed by the DOE is much higher than the rate of compensation paid to EarlyLearn NYC teachers who work at CBOs; and

**Whereas,** Capital New York (CNY) reported on November 30, 2015 that “the pay disparity issue has divided many and threatens to damage the continued expansion of the program in future years”; and

**Whereas,** Further, the CNY article reports that the disparities are vast and that “DOE pre-K teachers can make up to \$91,000 with a master’s degree and 20 years of experience, while CBO teachers with identical credentials can earn up to \$50,000”; and

**Whereas,** According to the DOE’s teacher salary schedule effective May 1, 2015, a DOE-employed teacher of pre-K or any other grade receives a salary in a range from \$49,908 for a first-step new teacher, rising to as much as \$105,142 after 22 years with a master’s degree and 30 additional credits; and

**Whereas,** A March 2016 press release by Citizens’ Committee for Children states that “[a] certified teacher with five years of experience in a community based organization contracted by the city’s Administration for Children’s Services (ACS) makes \$41,700, while a teacher with the same credentials and experience in the public schools earns about \$17,000 more...[and] with 10 years of experience, this gap widens to \$34,000”; and

**Whereas,** CBO providers have said that they have lost students and some of their best teachers to DOE schools; and

**Whereas,** DNAinfo reports in a January 2016 article that “[m]any programs have seen a brain drain of their best teachers....[as] the DOE [is] not only higher paying, but gives teachers off during the summer and shorter days”; and

**Whereas,** The PA Report recommends that the City should ensure immediate pay equity between DOE and ACS EarlyLearn NYC Directors, Assistant Directors, Family Child Care Coordinators and teachers; and

**Whereas,** Accordingly, the salaries for the two groups of dedicated teachers should be the same, as the work is the same and the benefits to children are the same; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the City of New York to eliminate the disparity in compensation paid to teachers, staff and directors at community-based EarlyLearn NYC centers, as compared to the compensation paid to Department of Education instructors for similar employment.

Referred to the Committee on Education.

## Preconsidered L.U. No. 366

By Council Member Ferreras-Copeland:

**491 Gerard Avenue, Block 2351, Lot 50; Bronx, Community District No. 1, Council District No. 8.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 367

By Council Member Ferreras-Copeland:

**Story Avenue East, Block 3623, Lot 30; Bronx, Community District No. 9, Council District No. 17.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 368

By Council Member Ferreras-Copeland:

**New West I Apartments, Block 1594, Lots 42, 54, and 58; Manhattan, Community District No. 10, Council District No. 9.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. No. 369

By Council Member Ferreras-Copeland:

**Riverview I, Block 2001, Lot 38; Manhattan, Community District No. 9, Council District No. 7.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 370

By Council Member Ferreras-Copeland:

**Riverview II, Block 2001, Lot 50; Manhattan, Community District No. 9, Council District No. 7.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 371

By Council Member Ferreras-Copeland:

**Norwood Gardens, Block 3330, Lot 52; Bronx, Community District No. 7, Council District No. 11.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).



## Preconsidered L.U. No. 372

By Council Member Ferreras-Copeland:

**147-20 94th Avenue, Block 9999, Lots 9, 10, 11, 13, and 15; Queens, Community District No. 12, Council District No. 27.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 373

By Council Member Greenfield:

**Application No. 20165581 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 urban development action area project and waiver of the area designation requirement and Section 197-c and 197-d of the new York City Charter for property located at 1370 Lyman Place (Block 2970, Lot 52), Borough of the Bronx, Community Board 3, Council District 16.**

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

## Preconsidered L.U. No. 374

By Council Member Greenfield:

**Application No. 20165582 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 1955, Lot 26, Borough of Manhattan, Community Board 10, Council District 9.**

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

## Preconsidered L.U. No. 375

By Council Member Greenfield:

**Application No. 20165583 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 1594, Lots 50, 61, and 65, Borough of Manhattan, Community Board 10, Council District 9.**

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

## Preconsidered L.U. No. 376

By Council Member Greenfield:

**Application No. C 150361 ZMK submitted by the Conover King Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing an M2-1 District to an M1-4/R6 District and establishing a Special Mixed Use District**

**(MX-5) on property located at King and Conover Street, Borough of Brooklyn, Community Board 6, Council District 38.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 377

By Council Member Greenfield:

**Application No. N 160081 ZRK submitted by Conover King Realty, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York modifying Appendix F (Inclusionary Housing Designated Areas) and a related section in Article XII, Chapter 3 (Special Mixed Use District) to apply Mandatory Inclusionary Housing regulations on property located at King and Conover Street, Borough of Brooklyn, Community Board 6, Council District 38.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

L.U. No. 378

By Council Member Greenfield:

**Application No. C 160138 ZMQ submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, changing from a C4-2 District to a C4-5X District property located at Main Street and 41<sup>st</sup> Avenue, Borough of Queens, Community Board 7, Council District 20.**

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

L.U. No. 379

By Council Member Greenfield:

**Application No. N 160139 ZRQ submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area on property located at property located at Main Street and 41<sup>st</sup> Avenue, Borough of Queens, Community Board 7, Council District 20.**

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

L.U. No. 380

By Council Member Greenfield:

**Application No. C 160140 ZSQ submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of**

**a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 229 spaces on a portion of the ground floor and cellar level of a proposed mixed use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), in a C4-5X District, Borough of Queens, Community Board 7, Council District 20. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

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

L.U. No. 381

By Council Member Greenfield:

**Application No. C 160141 ZSQ submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed-use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), in a C4-5X District, Borough of Queens, Community Board 7, Council District 20. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

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

L.U. No. 382

By Council Member Greenfield:

**Application No. C 160143 HAQ 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 approval of an urban development action area designation and project, and pursuant to Section 197-c of the New York City Charter for approval of the disposition of property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), Borough of Queens, Community Board 7, Council District 20.**

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

L.U. No. 383

By Council Member Greenfield:

**Application No. 20165452 HKK (N 160255 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the East New York Savings Bank, Parkway Branch Building (Block 1390, Lot 44), as an historic landmark, Borough of Brooklyn, Community Board 8, Council District 37.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 384

By Council Member Greenfield:

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

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 385

By Council Member Greenfield:

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

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 386

By Council Member Greenfield:

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

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 387

By Council Member Greenfield:

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

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 388

By Council Member Greenfield:

**Application No. 20165592 HAX submitted by the New York City Department of Housing Preservation and Development for an exemption from real property taxation and termination of a prior tax exemption for property located at Block 3132, Lot 1; Block 3138, Lot 1; Block 3139, Lots 1 and 19; Block 3140, Lot 7; Borough of the Bronx, Community Board 1, Council District 15. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 125(1)(a-3) and 577 of the Private Housing Finance Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions

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

## ANNOUNCEMENTS

Thursday, May 26, 2016

[Committee on Fire and Criminal Justice Services](#) jointly with the [Committee on Health](#) and the [Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services](#) ..... 10:00 a.m.

**Oversight** - Evaluating Recent Changes in Healthcare in City Correctional Facilities.

**Proposed Int 852-A** - By Council Members Crowley, Eugene, Dickens, and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to mandating that correction officers escort inmates to medical visits in a timely fashion.

**Int 1013** - By Council Members Johnson, Crowley, Levin, Cohen, Chin, Koo and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to discharge planning for inmates in city correctional facilities, and to repeal section 3 of local law number 54 for the year 2004.

**Int 1014** - By Council Members Johnson, Crowley, Levin, Cohen, Cabrera, Koo, Mendez, Rose, Rodriguez and Rosenthal - **A Local Law** to amend the New York city charter, in relation to requiring the office of criminal justice to post on the office’s website an annual report regarding discharge planning for mentally ill inmates and recidivism.

**Int 1064** - By Council Members Crowley, Rodriguez and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to evaluate the effectiveness of programs it utilizes.

**Int 1144** - By Council Members Cumbo, Crowley, Dickens, Rose and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the use of trauma-informed care in city correctional facilities.

**Int 1183** - By Council Member Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring arrestee mental health screenings and the exchange of health information of inmates in the custody of the department of correction.

**Res 461** - By Council Members Crowley, Chin, Dromm, Eugene, Johnson, Koo, Mendez, Richards, Barron and Rosenthal - **Resolution** calling on the federal government to continue Medicaid coverage for individuals while they are incarcerated in correctional facilities, including New York City jails.

Council Chambers – City Hall

Elizabeth Crowley, Chairperson  
Corey Johnson, Chairperson  
Andrew Cohen, Chairperson

[Committee on Courts and Legal Services](#) .....1:00 p.m.

**Oversight** - Examining the Collaboration Between the Court’s and Legal Service Providers to Ensure Court Record Accuracy

Committee Room – City Hall

Rory Lancman, Chairperson

**Tuesday, May 31, 2016**

[Committee on Environmental Protection](#) .....1:00 p.m.

**Oversight** – Facilitating Solar Energy Adoption in New York City

Committee Room – City Hall

Costa Constantinides, Chairperson

**Thursday, June 2, 2016**

[Subcommittee on Zoning & Franchises](#)..... 9:30 a.m.

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Donovan Richards, Chairperson

**★Deferred**

[Committee on Parks and Recreation](#) .....10:00 a.m.

**Int 1151** – By Council Members Levine, Chin, Cohen and Ulrich – **A Local Law** to amend the administrative code of the city of New York, in relation to permits for large special events issued by the department of parks and recreation.

Committee Room – City Hall

Mark Levine, Chairperson

**★Addition**

[Committee on Transportation](#) .....10:00 a.m.

**Oversight** - How New York City Can Continue to Make its Sidewalks Safer, Cleaner, and More Beautiful?

**Int 411** - By Council Members Dromm, Vacca, Garodnick, Koo, Mendez, Rosenthal and Kallos - **A Local Law** to amend the administrative code of the city of New York in relation to requirements and enforcement of newsrack provisions.

**Int 412** - By Council Member Garodnick, Dromm, Vacca, Koo, Mendez, Rosenthal and Kallos - **A Local Law** to amend the administrative code of the city of New York in relation to modular newsracks.

**Int 427** - By Council Members Vacca, Dromm, Garodnick, Cumbo, Koo, Mendez, Rodriguez and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to newsrack requirements.

**Preconsidered Int \_\_\_\_** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to newsrack registration.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

Ydanis Rodriguez, Chairperson

[Committee on Women’s Issues](#) .....10:00 a.m.

**Int 1122** - By The Speaker (Council Member Mark-Viverito) and Council Members Ferreras-Copeland, Rodriguez, Cabrera, Crowley, Vacca, Constantinides, Rose, Dickens, Chin, Koslowitz, Treyger and Eugene - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that the department of correction issue feminine hygiene products to inmates immediately upon request.

**Int 1123** - By The Speaker (Council Member Mark-Viverito) and Council Members Levin, Ferreras-Copeland, Rodriguez, Cabrera, Crowley, Rose, Dickens, Chin, Koslowitz, Treyger and Eugene - **A Local Law** to amend the administrative code of the city of New York, in relation to feminine hygiene products.

**Int 1128** - By Council Members Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), Rodriguez, Dromm, Williams, Cabrera, Garodnick, Crowley, Vacca, Constantinides, Rose, Dickens, Chin and Ulrich - **A Local Law** to amend the New York city charter and administrative code of the city of New York, in relation to the provision of feminine hygiene products in schools.

**Res 1012** - By Council Members Rodriguez, Ferreras-Copeland, Dickens, The Speaker (Council Member Mark-Viverito), Williams, Vacca, Constantinides, Rose, Chin and Ulrich - **Resolution** calling upon the State Legislature to pass and the Governor to sign legislation that amends the Tax Law to exempt feminine hygiene products from all state and local sales taxes.

Council Chambers – City Hall

Laurie Cumbo, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... 11:00 a.m.

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Peter Koo, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#)..... 1:00 p.m.

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Inez Dickens, Chairperson

**Friday, June 3, 2016**

[Committee on Recovery and Resiliency](#) .....10:00 a.m.

**Oversight** - Financing of the City’s Recovery From Sandy

Council Chambers – City Hall

Mark Treyger, Chairperson

**Monday, June 6, 2016**

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

Agenda to be announced.

Council Chambers – City Hall

Helen Rosenthal, Chairperson

**Tuesday, June 7, 2016**

[Committee on Land Use](#) .....9:30 a.m.

**Int. 1132** - By the Public Advocate (Ms. James), the Speaker (Council Member Mark-Viverito), and Council Members Espinal and Rose - **A Local Law** to amend the New York city charter, in relation to establishing a publicly accessible tracking database of all commitments made by the city as part of any city-sponsored application subject to the uniform land use review procedure

[All items reported out of the Subcommittees](#)

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall

David G. Greenfield, Chairperson

[Committee on Sanitation and Solid Waste Management](#)..... 1:00 p.m.

**Oversight** - Reducing Food Waste in New York City

Committee Room – City Hall

Antonio Reynoso, Chairperson

[Committee on Aging](#) ..... 10:00 a.m.  
 Agenda to be announced  
 Council Chambers – City Hall Margaret Chin, Chairperson

[Committee on Veterans](#) ..... 1:00 p.m.  
 Agenda to be announced  
 Council Chambers – City Hall Eric Ulrich, Chairperson

**Wednesday, June 8, 2016**

[Committee on General Welfare](#) ..... 10:00 a.m.  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Stephen Levin, Chairperson

**★ Addition**

[Committee on Public Safety](#) jointly with the  
[Committee on Oversight and](#)  
[Investigations](#) ..... 10:00 a.m.

**Proposed Int 119-B** - By Council Members Williams, Mendez, Richards, Rosenthal, Reynoso, Dromm and Rodriguez - **A Local Law** to amend the administrative code of the city of New York and the New York city charter, in relation to the collection and evaluation of civil actions and other complaints alleging police misconduct to improve the disciplining, training, and monitoring of police officers and other relevant operations, policies, programs, and practices of the police department

**Int 927** - By Council Members Garodnick, Gibson, Torres, Williams, Chin, Koo, Rose, Rodriguez and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the police department to maintain an early intervention system

Council Chambers – City Hall Vanessa L. Gibson, Chairperson  
 Vincent J. Gentile, Chairperson

**Thursday, June 9, 2016**

[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) acknowledged and welcomed the presence of Council Member Richards's young son, Donovan Richards III. With Memorial Day approaching, she also asked everyone to remember the sacrifices made by the countless men and women who served in America's armed forces and to remember to address the needs of present and future veterans.

Shortly before the recess of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged the death of Nicholas DiNapoli, father of New York State Comptroller Thomas Napoli. She extended her condolences and asked those assembled to keep him in their thoughts.

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

*Editor's Local Law Note: Int Nos. 448-A, 809-A, 831-A, 902-A, 1004-A, 1037-A, 1118, and 1119 were signed by the Mayor on May 10, 2016 as, respectively, Local Laws No. 54, 55, 56, 57, 58, 59, 60, and 61 of 2016. Int Nos. 809-A, 831-A, 902-A, 1004-A, 1118, and 1119 were adopted by the Council at the April 20, 2016 Stated Meeting. Int Nos. 448-A and 1037-A were adopted by the Council at the May 5, 2016 Stated Meeting.*

