

THE COUNCIL

Minutes of the Proceedings for the

CHARTER MEETING

of

Wednesday, January 4, 2017, 12:24 p.m.

The Public Advocate (Ms. James)

Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Members Gibson, Mealy, Rosenthal and Wills.

There is a vacant seat in the Council pending the swearing-in of the certified winner of the February 14, 2017 Special Election in the 9th Council District (Manhattan).

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 46 Council Members marked present at this Charter Meeting held in the Council Chambers of City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Rev. Michael Easterling, Metropolitan Community Church of New York, 446 W. 36th Street, New York, N.Y. 10018 on behalf of Rev. Pat Bumgardner, also of the Metropolitan Community Church of New York.

I join you today on behalf of the Rev. Elder Pat Bumgardner, Senior Pastor of Metropolitan Community Church of New York, who is unable to attend today due to an unexpected illness, but sends her love and this message.

Oh God, thank you for this day and for this governing body gathered here to do the good work of leading our city in the new year. We offer this prayer that you touch their hearts and fill them with your loving spirit to guide them and inspire them. As we enter this new year, let us be joyful and optimistic at the coming of a new start and all the opportunity and promise of 2017. Let us too be aware of the challenges that this year may hold for us as we enter a year of uncertainty. We thank you for this governing body of courage, will and conviction. We lift up their investment in women as leaders, their determined nurturance of women and girls and the elevation of these voices. We thank you for the beautiful diversity in our city reflected by the most diverse Council in our history. We pray that you give them the renewed energy to stand firm in their commitment to our city as a whole, especially the most vulnerable among us. Thank you, New York City Council for your courage and resolve in assuring that New York City remains a sanctuary for our immigrant, Muslim and LGBTQ brothers and sisters who live and work among us and our beloved neighbors. You are helping our city and nation relearn the lesson of American greatness; that oneness is not about muting our differences, it is not about uniformity or conformity; rather, it is about reciprocity and mutuality and sharing what we have with others who may be different from us on the outside but bear a strong resemblance on the inside as members of the family of God. So today, as we begin this new year and begin your work, let us pray that God will continue to give you the courage and conviction, the stamina and grace it takes to move forward in times of challenge and difficulty and serve as a model for the world what a city of peace with its own diversity looks like and how it is governed. May our focus be on all we have in common as human beings

and our hope and prayer be for the day when all people,
African American and white people, people of Asian and Hispanic descent,
Native Americans and immigrants, all people of every orientation and identity,
of every class, culture and creed
shall live together in peace;
equal not only in the eyes of God,
but under our city's, nation's and world's codes and covenants.
I ask this blessing today in the name of all that is good and holy.
Amen.

Council Member Johnson 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 November 29, 2016 be adopted as printed.

PETITIONS & COMMUNICATIONS

M-465

Communication from Council Member Inez Dickens - Submitting her resignation from the office of New York City Council Member of the 9th Council district effective at the end of the day, December 31, 2016.

December 19, 2016

Speaker Mark-Viverito
250 Broadway
New York N.Y. 10007

Dear Speaker Mark-Viverito,

I am writing this letter to render my resignation as a representative of the New York City Council, effective December 31, 2016, 11:59pm.

This is a bittersweet moment for me as I have thoroughly enjoyed both my experiences and what I believe to be accomplishments for the people who entrusted me to fight on their behalf. During that time, I have grown to appreciate not only the responsibility handed to me, but the people within this great institution who have helped me along the way.

I am thankful to Ramon Martinez for allowing me the opportunity to have my say among the leadership of the City Council, maintaining the diversity in opinions missing in so many other agencies and institutions. Seeing him, I am reminded of the bond that was forged between us by the late great Lynette Velasco who served as my Chief of Staff. Her knowledge of the Council is what propelled my office forward.

I am grateful to have worked with Peg Toro, who made my 11 years in office feel less of an obligation and more like dutiful calling. Her experience and direction was such a valuable and integral part of what I was able to achieve, and for that, I will be eternally grateful.

None of this would have been possible without your decision to place me in a position where I could be of value to this great body.

I will truly miss the incredibly hardworking members and Council staff who truly make this city work and often go unnoticed in their efforts. I will remember you all as I go to represent my beloved Harlem in Albany.

I wish you the best of luck in all your endeavors, and I will keep everyone in my prayers.

Sincerely,

Inez E. Dickens
New York City Council

Received, Ordered, Printed & Filed.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) thanked those first responders who quickly attended to the injured at an LIRR derailment in Brooklyn that January 4th morning. According to initial reports, over eighty people were hurt at the scene of the accident. She wished a very speedy recovery to all who were injured.

REPORTS OF STANDING COMMITTEES

Report of the Committee on Finance

Report for Int No. 1314

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Queens Plaza/Court Square business improvement district, an extension of the Queens Plaza/Court Square business improvement district, and a change in the method of assessment upon which the district charge in the Queens Plaza/Court Square business improvement district is based

The Committee on Finance, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3563), respectfully

REPORTS:

BACKGROUND

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (hereinafter the “Law”), the Mayor and the Council are authorized to establish and extend Business Improvement Districts (hereinafter “BIDs”) in New York City and thereafter amend each BID’s district plan or authorize an increase in annual expenditures. BIDs, which are specifically established areas, use the City’s property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The District Management Association of a BID carries out the activities described in the BID’s district plan.

Under the process established by the Law, the City Council has adopted Resolution 1259, which set a public hearing date of Wednesday November 16, 2016 for the legislation that would authorize an increase in the amount to be expended annually in the Queens Plaza/Court Square BID, an extension of the Queens Plaza/Court Square BID, and a change in the method of assessment upon which the district charge in the Queens Plaza/Court Square BID is based.

Prior to the Council’s action, the Community Boards for the district in which the proposed BID extension is located -- Community Boards 1 and 2 of Queens -- voted to approve the extended district on May 17, 2016 and June 2, 2016, respectively. The City Planning Commission (“CPC”) also reviewed the amended district plan and held a public hearing on the amended district plan on June 22, 2016. The CPC approved a resolution on July 27, 2016 (Calendar No. 22), which certified the CPC’s unqualified approval of the amended district plan.

Resolution 1259 also directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record or a newspaper of general circulation not less than 10 nor more than 30 days before the public hearing. The Queens Plaza/Court Square District Management Association was directed to mail the Resolution or its summary to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills for property within the BID, and to occupants of each building within the proposed extended district, also not less than 10 nor more than 30 days before the public hearing. Finally, the Queens Plaza/Court Square District Management Association was also directed to publish in a newspaper of general circulation a notice stating the time and place of the hearing and stating the increase in the amount to be expended annually in the District not less than 10 days prior to the hearing.

The public hearing to consider both the amended district plan and the enacting legislation will be closed without a vote. The Committee will then wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after this hearing serves as an objection period. Any

property owner may, during this time period, formally object to the amended district plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the proposed extended district object to the plan, then the City Council may not approve the extended district plan.

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

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

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

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

This local law takes effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, provided that the change in the method of assessment relating to the north sub-district of the Queens Plaza/Court Square business improvement district, as described in the amended district plan, shall first apply to charges imposed in the fiscal year that begins July 1, 2017, and provided, further, that the method of assessment relating to the Queens Plaza/Court Square business improvement district that existed before the effective date of this local law shall continue to apply to charges imposed in the fiscal year that began July 1, 2016.

QUEENS PLAZA/COURT SQUARE BID DETAILS

The Queens Plaza/Court Square BID was first established in 2005 and the area in and around the BID constitutes a major transportation, retail, manufacturing, and retail hub of western Queens. Much of the area covered by the BID was rezoned in 2001 to a new special district that increases density and in some areas allowed new residential uses. That rezoning has successfully facilitated a large daytime working population and, increasingly, a large residential population.

The BID is currently requesting that the Council approve the following changes to its district plan:

- 1) an extension of its boundaries to add a new "South Sub-District" to the existing boundaries that will become the "North Sub-District" and to rename the entire BID the Long Island City BID ("LIC BID");
- 2) a change to the method by which assessments are calculated to be based on a formula that factors in the assessed value of property and the linear foot frontage of commercial properties; and
- 3) a \$350,000 increase in its annual assessment from \$450,000 to \$800,000.

Boundary Expansion

The current boundaries of the BID generally includes all street-facing property lots extending north along Jackson Avenue on both sides of the street from Court Square to Queens Plaza, and extends west along Queens Plaza North and Queens Plaza South from Northern Boulevard / Jackson Avenue to 21st Street. The proposed South Sub-District would expand the existing BID to generally include properties facing Jackson Avenue from Court Square to 51st Avenue, properties facing Vernon Boulevard from Borden Avenue north to 44th Drive, and properties facing 44th Drive from Vernon Boulevard east to Hunter Street.

The existing North Sub-District is a mixed-use area comprised of approximately 85 properties. The district has about 2.8 million square feet of existing office space with about 1.1 million additional square feet in planning. This includes three large office buildings: the 50-story Citigroup tower, the MetLife Building, and 2 Gotham Center, a 21-story building occupied by the New York City Department of Health. Additionally, there are a number of smaller office buildings, two existing hotels, and one hotel in planning. The North Sub-District also contains national retail chains and locally owned retail businesses. According to the BID, there are currently 669 residential units, with another 4,085 units in planning or construction.

The South Sub-District would be comprised of approximately 115 wholly commercial properties and approximately 93 mixed-use residential properties, predominantly two-stories or three-stories in height, with ground floor retail or office uses. There are currently an additional 2,700 residential units in planning or construction. Two Court Square, a large building tenanted by Citigroup and CUNY Law School, would be located within the district, as well as Hunters Point Plaza, which contains a mix of government and private offices. The BID estimates that there are approximately 140,000 square feet of additional commercial space in planning or construction. Within the proposed extension of the BID, there is also one existing hotel and three more in planning. The South Sub-District would also contain many professional services such as real estate brokerage offices and medical offices. There are about 18 industrial businesses interspersed throughout the district, including auto repair and general contracting.

Change in Method of Assessment

For both Sub-Districts, the BID proposes an assessment based on a formula which factors in the assessed value of property and the linear foot frontage of commercial properties. The assessment formula is structured to meet the total annual budget for each Sub-District. The formula differs slightly between the two Sub-Districts to account for the higher proportion of mixed-use buildings in the South Sub-District where commercial frontage weighs more heavily in the formula than assessed value of the property.

In the North Sub-District, assessed value from commercial property will account for 60% of assessments, while the linear foot frontage of commercial properties will account for 40% of assessments. In the South Sub-District, assessed value from commercial property will account of 30% of assessments and the linear foot frontage of commercial properties will account for 70% of the assessments. Commercial uses above the ground floor will be assessed an additional 50% of the linear foot frontage for each floor of commercial use or part thereof. Residential property will be assessed \$1 per year. Government and non-profit property are exempt.

The following is a breakdown of the high, low, average, and median assessments expected to be paid by fully assessed properties under this proposed assessment scheme for each Sub-District:

	North Sub-District	South Sub-District
High	\$ 110,633.65	\$ 38,127.64
Low	\$ 304.31	\$ 400.98
Median	\$ 2,703.61	\$ 699.31
Average	\$ 6,617.65	\$ 1,680.72

Increase in Annual Expenditures

The Queens Plaza/Court Square BID is proposing to increase its annual expenditures from \$450,000 to \$800,000. The \$350,000 increase would represent the budget of the South Sub-District whereas the budget of the North Sub-District would remain \$450,000.

NOVEMBER 16, 2016 HEARING

On November 16, 2016, as set forth in Resolution 1259, the Finance Committee held a public hearing to consider the legislation (Int. No. 1314) that would amend the district plan of the Queens Plaza/Court Square BID to expand its boundaries, increase its annual assessment, and change the method of assessment. Representatives of the Department of Small Business Services and the Queens Plaza/Court Square BID testified in support of the BID's district plan amendment. As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the amended district plan with the Office of the City Clerk began. Copies of objection forms were made available at the Office of the City Clerk which is located at 1 Centre Street in Manhattan.

JANUARY 4, 2017 HEARING

The objection period for the establishment of the BID closed on December 15, 2016 at 5:00 p.m. According to the City Clerk, out of the 703 property owners located in the proposed BID, none filed a valid objection to the establishment of the BID. One invalid objection was filed as the individual did not provide any proof of ownership.

Since the number of objections required to prevent the expansion of the BID have not been filed with the City Clerk, at today's hearing, if the Committee and the full Council finds in the affirmative on the four questions outlined above, then the legislation can be adopted, and the BID will be extended and the district plan will be amended.

(The following is from the Fiscal Impact Statement for Int No. 1314):

SUMMARY OF LEGISLATION: This legislation would increase the amount to be expended annually in the Queens Plaza/Court Square Business Improvement District (the BID) in Queens, extend the boundaries of the BID, and change the method of assessment upon which the BID's charge is based. Intro. No. 1314 would increase the maximum amount that can be expended by the BID annually to \$800,000 from \$450,000, adding \$350,000 for new properties included in the BID's expanded boundaries. The bill would extend the boundary lines of the BID to add a new "South Sub-District," label the existing area the "North Sub-District", and rename the entire BID the "Long Island City BID" ("LIC BID"). The South Sub-District would be comprised of approximately 115 wholly commercial properties, 93 mixed-use residential properties, and an additional 2,700 residential units in planning or construction. Finally, as included in the district plan, Intro. No. 1314 would authorize a revised an assessment formula that would factor in commercial properties' assessed values, linear foot frontage, and BID sub-districts. In the North Sub-District, assessed value from commercial property and the linear foot frontage of commercial properties would account for 60 percent and 40 percent of assessments, respectively. In the South Sub-District, assessed value from commercial property would account for 30 percent of assessments, while the linear foot frontage of commercial properties would account for 70 percent of assessments. In both sub-districts, commercial use properties above ground floor would be assessed an additional 50 percent of the linear foot frontage of commercial use or part thereof. Residential property would be assessed \$1 per year, while government and non-profit property would be exempt.

EFFECTIVE DATE: Intro. No. 1314 would take effect once the revised district plan is filed, but the change in the method of assessment relating to the North Sub-District would not be implemented until July 1, 2017.

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

FISCAL IMPACT STATEMENT

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

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact on the City's revenues or expenditures. Proceeds authorized to be assessed by the LIC BID would be collected by the City on behalf of the BID and could not be used for any purpose other than those set forth in the BID's district plan. The assessment is not funded by the City, and therefore will have no impact on the City's expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: William Kyeremateng, Economist

ESTIMATE REVIEWED BY: Crilhien Francisco, Unit Head
Regina Poreda Ryan, Deputy Director
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced by the Council as Intro. No. 1314 on October 27, 2016 and referred to the Committee on Finance. A hearing was held by the Committee on November 16, 2016, and the legislation was laid over to allow for the statutory 30-day objection period. Intro. No. 1314 will be considered again by the Committee on Finance on January 4, 2017, and upon a successful vote by the Committee, Intro. No. 1314 will be submitted to the full Council for a vote on January 4, 2017.

DATE PREPARED: January 3, 2017

Accordingly, this Committee recommends its adoption.

(The following is the text of Int No. 1314)

Int. No. 1314

By Council Member Ferreras-Copeland (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Queens Plaza/Court Square business improvement district, an extension of the Queens Plaza/Court Square business improvement district, and a change in the method of assessment upon which the district charge in the Queens Plaza/Court Square business improvement district is based

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-467.1 of the administrative code of the city of New York, as added by local law number 93 for the year 2009, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Queens

Plaza/Court Square business improvement district beginning on July 1, [2009] 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [four hundred fifty thousand dollars (\$450,000)] *eight hundred thousand dollars (\$800,000)*.

§ 2. The administrative code of the city of New York is amended by adding a new section 25-467.2 to read as follows:

§ 25-467.2 *Queens Plaza/Court Square business improvement district; extension of district.* a. *The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension of the district; that all the real property benefited is included within the limits of the district; and that the extension of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the Queens Plaza/Court Square business improvement district in the borough of Queens is hereby extended. Such district is extended in accordance with the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. *Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan upon which the Queens Plaza/Court Square business improvement district, and the extension thereof, is based.*

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

§ 3. The administrative code of the city of New York is amended by adding a new section 25-467.3 to read as follows:

§ 25-467.3 *Queens Plaza/Court Square business improvement district; amendment of the district plan.* a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Queens Plaza/Court Square business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. *Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan containing the change in the method of assessment authorized by subdivision a of this section.*

§ 4. This local law takes effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, provided that the change in the method of assessment relating to the north sub-district of the Queens Plaza/Court Square business improvement district, as described in the amended district plan, shall first apply to charges imposed in the fiscal year that begins July 1, 2017, and provided, further, that the method of assessment relating to the Queens Plaza/Court Square business improvement district that existed before the effective date of this local law shall continue to apply to charges imposed in the fiscal year that began July 1, 2016.

JULISSA FERRERAS-COPELAND, Chairperson; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, STEVEN MATTEO; Committee on Finance, January 4, 2017.

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

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 Int No. 1415

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law in relation to the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the council of estimates of the financial needs of the council, and the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, relating to the fiscal year two thousand eighteen .

The Committee on Finance to which the annexed preconsidered proposed local law was referred on January 4, 2017, respectfully

REPORTS:

ANALYSIS

Various provisions in chapter ten of the New York City Charter (the “Charter”) prescribe the actions that need to be taken as part of the annual budget submission process for the following fiscal year’s budget. The Charter specifies certain dates by which the Mayor must submit his or her Preliminary Budget, as well as the preliminary certificate on maximum capital debt and obligations. The Charter also prescribes the dates for preliminary budget actions taken by other governmental officials, such as the City Council.

This Preconsidered Int. would provide for an extension of the date for the submission of the Director of Management and Budget and Director of City Planning’s draft ten-year capital strategy, the City Planning Commission’s report on the draft ten-year capital strategy, the Mayor’s submission and publication of a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the Mayor’s Fiscal Year 2018 Preliminary Budget, each Community Board’s statement and recommendations in regard to the preliminary budget, and the Council’s approval and submission of the Council’s budget. It would also extend the date by which the Council must conduct its hearings and submit its recommendations on the Fiscal 2018 Preliminary Budget and the Mayor’s Preliminary Management Report (“PMMR”).

Pursuant to the proposed legislation, the dates for the Charter-prescribed actions would be extended as follows:

<u>Item</u>	<u>Charter Date</u>	<u>Extended Date for Fiscal 2018</u>
Director of Management and Budget and Director of City Planning’s draft ten-year capital strategy (Section 228)	November 1, 2016	January 24, 2017
City Planning Commission’s report on the draft ten-year capital strategy (Section 234)	January 16, 2017	February 24, 2017
Mayor’s submission and publication of a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects (Section 235)	January 16, 2017	January 24, 2017

Mayor's Fiscal Year 2018 Preliminary Budget (Section 236)	January 16, 2017	January 24, 2017
Community Board statements and recommendations in regard to the preliminary budget (Section 238)	February 15, 2017	February 23, 2017
Council's approval and submission of the Council's budget (Section 243)	March 10, 2017	March 16, 2017
Council's hearings and submission of recommendations on the Fiscal 2018 Preliminary Budget and the Mayor's Preliminary Management Report ("PMMR") (Section 247)	March 25, 2017	April 3, 2017

(The following is from the Fiscal Impact Statement for Preconsidered Int No. 1415):

SUMMARY OF LEGISLATION: This legislation would change certain budget-related, charter-mandated deadline dates to the following:

- 1) Director of Management and Budget and Director of City Planning's submission of a draft ten-year capital strategy to no later than January 24, 2017;
- 2) the City Planning Commission's submission of a report on the draft ten-year capital strategy to no later than February 24, 2017;
- 3) the Mayor's submission and publication of a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects to no later than January 24, 2017;
- 4) the Mayor's submission of the Fiscal Year 2018 Preliminary Budget to no later than January 24, 2017;
- 5) each Community Board's submission of a statement and recommendations in regard to the preliminary budget to no later than February 23, 2017;
- 6) Council's approval and submission of estimates of the financial needs of the Council to no later than March 16, 2017; and
- 7) Council's holding of hearings and submission of recommendations on the Mayor's Fiscal Year 2018 Preliminary Budget to no later than April 3, 2017.

EFFECTIVE DATE: This local law would take effect immediately and is retroactive to and deemed to have been in full force and effect as of November 1, 2016.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Eric Bernstein, Counsel

ESTIMATE REVIEWED BY: Latonia McKinney, Director

LEGISLATIVE HISTORY: This Preconsidered Intro. will be considered at a hearing of the Committee on Finance on January 4, 2017. Upon successful vote by the Committee, the Preconsidered Intro. will be introduced to the full Council and voted on at a Stated meeting on January 4, 2017.

DATE PREPARED: January 3, 2017.

Accordingly, this Committee recommends its adoption.

(The following is the text of Preconsidered Int No. 1415:)

Preconsidered Int. No. 1415

By Council Member Ferreras-Copeland (by request of the Mayor).

A Local Law in relation to the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the council of estimates of the financial needs of the council, and the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, relating to the fiscal year two thousand eighteen

Be it enacted by the Council as follows:

Section 1. During the calendar year 2017 and in relation to the 2018 fiscal year:

1. Notwithstanding any inconsistent provisions of section 228 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of management and budget and the director of city planning shall pursuant to such section jointly submit a draft ten-year capital strategy as therein described not later than January 24, 2017.

2. Notwithstanding any inconsistent provisions of section 234 of the New York city charter, as added by vote of the electors on November 7, 1989, the city planning commission shall pursuant to such section submit a report on the draft ten-year capital strategy as therein described not later than February 24, 2017.

3. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than January 24, 2017.

4. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than January 24, 2017.

5. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than February 23, 2017.

6. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than March 16, 2017.

7. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 3, 2017.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of November 1, 2016.

JULISSA FERRERAS-COPELAND, Chairperson; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, STEVEN MATTEO; Committee on Finance, January 4, 2017.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Preconsidered Int No. 1415:)

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Pursuant to authority invested in me by section twenty of the Municipal Home Rule and by section thirty-six of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law; entitled:

A LOCAL LAW

In relation to the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the council of estimates of the financial needs of the council, and the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, relating to the fiscal year two thousand eighteen

Given under my hand and seal this 4th day of
January, 2017 at City Hall in the City of New York.

Bill de Blasio
Mayor

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Antoinette Levy	103-29 91st Street Queens, N.Y. 11417	32
Franka R. Duncan	390 Georgia Avenue #1J Brooklyn, N.Y. 11207	42
Petro Stakhiv	6801 Bay Parkway #7A Brooklyn, N.Y. 11204	44
Cristina Tcacisina	2830 Ocean Avenue #A5 Brooklyn, N.Y. 11235	48
Karyna Vadalazkava	2502 East 19th Street #3F Brooklyn, N.Y. 11235	48

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

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

- (1) **Int 1314 -** Increase in the amount to be expended annually in the Queens Plaza/Court Square business improvement district.
- (2) **Int 1415 -** Preliminary budget extender (**with Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage**).
- (3) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above.

The following Introductions were sent to the Mayor for his consideration and approval: Int No. 1314 and Preconsidered Int No. 1415 (passed under a Message of Necessity from the Mayor).

INTRODUCTION AND READING OF BILLS

Int. No. 1410

By Council Member Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to strengthening the existing record-keeping requirements of pawnshops and dealers of second-hand articles*Be it enacted by the Council as follows:*

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

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

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

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

b. In addition to maintaining written records in accordance with subdivision a of this section, every dealer in second-hand articles that deals in the purchase or sale of any second-hand manufactured article composed wholly or in part of gold, silver, platinum, or other precious metals, or deals in the purchase or sale of any old gold, silver, platinum or other precious metals, or deals in the purchase of articles or things comprised of gold, silver, platinum or other precious metals for the purpose of melting or refining, or deals in the purchase or sale of used electrical appliances excluding kitchen appliances, or deals in the purchase or sale of any used electronic equipment, computers or component parts of electronic equipment or computers, shall with respect to such transactions create an electronic record *at the time of each transaction* in English, in a manner to be specified by the police commissioner by rule. Such electronic record [may include real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the police commissioner. Such electronic record] *shall be uploaded to an electronic database designated by and accessible by the police commissioner within 30 days of the transaction and shall be retained by the pawn shop* for a minimum period of [six] 7 years from the date of purchase or sale. Such electronic record [shall be created by the dealer at the time of each transaction and] shall include the following information: (i) date, time, and location of transaction; and (ii) an accurate description of each article purchased or sold, including the type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks. Such electronic record [may] *must* include one or more digital photographs, *excluding still images from security camera footage*, reasonably capturing the likeness of the article, provided in a format or in accordance with specifications as provided by rule of the police commissioner in furtherance of the purposes of this subchapter.

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

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

- (i) The name and address of the person who issued such ticket or other evidence;
- (ii) The pledge number of such pawn ticket or other evidence;
- (iii) The name and address of the pledgor as it appears upon such pawn ticket or other evidence;
- (iv) The amount loaned or advanced as it appears on such pawn ticket or other evidence;

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

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

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

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

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

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

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

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

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

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

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

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

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

Referred to the Committee on Consumer Affairs.

Int. No. 1411

By Council Members Borelli, Levine, Gentile, Rodriguez, Menchaca and Matteo.

A Local Law to amend the administrative code of the city of New York, in relation to pedestrian access to park facilities

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 18-148 to read as follows:

§ 18-148 Pedestrian access to park facilities. All parks with an athletic facility that is located within 500 feet of a public street shall provide (i) a paved pedestrian walkway between such facility and a public street, (ii) a sidewalk that abuts such park and that is sufficient for the unloading of persons from vehicles or that connects to public transportation and (iii) a connection between such walkway and such sidewalk, except that, where a sidewalk that abuts such park was installed on or before the effective date of the local law that added this section, such walkway may connect to such sidewalk in lieu of complying with this section.

§ 2. This local law takes effect one year after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 1412

By Council Members Constantinides, Gentile and Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a study and pilot of solar-powered street lamps

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-158 to read as follows:

§ 19-158 Solar-powered street lamp feasibility study and pilot. a. The department shall conduct and complete a study of the feasibility of powering street lamps with solar energy. As part of such study, the department shall assess the range of options for solar energy capture and storage for street lamps maintained by the department, the technical feasibility of such options and all anticipated costs. The department shall post on its web site and submit to the mayor and the council a report on the results of the study no later than April 1, 2019.

b. If the department deems one or more options for solar-powered street lamps feasible, the department shall undertake a one-year pilot program to implement such option or options in one or more locations.

c. If the Department undertakes a pilot program pursuant to subdivision b, no later than April 1, 2020, the department shall post on its web site and submit to the mayor and the council a report on the results of the pilot.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1413

By Council Member Constantinides.

A Local Law to amend the administrative code of the city of New York, in relation to idling adjacent to a senior center

Be it enacted by the Council as follows:

Section 1. Subdivision (a) of section 24-162 of the administrative code of the city of New York, as amended by local law number 5 for the year 2009, is amended to read as follows:

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, except as provided in subdivisions (f) and (h) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.

§ 2. Section 24-163 of the administrative code of the city of New York is amended by adding a new subdivision (h) to read as follows:

(h) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than one minute if such motor vehicle is adjacent, as determined by rule, to any senior center, as defined in section 21-201 of this code, while parking, as defined in section one hundred and twenty nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopped as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device, and provided that idling of an engine of a vehicle used for the transport of senior citizens may be permitted to the extent necessary: (1) for mechanical work; (2) to maintain an appropriate temperature for passenger comfort; or (3) in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such senior center was not easily identifiable as a senior center by signage or otherwise at the time a violation of this subdivision occurred.

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

Referred to the Committee on Environmental Protection.

Res. No. 1348

Resolution nominating Hudson Canyon to be considered for a National Marine Sanctuary, and calling upon the National Oceanic Atmospheric Administration to designate Hudson Canyon a National Marine Sanctuary.

By Council Members Constantinides and Salamanca.

Whereas, Hudson Canyon is a submarine canyon which starts at the mouth of the Hudson River, approximately 100 miles offshore, southeast of New York City, and extends 400 miles into the Atlantic Ocean, reaching depths of up to 10,500 feet; and

Whereas, Hudson Canyon is the largest known underwater canyon off of the Atlantic Coast of the United States and it supports a vast ecological system, abundant wildlife and great biodiversity; and

Whereas, The Hudson Canyon contains many species including deep sea corals, fish, seabirds and marine

mammals, and nutrient-rich waters that sustain large populations of plankton which serve as part of the base of the region's food chain; and

Whereas, The waters of the Hudson Canyon support a world-class metropolitan region, evidence a significant maritime history and provide productive fishing areas; and

Whereas, The Hudson Canyon supports the City's economy by providing habitat for fish that local commercial and recreational fisheries depend upon, and the yearly migration of whales and seabirds through the area attracts whale-watchers, birders and tourists, further supporting the local economy; and

Whereas, The 1972 Marine Protection, Research and Sanctuaries Act authorizes the United States Department of Commerce (Department of Commerce) to designate discrete areas of the marine environment as National Marine Sanctuaries in order to provide comprehensive management of their special resources; and

Whereas, A National Marine Sanctuary is a federally designated area within United States waters that protects marine environments that have special conservation, ecological, historical, recreational, cultural, scientific or aesthetic qualities; and

Whereas, The National Oceanic and Atmospheric Administration (NOAA), a federal agency within the Department of Commerce, administers the National Marine Sanctuary System which presently consists of 13 protected National Marine Sanctuary areas, encompassing over 783,000 square miles, from the Atlantic Coast to the Florida Keys; and

Whereas, The primary objective of the National Marine Sanctuary System is to protect the natural and cultural features of these extraordinary marine areas while still allowing people to use and enjoy these areas in a sustainable manner; and

Whereas, National Marine Sanctuaries are subject to regulations on the activities that are permitted or prohibited in these special areas; and

Whereas, For the first time in decades, NOAA has invited communities across the country to nominate marine areas for consideration as National Marine Sanctuaries; and

Whereas, As nominations are submitted, NOAA will review each one in steps, and nominations that pass review will be added to the inventory of areas that NOAA may consider for designation as National Marine Sanctuaries; and

Whereas, The New York Aquarium, The Wildlife Conservation Society and others have nominated and are building support to nominate Hudson Canyon for designation as a National Marine Sanctuary; now, therefore, be it

Resolved, That the Council of the City of New York nominates Hudson Canyon for consideration as a National Marine Sanctuary, and calls upon the National Oceanic Atmospheric Administration to designate Hudson Canyon a National Marine Sanctuary.

Referred to the Committee on Environmental Protection.

Int. No. 1414

By Council Members Espinal and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to licensing and regulating furniture retail stores

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 35 to read as follows:

SUBCHAPTER 35

FURNITURE RETAIL STORES

- § 20-560 Definitions.
- § 20-560.1 License required.
- § 20-560.2 Application; fee; term.
- § 20-560.3 Issuance of license.
- § 20-560.4 Renewal, suspension and revocation of licenses.
- § 20-560.5 Transferability.
- § 20-560.6 Duties of licensees.
- § 20-560.7 Violations.
- § 20-560.8 Exemptions.
- § 20-560.9 Construction.
- § 20-560.10 Powers of the commissioner.

§ 20-560 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

Custom ordered furniture. The term “custom ordered furniture” means any item of furniture that is manufactured in accordance with customer selected options and in the exact quantity ordered by such customer.

Damaged or defective. The term “damaged or defective” means a flawed or blemished appearance, or other inadequacy resulting in the loss of value or impairment in the usefulness of an item of furniture.

Door to door. The term “door to door” means a sale, lease or rental of furniture in which the seller or a representative personally solicits the sale, including those sales made in response to or following an invitation by the buyer, where the buyer's agreement or offer to purchase is made at a place other than the main or permanent branch office or local address of the seller. The term “door to door sale” does not include a transaction:

(a) Made pursuant to prior negotiations in the course of a visit by the buyer to a commercial establishment having a fixed permanent location where furniture is exhibited or offered for sale on a continuing basis;

(b) Conducted and consummated entirely by mail or telephone, and without any other contact between the buyer and the seller or its representative, other than at the main or permanent branch office or local address of the seller, prior to the delivery of the furniture; or

(c) In which the buyer has initiated the contact and specifically requested the seller to visit his or her home for the purpose of repairing or performing maintenance upon the buyer's personal property. If in the course of such a visit, the seller offers the buyer the right to receive additional furniture other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of the additional furniture shall not fall within this exclusion.

Display space. The term “display space” means the area of a commercial establishment in which merchandise is publicly exhibited and offered for sale.

Estimated delivery date. The term “estimated delivery date” means the specific date or range of dates that furniture is scheduled to be delivered.

Fixtures. The term “fixtures” means pieces of physical property, including counters, cabinets, shelving, sinks and built in appliances that are permanently attached to real property and would damage the real property if removed.

Furniture. The term “furniture” means any article used to furnish a house, apartment or place of business or accommodation, including but not limited to chairs, tables, cabinets, sofas, carpets, rugs, curtains, bedsteads and chests; provided, however, that such term shall not mean any article which is in substantial part custom-made or custom finished. Furniture shall not include lamps or lighting fixtures, nor shall it include fixtures as defined in this section.

Furniture retail store. The term “furniture retail store” means a commercial establishment that sells or leases, or offers to sell or lease, furniture to the general public, and shall include any business that engages in any door to door sale of furniture in the city.

In line goods. The term “in line goods” means items of furniture regularly produced pursuant to a schedule determined by the manufacturer and in quantities that are determined by such manufacturer which are in excess of any specific customer orders.

Materially dissimilar. The term “materially dissimilar” means failing to correspond, in a relevant and significant manner, with the description provided on the sales receipt required by paragraph 6 of subsection c of section 20-560.6 of this subchapter.

Seller. The term “seller” means any person, partnership, corporation or association engaged in the door-to-door sale of furniture.

Stock merchandise furniture. The term “stock merchandise furniture” means furniture available for immediate delivery from a furniture store or warehouse or available at the factory of a manufacturer that supplies furniture to such furniture store.

§ 20-560.1 License required. No person may establish, maintain or operate a furniture retail store without having obtained a license therefore issued pursuant to this subchapter.

§ 20-560.2 Application; fee; term. a. An application for a license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form and manner as the commissioner prescribe by rule.

b. There shall be a biennial fee of \$350 for a license to establish, maintain or operate a furniture retail store.

§ 20-560.3 Issuance of license. A license to maintain or operate a furniture store shall be granted in accordance with the provisions of this subchapter and any rules promulgated by the commissioner thereunder. The commissioner may refuse to issue to

an applicant any license required under this subchapter based upon a determination made after due notice and opportunity to be heard that such applicant has engaged in conduct that would constitute a basis for license suspension or revocation as set forth in section

20-254 of this subchapter.

§ 20-560.4 Renewal, suspension and revocation of licenses. In addition to any powers of the commissioner pursuant chapter 1 of title 20 of the code, the commissioner may refuse to renew any license required under this subchapter and may suspend or revoke any such license, after due notice and opportunity to be heard, when the person holding a license to establish, maintain or operate a furniture retail store or, where applicable, any of such person’s officers, principals, directors, employees, or stockholders owning more than 10 percent of the outstanding stock of the corporation:

1. Has been found to have violated any provision of this title, or any rules promulgated thereunder, or any orders of the commissioner issued pursuant thereto, or to have knowingly caused, permitted, aided, or abetted another in committing such violation;

2. Has made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter or has been found to have committed fraud or misrepresentation upon a customer;

3. Has been found to have engaged in untrue, misleading or deceptive advertising, or deceptive or unconscionable trade practices as described in chapter five of this title and any rules promulgated thereunder;

4. Has not paid, within the time permitted by law, any civil penalty or judgment duly imposed pursuant to the provisions of this title or any rule promulgated thereunder;

5. Has been adjudged by a court of competent jurisdiction to have failed to perform his or her obligations under any express, implied, or written warranty for furniture made as part of his or her contract with a consumer; or

6. Has failed to pay or satisfy any final judgment secured against him or her by anyone who purchased furniture from a furniture retail store licensed hereunder, provided that such final judgment was secured in a court of competent jurisdiction against the licensee for acts of commission or omission with regard to the business maintained, operated or conducted by him or her pursuant to the license issued hereunder.

7. Has open and outstanding any final judgments of liability in a civil, criminal or administrative action involving nonpayment or underpayment of wages or any other illegal act or omission bearing a direct relationship to the fitness of the applicant to conduct the business for which the license or renewal is sought; except that the commissioner shall consider mitigating factors, including (i) passage of time since such determination of liability of the underlying illegal act or omission, (ii) severity of the illegal act or omission underlying such final determination of liability, (iii) whether any such determination of liability or other illegal act or omission has been appealed and whether the appeal is pending and (iv) any change in circumstances that might reduce the likelihood of the illegal act or omission underlying any such determination during the

period of licensure.

§ 20-560.5 Transferability. No license issued pursuant to this subchapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued.

§ 20-560.6 Duties of Licensee. a. Posting of license. A licensee shall conspicuously post such license in such store in a form and manner as prescribed by the commissioner.

b. Disclosure of selling price. 1. All furniture displayed or offered for sale at retail in a furniture retail store shall conspicuously display, at the point of exposure or offering for sale, the total selling price, exclusive of sales tax, by means of a stamp, tag or label attached to the item, or a sign at the point of display which indicates the item to which the price refers, provided that such stamp, tag, label or sign is plainly visible. This paragraph shall not apply to furniture displayed in the window of a furniture retail store.

2. Every furniture retail store shall make available for viewing upon request a list, or other written or printed material including fliers, posters, catalogs, books or brochures, that indicates in a clear and conspicuous manner the current total selling price, exclusive of sales tax, of any furniture offered for sale in such store that is not publicly displayed.

3. Notwithstanding the provisions of section 20-560.7 of this subchapter, the civil penalties imposed for a violation of this subdivision shall be the same as those provided for violations of section 20-708 of this title.

c. Written receipt to be provided. A store licensed pursuant to this subchapter shall provide a written receipt to the customer for the retail purchase of any furniture at the time of purchase. Such written receipt shall clearly state the following information:

- 1. The amount of money paid for each item;*
- 2. The total amount of money paid, including a separate statement of tax;*
- 3. The date of the purchase;*
- 4. The name and address of the furniture retail store as listed on such store's license;*
- 5. The license number of such store;*

6. A full and accurate description of each item purchased, including, where applicable, (i) the type of material, such as whether an item is made wholly or partially of authentic wood or a composite material and finished with a veneer simulating the appearance of authentic wood; (ii) the fabric, such as whether the item is made of cloth, leather, suede or a type of material simulating the appearance of such fabric and the texture of the fabric; (iii) the color and size of the item; (iv) the style or model number and year; (v) the brand name and manufacturer's name; and (vi) any other information reasonably necessary to accurately identify the item;

7. The estimated delivery date; and

8. Whether the item purchased is stock merchandise furniture, in line goods, or custom ordered furniture, with each such description initialed by the customer, provided, however, that furniture not so designated or initialed shall be deemed to be stock merchandise furniture.

d. Late or partial delivery of goods. 1. If a licensee is unable, or reasonably expects to be unable, to deliver stock merchandise furniture by the latest estimated delivery date the licensee shall immediately notify the customer in writing of the delay and the customer's rights and options as set forth in paragraph 2 of this subdivision.

2. When a licensee is unable to deliver stock merchandise furniture by the latest estimated delivery date the customer shall have the right, at the customer's option, to:

(a) Cancel the entire order and if such request is made in writing, receive, at the customer's option, a refund or credit for the full amount paid;

(b) Negotiate a new estimated delivery date as defined by paragraph 3 of subsection g of this section;

(c) Accept as a partial delivery any items which the licensee will be able to deliver by the latest estimated delivery date and either: (A) negotiate a new delivery date or range of delivery dates for the remaining items at no additional charge; or (B) cancel the order with regard to the remaining items and if such request is made in writing, receive a full refund for any amounts paid for such undelivered items; or

(d) Select new merchandise of equal value to replace those items which the licensee will be unable to deliver by the latest estimated delivery date and receive delivery of those items at no additional charge.

3. The customer shall not have the rights and options enumerated in paragraph 2 of this subdivision when the delay in delivery is caused entirely by the customer.

4. If the customer accepts a partial delivery of goods itemized on a written receipt or in a written confirmation issued pursuant to paragraph 3 of subdivision g of this section, and the customer subsequently

receives notice from the licensee that such licensee will be unable to deliver, or if the licensee fails to deliver, any or all of the remaining goods itemized on the written receipt or written confirmation by the estimated delivery date, the customer shall have the right upon request, to return the items accepted as a partial delivery, cancel the entire order, and receive a full refund. Such request shall be made in writing.

5. If the customer exercises his or her right to cancel an undelivered order and receive a refund or credit of the amount paid, the licensee shall give the customer such refund or credit within 20 days of the date of the customer's written request.

e. Late delivery of in line goods. 1. If a manufacturer notifies a licensee within 15 days of the order date of in line goods that one or more items of in line goods cannot be delivered to the licensee by the latest estimated delivery date, the licensee shall notify the customer within 15 days of the order date of such in line goods that such delivery is delayed.

2. If the delayed in line goods can be delivered to the customer within 15 days of the latest estimated delivery date, the licensee may extend the estimated delivery date for up to 15 days without consequence, provided the licensee provides the customer with the written confirmation required by paragraph 3 of subdivision g of this section.

3. If the delayed in line goods cannot be delivered to the customer within 15 days of the latest estimated delivery date, the licensee shall notify the customer in writing that he or she has the right to cancel the order and receive, at the customer's option, a refund or credit for the full amount paid, provided the customer cancels his or her order and requests such refund or credit in writing within 14 days of the date of such notification. The licensee shall state in such notification that if the customer fails to cancel within the time allowed, such licensee may extend the estimated delivery date by up to six weeks from the latest estimated delivery date, provided that the licensee provides the customer with the written confirmation required by paragraph 3 of subdivision g of this section.

4. If the licensee will be unable to deliver in line goods to the customer by the latest estimated delivery date, the provisions contained in paragraph two of subdivision d of this section shall apply.

f. Late delivery of custom ordered furniture. 1. Except as otherwise provided in paragraph 2 of this subdivision, if the licensee is unable to deliver custom ordered furniture by the latest estimated delivery date, the provisions in subdivision e of this section shall apply.

2. A licensee may notify a customer up to 15 days before the latest estimated delivery date that the licensee will be unable to deliver one or more items of custom ordered furniture by the estimated delivery date and may extend the estimated delivery date for up to 15 days without consequence, provided that the licensee furnishes the customer with the written confirmation required by paragraph 3 of subdivision g of this section.

3. If a licensee does not or is unable to notify the customer more than 15 days in advance of the latest estimated delivery date that one or more items of custom ordered furniture cannot be delivered by the estimated delivery date, the licensee shall notify the customer, in writing: (i) of the customer's right to cancel the order and receive, at the customer's option, a refund or credit for the full amount paid; (ii) of the fact that such request to cancel the order and receive a refund or credit shall be made by the customer in writing within 14 days of the date of the licensee's notification of the right to cancel the order; (iii) that if the customer fails to cancel within the time allowed, the licensee may extend the estimated delivery by up to eight weeks, provided that the licensee supplies the customer with the written confirmation required by paragraph 3 of subdivision g of this section.

g. General provisions pertaining to delayed delivery of furniture. 1. The licensee is not required to notify the customer of a delay in delivery of furniture if the delay is caused entirely by the customer.

2. When a delay in delivery of furniture is caused by a strike, the latest estimated delivery date shall be extended by an amount of time equal to the duration of the strike or 30 days, whichever is less.

3. If a customer negotiates a new estimated delivery date for any items that are not delivered by the latest estimated delivery date, the licensee shall furnish the customer with a written confirmation that contains the following information with respect to each item that is to be delivered:

- (a) The number of the original receipt or order;
- (b) A full and complete description of each of the undelivered items;
- (c) The price of each undelivered item; and
- (d) The new estimated delivery date for the undelivered items.

h. Damaged or defective merchandise. 1. At the time of delivery, a customer may refuse delivery of any

item or items that are damaged, defective, or in a form as to be materially dissimilar from the item or items ordered.

2. Upon the refusal of any customer to accept delivery of any item or items for the reasons specified in paragraph 1 of this subdivision, the licensee shall notify the customer within 10 days of such refusal of the customer's right to choose, at the customer's option, either a full refund of the purchase price of the item or items, including any applicable taxes and delivery charges, or a suitable replacement item or items at no additional cost to the customer. Such replacement shall be delivered at no additional cost to the customer.

i. Failure to provide refund or credit. The commissioner may order any licensee under this subchapter who has been found by the commissioner to have failed to provide, in the prescribed manner and within the prescribed time, any refund or credit to which a customer is entitled under this subchapter, to pay to the customer the full amount of the refund or credit that was due plus an amount equal to the lesser of: (i) twice the amount of the full refund or credit that was due; or (ii) \$1,000. The remedies in this subdivision are in addition to any other remedies to which the customer may be entitled under applicable law.

j. Records. Every licensee shall maintain records, ledgers, receipts, bills and such other written records as the commissioner may prescribe by rule. Such records shall be made available for inspection by the commissioner at his or her request during reasonable business hours at either the licensee's place of business or at the offices of the department.

§ 20-560.7 Violations. a. The civil penalties imposed pursuant to this section shall be in addition to any other sanctions and orders which may be imposed by the commissioner pursuant to this title including, but not limited to, such sanctions and orders which may be imposed pursuant to section 20-105 of this code.

b. Notwithstanding the provisions of subdivisions a and b of section 20-106 of this code, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of not less than \$250 nor more than \$2,000 for each violation, to be recovered in a civil action or in an administrative tribunal with jurisdiction.

§ 20-560.8 Exemptions. a. The provisions of this subchapter shall not apply to any store which uses less than 20 percent of its display space, as measured by linear feet and not square feet, for the display of furniture, provided, however, that this exemption shall not apply to any business that engages in any door-to-door sale in the city.

b. The burden of proof that the provisions of this subchapter do not apply pursuant to subsection a of this section shall be upon the store asserting the same.

§ 20-560.9 Construction. The provisions of this subchapter shall not be construed to affect, alter or amend the provisions of article 10-A of the personal property law, except that to the extent that any of the provisions contained in this subchapter relating to refund policies afford the buyer greater protection than the provisions contained in article 10-A of the personal property law, such provisions shall supersede the provisions contained in article 10-A of the personal property law.

§ 20-560.10 Powers of the commissioner. The authority and power of the commissioner pursuant to this subchapter and chapter one of this title shall extend to all sales and advertising activities of a furniture retail store and shall not be limited to sales and advertising activities relating to fixtures as described in section 20-260 of this subchapter or to merchandise described in any rules of the commissioner promulgated under this subchapter.

§ 2. This local law shall take effect 120 days after becoming law, provided that the commissioner of consumer affairs may take such actions as necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs.

Preconsidered Int. No. 1415

By Council Member Ferreras-Copeland (by request of the Mayor).

A Local Law in relation to the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city

planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the council of estimates of the financial needs of the council, and the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, relating to the fiscal year two thousand eighteen

Be it enacted by the Council as follows:

Section 1. During the calendar year 2017 and in relation to the 2018 fiscal year:

1. Notwithstanding any inconsistent provisions of section 228 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of management and budget and the director of city planning shall pursuant to such section jointly submit a draft ten-year capital strategy as therein described not later than January 24, 2017.

2. Notwithstanding any inconsistent provisions of section 234 of the New York city charter, as added by vote of the electors on November 7, 1989, the city planning commission shall pursuant to such section submit a report on the draft ten-year capital strategy as therein described not later than February 24, 2017.

3. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than January 24, 2017.

4. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than January 24, 2017.

5. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than February 23, 2017.

6. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than March 16, 2017.

7. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 3, 2017.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of November 1, 2016.

Adopted by the Council under a Message of Necessity from the Mayor (preconsidered and approved by the Committee on Finance).

Int. No. 1416

By Council Members Greenfield and Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring information on notices of violation issued by the department of sanitation

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

CHAPTER 9

DASHBOARDS

§ 23-901 Definitions. As used in this chapter:

Dashboard. The term “dashboard” means a data visualization tool publicly available on the internet that includes a customizable interface and uses current data from one or more sources.

Department. The term “department” means the department of information technology and telecommunications or any successor agency.

§ 23-902 Notices of violation. Within one year after the effective date of the local law that added this section, the department of sanitation shall, in conjunction with the department, create a dashboard consisting, at a minimum, of data on all notices of violation issued by the department of sanitation on or after January 1, 2017. Such data shall include, but need not be limited to, the number of notices of violation issued each month, searchable by type of violation and by address, block, community district and borough in which such violation was issued.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1417

By Council Members Greenfield, Gentile and Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to install global positioning systems on all department vehicles and make the resulting data public

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

§ 16-143 Global positioning systems on department vehicles. a. For purposes of this section, the term “GPS” means a global positioning system that uses navigational satellites to determine a user’s exact location, velocity and time.

b. The department shall install GPS tracking devices on all department vehicles.

c. All department employees shall operate the GPS tracking device at all times during the commission of their official duties pursuant to section 753 of the charter.

d. GPS data regarding vehicles’ exact location, velocity and time must be available to the public in real-time via the department’s website.

e. The department shall maintain all records created by such GPS tracking devices in an electronic database and keep them open for public inspection pursuant to section 16-104.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Res No. 1349

Resolution pursuant to Section 363 of the New York City Charter, authorizing the New York City Department of Transportation to grant a franchise for the provision of aerial tramway service over the East River between Manhattan and Roosevelt Island to the Roosevelt Island Operating Corporation.

By Council Members Greenfield, Richards and Kallos (by request of the Mayor).

WHEREAS, by Executive Order 25, dated August 23, 1995, the Mayor designated the New York City Department of Transportation (DOT) as the responsible agency for the granting of franchises for tramways; and

WHEREAS, by contract dated February 19, 1974, the City of New York (City) granted to the New York State Urban Development Corporation (UDC), a public benefit corporation, the franchise and right to "...construct, maintain and use an aerial tramway from Roosevelt Island over the East River to the west side of Second Avenue between 59th and 60th Streets, Borough of Manhattan" (hereinafter referred to as the "Roosevelt Island Aerial Tramway" or "Tramway"); and

WHEREAS, in 1984 the Legislature of the State of New York created the Roosevelt Island Operating Corporation (hereinafter referred to as "RIOC" or the "franchisee") (Chapter 899, Laws of the State of New York, 1984) and granted it the power to "...assume and perform the obligations and responsibilities of the UDC under the ...tramway franchise ... and exercise all of the rights ... with respect thereto ..."; and

WHEREAS, on June 29, 1990, the Board of Estimate of the City of New York (Board of Estimate) granted RIOC interim operating authority to continue to maintain and operate the Tramway which was amended and approved by resolution dated May 13, 1992, linking the Tramway fare to one continuous trip on a New York City Transit Authority (NYCTA) subway or local bus, which was adopted by the New York City Franchise and Concession Review Committee (FCRC); and

WHEREAS, on August 9, 1996, the United States Coast Guard issued Bridge Permit Amendment 46-74a-1, stating that "the existing aerial tramway shall be removed in its entirety no later than 90 days after it ceases to operate for the purpose for which it was permitted or by the year 2068, whichever occurs first"; and

WHEREAS, RIOC has continued to operate the Tramway and to pay the City the franchise fee of one half of one percent (.5%) of gross receipts as required pursuant to the June 29, 1990 Board of Estimate resolution; and

WHEREAS, RIOC entered into a reimbursement agreement with the Metropolitan Transportation Authority (MTA) in 2004 whereby the Tramway was accepted as part of the NYCTA's Metrocard system and the MTA installed Metrocard fare box turnstiles at the Tramway's two (2) stations and agreed to reimburse RIOC for the Metrocard fares, including transfers, collected from Tramway riders; and

WHEREAS, RIOC and the State of New York together have invested approximately \$25 million in the refurbishment of the Tramway so that it may have a useful life of an additional thirty (30) years; and

WHEREAS, pursuant to Section 363 of Chapter 14 of the New York City Charter (Charter), the Commissioner of DOT has made the initial determination of the need for a Tramway; and

WHEREAS, the Council has determined that the granting of such a franchise will promote the public interest by enhancing the health, welfare, and convenience of the public;

NOW, THEREFORE BE IT RESOLVED,

That the Council hereby authorizes DOT to grant a franchise for the Roosevelt Island Aerial Tramway to RIOOC, provided that such franchise shall be subject to the approval of the FCRC and the separate and additional approval of the Mayor. The authorization to grant a franchise pursuant to this Resolution shall expire on the fifth anniversary of the date on which this Resolution is adopted by the Council (Expiration Date). No franchise shall be granted pursuant to this Resolution by DOT, nor approved by the FCRC or the Mayor after the Expiration Date.

AND BE IT FURTHER RESOLVED,

FIRST, that the franchisee shall pay to the City a franchise fee of one-half of one percent (.5%) of the franchisee's gross receipts which franchise fee shall be set forth in the franchise agreement; and

SECOND, that prior to the granting of such franchise, an environmental review, if necessary, shall be conducted in accordance with City Environmental Quality Review; and

THIRD, that no franchise granted pursuant to this Resolution may receive direct financial assistance from the City; and

FOURTH, that any agreement authorized pursuant to this Resolution shall state the maximum fare to be charged passengers for services and shall also state that upon request of the franchisee, DOT may, subsequently at any time, petition the FCRC for a modification of the maximum fare, and that upon the approval of the FCRC of any such proposed change, the franchise agreement shall be deemed to be modified to provide for the revised maximum fare; and

FIFTH, that the franchise granted pursuant to this Resolution shall be by written agreement that shall without limitation provide that:

(1) the term of the franchise shall not exceed twenty-five (25) years, with the right to renew, at the option of the City, for a period not to exceed (a) the maximum period allowed under the Charter at the end of the term, or (b) the term of the United States Coast Guard issued Bridge Permit Amendment 46-74a-1, whichever is less;

(2) the franchisee shall assume all the costs and expenses for the maintenance and operation of the Tramway (for purposes of maintenance and operation, Tramway shall be deemed to include all stations used for embarking and disembarking the aerial tramway), and obtain all necessary licenses, permits, and consents therefor from governmental agencies having jurisdiction of the matter;

(3) the franchisee shall provide adequate service to the public at all times during operational hours in accordance with schedules published by the franchisee from time to time;

(4) there shall be provisions in the franchise agreement which establish standards of performance and reporting mechanisms related to the operation and maintenance of the Tramway;

(5) the franchisee shall at all times maintain the Tramway in good repair and safe condition;

(6) the Tramway shall be adequately illuminated between dusk and daylight of each day or whenever artificial lighting is required for the safety and welfare of the public;

(7) the enclosed portions of the Tramway shall be sufficiently lighted, heated, and properly ventilated to assure the safety and comfort of the public;

(8) the Tramway shall be constructed and operated in such a manner as to prevent water, oil, grease, dirt or other substances from falling to the surface of the street or waterway;

(9) the franchisee shall, at its sole cost and expense, retain an independent licensed and qualified engineer for the purpose of conducting, on an annual basis, unless more frequently required by the New York State Department of Labor and/or the American National Standards Institute, inspections and examinations of the structures, equipment, appliances and mechanical operation of the Tramway and filing with DOT a report documenting the outcome of all inspections and examinations;

(10) the City shall have the right at all times to inspect the facilities, service and equipment used by the franchisee and to order the franchisee to comply with operational requirements and performance standards set forth in the franchise agreement;

(11) the right of the City to perform public works or improvements in and around those areas subject to the franchise shall be preserved;

(12) the extent to which public use of the streets of the City is disrupted in connection with the operation, maintenance and repair of the Tramway shall be minimized;

(13) the franchise is subject to whatever right, interest or privilege others may have in the use and occupation of affected streets and waterways;

(14) the franchisee shall, in constructing, reconstructing, maintaining, operating or dismantling the Tramway, comply with all applicable federal, state and local laws, rules and regulations now in force or hereafter enacted, including those relating to accessibility for persons with disabilities;

(15) there shall be adequate insurance and/or indemnification requirements to protect the interests of the public and the City;

(16) unless otherwise provided by an act of the New York State legislature, or except in the case where there is an assignment to the MTA or any other public benefit corporation, there shall be provisions to restrict the assignment or other transfer of the franchise or portions thereof without the prior written consent of the City and provisions to restrict changes in control of the franchisee without the prior written consent of the City;

(17) there shall be provisions to allow the franchisee, with the approval of the Commissioner of DOT, to enter into an agreement with another entity to perform maintenance services on the Tramway or to operate the Tramway;

(18) the franchisee shall at all times keep complete and accurate books of account and records of the Tramway with Generally Accepted Accounting Principles and with any and all specific requirements for record keeping as shall be required by DOT and such books and records shall be made available on demand to the City for inspection;

(19) there shall be remedies to protect the City's interests in the event of the franchisee's failure to comply with the terms and conditions of the franchise agreement;

(20) the payment of compensation shall not be considered in any manner to be in the nature of a tax, but shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid under any local law of the City of New York or by any law of the State of New York, or of the federal government, or pursuant to any contract, lease or agreement;

(21) the franchisee shall at all times maintain on file with DOT a complete, accurate, and current normal schedule of service and fares, which may be amended from time to time, constituting an appendix to the agreement and fully part of the agreement.;

(22) the franchise may be terminated or canceled by the Commissioner of DOT in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;

(23) there shall be provisions containing the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter, relating to collective bargaining and other matters; and

(24) the franchisee may place advertising in the interior of the Tramway stations and cars only. Advertisements shall not be permitted on the exterior portions of the Tramway stations or Tramway cars. Advertising which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful, including but not limited to advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11, shall be prohibited. Advertising related to alcohol, tobacco products and electronic cigarettes shall also be prohibited.

AND BE IT FURTHER RESOLVED,

That DOT shall file with the Council the following documents:

(1) within fifteen (15) days of approval by the Mayor, a copy of the franchise agreement for the franchise granted pursuant to this Resolution; a copy of any subsequent modification thereof or amendment thereto, and

(2) on or before July 1 of each year, for the preceding calendar year, a report detailing the revenues received by the City from the franchise granted pursuant to this Resolution.

Referred to the Subcommittee on Zoning and Franchises.

Int. No. 1418

By Council Members Rodriguez, Levine, Salamanca, Dromm, Maisel, Gentile, Crowley, Menchaca, Rose, Levin, Richards and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a reward for individuals who provide information leading to the apprehension, prosecution or conviction of a person who seriously injures or kills another individual in a hit-and-run accident

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-174 to read as follows:

§ 10-174 a. Definitions. For the purposes of this section, the following term has the following meaning:

Serious physical injury. The term "serious physical injury" has the same meaning as set forth in section 10 of the penal law.

b. The mayor, upon the recommendation of the police commissioner, is authorized to offer and pay a reward in an amount not exceeding \$1,000 to any person who provides information leading to the apprehension, prosecution or conviction of any person who may have violated the provisions of section 600 of the vehicle and traffic law resulting in serious physical injury or death to an individual, including to a pedestrian, a bicyclist or an individual in another motor vehicle.

c. The offer and reward made available by this section is not available for:

- 1. Any police officer, peace officer or other law enforcement officer or official in the state;
- 2. Any other officer, official or employee of the city or state; or
- 3. Any person who has obtained the information directly or indirectly from a person specified in paragraphs 1 and 2 of this subdivision.

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

Referred to the Committee on Public Safety.

<http://legistar.council.nyc.gov/Calendar.aspx>

ANNOUNCEMENTS

Thursday, January 5, 2017

[Subcommittee on Zoning & Franchises](#)..... 9:30 a.m.
[See Land Use Calendar](#)
 Committee Room – 250 Broadway, 16th Floor Donovan Richards, Chairperson

Monday, January 9, 2017

[Committee on Small Business](#) jointly with the
[Committee on Civil Service and Labor](#)..... 1:00 p.m.
Int 1382 - By Council Members Cornegy, Miller, Cumbo, Salamanca, Richards, Torres and Barron - **A Local Law** to amend the New York city charter, in relation to the reporting of information on the workforce of contractors performing construction work for the city.
 Committee Room – 250 Broadway, 14th Floor Robert Cornegy, Chairperson
 I. Daneek Miller, Chairperson

Tuesday, January 10, 2017

[Committee on Land Use](#) 11:00 a.m.
[All items reported out of the Subcommittees](#)
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – City Hall David G. Greenfield, Chairperson

[Committee on Economic Development](#) 1:00 p.m.
Oversight - The Economic Impact of Increased Security for the President-Elect Upon Local Businesses and the City as a Whole.
 Council Chambers – City Hall Daniel Garodnick, Chairperson
[Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services](#) 1:00 p.m.
Int 1225 - By Council Members Torres, Menchaca, Cohen, Richards, Chin, Rosenthal, Cabrera, Dromm, Koslowitz, Salamanca, Constantinides, Johnson, Garodnick, Van Bramer, Levin, Rose and Mendez - **A Local Law** to amend the New York city charter, in relation to requiring the department of health and mental hygiene to develop a plan for serving the mental health needs of lesbian, gay, bisexual, transgender and questioning people.

Proposed Res 130-A - By Council Members Dromm, Chin, Koo, Lander, Levine, Mendez, Rosenthal, Menchaca, Kallos and the Public Advocate (Ms. James) - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign A.6983A/S.4917A, which designates as professional misconduct, engaging in sexual orientation change efforts by mental health care professionals upon patients under 18 years of age.

Proposed Res 613-A - By Council Members Dromm, Chin, Gentile, Johnson, Lander, Levine, Palma, Richards, Rosenthal, Menchaca, Rodriguez and Grodenchik - **Resolution** calling on the American Psychological and American Psychiatric Associations to immediately pass resolutions declaring the practice of “curative therapy,” also known as “reparative” or “conversion” therapy, or any attempt to change, alter, or “correct” a person’s sexual orientation, to be unethical.

Committee Room – 250 Broadway, 14th Floor

Andrew Cohen, Chairperson

Tuesday, January 11, 2017

★ Addition

Committee on Finance..... 1:00 p.m.

Proposed Int 1385-A - By Council Member Ferreras-Copeland (in conjunction with the Mayor) - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to the sale of tax liens and notice to property owners when property tax bills are available online.

Committee Room – City Hall

Julissa Ferreras-Copeland, Chairperson

Thursday, January 12, 2017

Committee on Consumer Affairs.....10:00 a.m.

Int 1406 - By Council Member Espinal - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring certain security measures at nonbank ATMS.

Committee Room – 250 Broadway, 16th Floor

Rafael L. Espinal, Chairperson

Committee on Higher Education.....10:00 a.m.

Oversight - Infrastructure Disrepair and Decay at the City University of New York.

Committee Room – 250 Broadway, 14th Floor

Inez Barron, Chairperson

Committee on Aging jointly with the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services and the Committee on Finance.....1:00 p.m.

Int 1309 - By Council Members Chin, Cohen, Salamanca, Gentile and Levin (by request of the Mayor) - **A Local Law** to amend local law number 19 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain senior citizens, and to amend local law number 39 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain persons with disabilities, in relation to extending certain provisions thereof.

Council Chambers – City Hall

Margaret Chin, Chairperson

Andrew Cohen, Chairperson

Julissa Ferreras-Copeland, Chairperson

Tuesday, January 17, 2017

[Committee on Fire and Criminal Justice Services](#) jointly with the
[Committee on Public Safety](#).....10:00 a.m.

Oversight - Prosecuting Violence in City Jails
Council Chambers – City Hall Elizabeth Crowley, Chairperson
Vanessa L. Gibson, Chairperson

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#).....1:00 p.m.

Oversight - Cultural Immigrant Initiative and Post-Budget Analysis.
Council Chambers - City Hall James Van Bramer, Chairperson

Wednesday, January 18, 2017

★ **Addition**

[Committee on Finance](#)..... 10:00 a.m.

Proposed Int 1281-A - By Council Members Ferreras-Copeland, Lander and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to the review and evaluation of economic development tax expenditures, and to repeal chapter 29 of title 11 of such code, relating to the establishment of the tax study commission.

Int 1371 - By Council Member Ferreras-Copeland (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the DUMBO business improvement district and an extension of the DUMBO business improvement district.

Proposed Int 1385-A - By Council Member Ferreras-Copeland (in conjunction with the Mayor) - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to the sale of tax liens and notice to property owners when property tax bills are available online.

L.U. 543 - Penn South, 212-226 9th Avenue (Block 747, Lot 1), 311-351 West 24th Street (Block 748, Lot 1), 250-268 9th Avenue (Block 749, Lot 1), 313 8th Avenue (Block 749, Lot 24), 270-296 9th Avenue (Block 751, Lot 1) and 305 9th Avenue (Block 752, Lot 1), Manhattan, Community District No. 4, Council District No. 3.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – City Hall Julissa Ferreras-Copeland, Chairperson

[Stated Council Meeting](#).....**Ceremonial Tributes – 1:00 p.m.**
.....**Agenda – 1:30 p.m.**

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) recognized a special visitor from Puerto Rico who was on the floor of the Council Chambers: Jeanette Garcia-Alonzo. Ms. Garcia-Alonzo is a young attorney who is very active in the movement against the Fiscal Control Board’s policies toward the island of Puerto Rico. The Speaker (Council Member Mark-Viverito) welcomed her to the Chambers and expressed her support.

During the Meeting, the Speaker (Council Member Mark-Viverito) wished everyone a Happy New Year and a Happy Three Kings Day.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, January 18, 2017.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council