

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Wednesday, May 24, 2017, 2:12 p.m.

The Public Advocate (Ms. James)

*Acting President Pro Tempore and Presiding Officer*

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent on May 24, 2017: Council Member Mendez (*but see Editor's Note re: Attendance below\**).

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

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

*There were 50 Council Members marked present at this Stated Meeting held on May 24, 2017 in the Council Chambers of City Hall, New York, N.Y.*

*\*Editor's Note re: Attendance for the Stated Meeting held on May 24, 2017 and the Recessed Meetings held on June 6, 2017: The Recessed Meeting held subsequently on June 6, 2017 is considered to be the continuation and conclusion of this Stated Meeting which opened on May 24, 2017. For attendance purposes, therefore, any Council Member who was present at any one of these two Meetings will be considered present for all of these proceedings known collectively as the Stated Meeting of May 24, 2017. Although Council Member Mendez was absent at this Stated Meeting held on May 24, 2017, she was subsequently marked Present but Not Voting for these May 24th proceedings due to her presence at the later Recessed Meeting held on June 6, 2017.*

## INVOCATION

The Invocation was delivered by Rev. Dr. Eun Joo Kim, 166-16 21 Road, Whitestone, N.Y. 11357.

Will you bow your heads and join me in prayer.

Gracious God, we thank you for the gathering  
of the Stated Meeting of our City Council Members,  
leaders who serve the over 8.5 million of New York City,  
and who represent the tremendous diversity of our great five boroughs.  
We are especially grateful to be celebrating AAPI heritage in this month of May  
joining cities and states across the country  
in recognizing the contributions and achievement  
of our Asian-Americans, and Pacific Islands, brothers and sisters.  
Indeed, the AAPI communities have significantly enhanced  
the fabric, vitality and wellbeing of our magnificent city.  
If variety is the spice of life,  
New York is truly the most flavorful city in the world.  
We are thankful that we live in New York the quintessential American City.  
Yet, at the same time the cosmopolitan epicenter of the globe.  
It is the capital of the world not only because of its financial might,  
cultural depth, media reach, fashion leadership, educational opportunities,  
technological expertise and entertainment options.  
But because New York City appreciates immigrants, exercise is welcome.  
It celebrates diversity, and practices inclusivity.  
Our metropolitan—metropolis remains the international heartbeat and pulse  
because we recognize and rely on the talents and capacities  
of our multi-faceted, multi-cultural, multi-lingual citizens, residents and visitors.  
We lift up our representatives here this afternoon.  
May they realize what an incredible privilege it is  
to lead and legislate on behalf of so many lives.  
Concurrently, may they remember the awesome responsibility they have  
as Council Members who face challenges and make policies  
that affect lifestyles and livelihood  
and have reverberations and ramifications  
not only domestically, but around the planet.  
Therefore, fill each member with wisdom,  
clarity, perseverance, creativity and energy  
especially our Speaker Melissa Mark-Viverito

and our Public Advocate Letitia James.  
Lord God, these are uncertain times  
with unexpected and unprecedented events  
breaking throughout the daily news cycle.  
Through the waves and winds of local and national political turbulence,  
may this Council be ever-steady in striving for the common good.  
May they strengthen New York as the experiment example and epitome  
of what a thriving city can and should be.  
May they never tire of fulfilling what you require of us.  
As the Prophet Micah tells us to act justly,  
love mercy and to walk humbly with your God  
so that New York City endures  
as the beacon model and hope  
for all the nations showing that diversity  
can and must come together in unity  
without losing flavor and vibrancy,  
and may we continue to be blessed so that we can bless others.  
We give you all glory, honor, power and praise,  
and we pray all these things in your holy name.  
Amen.

Council Member Vallone moved to spread the Invocation upon the record.

#### **ADOPTION OF MINUTES**

Council Member Mendez moved that the Minutes of the Stated Meeting of April 25, 2017 be adopted as printed.

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

Alyssa Elsmann, 18, was a tourist visiting New York when she was killed on May 18, 2017 by a drunk driver in Times Square.

Peter Wertheim, 39, Chief of Staff in the Office of the Deputy Mayor for Housing and Economic Development, died while attending a family wedding in California on May 21, 2017.

The many victims killed and injured in the Manchester bombing of May 22, 2017 in Great Britain.

**LAND USE CALL-UPS**

M-513

By Council Member Mendez:

**Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 1 Astor Place, Borough of Manhattan, Community Board 2, Application No. 20175286 TCM shall be subject to review by the Council.**

Coupled on Call-Up Vote.

M-514

By Council Member Mendez:

**Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 93 Avenue B, Borough of Manhattan, Community Board 3, Application No. 20175360 TCM shall be subject to review by the Council.**

Coupled on Call-Up Vote.

**Land Use Call-up Vote**

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

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **50**.

*Present but Not Voting (PNV)* – Mendez.

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

**REPORTS OF THE STANDING COMMITTEES****Report of the Committee on Civil Service and Labor**

Report for Int. No. 1384-A

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, A Local Law to amend the administrative code of the city of New York, in relation to providing fast food employees the ability to make voluntary contributions to not-for-profit organizations of their choice through payroll deductions, and the expiration and repeal of such amendment.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4066), respectfully

**REPORTS:****I. INTRODUCTION**

On May 22, 2017, the Committee on Civil Service & Labor, chaired by Council Member I. Daneek Miller, will hold a second hearing on Proposed Int. No. 1384-A, A Local Law to amend the Administrative Code of the city of New York in relation to in relation to providing fast food employees the ability to make voluntary contributions to not-for-profit organizations of their choice through payroll deductions, introduced by Council Member Julissa Ferreras-Copeland. The committee held a first hearing on the original version of the bill on March 3, 2017, and heard testimony from, among others, representatives from the New York City Department of Consumer Affairs, the Partnership for New York, 32BJ SEIU, the Food Industry Alliance, worker rights advocates and restaurant employees. Amendments were made in light of the testimony revised and issues raised.

**II. BACKGROUND**

Proposed Int. No. 1384-A would allow fast food employees to make voluntary contributions to a not-for-profit of their choice, via payroll deduction, and requires fast food employers to collect and remit such contributions. Any not-for-profit potentially could benefit from such contributions, including organizations that advocate on the part of such workers for additional protections and enforcement of existing labor laws, such as the minimum wage and the Wage Theft Protection Act. At present, there is no mechanism for fast food employees to make voluntary regular contributions to a not-for-profit and this law would create such a mechanism. In addition, many low-wage workers are “unbanked,” meaning they lack a consistent checking or savings account, or a credit or debit card from which they can authorize a regular financial contribution.<sup>1</sup> In 2015, the Federal Depositor’s Insurance Corporation (FDIC) found that 7 percent of American households, or about 9 million, were unbanked.<sup>2</sup> Such unbanked employees have even less of an ability to make contributions to a not-for-profit regularly, which Int. No. 1384 would facilitate.

**III. SIGNIFICANT AMENDMENTS**

After the hearing, various amendments were made to the bill, many of which were technical. Substantive changes include:

- The bill emphasizes that labor organizations are not permitted to seek or receive remittances under the law (which was implicit in the earlier version).

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<sup>1</sup> 2015 FDIC National Survey of Unbanked and Underbanked Households, Federal Deposit Insurance Corporation, Oct. 20, 2016 at 13, available at: <https://www.fdic.gov/householdsurvey/2015/2015report.pdf>.

<sup>2</sup> *Id.*

- Non-salaried workers were exempted from the previous version, but now are included.
- Requirements regarding employee contributions were made more robust:
  - A fast food worker’s signature is required on his or her request to remit contributions to a not-for-profit.
  - Employers are required to notify employees that deductions are voluntary as part of the authorization process.
- Requires that employees send both their authorization and their revocation of authorization of deductions to the not-for-profit, rather than to the employer, and requires more information to be given to employees about how to contact not-for-profits to so revoke their authorization.
- The process for registering a not-for-profit has been made more robust:
  - Before any deductions are made, the not-for-profit must provide a fast food employee with the following information concerning its operations: complete contact information; information about its governance structure, mission, employees (if the Department of Consumer Affairs (DCA) requires it), and finances; and a statement that labor organizations cannot seek remittances under this chapter.
  - Requires a not-for-profit, to be registered, to submit to DCA proof that it has provided all relevant information to the fast food employee and its IRS form 990 or other equivalent tax filing for the three most recent tax years.
- A process for petitioning DCA to revoke a not-for-profit’s registration was added.
- Record keeping requirements for not-for-profits added.
- Requires not-for-profits to reimburse employers’ costs of managing deductions and remittances, not just “reasonable costs.”
- Creates a new violation if the not-for-profit makes false or misleading statements to employees.
- DCA is directed to promulgate rules to ensure that law not applied in manner that would run up against federal or state labor law
- Adds a sunset for the legislation, which will expire in two years if not reauthorized by the next City Council.

#### **IV. SUMMARY OF PROPOSED INT. NO. 1384**

Section 1 of Int. No. 1384 would amend title 20 of the Administrative Code of the City of New York to add to add a new chapter 13, regarding payroll deductions for contributions to a not-for-profit organization.

New section 20-1301 of such Chapter 13 provides definitions for the chapter, including the following:

**Chain.** The term “chain” would mean a set of establishments that share a common brand or that are characterized by standardized options for decor, marketing, packaging, products and services.

**Director.** The term “director” would mean the director of the office of labor standards established pursuant to section 20-a of the charter.

**Employee.** The term “employee” would mean any person covered by the definition of “employee” set forth in subdivision 5 of section 651 of the labor law or any person covered by the definition of “employee” set forth in subsection (e) of section 203 of title 29 of the United States code, any person covered by the definition of an “employee” set forth in subsection (3) of section 152 of title 29 of the United States code, any person covered by the definition of “public employee” in subdivision 7 of section 201 of the civil service law, or any person covered by the definition of “employees” in subdivision 3 of section 701 of the labor law and who is employed within the city and who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law. Notwithstanding any other provision of this section, the term “employee” would not include any person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

**Employer.** The term “employer” would mean any person or entity covered by the definition of “employer” set forth in subdivision 6 of section 651 of the labor law or any person or entity covered by the

definition of “employer” set forth in subsection (d) of section 203 of title 29 of the United States code, any person or entity covered by the definition of “employer” set forth in subsection (2) of section 152 of title 29 of the United States code, any person or entity covered by the definition of a “public employer” in subdivision 6 of section 201 of the civil service law, or any person or entity covered by the definition of “employer” in subdivision 2 of section 701 of the labor law. Notwithstanding any other provision of this section, the term would not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or agency or other body thereof.

**Fast food employee.** The term “fast food employee” would mean any employee employed or permitted to work at or for a fast food establishment that is located within the city, by any employer, where such job duties include at least one of the following: customer service, cooking, food or drink preparation, delivery, security, stocking supplies or equipment, cleaning or routine maintenance.

**Fast food employer.** The term “fast food employer” would mean any employer that employs a fast food employee at a fast food establishment.

**Fast food establishment.** The term “fast food establishment” would mean any establishment (i) that has as its primary purpose serving food or drink items; (ii) where patrons order or select items and pay before eating and such items may be consumed on the premises, taken out or delivered to the customer’s location; (iii) that offers limited service; (iv) that is part of a chain; and (v) that is one of 30 or more establishments nationally, including (A) an integrated enterprise that owns or operates 30 or more such establishments in the aggregate nationally or (B) an establishment operated pursuant to a franchise where the franchisor and the franchisees of such franchisor own or operate 30 or more such establishments in the aggregate nationally. The term “fast food establishment” would include such establishments located within non-fast food establishments.

**Franchise.** The term “franchise” would have the same definition as set forth in section 681 of the general business law.

**Franchisee.** The term “franchisee” would mean a person or entity to whom a franchise is granted.

**Franchisor.** The term “franchisor” would mean a person or entity who grants a franchise to another person or entity.

**Integrated enterprise.** The term “integrated enterprise” would mean two or more entities sufficiently integrated so as to be considered a single employer as determined by application of the following factors: (i) degree of interrelation between the operations of multiple entities; (ii) degree to which the entities share common management; (iii) centralized control of labor relations; and (iv) degree of common ownership or financial control.

**Not-for-profit.** The term “not-for-profit” would mean an entity that is organized under the not-for-profit corporation law or the law governing incorporation of not-for-profit organizations in the jurisdiction of its incorporation.

**Office.** The term “office” would mean the office of labor standards established pursuant to section 20-a of the charter.

New section 20-1302 would pertain to the requirement to deduct and remit voluntary contributions to not-for-profits. Subdivision a of such section would state that a fast food employer shall, upon authorization from a fast food employee and upon receipt of a registration letter as provided in subdivision b of section 20-1303 pertaining to the relevant not-for-profit, deduct voluntary contributions from such fast food employee’s paycheck and remit them to the not-for-profit designated by such fast food employee. An authorization would be written, whether on paper or by an electronic or other method prescribed by the director, and would include:

1. The fast food employee’s signature;
2. The fast food employee’s name and physical address;
3. The amount, frequency and start date of the contribution;
4. The name, physical address, email address, web address, if any, and phone number of the not-for-profit and a contact for an employee who seeks to revoke authorization and
5. A statement notifying the fast food employee that contributions are voluntary and that the authorization to deduct is revocable at any time by submitting a written revocation to the not-for-profit.

Subdivision b of section 20-1302 would state that an authorization could be submitted to a fast food employer by either a not-for-profit or a fast food employee.

Subdivision c of such section would state that an authorization would be in effect until the fast food employee revokes the authorization in writing, whether on paper or by an electronic or other method prescribed by the director, to the not-for-profit. The not-for-profit would be required to transmit the revocation to the fast food employer.

Subdivision d of section 20-1302 would state that the fast food employer shall provide a copy of any authorization and any revocation to the not-for-profit to which it pertains and to the fast food employee who submitted it within five business days of receipt.

Subdivision e of such section would state that the fast food employer would be required to begin or end deductions no later than the first pay period after 15 days of receipt of the authorization or of receipt of the revocation. In the case of authorization, the fast food employer would be required to remit the deductions to the not-for-profit, by the method of transmission that such organization requests, no later than 15 days after deduction. Deductions would only be taken from paychecks issued after the date the fast food employer receives the authorization, and the deduction amount from any one paycheck should not exceed the maximum amount specified by the fast food employee. The fast food employer would be required to comply with state law regarding notation of deductions on fast food employees' statements of wages.

Subdivision f of section 20-1302 would state that a fast food employer would not be required to honor an authorization for a contribution to a not-for-profit:

1. That is less than \$6 per paycheck if the fast food employee is paid every two weeks, or less than \$3 per paycheck if the fast food employee is paid every week; or
2. More than once per pay period.

Subdivision g of such section would pertain to processing fees. Upon request by a fast food employer, the not-for-profit would be required to reimburse the fast food employer for the costs associated with deduction and remittance, as calculated pursuant to rules of the office.

Subdivision h of section 20-1302 would pertain to written notice of rights and obligations. A fast food employer would be required to provide written notice to its fast food employees of their rights and of the fast food employer's obligations under this section on a form provided by the office. Such notice would be posted in a conspicuous place in the fast food establishment. Such notice would include a statement that labor organizations as defined by the National Labor Relations Act, employee organizations as defined by subdivision 5 of section 201 of the New York State Civil Service Law, and labor organizations as defined in subdivision 5 of section 701 of the New York State Labor Law are not permitted to seek remittances under this chapter pursuant to subdivision b of section 20-1310.

New section 20-1303 would be titled, Registration by not-for-profits being required. Subdivision a of such section would require that before it may accept deductions pursuant to this chapter, a not-for-profit shall register with the office by providing the following in the manner prescribed by the office:

1. The name, physical address, email address, web address, if any, and phone number of the not-for-profit and a contact;
2. Proof of status as a not-for-profit that has not been suspended or dissolved pursuant to the laws of the state of its incorporation;
3. Facially valid written authorizations in the form described in subdivision a of section 20-1302 from at least 500 fast food employees, though such authorizations need not be from employees employed by the same fast food employer;
4. Proof that the not-for-profit has provided the information required by section 20-1304 to the fast food employee; and
5. The not-for-profit organization's form 990 of the Internal Revenue Service of the United States Department of the Treasury or other equivalent tax filing for the three most recent tax years for which such form was filed.

Subdivision b of section 20-1303 would state that the office would be required to issue a registration letter to the registered not-for-profit confirming that it has met the conditions required to trigger the requirements of this chapter. A not-for-profit or fast food employer seeking to have a fast food employer make payroll deductions pursuant to this chapter would be required to provide a copy of the office's registration letter to the relevant fast food employer along with the request for such deductions authorization.



New section 20-1304 would pertain to not-for-profit required disclosure. Subdivision a of such section would state that before any deduction pursuant to this chapter is made, the not-for-profit would be required to provide the relevant fast food employee the following information concerning its operations:

1. Name, contact, physical address, email address, web address, if any, and phone number;
2. Information about the not-for-profit's governance, which shall include any officers and directors and may include members or shareholders as the director shall require;
3. Information about the not-for-profit's mission, programs and areas of focus;
4. When prescribed by the director, a list of the not-for-profit's employees;
5. Information about the not-for-profit's finances, including its sources of funding, budget and expenditures; and
6. A statement that labor organizations as defined by the national labor relations act, employee organizations as defined by subdivision 5 of section 201 of the civil service law, and labor organizations as defined in subdivision 5 of section 701 of the labor law are not permitted to seek remittances under this chapter pursuant to subdivision b of section 20-1310.

Subdivision b of section 20-1304 would state that the not-for-profit could satisfy the disclosure requirements of this section by the conspicuous posting of the information on a single webpage on the website of the covered not-for-profit dedicated to fulfilling the disclosure requirements of this section, provided that the website address of such page is included on the authorization described in section 20-1302 or other written document provided to the fast food employee and that such website address is preceded by language indicating that legally required disclosures are contained there.

New section 20-1305 would pertain to recordkeeping. Subdivision a of such section would state that a fast food employer must keep records of the following for two years:

1. Deduction authorizations and revocations made pursuant to this chapter;
2. Remittances pursuant to this chapter;
3. Deductions pursuant to this chapter;
4. A copy of the authorization required by subdivision d of section 20-1302;
5. Proof of distribution of the notice to fast food employees required by subdivision h of section 20-1302;

Subdivision b of section 20-1305 would state that the failure to keep records required by this section would create an inference that such records would be unfavorable to that fast food employer, and a factfinder may use such inference to establish facts in support of a final determination pursuant to sections 20-1307 and 20-1308.

New section 20-1306 would pertain to retaliation being prohibited. No person would be permitted to take any adverse action against a fast food employee that penalizes such employee for, or is reasonably likely to deter such employee from, exercising or attempting to exercise any right protected under this chapter. Taking an adverse action would include threatening, intimidating, disciplining, discharging, demoting, suspending or harassing a fast food employee, reducing the hours or pay of a fast food employee, informing another employer that a fast food employee has engaged in activities protected by this chapter, and discriminating against the fast food employee, including actions related to perceived immigration status or work authorization. A fast food employee would not need to explicitly refer to this chapter or the rights enumerated herein to be protected from retaliation.

New section 20-1307 would pertain to enforcement. Subdivision a of such section would state that the office would be required to investigate potential violations and enforce the provisions of this chapter consistent with sections 20-a and 2203 of the charter and with all powers and duties described therein and according to rules and policies of the office.

Subdivision b of section 20-1307 would pertain to violations by fast food employers. Paragraph 1 of such subdivision would state that except as provided in subdivision c of this section, an aggrieved fast food employee or duly authorized representative thereof or an aggrieved not-for-profit could file a complaint with the office regarding violations of this chapter by a fast food employer. Except for an allegation of retaliation in violation of section 20-1306, the office should only investigate such a complaint if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter.

Paragraph 2 of subdivision b of section 20-1307 would state that except as otherwise provided in subdivision c of this section, if a fast food employer were to be found to have violated this chapter, including

by retaliation, the office could award any of the following, in addition to any other remedy provided in the charter or other law:

(a) Deductions and remittances as authorized by the fast food employee and the payment of interest to the not-for-profit from the date of the failure to deduct or remit based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year; and

(b) Payment of a further sum as a civil penalty in an amount not exceeding \$500 for each violation of this chapter. However, in cases where a final disposition has been entered against a fast food employer twice within any consecutive three-year period determining that such fast food employer has willfully failed to deduct or remit funds in accordance with this chapter, or has retaliated against a fast food employee in violation of section 20-1306, the office could impose a civil penalty in an amount not exceeding \$1,000 for each violation of this chapter.

(c) Reinstatement, back pay and other appropriate relief for any fast food employee found to have been subject to retaliation in violation of section 20-1306.

The third paragraph of subdivision b of section 20-1307 would state that in assessing an appropriate remedy, due consideration should be given to the gravity of the violation, the history of previous violations, and the good faith of the fast food employer. No procedure or remedy set forth in this section would be exclusive of or a prerequisite for asserting a claim for relief to enforce any rights under this chapter in a court of competent jurisdiction.

Subdivision c of section 20-1307 would pertain to the failure to honor a revocation. A fast food employer or a not-for-profit that the office finds has failed to honor the revocation of a fast food employee of voluntary deductions and instead has retained contributions after revocation would be required to refund the fast food employee the amount of the contribution wrongfully retained. If the refund to the fast food employee is not made within 60 days of receipt of the revocation by the party that retained the contribution, the office could require the payment of interest on the amount of the refund owed based on the rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year.

Subdivision d of section 20-1307 would pertain to false or misleading disclosures to fast food employees. It would be a violation of this chapter for a not-for-profit intentionally to make materially false or misleading disclosures to fast food employees under subdivision a of section 20-1304, and as set forth in rules prescribed by the director. Where a violation is established, such not-for-profit would be required to cure the false or misleading statements to fast food employees within 30 days. Upon establishing a second such violation within two years of a previous violation, the director would be required to revoke any previously issued letter of registration as set forth in subdivision b of section 20-1303.

Subdivision e of such section would state that the office shall make rules establishing a process for such interested parties as the office may identify by rule to petition the director to re-examine or revoke a not-for-profit's registration pursuant to this chapter.

Subdivision f of section 20-1307 would state that any party with rights under this chapter could bring an action pursuant to article 78 of the civil practice law and rules to enforce, vacate or modify an order, determination or other disposition of the office, the office of administrative trials and hearings or other relevant tribunal.

New section 20-1308 would pertain to a civil action. Subdivision a of such section would state that except as otherwise provided by law, any person claiming to be aggrieved by a fast food employer's violation of this chapter would have a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter from the office unless such person has filed a complaint with the office with respect to such claim. If the court finds in favor of the plaintiff, it would be required to award such person, in addition to other relief, reasonable attorney's fees and costs.

Subdivision b of section 20-1308 would state that notwithstanding any inconsistent provision of subdivision a of this section, if the office dismisses a complaint or the complaint is withdrawn, an aggrieved person would maintain all rights to commence a civil action pursuant to this section.

Paragraph 1 of such subdivision would state that that an employee would not need to file a complaint with the office before bringing a civil action; however, no person should file a civil action after filing a complaint with the office unless such complaint has been withdrawn or dismissed without prejudice to further action.

Paragraph 2 of subdivision b of section 20-1308 would state that no person should file a complaint with the office after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

Subdivision c of section 20-1308 would state that a civil action under this section should be commenced in accordance with subdivision 2 of section 214 of the civil practice law and rules.

Subdivision d of such section would state that this chapter does not limit a fast food employee's right to bring any other action authorized by law.

New section 20-1309 would pertain to the limitations period. The office should not investigate violations of this chapter committed more than two years before the filing of a complaint or the commencement of such investigation, whichever is earlier. Each failure to comply with this chapter would constitute a separate violation; a pattern of such violations would be a continuing violation for purposes of assessing the limitations period.

New section 20-1310 would pertain to application and exclusion of labor organizations. Subdivision a of such section would state that this chapter does not discourage, prohibit, preempt or displace any law, regulation, rule, requirement, written policy or standard that is at least as protective of a fast food employee as the requirements of this chapter.

Subdivision b of section 20-1310 would state that this chapter does not authorize deductions prohibited by section 193 of the labor law or remittances to labor organizations. For purposes of this subdivision, the term "labor organization would mean:

1. A "labor organization" as defined in subdivision 5 of section 701 of the State Labor Law law;
  2. An "employee organization" as defined in subdivision 5 of section 201 of the State Civil Service Law;
- or
3. A "labor organization" within the meaning of subsection (5) of section 152 of title 29 of the United States Code, which defines a labor organization as "any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work," as such definition is interpreted by the National Labor Relations Board.

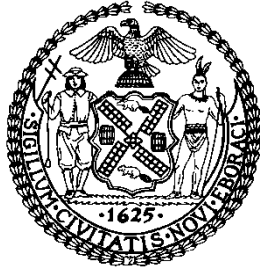
Subdivision c of such section would state that the office should promulgate rules necessary to ensure that this law would be applied in a manner consistent with federal or state labor law and will not affect the relationship among workers or employees and employers, and the entities described in subdivision b, except as specifically provided in this chapter.

Section 2 of the bill is the enactment clause. This local law takes effect 180 days after it becomes law and expires and is deemed repealed 2 years after such effective date.

## V. TECHNICAL CORRECTIONS

Technical errors in Proposed Int. No. 1384-A have been corrected: subdivision c of section 20-1305 has been relettered as subdivision b of section 20-1305; a formatting indent was added to paragraph 3 of subdivision b of section 20-1307; and the term "non-profit" was replaced with the term "not-for-profit" in subdivision d of section 20-1307.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1384-A:)**



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

**PROPOSED INTRO. NO: 1384-A**  
**COMMITTEE: Civil Service and Labor**

**TITLE:** A local law to amend the administrative code in relation to providing fast food employees the ability to make voluntary contributions to not-for-profit organizations of their choice through payroll deductions.

**SPONSOR(S):** Council Members Ferreras-Copeland, Lander, Williams, Kallos, Rodriguez, Richards, Torres, Rose, Levin, Dromm, Cohen, Reynoso, Espinal, Levine, Vacca, Rosenthal, Johnson, Salamanca, Van Bramer, Koslowitz, Lancman, Menchaca, Chin, Treyger, Crowley, Cabrera, Eugene, Maisel, Miller, Cumbo, Cornegy, Barron, Constantinides, Gibson, Palma, Garodnick, Greenfield, Perkins, and the Public Advocate (Ms. James).

**SUMMARY OF LEGISLATION:** This legislation would create a new chapter for “pay deductions for contributions to not-for-profit organizations” in the Consumer Affairs title of the Administrative Code, which would provide full or part-time wage workers in the fast food industry the ability to make voluntary contributions to not-for-profit organizations of their choice through payroll deductions. The bill establishes a minimum contribution of \$6 per biweekly paycheck and \$3 per weekly paycheck. Additionally, employers shall be reimbursed for the costs associated with the deductions and labor organizations are not authorized for deductions.

Before any deductions, the not-for-profit needs to provide the relevant fast food employee with certain information concerning their operations. This includes name, location, contact info, mission statement, governance, and information about the not-for-profits finances. This information can be disclosed online under certain circumstances.

Also before they can receive deductions, a not-for-profit must register with the Department of Consumer Affairs by providing the following information:

- The name, contact name, physical address, email address, web address, and phone number of the not-for-profit;
- Proof of status as a not-for-profit;
- Written authorizations from at least 500 fast food employees;
- Proof that they provided the relevant fast food employee with the required disclosure information mentioned above (i.e. mission statement, etc.); and
- The not-for-profits IRS form 990 or other equivalent tax filing for the three most recent tax years.

DCA will then issue a letter to the not-for-profit confirming eligibility to receive deductions. A fast food employee must then present a copy of DCA’s letter to the relevant fast food employer with the request for deductions. The fast food employer must then deduct and remit these voluntary contributions to the not-for-profit. An authorization shall be written and shall include the following:

- The fast food employee’s signature;
- The fast food employee’s name and physical address;
- The amount, frequency, and start date of contributions;
- The name, physical location, email address, web address, if any, and phone number of the not-for-profit and a contact for an employee who seeks to revoke authorization; and

- A statement notifying the fast food employee that contributions are voluntary and that the authorization to deduct is revocable at any time by submitting a written revocation to the not-for-profit.

The fast food employer shall begin or end deductions no later than the first pay period after 15 days of receipt of the authorization or of receipt of the revocation and must keep certain records for two years including authorizations and revocations, remittances, deductions, and others.

The Office of Labor Policy and Standards (OLPS) is responsible for investigating potential violations and enforcing the provisions of this legislation. If a fast food employer is found to have violated this legislation, OLPS may award any of the following:

- Deductions and remittances as authorized by the fast food employee and the payment of interest to the not-for-profit from the date of the failure to deduct or remit; and
- Payment of no more than \$500 for each violation.

If in the case a fast food employee is found to have been subject to retaliation, OLPS may award reinstatement, back pay, and other appropriate relief. Additionally, any person claiming to be aggrieved by a fast food employer’s violation of this chapter may utilize any court of competent jurisdiction for damages. OLPS is not to investigate violations committed more than two years before the filing of a complaint or the commencement of such investigation, whichever is earlier.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law and expires and is deemed repealed 2 years after such effective date.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$197,682	\$269,439	\$269,439
<b>Net</b>	(\$197,682)	(\$269,439)	(\$269,439)

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

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation will cost \$197,682 in Fiscal 2018 and \$269,439 in successive fiscal years, largely the result of personal service (PS) costs at DCA. Total PS costs will total roughly \$169,000 in Fiscal 2018 and \$255,000 annually thereafter – representing the salary and fringe benefits of the following hires which will need to be made at the Office of Labor Policy and Standards: community support associate (1), investigator (2). Other than personal service (OTPS) expenses for computers, office space, and other supplies are expected to cost roughly \$29,000 in Fiscal 2018 and \$14,100 per year after that.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kendall Stephenson, Economist, Finance Division

**ESTIMATE REVIEWED BY:** Paul Sturm, Supervising Economist, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 1384 on December 6, 2016 and referred to the Committee on Civil Service and Labor. On March 3, 2017 the Committee held a

hearing on Intro. No. 1384 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1384-A will be considered by the Committee on Civil Service and Labor at a hearing on May 22, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1384-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 18, 2017.

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

**(The following is the text of Int. No. 1384-A:)**

Int. No. 1384-A

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

**A Local Law to amend the administrative code of the city of New York, in relation to providing fast food employees the ability to make voluntary contributions to not-for-profit organizations of their choice through payroll deductions, and the expiration and repeal of such amendment**

*Be it enacted by the Council as follows:*

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

**CHAPTER 13**

**PAY DEDUCTIONS FOR CONTRIBUTIONS TO NOT-FOR-PROFIT ORGANIZATIONS**

*§ 20-1301 Definitions. For purposes of this chapter, the following terms have the following meanings:*

*Chain. The term “chain” means a set of establishments that share a common brand or that are characterized by standardized options for decor, marketing, packaging, products and services.*

*Director. The term “director” means the director of the office of labor standards established pursuant to section 20-a of the charter.*

*Employee. The term “employee” means any person covered by the definition of “employee” set forth in subdivision 5 of section 651 of the labor law or any person covered by the definition of “employee” set forth in subsection (e) of section 203 of title 29 of the United States code, any person covered by the definition of an “employee” set forth in subsection (3) of section 152 of title 29 of the United States code, any person covered by the definition of “public employee” in subdivision 7 of section 201 of the civil service law, or any person covered by the definition of “employees” in subdivision 3 of section 701 of the labor law and who is employed within the city and who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law. Notwithstanding any other provision of this section, the term “employee” does not include any person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.*

*Employer.* The term “employer” means any person or entity covered by the definition of “employer” set forth in subdivision 6 of section 651 of the labor law or any person or entity covered by the definition of “employer” set forth in subsection (d) of section 203 of title 29 of the United States code, any person or entity covered by the definition of “employer” set forth in subsection (2) of section 152 of title 29 of the United States code, any person or entity covered by the definition of a “public employer” in subdivision 6 of section 201 of the civil service law, or any person or entity covered by the definition of “employer” in subdivision 2 of section 701 of the labor law. Notwithstanding any other provision of this section, the term does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or agency or other body thereof.

*Fast food employee.* The term “fast food employee” means any employee employed or permitted to work at or for a fast food establishment that is located within the city, by any employer, where such job duties include at least one of the following: customer service, cooking, food or drink preparation, delivery, security, stocking supplies or equipment, cleaning or routine maintenance.

*Fast food employer.* The term “fast food employer” means any employer that employs a fast food employee at a fast food establishment.

*Fast food establishment.* The term “fast food establishment” means any establishment (i) that has as its primary purpose serving food or drink items; (ii) where patrons order or select items and pay before eating and such items may be consumed on the premises, taken out or delivered to the customer’s location; (iii) that offers limited service; (iv) that is part of a chain; and (v) that is one of 30 or more establishments nationally, including (A) an integrated enterprise that owns or operates 30 or more such establishments in the aggregate nationally or (B) an establishment operated pursuant to a franchise where the franchisor and the franchisees of such franchisor own or operate 30 or more such establishments in the aggregate nationally. The term “fast food establishment” includes such establishments located within non-fast food establishments.

*Franchise.* The term “franchise” has the same definition as set forth in section 681 of the general business law.

*Franchisee.* The term “franchisee” means a person or entity to whom a franchise is granted.

*Franchisor.* The term “franchisor” means a person or entity who grants a franchise to another person or entity.

*Integrated enterprise.* The term “integrated enterprise” means two or more entities sufficiently integrated so as to be considered a single employer as determined by application of the following factors: (i) degree of interrelation between the operations of multiple entities; (ii) degree to which the entities share common management; (iii) centralized control of labor relations; and (iv) degree of common ownership or financial control.

*Not-for-profit.* The term “not-for-profit” means an entity that is organized under the not-for-profit corporation law or the law governing incorporation of not-for-profit organizations in the jurisdiction of its incorporation.

*Office.* The term “office” means the office of labor standards established pursuant to section 20-a of the charter.

§ 20-1302 Requirement to deduct and remit voluntary contributions to not-for-profits. a. A fast food employer shall, upon authorization from a fast food employee and upon receipt of a registration letter as provided in subdivision b of section 20-1303 pertaining to the relevant not-for-profit, deduct voluntary contributions from such fast food employee’s paycheck and remit them to the not-for-profit designated by such fast food employee. An authorization shall be written, whether on paper or by an electronic or other method prescribed by the director, and shall include:

1. The fast food employee’s signature;
2. The fast food employee’s name and physical address;
3. The amount, frequency and start date of the contribution;
4. The name, physical address, email address, web address, if any, and phone number of the not-for-profit and a contact for an employee who seeks to revoke authorization and
5. A statement notifying the fast food employee that contributions are voluntary and that the authorization to deduct is revocable at any time by submitting a written revocation to the not-for-profit.

*b. An authorization may be submitted to a fast food employer by either a not-for-profit or a fast food employee.*

*c. An authorization is in effect until the fast food employee revokes the authorization in writing, whether on paper or by an electronic or other method prescribed by the director, to the not-for-profit. The not-for-profit shall transmit the revocation to the fast food employer.*

*d. The fast food employer shall provide a copy of any authorization and any revocation to the not-for-profit to which it pertains and to the fast food employee who submitted it within five business days of receipt.*

*e. The fast food employer shall begin or end deductions no later than the first pay period after 15 days of receipt of the authorization or of receipt of the revocation. In the case of authorization, the fast food employer shall remit the deductions to the not-for-profit, by the method of transmission that such organization requests, no later than 15 days after deduction. Deductions may only be taken from paychecks issued after the date the fast food employer receives the authorization, and the deduction amount from any one paycheck shall not exceed the maximum amount specified by the fast food employee. The fast food employer must comply with state law regarding notation of deductions on fast food employees' statements of wages.*

*f. A fast food employer is not required to honor an authorization for a contribution to a not-for-profit:*

*1. Of less than \$6 per paycheck if the fast food employee is paid every two weeks, or less than \$3 per paycheck if the fast food employee is paid every week; or*

*2. More than once per pay period.*

*g. Processing fee. Upon request by a fast food employer, the not-for-profit shall reimburse the fast food employer for the costs associated with deduction and remittance, as calculated pursuant to rules of the office.*

*h. Written notice of rights and obligations. A fast food employer shall provide written notice to its fast food employees of their rights and of the fast food employer's obligations under this section on a form provided by the office. Such notice shall be posted in a conspicuous place in the fast food establishment. Such notice shall include a statement that labor organizations as defined by the national labor relations act, employee organizations as defined by subdivision 5 of section 201 of the civil service law, and labor organizations as defined in subdivision 5 of section 701 of the labor law are not permitted to seek remittances under this chapter pursuant to subdivision b of section 20-1310.*

*§ 20-1303 Registration by not-for-profits required. a. Before it may accept deductions pursuant to this chapter, a not-for-profit shall register with the office by providing the following in the manner prescribed by the office:*

*1. The name, physical address, email address, web address, if any, and phone number of the not-for-profit and a contact;*

*2. Proof of status as a not-for-profit that has not been suspended or dissolved pursuant to the laws of the state of its incorporation;*

*3. Facially valid written authorizations in the form described in subdivision a of section 20-1302 from at least 500 fast food employees, though such authorizations need not be from employees employed by the same fast food employer;*

*4. Proof that the not-for-profit has provided the information required by section 20-1304 to the fast food employee; and*

*5. The not-for-profit organization's form 990 of the Internal Revenue Service of the United States Department of the Treasury or other equivalent tax filing for the three most recent tax years for which such form was filed.*

*b. The office shall issue a registration letter to the registered not-for-profit confirming that it has met the conditions required to trigger the requirements of this chapter. A not-for-profit or fast food employee seeking to have a fast food employer make payroll deductions pursuant to this chapter must provide a copy of the office's registration letter to the relevant fast food employer along with the request for such deductions authorization.*

*§ 20-1304 Not-for-profit required disclosure. a. Before any deduction pursuant to this chapter is made, the not-for-profit shall provide the relevant fast food employee the following information concerning its operations:*

*1. Name, contact, physical address, email address, web address, if any, and phone number;*

*2. Information about the not-for-profit's governance, which shall include any officers and directors and may include members or shareholders as the director shall require;*



3. Information about the not-for-profit's mission, programs and areas of focus;
4. When prescribed by the director, a list of the not-for-profit's employees;
5. Information about the not-for-profit's finances, including its sources of funding, budget and expenditures; and
6. A statement that labor organizations as defined by the national labor relations act, employee organizations as defined by subdivision 5 of section 201 of the civil service law, and labor organizations as defined in subdivision 5 of section 701 of the labor law are not permitted to seek remittances under this chapter pursuant to subdivision b of section 20-1310.

b. The not-for-profit may satisfy the disclosure requirements of this section by the conspicuous posting of the information on a single webpage on the website of the covered not-for-profit dedicated to fulfilling the disclosure requirements of this section, provided that the website address of such page is included on the authorization described in section 20-1302 or other written document provided to the fast food employee and that such website address is preceded by language indicating that legally required disclosures are contained there.

§ 20-1305 Recordkeeping. a. A fast food employer must keep records of the following for two years:

1. Deduction authorizations and revocations made pursuant to this chapter;
2. Remittances pursuant to this chapter;
3. Deductions pursuant to this chapter;
4. A copy of the authorization required by subdivision d of section 20-1302;
5. Proof of distribution of the notice to fast food employees required by subdivision h of section 20-1302;

b. The failure to keep records required by this section creates an inference that such records would be unfavorable to that fast food employer, and a factfinder may use such inference to establish facts in support of a final determination pursuant to sections 20-1307 and 20-1308.

§ 20-1306 Retaliation prohibited. No person shall take any adverse action against a fast food employee that penalizes such employee for, or is reasonably likely to deter such employee from, exercising or attempting to exercise any right protected under this chapter. Taking an adverse action includes threatening, intimidating, disciplining, discharging, demoting, suspending or harassing a fast food employee, reducing the hours or pay of a fast food employee, informing another employer that a fast food employee has engaged in activities protected by this chapter, and discriminating against the fast food employee, including actions related to perceived immigration status or work authorization. A fast food employee need not explicitly refer to this chapter or the rights enumerated herein to be protected from retaliation.

§ 20-1307 Enforcement. a. The office shall investigate potential violations and enforce the provisions of this chapter consistent with sections 20-a and 2203 of the charter and with all powers and duties described therein and according to rules and policies of the office.

b. Violations by fast food employers. 1. Except as provided in subdivision c of this section, an aggrieved fast food employee or duly authorized representative thereof or an aggrieved not-for-profit may file a complaint with the office regarding violations of this chapter by a fast food employer. Except for an allegation of retaliation in violation of section 20-1306, the office shall only investigate such a complaint if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter.

2. Except as otherwise provided in subdivision c of this section, if a fast food employer is found to have violated this chapter, including by retaliation, the office may award any of the following, in addition to any other remedy provided in the charter or other law:

(a) Deductions and remittances as authorized by the fast food employee and the payment of interest to the not-for-profit from the date of the failure to deduct or remit based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year; and

(b) Payment of a further sum as a civil penalty in an amount not exceeding \$500 for each violation of this chapter. However, in cases where a final disposition has been entered against a fast food employer twice within any consecutive three-year period determining that such fast food employer has willfully failed to deduct or remit funds in accordance with this chapter, or has retaliated against a fast food employee in violation of section 20-1306, the office may impose a civil penalty in an amount not exceeding \$1,000 for each violation of this chapter.

(c) *Reinstatement, back pay and other appropriate relief for any fast food employee found to have been subject to retaliation in violation of section 20-1306.*

3. *In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, and the good faith of the fast food employer. No procedure or remedy set forth in this section is exclusive of or a prerequisite for asserting a claim for relief to enforce any rights under this chapter in a court of competent jurisdiction.*

c. *Failure to honor a revocation. A fast food employer or a not-for-profit that the office finds has failed to honor the revocation of a fast food employee of voluntary deductions and instead has retained contributions after revocation shall refund the fast food employee the amount of the contribution wrongfully retained. If the refund to the fast food employee is not made within 60 days of receipt of the revocation by the party that retained the contribution, the office may require the payment of interest on the amount of the refund owed based on the rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year.*

d. *False or misleading disclosures to fast food employees. It is a violation of this chapter for a not-for-profit intentionally to make materially false or misleading disclosures to fast food employees under subdivision a of section 20-1304, and as set forth in rules prescribed by the director. Where a violation is established, such not-for-profit shall cure the false or misleading statements to fast food employees within 30 days. Upon establishing a second such violation within two years of a previous violation, the director shall revoke any previously issued letter of registration as set forth in subdivision b of section 20-1303.*

e. *The office shall make rules establishing a process for such interested parties as the office may identify by rule to petition the director to re-examine or revoke a not-for-profit's registration pursuant to this chapter.*

f. *Any party with rights under this chapter may bring an action pursuant to article 78 of the civil practice law and rules to enforce, vacate or modify an order, determination or other disposition of the office, the office of administrative trials and hearings or other relevant tribunal.*

§ 20-1308 *Civil action. a. Except as otherwise provided by law, any person claiming to be aggrieved by a fast food employer's violation of this chapter has a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter from the office unless such person has filed a complaint with the office with respect to such claim. If the court finds in favor of the plaintiff, it shall award such person, in addition to other relief, reasonable attorney's fees and costs.*

b. *Notwithstanding any inconsistent provision of subdivision a of this section, if the office dismisses a complaint or the complaint is withdrawn, an aggrieved person maintains all rights to commence a civil action pursuant to this section.*

1. *An employee need not file a complaint with the office before bringing a civil action; however, no person shall file a civil action after filing a complaint with the office unless such complaint has been withdrawn or dismissed without prejudice to further action.*

2. *No person shall file a complaint with the office after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.*

c. *A civil action under this section shall be commenced in accordance with subdivision 2 of section 214 of the civil practice law and rules.*

d. *This chapter does not limit a fast food employee's right to bring any other action authorized by law.*

§ 20-1309 *Limitations period. The office shall not investigate violations of this chapter committed more than two years before the filing of a complaint or the commencement of such investigation, whichever is earlier. Each failure to comply with this chapter constitutes a separate violation; a pattern of such violations is a continuing violation for purposes of assessing the limitations period.*

§ 20-1310 *Application; exclusion of labor organizations. a. This chapter does not discourage, prohibit, preempt or displace any law, regulation, rule, requirement, written policy or standard that is at least as protective of a fast food employee as the requirements of this chapter.*

b. *This chapter does not authorize deductions prohibited by section 193 of the labor law or remittances to labor organizations. For purposes of this subdivision, the term "labor organization shall mean:*

1. *A "labor organization" as defined in subdivision 5 of section 701 of the labor law;*

2. An “employee organization” as defined in subdivision 5 of section 201 of the civil service law; or

3. A “labor organization” within the meaning of subsection (5) of section 152 of title 29 of the United States code, which defines a labor organization as “any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work,” as such definition is interpreted by the national labor relations board.

c. The office shall promulgate rules necessary to ensure that this law will be applied in a manner consistent with federal or state labor law and will not affect the relationship among workers or employees and employers, and the entities described in subdivision b, except as specifically provided in this chapter.

§ 2. This local law takes effect 180 days after it becomes law and expires and is deemed repealed 2 years after such effective date.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES; Committee on Civil Service and Labor, May 22, 2017. *Other Council Members Attending: Council Member Lander.*

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

Report for Int. No. 1387-A

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for retail employees and providing advance notice of work schedules to retail employees.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4078), respectfully

## **REPORTS:**

### **I. INTRODUCTION**

On May 22, 2017, the Committee on Civil Service & Labor, chaired by Council Member I. Daneek Miller, will hold a second hearing on Proposed In. No. 1387-A, A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for retail employees and providing advance notice of work schedules to retail employees, introduced by Council Member Johnson. The committee held a first hearing on the original version of the bill on March 3, 2017, and heard testimony from, among others, representatives from the New York City Department of Consumer Affairs, the Partnership for New York, 32BJ SEIU, the Food Industry Alliance, worker rights advocates and restaurant employees. Amendments were made in light of the testimony revised and issues raised.

### **II. BACKGROUND**

This bill would ban the practice of on-call scheduling for retail employees. On-call scheduling refers to the practice of requiring an employee to be available to report to work during specific shifts, and requiring the employee to contact or wait to be contacted by an employer who determines whether or not the employee is actually needed for those shifts. Employees must reserve time that could be dedicated to other purposes (e.g., a second job, school, childcare responsibilities) in order to be available to work. Oftentimes, the employer will not actually require an employee to work. Some employers punish employees by decreasing hours, or treat

hours as a “bonus” for exemplary employee performance. Some employers may use “on call” scheduling to avoid unemployment claims.

1

Seventeen percent of the workforce nationally is subjected to an unstable work shift schedule.<sup>2</sup> An unstable work shift schedule is linked to significantly greater work-family conflict<sup>3</sup> and adverse cognitive and physical effects.<sup>4</sup> New York Attorney General Schneiderman along with other state attorneys general sent letters in April 2016 to large retailers based on these concerns.<sup>5</sup> A 2015 investigation by Attorney General Schneiderman prompted several retailers (Abercrombie & Fitch, Gap, J. Crew, and other major companies) to agree to abandon the practice.<sup>6</sup>

### **III. SIGNIFICANT AMENDMENTS**

After the hearing, various amendments were made to the bill. Substantive changes include the following:

- Renumbered the bill provisions from subchapter 6 to subchapter 5 of chapter 12 of title 20.
- Removed the requirement that employers provide a minimum of 20 hours of work to retail employees during any 14-day period.
- Added exceptions to allow employers to make schedule changes within 72 hours. Now, a retail employer is permitted to schedule or cancel shifts within 72 hours of the start of the scheduled shift without penalty:
  - In order to grant an employee time off, if an employee requests it or in order to allow a retail employee to voluntarily trade shifts with another retail employee;
  - If the employer’s operations cannot begin or continue due to a list of enumerated reasons.
- Limits the requirement that a retail employer must provide the employee who wants his or her prior work schedules to schedules from the prior three years.
- Modified the language regarding collective bargaining agreements, only carving out those employees covered by a collective bargaining agreement that expressly waives the provisions of this bill where the collective bargaining agreement also addresses employee scheduling, until the date the collective bargaining agreement expires.
- Increased the size of the retail business covered by this law to 20, from 5, through an amendment to the definition of retail employer and retail business.

### **IV. BILL SUMMARY**

Proposed Int. No. 1387-A would ban the practice of on-call scheduling for retail employees by making it unlawful to schedule an employee for on-call shifts, to cancel a shift within 72 hours of the start of the shift, to require an employee to work with less than 72 hours’ notice (unless one of the exceptions applies), or to require an employee to contact an employer within 72 hours to confirm whether or not he or she will be needed to work. The bill would require a retail employer to post a copy of the employee work schedule at the work location at least 72 hours before the beginning of the scheduled hours of work and to notify employees about

<sup>1</sup> *Erratic Scheduling*, RETAIL ACTION PROJECT (last accessed August 10, 2016), <http://retailactionproject.org/advocacy/policy/erratic-scheduling/>

<sup>2</sup> *Irregular Work Scheduling and Its Consequences*, ECONOMIC POLICY INSTITUTE (Apr. 9, 2015), <http://www.epi.org/publication/irregular-work-scheduling-and-its-consequences/>

<sup>3</sup> *Id.*

<sup>4</sup> *The Very Real Hardship of Unpredictable Work Schedules*, The Atlantic, (Apr. 15, 2015), <http://www.theatlantic.com/business/archive/2015/04/the-very-real-hardship-of-unpredictable-work-schedules/390498/>

<sup>5</sup> *Id.*

<sup>6</sup> *A.G. Schneiderman And Eight Other State Attorneys General Probe Retailers Over Use Of On-Call Shifts*, (Apr. 13, 2016), <http://www.ag.ny.gov/press-release/ag-schneiderman-and-eight-other-state-attorneys-general-probe-retailers-over-use-call>

any changes as soon as practicable. Additionally, this bill would require a retail employer to provide to an employee, upon request, a copy of the employee's work schedule in writing for any previously worked week within the past three years, as well as the most current version of all employees' work schedules at the work location.

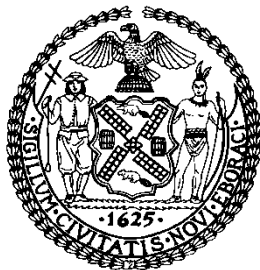
Proposed Int. No. 1387-A would add a new subchapter 5 to chapter 12 of title 20 of the Administrative Code. Section 20-1251 of the bill prohibits a retail employer from scheduling on-call hours, cancelling scheduled hours of work within 72 hours of the start of such hours, or requiring an employee to contact an employer to confirm whether or not the employee should report to work scheduled hours with fewer than 72 hours before the start of such hours. However, a retail employer may make changes to the retail employees' schedule with less than 72 hours' notice without penalty in order to grant an employee request for time off, to allow an employee to trade shifts with another employee or if the retail employee consents in writing. The retail employer may also make changes to the retail employees' work schedule with less than 72 hours' notice without penalty if the employer's operations cannot begin or continue due to: threats to the retail employees or the retail employer's property; the failure of public utilities or the shutdown of public transportation; a fire, flood or other natural disaster; or a state of emergency declared by the President of the United States, Governor of the State of New York or Mayor of the City.

Section 20-1252 requires a retail employer to conspicuously post in a location that is accessible and visible to all employees at the work location, a copy of the work schedule of all of the employees at that work location at least 72 hours before the beginning of the scheduled hours of work. The employer would be required to update the schedule and directly notify affected employees of changes to the work schedule as soon as practicable after changes are made. The employer shall also transmit the schedule using electronic means, if such means are regularly used, to communicate scheduling information. Upon request by an employee, a retail employer would be required to provide the employee with a copy of his or her work schedule for any previous week within the past three years and the most current version of all employees' schedules at that work location, whether or not changes have been made and posted.

Section 20-1253 provides that the provisions of subchapter 5 do not apply to employees covered by a valid collective bargaining agreement, including an agreement open for negotiation, if it expressly waives the provisions of this bill and also addresses employee scheduling.

The second section of the bill contains the enactment clause. The clause would provide that this local law take effect on the later of 180 days after it becomes law or the date that a local law amending the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in introduction number 1396-A for the year 2016, takes effect, except that the director of the office of labor standards shall take such measures as are necessary for the implementation of section one of this local law, including the promulgation of rules, before such date. The enacting clause also specifies that, with regard to employees covered by a valid collective bargaining agreement, this law takes effect upon the date of the expiration of that agreement.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1387-A:)**



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

**PROPOSED INTRO. NO: 1387-A  
COMMITTEE: Civil Service and Labor**

**TITLE:** A local law to amend the administrative code in relation to prohibiting on-call scheduling for retail employees.

**SPONSOR(S):** Council Members Johnson, Rosenthal, Reynoso, Torres, Richards, Lander, Levin, Cohen, Levine, Rose, Salamanca, Van Bramer, Koslowitz, Lancman, Menchaca, Chin, Ferreras-Copeland, Cabrera, Espinal, Maisel, Cornegy, Dromm, Cumbo, Williams, Miller, Kallos, King, Palma, Constantinides, Treyger, Rodriguez, Perkins, Vacca, Grodenchik, Wills and the Public Advocate (Ms. James).

**SUMMARY OF LEGISLATION:** This legislation would prohibit retail employers from engaging in the practice of on-call scheduling. Firstly, employers would be prohibited from scheduling a retail employee for any on-call hours, and cancelling any scheduled hours of work within 72 hours of the start of such work or requiring an employee to contact a retail employer within 72 hours before the start of their shift to confirm whether or not they need to work. However, a retail employer could change the schedule with fewer than 72 hours’ notice if the employee has consented in writing, the employee has been granted time off, the employee has traded shifts with another employee, or the employer’s operations cannot begin or continue in certain circumstances.

Retail employers would also be required to post, in a conspicuous location, a physical copy of the work schedule for all employees at least 72 hours prior to the beginning of the scheduled hours of work. If changes are made by the employer to the work schedule, the posted schedule must be updated and affected employees must be notified. If requested by an employee, an employer must provide the employee with a copy of that employee’s prior work week schedule for any time worked within the past three years. The employee may also request the most current version of all retail employees’ work schedules at that work location.

This legislation would not apply to employees covered by a collective bargaining agreement, including an agreement that is open for negotiation, if such provisions are expressly waived in the agreement and the agreement addresses employee scheduling.

If, upon investigation, it is determined that a violation has occurred, specific administrative remedies exist for employees and former employees, as outlined in Proposed Int. 1396-A. Section 20-1209 of Chapter 12 of Title 20 of the Administrative Code requires that for each violation of § 20-1251, an employee or former employee shall be granted the greater of \$500 or such employee’s actual damages. For each violation of subdivisions a and b of Section 20-1252 regarding work schedules, each employee or former employee shall be granted \$300.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law or the date that the local law establishing general provision governing fair work practices as proposed in introduction number 1396-A for the year 2016 takes effect.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from this legislation. The enforcement of this law and other administrative provisions related to this legislation are found in Proposed Intro. No. 1396-A, where associated expenditures are explained.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kendall Stephenson, Economist, Finance Division

**ESTIMATE REVIEWED BY:** Paul Sturm, Supervising Economist, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 1387 on December 6, 2016 and referred to the Committee on Civil Service and Labor. On March 3, 2017 the Committee held a hearing on Intro. No. 1387 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1387-A will be considered by the Committee on Civil Service and Labor at a hearing on May 22, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1387-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 18, 2017.

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

**(The following is the text of Int. No. 1387-A:)**

Int. No. 1387-A

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

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for retail employees and providing advance notice of work schedules to retail employees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 5 to read as follows:

*Subchapter 5  
On-Call Scheduling*

*§ 20-1251 On-call scheduling prohibited. a. Except as otherwise provided by law, a retail employer shall not:*

- 1. Schedule a retail employee for any on-call shift;*
- 2. Cancel any regular shift for a retail employee within 72 hours of the scheduled start of such shift;*
- 3. Require a retail employee to work with fewer than 72 hours' notice, unless the employee consents in writing; or*

4. Require a retail employee to contact a retail employer to confirm whether or not the employee should report for a regular shift fewer than 72 hours before the start of such shift.

b. Notwithstanding subdivision a of this section, a retail employer may:

1. Grant a retail employee time off pursuant to an employee's request;
2. Allow a retail employee to trade shifts with another retail employee; and

3. Make changes to retail employees' work schedules with less than 72 hours' notice if the employer's operations cannot begin or continue due to:

(a) Threats to the retail employees or the retail employer's property;

(b) The failure of public utilities or the shutdown of public transportation;

(c) A fire, flood or other natural disaster; or

(d) A state of emergency declared by the president of the United States, governor of the state of New York or mayor of the city.

§ 20-1252 Work schedules. a. A retail employer shall provide a retail employee with a written work schedule no later than 72 hours before the first shift on the work schedule.

b. A retail employer shall conspicuously post in a location that is accessible and visible to all retail employees at the work location the work schedule of all the retail employees at that work location at least 72 hours before the beginning of the scheduled hours of work and shall update the schedule and directly notify affected retail employees after making changes to the work schedule. Retail employers shall also transmit the work schedule by electronic means, if such means are regularly used to communicate scheduling information. The office may by rule establish requirements or exceptions necessary to ensure the privacy and safety of employees.

c. Upon request by a retail employee, a retail employer shall provide the employee with such employee's work schedule in writing for any week worked within the prior three years and the most current version of the work schedule for all retail employees at that work location, whether or not changes to the work schedule have been posted.

§ 20-1253 Collective bargaining agreements. The provisions of this subchapter do not apply to any retail employee covered by a valid collective bargaining agreement, including an agreement that is open for negotiation, if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) the agreement addresses employee scheduling.

§ 2. a. This local law takes effect on the later of 180 days after it becomes law or the date that a local law amending the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in introduction number 1396-A for the year 2016, takes effect, except that the director of the office of labor standards shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

b. Notwithstanding the preceding subdivision a, in the case of employees covered by a valid collective bargaining agreement in effect on the effective date prescribed by such preceding subdivision, this local law takes effect on the stated date of the expiration of such agreement.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES; Committee on Civil Service and Labor, May 22, 2017. *Other Council Members Attending: Council Member Lander.*

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



## Report for Int. No. 1388-A

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to banning consecutive work shifts in fast food restaurants involving both the closing and opening of the restaurant.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4079), respectfully

**REPORTS:**

**I. INTRODUCTION**

On May 22, 2017, the Committee on Civil Service & Labor, chaired by Council Member I. Daneek Miller, will hold a second hearing on Proposed Intro. No. 1388-A, A Local Law to amend the administrative code of the city of New York, in relation to banning consecutive work shifts in fast food restaurants involving both the closing and opening of the restaurant. The committee held a first hearing on this bill on March 3, 2017, and heard testimony from, among others, representatives from the New York City Department of Consumer Affairs, the Partnership for New York, 32BJ SEIU, the Food Industry Alliance, worker rights advocates and restaurant employees.

After the hearing, technical amendments were made to the bill, but there were no substantive changes.

**II. BACKGROUND**

**A. “Clopensing”**

Proposed Int. No. 1388-A would ban the practice of “clopensing” in fast food restaurants. “Clopensing” is a portmanteau of “closing” and “opening,” wherein employees of restaurants or retail establishments work, often mandatorily, back-to-back shifts wherein the worker both closes the establishment for the night and opens it the following morning.<sup>1</sup>

According to *The New York Times*, under this widespread practice, “[e]mployees are literally losing sleep as restaurants, retailers and many other businesses shrink the intervals between shifts and rely on smaller, leaner staffs to shave costs. These scheduling practices can take a toll on employees who have to squeeze commuting, family duties and sleep into fewer hours between shifts.”<sup>2</sup> The same *Times* article states that worker and union advocates have been condemning clopensing, along with other issues such as short-notice for shifts.<sup>3</sup> Some advocates are pushing for the British and German standard, wherein a minimum of eleven hours are required between shifts, which is the same requirement as Proposed Int. No. 1388-A; like this introduction, the European systems allow for waivers.<sup>4</sup>

**B. Other Jurisdictions**

There is no federal law regulating clopensing, however, legislation banning the practice has been passed in Seattle, Washington and been introduced in several other jurisdictions. Late last year, Seattle passed the “Secure Scheduling Law.”<sup>5</sup> This law regulates various aspects of employee scheduling including banning the practice of “on call” shifts (wherein employees are required to call in on the day of their shift to find out if they

<sup>1</sup> See, Steven Greenhouse, “In Service Sector, No Rest for the Working,” *New York Times*, Feb. 21, 2015.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Janet. I. Tu, Seattle City Council approves worker-scheduling law,” *Seattle Times*, Sept. 20, 2016.

will be working) and clopening.<sup>6</sup> The law applies to, “large retailers and quick-serve food and drink establishments with 500 or more workers, and to full-service restaurants with both 500 or more employees and 40 or more locations.”<sup>7</sup> Unions, however, may negotiate different scheduling rules through collective bargaining.<sup>8</sup>

San Francisco passed a similar employee scheduling law in 2014, however, that law did not regulate clopening.<sup>9</sup> Other jurisdictions with bills pending that would ban clopening include Maryland, Massachusetts and Minneapolis.<sup>10</sup>

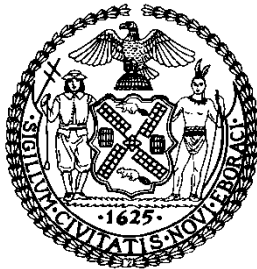
### **III. SUMMARY OF PROPOSED INT. NO. 1388-A**

Section 1 of Proposed Int. No. 1388-A would amend Chapter 12 of title 20 of the Administrative Code of the City of New York to add to add a new subchapter 3 pertaining to Minimum time between shifts.

New section 20-1231 of Chapter 12 would pertain to the minimum time between shifts. Unless the fast food employee requests or consents to work such hours in writing, no fast food employer could require any fast food employee to work two shifts with fewer than 11 hours between the end of the first shift and the beginning of the second shift when the first shift ends the previous calendar day or spans two calendar days. The fast food employer would be required to pay the fast food employee \$100 for each instance that the employee works such shifts.

Section 2 of the bill would be the enactment clause. This local law would take effect on the later of 180 days after it becomes law or the date that a local law amending the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in introduction number 1396-A for the year 2016, takes effect, except that the director of the office of labor standards should take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1388-A:)**



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

**PROPOSED INTRO. NO: 1388-A  
COMMITTEE: Civil Service and Labor**

**TITLE:** A local law to amend the administrative code in relation to banning consecutive work shifts in the fast food industry involving both the closing and opening of the restaurant.

**SPONSOR(S):** Council Members Johnson, Cohen, Rosenthal, Reynoso, Torres, Richards, Lander, Constantinides, Levin, Levine, Rose, Salamanca, Van Bramer, Koslowitz, Kallos, Lancman, Menchaca, Chin, Crowley, Treyger, Cabrera, Rodriguez, Espinal, Eugene, Maisel, Miller, Williams, Cumbo, Dromm,

<sup>6</sup> Under this law, “[e]mployers would be required to give good-faith estimates of hours an employee can expect to work upon hiring, post work schedules two weeks in advance, provide at least 10 hours rest between opening and closing shifts, give available hours to existing part-time employees before hiring new workers, and pay additional ‘predictability pay’ when employers make changes to the posted schedule.” *Id.*

<sup>7</sup> *Id.*

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

<sup>9</sup> City and County of San Francisco Office of Labor Standards website, Formula Retail Employment Notices, available at: <http://sfgov.org/olse/formula-retail-employee-rights-ordinances>.

<sup>10</sup> *See, infra*, “In Service Sector, No Rest for the Working,” *New York Times*.

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Cornegy, Barron, Gibson, Ferreras-Copeland, King, Palma, Gentile, Vacca, Perkins and the Public Advocate (Ms. James).

**SUMMARY OF LEGISLATION:** This legislation would prohibit employers from requiring fast food employees to work back-to-back shifts, when the first shift closes the restaurant and the second shift opens it the next day, with fewer than 11 hours in between – unless the employee consents in writing. For each instance an employee works such shifts without consent, the employer shall pay that employee \$100.

If, upon investigation, it is determined that a violation has occurred, specific administrative remedies exist for employees and former employees, as outlined in Proposed Int. 1396 which amends § 20-1209 of Chapter 12 of Title 20 of the administrative code. For each violation of this law, each employee or former employee shall be paid \$500 – imposed on a per employee and per instance basis. Additionally, the Office of Labor Policy and Standards will also grant an order directing compliance with this law.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law or the date that the local law establishing general provision governing fair work practices as proposed in introduction number 1396-A for the year 2016 takes effect.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from this legislation. The enforcement of this law and other administrative provisions related to this legislation are found in Proposed Intro. No. 1396-A, where associated expenditures are explained.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kendall Stephenson, Economist, Finance Division

**ESTIMATE REVIEWED BY:** Paul Sturm, Supervising Economist, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 1388 on December 6, 2016 and referred to the Committee on Civil Service and Labor. On March 3, 2017 the Committee held a hearing on Intro. No. 1388 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1388-A will be considered by the Committee on Civil Service and Labor at a hearing on May 22, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1388-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 18, 2017.

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

**(The following is the text of Int. No. 1388-A:)**

Int. No. 1388-A

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

**A Local Law to amend the administrative code of the city of New York, in relation to banning consecutive work shifts in fast food restaurants involving both the closing and opening of the restaurant**

*Be it enacted by the Council as follows:*

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

*Subchapter 3  
Minimum Time Between Shifts*

*§ 20-1231 Minimum time between shifts. Unless the fast food employee requests or consents to work such hours in writing, no fast food employer shall require any fast food employee to work two shifts with fewer than 11 hours between the end of the first shift and the beginning of the second shift when the first shift ends the previous calendar day or spans two calendar days. The fast food employer shall pay the fast food employee \$100 for each instance that the employee works such shifts.*

§ 2. This local law takes effect on the later of 180 days after it becomes law or the date that a local law amending the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in introduction number 1396-A for the year 2016, takes effect, except that the director of the office of labor standards shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES; Committee on Civil Service and Labor, May 22, 2017. *Other Council Members Attending: Council Member Lander.*

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

## Report for Int. No. 1395-A

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring fast food employers to offer work shifts to current employees before hiring additional employees.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4087), respectfully

**REPORTS:**

**INTRODUCTION**

On May 22, 2017, the Committee on Civil Service & Labor, chaired by Council Member I. Daneek Miller, will hold a second hearing on Proposed Int. No. 1395-A, a Local Law to amend the administrative code of the city of New York, in relation to requiring fast food employers to offer work shifts to current employees before hiring additional employees, introduced by Council Member Brad Lander. The committee held a first hearing on the original version of the bill on March 3, 2017, and heard testimony from, among others, representatives from the New York City Department of Consumer Affairs, the Partnership for New York, 32BJ SEIU, the Food Industry Alliance, worker rights advocates and restaurant employees. Amendments were made in light of the testimony revised and issues raised.

**I. BACKGROUND**

Proposed Int. No. 1395-A would require fast food employers to offer shifts to current employees, before hiring new workers to work such shifts. This law is intended to help fast food workers who are not being assigned enough shifts to support themselves and their families. According to *CNN Money*, “[m]any fast food and retail employees say it is hard to make anything above poverty-level wages because they don’t get scheduled to work enough. Advocates say many employers don’t give workers sufficient hours as a way to avoid paying benefits.”<sup>1</sup> Further, “[e]xperts say that the retail and fast food industries are the most common perpetrators of such low part-time work hours. This way, they can avoid paying out benefits that employees qualify for if they work about 30-plus hours a week.”<sup>2</sup> (This includes the Affordable Care Act, which is triggered at 30 hours per week.<sup>3</sup>)

Seattle

Late last year, Seattle passed the “Secure Scheduling Law.”<sup>4</sup> This law regulates various aspects of employee scheduling including banning the practice of “on call” shifts (wherein employees are required to call in on the day of their shift to find out if they will be working) and “clopening” (wherein employees work back-to-back shifts closing an establishment and opening it the next day).<sup>5</sup> This law, like Int. No. 1395, also requires that additional hours be assigned to existing employees before hiring new workers.<sup>6</sup> The law applies to “large retailers and quick-serve food and drink establishments with 500 or more workers, and to full-service

<sup>1</sup> Emily Jane Fox, “The real low-wage issue: Not enough hours,” *CNN Money*, Jan. 13, 2014 available at: <http://money.cnn.com/2014/01/13/news/economy/minimum-wage-hours/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Janet. I. Tu, Seattle City Council approves worker-scheduling law,” *Seattle Times*, Sept. 20, 2016.

<sup>5</sup> Under this law, “[e]mployers would be required to give good-faith estimates of hours an employee can expect to work upon hiring, post work schedules two weeks in advance, provide at least 10 hours rest between opening and closing shifts, give available hours to existing part-time employees before hiring new workers, and pay additional ‘predictability pay’ when employers make changes to the posted schedule.” *Id.*

<sup>6</sup> *Id.*

restaurants with both 500 or more employees and 40 or more locations.”<sup>7</sup> Unions, however, may negotiate different scheduling rules through collective bargaining.<sup>8</sup>

## **II. SIGNIFICANT AMENDMENTS**

After the hearing, various amendments were made to the bill, many of which were technical. Substantive changes include:

- Provides further mechanisms and procedures for offering shifts to employees not employed at the same location but by the same employer, to be further clarified by regulation.
- Clarifies that premium payments pursuant to Proposed Int. No. 1396-A for adding shifts less than two weeks before the date of the shift still apply in certain circumstances.
- Adds language regarding the director promulgating rules regarding how employers should offer shifts to employees when the employer owns at least 50 fast food establishments in the City.
- Requires additional notice to employees about their rights under this subchapter.
- Removes the requirement that employers must make reasonable efforts to train employees, while still encouraging them to do so.

## **III. SUMMARY OF PROPOSED INT. NO. 1395-A**

Section 1 of Proposed Int. No. 1395-A would amend Chapter 12 of title 20 of the Administrative Code of the City of New York to add to add a new subchapter 4 pertaining to Access to Hours.

New section 20-1241 of Chapter 12 would pertain to the offering additional shifts to current fast food employees. Subdivision a of such section would state that before hiring new fast food employees, including hiring through the use of subcontractors, a fast food employer would be required to offer regular shifts or on call shifts that would otherwise be offered to a new fast food employee to the fast food employer’s current fast food employees employed at all fast food establishments owned by the fast food employer, or at a subset of such fast food establishments as provided in rules promulgated pursuant to subdivision j. A fast food employer would not be permitted to transfer fast food employees from locations other than the location where such shifts will be worked or hire new fast food employees, including subcontractors, to perform the work of fast food employees for such shifts, except as provided for in subdivisions f, g and i.

Subdivision b of section 20-1241 would state that when shifts become available that must be offered to current fast food employees pursuant to subdivision a, a fast food employer would be required to post a notice that states the number of shifts being offered; the schedule of the shifts; whether the shifts will occur at the same time each week; the length of time such fast food employer anticipates requiring coverage of the shifts; the number of fast food employees needed to cover the shifts; the process, date and time by which fast food employees may notify such fast food employer of their desire to work the shifts; the criteria such fast food employer would use for the distribution of the shifts; an advisement that a fast food employee may accept a subset of the shifts offered but that shifts will be distributed according to the criteria described in the notice; and an advisement that while fast food employees working at all locations owned by the fast food employer may accept offered shifts immediately, shifts will be distributed first to fast food employees currently employed at the location where the shifts will be worked. The fast food employer would be required to post such notice for three consecutive calendar days in a conspicuous and accessible location where notices to fast food employees are customarily posted, unless a shorter posting period is necessary in order for the work to be timely performed as may be prescribed by the rules of the director. The fast food employer shall also provide the notice in writing directly to each fast food employee electronically.

Subdivision c of such section would state that subject to distribution of shifts pursuant to subdivision d, a fast food employee employed at any location owned by the fast food employer offering shifts may accept shifts immediately and may accept any subset of shifts offered.

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<sup>7</sup> *Id.*

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

Subdivision d of section 20-1241 would state that a fast food employer would be required to distribute shifts, in accordance with the criteria contained in the notice required by subdivision b, to one or more fast food employees who have accepted such shifts and are employed at the location where such shifts will be worked. A fast food employer would be required to distribute shifts to fast food employees employed at locations other than the location where such shifts will be worked in accordance with subdivision f. A fast food employer's system for the distribution of shifts should not violate any federal, state or local law, including laws that prohibit discrimination.

Subdivision e of such section would state that a fast food employee's written acceptance of an offer of shifts constitutes written consent to the addition of shifts if such consent is required by subdivision d of section 20-1221, but does not constitute a written request for a change in schedule as described in paragraph 2 of subdivision c of section 20-1222. A fast food employer would be required to pay a schedule change premium to fast food employees who accept additional shifts offered pursuant to this section when required by section 20-1222.

Subdivision f of section 20-1241 would state that if no fast food employee who is employed at the location where offered shifts will be worked accepts such shifts within three consecutive calendar days of the offer, or, in the case of shifts that are offered with less than three days' notice to a fast food employee before the start of such shifts, no less than 24 hours before the start of such shifts unless such 24 hour period is impracticable under the circumstances, the fast food employer would be permitted to distribute such shifts to fast food employees from other locations who accept such shifts or may hire or contract for such new fast food employees as are necessary to perform the work described in, and in accordance with the criteria contained in, the notice posted pursuant to subdivision b; provided, however, that the fast food employer shall distribute such shifts to fast food employees from other locations who have accepted such shifts before such employer proceeds to hire or contract for new fast food employees for such shifts. In the case of shifts that are offered with less than 24 hours' notice to a fast food employee, the fast food employer would be required to wait as long as practicable under the circumstances before distributing such shifts to fast food employees from other locations or hiring or contracting for new fast food employees.

Paragraph 1 of subdivision g of section 20-1241 would state that if in accordance with subdivision b a fast food employer provides notice of additional shifts to all of its fast food employees and receives written confirmation from all fast food employees employed at the location where such hours will be worked before the expiration of the period for their acceptance pursuant to subdivision f that those fast food employees do not accept the shifts offered, or if some such fast food employees have accepted some but not all of the offered shifts and the fast food employer receives written confirmation from all other fast food employees employed at such location before the expiration of the period for their acceptance pursuant to subdivision f that they do not accept the shifts offered, such fast food employer would be permitted to immediately distribute such shifts to fast food employees from other locations who accept such shifts in accordance with the criteria set forth in the notice posted pursuant to subdivision b.

Paragraph 2 of such subdivision would state that if in accordance with subdivision b a fast food employer provides notice of additional shifts to all of its fast food employees employed at all locations owned by the fast food employer or at a subset of such fast food establishments as provided in rules promulgated pursuant to subdivision j, and receives written confirmation from all such fast food employees before the expiration of the period for their acceptance pursuant to subdivision f that they do not accept the shifts offered, or if some such fast food employees have accepted some but not all of the offered shifts and the fast food employer receives written confirmation from all other fast food employees employed at all locations owned by that fast food employer or at a subset of such fast food establishments as provided in rules promulgated pursuant to subdivision j before the expiration of the period for their acceptance pursuant to subdivision f that they do not accept the shifts offered, the fast food employer would be permitted to immediately proceed with hiring or contracting for new fast food employees to perform the work described in, and in accordance with the criteria set forth in, the notice posted pursuant to subdivision b.

Subdivision h of section 20-1241 would state that a fast food employer would be encouraged to make reasonable efforts to offer fast food employees training opportunities to gain the skills and experience to perform work for which such employer regularly has additional needs.

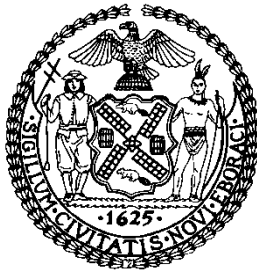
Subdivision i of section 20-1241 would state that this subchapter should not be construed to require any fast food employer to offer, or prohibit any fast food employer from offering, any fast food employee any shift or hours that must be paid:

1. At a rate not less than one and one-half times the fast food employee's regular rate of pay under subsection (a) of section 207 of title 29 of the United States code; or
2. At a rate governed by the overtime requirements of the labor law or the overtime requirements of any minimum wage order promulgated by the New York commissioner of labor pursuant to labor law article 19 or 19-A.

Subdivision j of section 20-1241 would state that the director may promulgate rules regarding how and to which fast food employees offers of shifts pursuant to subdivision g shall be made by fast food employers that own at least 50 fast food establishments in the city based on the geographic distribution of such establishments.

Section 2 of the bill is the enactment clause. This local law would take effect on the later of 180 days after it becomes law or the date that a local law amending the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in introduction number 1396-A for the year 2016, takes effect, except that the director of the office of labor standards should take such measures as are necessary for the implementation of this local law, including promulgating rules and conducting outreach and education, before such date.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1395-A:)**



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

**PROPOSED INTRO. NO: 1395-A**  
**COMMITTEE: Civil Service and Labor**

**TITLE:** A local law to amend the administrative code in relation to requiring fast food employers to offer work shifts to current employees before hiring additional employees

**SPONSOR(S):** Council Members Lander, Johnson, Kallos, Rodriguez, Richards, Ferreras-Copeland, Torres, Reynoso, Rosenthal, Levin, Cohen, Levine, Rose, Salamanca, Van Bramer, Koslowitz, Lancman, Menchaca, Chin, Crowley, Cabrera, Espinal, Eugene, Maisel, Miller, Williams, Cumbo, Dromm, Cornegy, Barron, Constantinides, Gibson, Palma, Treyger, King, Gentile, Perkins, and the Public Advocate (Ms. James).

**SUMMARY OF LEGISLATION:** This legislation would require fast food employers to offer shifts to current employees if additional shifts are available, before the employer can hire any additional employees or subcontractors to fill the shifts. Fast food employers will be required to post a notice for three days in an accessible location to employees stating the following:

- The total number of shifts being offered,
- The schedule of the shifts,
- Whether the shifts occur at the same time each week,
- The length of time such employer anticipates requiring coverage of shifts,
- The number of fast food employees needed to cover the shifts,



- The process, date, and time by which fast food employees may notify their employer of their desire to work the shifts,
  - The criteria such employer will use for the distribution of the shifts, and
  - An advisement that a fast food employee may accept a subset of the shifts available but that shifts will be assigned according to the criteria described above.
- A fast food employee may accept a subset of the offered shifts, and their written response to the offer is required. If no fast food employee accepts a shift offered within three days, the fast food employer may hire or contract for such new fast food employees as necessary.
  - A fast food employer shall also make reasonable efforts to offer fast food employees training opportunities to gain the skills and experience to perform work for which such employer regularly has additional needs.
  - If, upon investigation, it is determined that a violation has occurred, specific administrative remedies exist for employees and former employees, as outlined in Proposed Int. 1396 which amends § 20-1209 of Chapter 12 of Title 20 of the administrative code. For each violation of this law, each employee or former employee shall be paid \$300 – imposed on a per employee and per instance basis. Additionally, the Office of Labor Policy and Standards will also grant an order directing compliance with this law.
- **EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law.
- **FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2019

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from this legislation. The enforcement of this law and other administrative provisions related to this legislation are found in Proposed Intro. No. 1396-A, where associated expenditures are explained.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kendall Stephenson, Economist, Finance Division

**ESTIMATE REVIEWED BY:** Paul Sturm, Supervising Economist, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 1395 on December 6, 2016 and referred to the Committee on Civil Service and Labor. On March 3, 2017 the Committee held a hearing on Intro. No. 1395 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1395-A will be considered by the Committee on Civil Service

and Labor at a hearing on May 22, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1395-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 18, 2017.

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

**(The following is the text of Int. No. 1395-A:)**

Int. No. 1395-A

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

**A Local Law to amend the administrative code of the city of New York, in relation to requiring fast food employers to offer work shifts to current employees before hiring additional employees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 4 to read as follows:

*Subchapter 4  
Access to Hours*

*§ 20-1241 Offering additional shifts to current fast food employees. a. Before hiring new fast food employees, including hiring through the use of subcontractors, a fast food employer shall offer regular shifts or on call shifts that would otherwise be offered to a new fast food employee to the fast food employer's current fast food employees employed at all fast food establishments owned by the fast food employer, or at a subset of such fast food establishments as provided in rules promulgated pursuant to subdivision j. A fast food employer may not transfer fast food employees from locations other than the location where such shifts will be worked or hire new fast food employees, including subcontractors, to perform the work of fast food employees for such shifts, except as provided for in subdivisions f, g and i.*

*b. When shifts become available that must be offered to current fast food employees pursuant to subdivision a, a fast food employer shall post a notice that states the number of shifts being offered; the schedule of the shifts; whether the shifts will occur at the same time each week; the length of time such fast food employer anticipates requiring coverage of the shifts; the number of fast food employees needed to cover the shifts; the process, date and time by which fast food employees may notify such fast food employer of their desire to work the shifts; the criteria such fast food employer will use for the distribution of the shifts; an advisement that a fast food employee may accept a subset of the shifts offered but that shifts will be distributed according to the criteria described in the notice; and an advisement that while fast food employees working at all locations owned by the fast food employer may accept offered shifts immediately, shifts will be distributed first to fast food employees currently employed at the location where the shifts will be worked. The fast food employer shall post such notice for three consecutive calendar days in a conspicuous and accessible location where notices to fast food employees are customarily posted, unless a shorter posting period is necessary in order for the work to be timely performed as may be prescribed by the rules of the director. The fast food employer shall also provide the notice in writing directly to each fast food employee electronically.*

c. Subject to distribution of shifts pursuant to subdivision d, a fast food employee employed at any location owned by the fast food employer offering shifts may accept shifts immediately and may accept any subset of shifts offered.

d. A fast food employer shall distribute shifts, in accordance with the criteria contained in the notice required by subdivision b, to one or more fast food employees who have accepted such shifts and are employed at the location where such shifts will be worked. A fast food employer shall distribute shifts to fast food employees employed at locations other than the location where such shifts will be worked in accordance with subdivision f. A fast food employer's system for the distribution of shifts shall not violate any federal, state or local law, including laws that prohibit discrimination.

e. A fast food employee's written acceptance of an offer of shifts constitutes written consent to the addition of shifts if such consent is required by subdivision d of section 20-1221, but does not constitute a written request for a change in schedule as described in paragraph 2 of subdivision c of section 20-1222. A fast food employer shall pay a schedule change premium to fast food employees who accept additional shifts offered pursuant to this section when required by section 20-1222.

f. If no fast food employee who is employed at the location where offered shifts will be worked accepts such shifts within three consecutive calendar days of the offer, or, in the case of shifts that are offered with less than three days' notice to a fast food employee before the start of such shifts, no less than 24 hours before the start of such shifts unless such 24 hour period is impracticable under the circumstances, the fast food employer may distribute such shifts to fast food employees from other locations who accept such shifts or may hire or contract for such new fast food employees as are necessary to perform the work described in, and in accordance with the criteria contained in, the notice posted pursuant to subdivision b; provided, however, that the fast food employer shall distribute such shifts to fast food employees from other locations who have accepted such shifts before such employer proceeds to hire or contract for new fast food employees for such shifts. In the case of shifts that are offered with less than 24 hours' notice to a fast food employee, the fast food employer shall wait as long as practicable under the circumstances before distributing such shifts to fast food employees from other locations or hiring or contracting for new fast food employees.

g. 1. If in accordance with subdivision b a fast food employer provides notice of additional shifts to all of its fast food employees and receives written confirmation from all fast food employees employed at the location where such hours will be worked before the expiration of the period for their acceptance pursuant to subdivision f that those fast food employees do not accept the shifts offered, or if some such fast food employees have accepted some but not all of the offered shifts and the fast food employer receives written confirmation from all other fast food employees employed at such location before the expiration of the period for their acceptance pursuant to subdivision f that they do not accept the shifts offered, such fast food employer may immediately distribute such shifts to fast food employees from other locations who accept such shifts in accordance with the criteria set forth in the notice posted pursuant to subdivision b.

2. If in accordance with subdivision b a fast food employer provides notice of additional shifts to all of its fast food employees employed at all locations owned by the fast food employer or at a subset of such fast food establishments as provided in rules promulgated pursuant to subdivision j, and receives written confirmation from all such fast food employees before the expiration of the period for their acceptance pursuant to subdivision f that they do not accept the shifts offered, or if some such fast food employees have accepted some but not all of the offered shifts and the fast food employer receives written confirmation from all other fast food employees employed at all locations owned by that fast food employer or at a subset of such fast food establishments as provided in rules promulgated pursuant to subdivision j before the expiration of the period for their acceptance pursuant to subdivision f that they do not accept the shifts offered, the fast food employer may immediately proceed with hiring or contracting for new fast food employees to perform the work described in, and in accordance with the criteria set forth in, the notice posted pursuant to subdivision b.

h. A fast food employer is encouraged to make reasonable efforts to offer fast food employees training opportunities to gain the skills and experience to perform work for which such employer regularly has additional needs.

i. This subchapter shall not be construed to require any fast food employer to offer, or prohibit any fast food employer from offering, any fast food employee any shift or hours that must be paid:

1. At a rate not less than one and one-half times the fast food employee's regular rate of pay under subsection (a) of section 207 of title 29 of the United States code; or

2. *At a rate governed by the overtime requirements of the labor law or the overtime requirements of any minimum wage order promulgated by the New York commissioner of labor pursuant to labor law article 19 or 19-A.*

*j. The director may promulgate rules regarding how and to which fast food employees offers of shifts pursuant to subdivision g shall be made by fast food employers that own at least 50 fast food establishments in the city based on the geographic distribution of such establishments.*

§ 2. This local law takes effect on the later of 180 days after it becomes law or the date that a local law amending the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in introduction number 1396-A for the year 2016, takes effect, except that the director of the office of labor standards shall take such measures as are necessary for the implementation of this local law, including promulgating rules and conducting outreach and education, before such date.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES; Committee on Civil Service and Labor, May 22, 2017. *Other Council Members Attending: Council Member Lander.*

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

Report for Int. No. 1396-A

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide a schedule change premium when hours are changed after required notices.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4088), respectfully

## **REPORTS:**

### **I. INTRODUCTION**

On May 22, 2017, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller will vote on Proposed Int. No. 1396-A, a Local Law to amend the administrative code of the city of New York, in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide a schedule change premium when hours are changed after required notices. The committee held a first hearing on the original version of the bill on March 3, 2017, and heard testimony from, among others, representatives from the New York City Department of Consumer Affairs, the Partnership for New York, 32BJ SEIU, the Food Industry Alliance, worker rights advocates and restaurant employees. Amendments were made in light of the testimony revised and issues raised.

## II. BACKGROUND

Nationwide, approximately 10 percent of the workforce must cope with irregular and on-call shifts, and 7 percent of the workforce works split or rotating shifts.<sup>1</sup> This means that about 17 percent of the workforce is subjected to an unstable work shift schedule, with the lowest income workers (especially part-time hourly workers) facing the most unstable work schedules.<sup>2</sup> An unstable work shift schedule has been linked to significantly greater work-family conflict (compared to those who work regular hours), and adverse effects on and physical health and cognition.<sup>3</sup> Workers with long-term unstable schedules show “decreases in their ability to reason, think and recall information.”<sup>4</sup> Having an unstable schedule makes it difficult to apply for social benefits because for some programs, eligibility is based on a minimum number of hours of work or having income below a threshold level.<sup>5</sup> These programs often require frequent recertification of eligibility.<sup>6</sup> Unstable schedules may be characterized by intermittent spikes in income and the number of hours worked, which are then offset with frequent lulls. During a particularly busy pay period, a worker may appear to be ineligible for certain social benefits when in fact he or she may be struggling financially.

This legislation was introduced to address the concerns of fast food workers, who are an especially vulnerable group compared to workers in other industries. Nationally, half of families of front-line fast food workers access public programs, compared to a quarter of the workforce overall.<sup>7</sup> In addition, approximately 87 percent of fast food workers lack health benefits, compared with 40 percent of the working population.<sup>8</sup> Twenty percent of fast food workers’ families are below the poverty line.<sup>9</sup> In New York, 50 percent of families of fast food workers are estimated to receive earned income tax credit, and 25 percent of families of fast food workers are estimated to participate in SNAP.<sup>10</sup> Having more a stable schedule would allow fast food workers to pursue educational opportunities and other employment opportunities (i.e., an additional job), and plan for childcare arrangements. All would contribute to a better quality of life for fast food workers.

## III. SIGNIFICANT AMENDMENTS

Proposed Int. No. 1396-A makes the following amendments to the earlier version of the bill. Substantive changes include the following:

- General provisions, subchapter 1 of chapter 12
  - Removed charter amendments.
  - Removed an applicability provision.
  - Amended the penalties and remedies provisions:
    - Consolidated and restructured provisions that set forth the administrative remedies payable to employees or former employees for readability.
    - Allows back pay for any loss of benefits for instances of retaliation in violation of section 20-1204, in addition to back pay for any loss of pay.

<sup>1</sup> Lonnie Golden, *Irregular Work Scheduling and Its Consequences*, ECONOMIC POLICY INSTITUTE (Apr. 9, 2015), <http://www.epi.org/publication/irregular-work-scheduling-and-its-consequences/>.

<sup>2</sup> *Id.*

<sup>3</sup> Gillian B. White, *The Very Real Hardship of Unpredictable Work Schedules*, THE ATLANTIC, (Apr. 15, 2015), <http://www.theatlantic.com/business/archive/2015/04/the-very-real-hardship-of-unpredictable-work-schedules/390498/>

<sup>4</sup> *Id.*

<sup>5</sup> Elaine McCrate, *Unstable Scheduling, Precarious Employment, and Gender – A Working Paper of the EINet Measurement Group*, UNIVERSITY OF CHICAGO SCHOOL OF SOCIAL SERVICE ADMINISTRATION (May 2016), [https://ssascholars.uchicago.edu/sites/default/files/einet/files/elaine\\_mccrate\\_.pdf](https://ssascholars.uchicago.edu/sites/default/files/einet/files/elaine_mccrate_.pdf) at 12

<sup>6</sup> *Id.*

<sup>7</sup> Michelle Chen, *Five myths about fast-food work*, THE WASHINGTON POST (Apr. 10, 2015), [https://www.washingtonpost.com/opinions/five-myths-about-fast-food-work/2015/04/10/a62e9ab8-dee0-11e4-a500-1c5bb1d8ff6a\\_story.html?utm\\_term=.f475525bd6af](https://www.washingtonpost.com/opinions/five-myths-about-fast-food-work/2015/04/10/a62e9ab8-dee0-11e4-a500-1c5bb1d8ff6a_story.html?utm_term=.f475525bd6af)

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

<sup>9</sup> *Id.*

<sup>10</sup> Sylvia Allegretto et al., *Fast Food, Poverty Wages – The Public Cost of Low-Wage Jobs in the Fast-Food Industry*, UC BERKELEY LABOR CENTER (October 15, 2013) [http://laborcenter.berkeley.edu/pdf/2013/fast\\_food\\_poverty\\_wages.pdf](http://laborcenter.berkeley.edu/pdf/2013/fast_food_poverty_wages.pdf)

- Authorized the Office of Labor Standards to grant \$500 to employees for each violation of section 20-1231, which bans the practice of “clopenings.”
    - Renumbered subchapter 6 as subchapter 5, deleted remedies for former subchapter 6.
    - Narrowed the availability of private cause of action to violations of certain provisions of subchapters 2 through 5.
    - Made civil penalties payable to the city uniform across the whole chapter, and provides that the penalty for an employer’s first violation is \$500, not “up to \$500.”
    - Removed monetary penalties for failures to post notice of rights and to maintain proper records.
- Advanced scheduling provisions, subchapter 2 of chapter 12
  - § 20-1221(b)
    - Deletes the requirement that at least 51 percent of the employee’s shifts in the written schedule be regular shifts (as opposed to on-call shifts).
  - § 20-1221(c)
    - Allows a fast food employee to request a copy of the schedule in writing for any previous week worked for the past three years (previously, there was no time limit).
  - § 20-1222(a)
    - Makes changes to premium pay amounts:
      - Reduces from \$15 to \$10 the premium pay for adding shifts or changing the start or end time with less than 14 days’ notice but at least 7 days’ notice to the employee.
      - Reduces from \$45 to \$20 the premium pay for when hours are subtracted or canceled from a regular or on-call shift with less than 14 days’ notice but at least 7 days’ notice to the employee.
    - Allows for premium pay of \$15 when hours or shifts are added or the date or start or end of a regular or on-call shift is changed with no loss of hours with less than 7 days’ notice to the employee.
      - Previously, there was no separate category for changes made 7 days to 24 hours before the start of the shift.
    - Allows for \$20 in premium pay when hours are subtracted from a regular or on-call shift with less than 14 days’ notice but at least 7 days’ notice to the employee.
      - Previously, there was no separate category clarifying premium payments for this time interval.
    - Allows for \$75 in premium pay when a regular or on-call shift is cancelled with less than 24 hours’ notice to the employee.
  - § 20-1222(c):
    - Adds that a fast food employer does not need to provide premium payments when the employer’s operation cannot begin or continue due to severe weather conditions that pose a threat to employee safety, although where a fast food employer adds shifts to an employee’s schedule to cover for or replace another employee who cannot safely travel to work, the covering employee is paid premium pay according to the schedule.
    - Adds language clarifying that a fast food employer does not need to provide premium payments when two employees voluntarily trade shifts. Previously, the proposed law did not specify that the trade had to be voluntary.

#### IV. BILL SUMMARY

Proposed Int. No. 1396-A contains the general provisions that would apply to the new chapter 12 of the Administrative Code titled “Fair Work Practices.” The definitions generally apply to terms contained in bills, except where otherwise indicated by the bills, including Proposed Int. No. 1384-A - A Local Law to amend the administrative code of the city of New York in relation to providing fast food employees the ability to make voluntary contributions to not-for-profit organizations of their choice through payroll deductions,<sup>11</sup> Proposed Int. No. 1387-A - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for retail employees,<sup>12</sup> Proposed Int. No. 1388-A - A Local Law to amend the administrative code of the city of New York, in relation to banning consecutive work shifts in fast food restaurants involving both the closing and opening of the restaurant,<sup>13</sup> and Proposed Int. No. 1395-A - A Local Law to amend the administrative code of the city of New York, in relation to requiring fast food employers to offer work shifts to current employees before hiring additional employees.<sup>14</sup> Proposed Int. No. 1396-A would give greater stability and predictability to the schedules of fast food workers. Pursuant to this legislation, upon hiring an employee and before that employee receives his or her first work schedule, a fast food employer would be required to provide the employee with a good faith estimate of the employee’s long-term schedule in writing. The bill would also require a fast food employer to provide an employee with a written work schedule (of at least one week’s duration, containing regular and on-call shifts) two weeks in advance of the first day of that schedule. The written schedule would be required to be posted in a conspicuous place in the work place that is readily accessible to all employees, and electronically transmitted (if that is the usual means by which schedule changes are communicated).

Fast food employers would be required to update the written schedule within 24 hours of any change and make the revised written schedule available to the employee. Upon request by an employee, a fast food employer would be required to provide the employee with a copy of previous work schedules (within the last three years) and the most current version of all fast food employee work schedules at that location. An employee could refuse to work additional hours that are not included in the initial written work schedule or could consent to work such hours in writing before the start of the shift. Before scheduling additional hours not included in the initial written work schedule, the employer would be required to notify the employee of the changes.

The bill would also require that fast food employers pay schedule change premiums to employees when changing the work schedule with less than 14 days’ notice. The amount of the premium would depend on the amount of advance notice given to the employee. For a schedule change with less than 14 days’ notice but at least 7 days’ to the employee, the premium would be set at \$10 for each shift to which additional hours are added pursuant to subdivision c of section 20-1222, or for which the date or start or end time of a shift is changed with no loss of hours. With less than 14 days’ notice but with at least 7 days’ notice to the employee, the premium pay would be \$15 for each change to the work schedule in which additional hours or shifts are added or the date or start or end time of a regular or on-call shift is changed with no loss of hours. With less than 7 days’ notice but at least 24 hours’ notice to the employee, the premium pay would be \$45 for each instance in which hours are subtracted from a shift or a shift is cancelled (regular or on-call). With less than 24 hours’ notice to the employee, an employer would pay \$75 to an employee for each instance in which hours are subtracted from a shift or a shift is cancelled (regular or on-call). A fast food employer would not have to pay schedule change premiums where the employer’s operations cannot begin or continue due to threats to the employees or the employer’s property; the failure of public utilities, including a power failure, or the shutdown of public transportation; a fire, flood or other natural disaster; a state of emergency declared by the president of the United States, governor of the state of New York, or the Mayor; or severe weather conditions that pose a threat to employee safety (although where a fast food employer adds shifts to an employee’s schedule to cover

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<sup>11</sup> [Proposed Int 1384-A - A Local Law to amend the administrative code of the city of New York in relation to providing fast food employees the ability to make voluntary contributions to not-for-profit organizations of their choice through payroll deductions](#)

<sup>12</sup> [Proposed Int 1387-A - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for retail employees](#)

<sup>13</sup> [Proposed Int 1388-A A Local Law to amend the administrative code of the city of New York, in relation to banning consecutive work shifts in fast food restaurants involving both the closing and opening of the restaurant](#)

<sup>14</sup> [Proposed Int 1395-A - A Local Law to amend the administrative code of the city of New York, in relation to requiring fast food employers to offer work shifts to current employees before hiring additional employees](#)

for or replace another employee who cannot safely travel to work, replacing or covering employee will receive premium pay). An employer will also not have to pay a schedule change premium where the employee requested in writing a change in schedule or traded shifts with another employee or the employer is required to pay the employee overtime pay for a changed shift. Proposed Int. No. 1396-A would also renumber, without substantive change, provisions on shipboard gambling in bill section 4 in order to free up section numbers in title 20 of the Administrative Code for new provisions to be administered by the Department of Consumer Affairs (“DCA”).

Section 20-1201 provides the general definitions that would apply throughout the proposed chapter 12 of title 20 of the Administrative Code unless otherwise specified:

“Chain” would mean a set of establishments that share a common brand or that are characterized by standardized options for decor, marketing, packaging, products and services.

The term “director” would mean the director of the office of labor standards established pursuant to section 20-a of the charter.

“Employee” would include any person covered by the definition of “employee” set forth in subdivision 5 of section 651 of the labor law or any person covered by the definition of “employee” set forth in subsection (e) of section 203 of title 29 of the United States code, and who is employed within the city and who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law. Notwithstanding any other provision of this section, the term “employee” does not include any person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

“Employer” would include any person or entity covered by the definition of “employer” set forth in subdivision 6 of section 651 of the labor law or any person or entity covered by the definition of “employer” set forth in subsection (d) of section 203 of title 29 of the United States code. Notwithstanding any other provision of this section, the term “employer” does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

“Fast food employee” would mean any person employed or permitted to work at or for a fast food establishment by any employer that is located within the city where such job duties include at least one of the following: customer service, cooking, food or drink preparation, delivery, security, stocking supplies or equipment, cleaning or routine maintenance. The term “fast food employee” does not include any employee who is salaried.

“Fast food employer” would mean any employer that employs a fast food employee at a fast food establishment.

“Fast food establishment” would mean any establishment (i) that has as its primary purpose serving food or drink items; (ii) where patrons order or select items and pay before eating and such items may be consumed on the premises, taken out or delivered to the customer’s location; (iii) that offers limited service; (iv) that is part of a chain; and (v) that is one of 30 or more establishments nationally, including (A) an integrated enterprise that owns or operates 30 or more such establishments in the aggregate nationally or (B) an establishment operated pursuant to a franchise where the franchisor and the franchisees of such franchisor own or operate 30 or more such establishments in the aggregate nationally. The term “fast food establishment” includes such establishments located within non-fast food establishments.

“Franchise” would have the same definition as set forth in section 681 of the general business law.

“Franchisee” would mean a person or entity to whom a franchise is granted.

“Franchisor” would mean a person or entity who grants a franchise to another person or entity.

“Integrated enterprise” would mean two or more entities sufficiently integrated so as to be considered a single employer as determined by application of the following factors: (i) degree of interrelation between the



operations of multiple entities; (ii) degree to which the entities share common management; (iii) centralized control of labor relations; and (iv) degree of common ownership or financial control.

The term “office” would mean the office of labor standards established pursuant to section 20-a of the charter.

The term “on-call shift” would mean any time period other than an employee’s regular shift when the employer requires the employee to be available to work, regardless of whether the employee actually works and regardless of whether the employer requires the employee to report to a work location.

The term “regular shift” would mean a span of consecutive hours starting when an employer requires an employee to report to a work location and ending when such employee is free to leave a work location. Breaks totaling two hours or less are not an interruption of consecutive hours, provided that such breaks do not include time when the employee’s work location is closed. “Regular shift” does not include the hours worked by an employee who is called into work while on an on-call shift.

The term “retail employer” would mean any employer that employs a retail employee at a retail business. The term “retail business” means any entity with 20 or more employees that is engaged primarily in the sale of consumer goods at one or more stores within the city. For the purposes of this definition, “consumer goods” means products that are primarily for personal, household, or family purposes, including but not limited to appliances, clothing, electronics, groceries, and household items. In determining the number of employees performing work for a retail business for compensation, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

“Retail employee” would mean any employee who is employed by a retail employer.

“Schedule change premium” would mean money that an employer pays to an employee as compensation for changes the employer makes to the employee’s work schedule, including: canceling, shortening or moving to another date and time shifts, including on-call shifts; adding additional hours to shifts already scheduled; adding previously unscheduled shifts to the work schedule; and not requiring employees to report to work during on-call shifts. Such payment is not wages earned for work performed by that employee but rather is in addition to wages.

“Work schedule” would mean the regular shifts and on-call shifts that an employer assigns to an employee and includes the dates, times and locations where an employer requires an employee to work.

Section 20-1202 would require the Director of the Office of Labor Standards to conduct outreach and education regarding this chapter to employers, employees, and members of the public who are likely to be affected.

Section 20-1203 would require the Director to report on the City’s website regarding the effectiveness of its enforcement activities under this chapter. The report would not reveal identifying information about any non-public matter or complaint. The report would contain:

1. The number and nature of the complaints received pursuant to this chapter;
2. The results of investigations undertaken, including the number of complaints not substantiated and the number of notices of violations issued;
3. The number and nature of administrative adjudications pursuant to this chapter;
4. The number of complaints resolved through mediation or conciliation, if any; and
5. The average time for a complaint to be resolved.

The report would also be required to provide information on civil actions commenced by corporation counsel against employers involving violations under this chapter.

Subdivision a of section 20-1204 would make it unlawful for an employer, employer's agent, officer or agent of any corporation, partnership, or limited liability company or any other person to take any adverse action against an employee for exercising or attempting to exercise any right guaranteed under this chapter. Taking an adverse action includes threatening, intimidating, disciplining, discharging, demoting, suspending or harassing an employee, reducing the hours or pay of an employee, informing another employer that an employee has engaged in activities protected by this chapter, and discriminating against the employee, including actions related to perceived immigration status or work authorization. An employee need not explicitly refer to this chapter or the rights enumerated herein to be protected from retaliation.

Subdivision a of section 12-1205 would require that the director publish and make available for employers to post in the workplace or at any job site notices informing employees of their rights guaranteed under each subchapter. Such notices would be available in a downloadable format on the City's website in accordance with the requirements for language access as described in chapter 11 of title 23. The director would be required to update such notices if any changes are made to the requirements of this chapter or as otherwise deemed appropriate by the director.

Subdivision b of section 20-1205 would require every employer to conspicuously post at any workplace or job site where any employee works the notices described in subdivision a of this section that are applicable to the particular workplace or job, in accordance with the rules of the office. Such notices would be in English and any language spoken as a primary language by at least five percent of employees at that location if the director has made the notice available in that language.

Subdivision a of section 20-1206 would require employers to retain records documenting their compliance with applicable requirements of this chapter for three years, and would require the employer to allow the office to access the records and other information with appropriate notice in furtherance of an investigation pursuant to this chapter.

Subdivision b of section 20-1206 would state that when an employer fails to maintain, retain or produce a record or other information required to be maintained by this chapter and that record or information is requested by the office in furtherance of an investigation conducted pursuant to this chapter is relevant to a material fact alleged by the office in a notice of violation issued pursuant to this subchapter, the failure to produce the information or record would create a rebuttable presumption that such fact is true.

Subdivision a of section 20-1207 would require the director of the office of labor standards to enforce the provisions of this chapter.

Subdivision b of section 20-1207 would describe the complaint procedure:

1. Any person, including any organization, alleging a violation of this chapter may file a complaint with the office within two years of the date the person knew or should have known of the alleged violation.
2. Upon receiving a complaint alleging a violation of this chapter, the office would investigate such complaint.
3. The office would be able to open an investigation on its own initiative.
4. The person or entity under investigation would be required to provide the office with information or evidence that the office requests pursuant to the investigation. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the office believed that a violation of this chapter had occurred, the office could attempt to resolve it through any action authorized by section 20-a of the Charter. Adjudicatory powers pursuant to this subchapter could be exercised by the director or by the office of administrative trials and hearings pursuant to section 20-a of the charter.
5. The office would be required to maintain confidentiality of the identity of any complainant unless disclosure is necessary for resolution of the investigation or otherwise required by the law. The office would, to the extent practicable, notify such complainant that the office will be disclosing his or her identity before such disclosure.

Subdivision a of section 20-1208 would allow the office to grant the following relief to employees or former employees:

1. All compensatory damages and other relief required to make the employee or former employee whole;
2. An order directing compliance with the notice and posting of rights and recordkeeping requirements set forth in sections 20-1205 and 20-1206; and
3. For each violation of section 20-1204, rescission of any discipline issued, reinstatement of any employee terminated and payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204; \$500 for each violation not involving termination of an employee; and \$2,500 for each violation involving termination of an employee;
4. For each violation of section 20-1221, \$200 and an order directing compliance with section 20-1221;
5. For each violation of section 20-1222, payment of schedule change premiums withheld in violation of section 20-1222 and \$300;
6. For each violation of section 20-1231, payment as required under section 20-1231, \$500 and an order directing compliance with section 20-1231;
7. For each violation of section 20-1241, \$300 and an order directing compliance with section 20-1241;
8. For each violation of subdivision a of section 20-1251, the greater of \$500 or such employee's actual damages; and
9. For each violation of subdivisions a and b of section 20-1252, \$300.

Subdivision b of section 1208 would provide that the relief authorized by this section shall be imposed on a per employee and per instance basis for each violation.

Section 20-1209 describes the civil penalties that would be payable to the city for each violation of this chapter. Specifically, an employer is liable for a penalty of \$500 for the first violation and, for subsequent violations that occur within two years of any previous violation, up to \$750 for the second violation and up to \$1,000 for each succeeding violation. Such penalties would be imposed on a per employee and per instance basis for each violation.

Section 20-1210 describes additional enforcement action that the corporation counsel would be able take under this chapter. The corporation counsel or a designee could initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1207 to 20-1209, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter or such other relief as may be appropriate.

Subdivision a of section 20-1211 would allow any person, including any organization, to bring a private cause of action for a violation of the following provisions of this chapter:

1. Section 20-1204;
2. Section 20-1221;
3. Subdivisions a and b of section 20-1222;
4. Section 20-1231;
5. Subdivisions a, b, d, f and g of section 20-1241;
6. Section 20-1251; and
7. Subdivisions a and b of section 20-1252.

Subdivision b of section 20-1211 lists the remedies that a court would have the authority to award for the violations of this chapter, including:

1. Payment of schedule change premiums withheld in violation of section 20-1222;
2. An order directing compliance with the recordkeeping, information, posting and consent requirements set forth in sections 20-1205, 20-1206 and 20-1221;
3. Rescission of any discipline issued in violation of section 20-1204;
4. Reinstatement of any employee terminated in violation of section 20-1204;
5. Payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;
6. Other compensatory damages and any other relief required to make the employee whole; and
7. Reasonable attorney's fees.

Subdivision c of section 20-1211 provides that a private cause of action under this section must be commenced within two years of the date the person knew or should have known of the alleged violation.

Subdivision d of section 20-1211 would also require that any person filing a private action simultaneously serve notice of the action and a copy of the complaint upon the office. Failure to so serve a notice upon the office would not adversely affect any plaintiff's cause of action. An employee would not need to file a complaint with the office before bringing a civil action; however, no person should file a civil action after filing a complaint with the office unless such complaint has been withdrawn or dismissed without prejudice to further action. No person should file a complaint with the office after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action. The commencement or pendency of a civil action by an employee would not preclude the office from investigating the employer, or commencing, prosecuting or settling a case against the employer based on some or all of the same violations.

Subdivision a of section 20-1212 would allow the corporation counsel to commence a civil action on behalf of the city in a court of competent jurisdiction where reasonable cause exists to believe that an employer is engaged in a pattern or practice of violations of this chapter. Such an action should be commenced by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, civil penalties and any other appropriate relief. Nothing in this section would prohibit:

(a) the office from exercising its powers outlined in section 20-1207 to 20-1209, unless otherwise barred from doing so.

(b) A person alleging a violation of this subchapter from filing a civil action pursuant to section 20-1207 or a civil action pursuant to section 20-1211 based on the based on the same facts as a civil action commenced by the corporation counsel pursuant to this section. Subdivision b o section 20-1212 would permit the corporation counsel to initiate and investigation in order to ascertain facts that may be necessary for the commencement of a civil action pursuant to subdivision a of this section. The corporation counsel will have the power to issue subpoenas in order to compel the attendance of witnesses, the production of documents, and to administer oaths and to exam people as is necessary. Additionally, section 20-1212 states that for any civil action commenced pursuant to subdivision a of section 20-1212, the trier of fact can impose a civil penalty of not more than \$15,000 for a finding that an employer has engaged in a pattern or practice of violations of this subchapter. Any civil penalty so recovered would be paid into the general fund of the city.

Subdivision a of section 20-1221 would require a fast food employer to provide to an employee upon hiring and before the employee receives the first work schedule a good faith estimate in writing setting forth the number of hours, days, times and expected work locations at which the employee is expected to work. If a long-term or indefinite change is made to the good faith estimate provided pursuant to this paragraph, the fast food employer would have to provide an updated good faith estimate to the affected employee as soon as possible and before the employee receives the first work schedule.

Subdivision b of section 20-1221 would require a fast food employer to provide an employee with a written work schedule containing regular and on-call shifts no later than 14 days before the first day of any new schedule. Such work schedule would be required to span a period of no less than seven days.

Subdivision c of section 20-1221 would require a fast food employer to provide fast food employees with notice of the work schedule for each period of no less than seven days at least 14 days in advance by (i) posting the schedule 14 days before the first day of the schedule in a conspicuous place at the workplace that is readily accessible and visible to all employees and (ii) transmitting the work schedule by electronic means, if such means are regularly used to communicate scheduling information (the office will be able to promulgate rules regarding privacy and safety of employees with regard to posting the schedule);

2. Update such schedule within 24 hours of any change and provide the revised written schedule to the employee and re-post the schedule.

3. Upon request by any fast food employee, provide the employee with such employee's work schedule in writing for any previous week worked (within the past three years) and the most current version of all such employee's work schedules at that location, whether or not changes to the work schedule have been posted.

Subdivision d of section 20-1221 would permit a fast food employee to decline to work additional hours not included in the initial written work schedule. When a fast food employee consents to work such hours, consent would have to be recorded in writing, which could be transmitted electronically at or before the start of the shift.

Subdivision a of section 20-1222 describes the schedule change premiums that a fast food employer would have to provide a fast food employee, with different amounts (depending on the notice to the employee) per shift for each previously scheduled regular or on-call shift established pursuant to the written work schedule required by this subchapter that the employer changes or cancels in the employee's work schedule, in addition to the employee's regular pay for shifts actually worked by the employee:

1. With less than 14 days' notice but at least 7 days' notice to the employee, an employer would owe \$10 for each shift to which additional hours are added pursuant to subdivision c of section 20-1222, or for which the date or start or end time of a shift is changed with no loss of hours;
2. With less than 14 days' notice but at least 7 days' notice to the employee, \$20 for each change to the work schedule in which hours are subtracted from a regular or on-call shift or a regular or on call shift is cancelled;
3. With at least 7 days' notice to the employee, \$15 for each change to the work schedule in which additional hours or shifts are added pursuant to subdivision d of section 20-1221 or the date or start or end time of a regular or on-call shift is changed with no loss of hours.
4. With less than 7 days' notice but at least 24 hours' notice to the employee, an employer would owe \$45 for each instance in which hours are subtracted from a shift or a shift is cancelled; and
5. With less than 24 hours' notice to the employee, an employer would owe \$75 for each instance in which hours are subtracted from a shift or a shift is cancelled (regular or on-call).

Subdivision b of section 20-1221 would require that a fast food employer pay the non-wage schedule change premiums required under this chapter at such time as the employer pays an employee wages owed for work performed during that work week. Schedule change premium pay would be separately noted on a wage stub provided to the employee for that pay period.

Subdivision c of section 20-1221 would not require a fast food employer to provide a fast food employee with the amounts set forth in such subdivisions (notwithstanding subdivisions a and b of this section) in the event that:

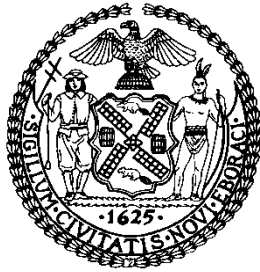
1. The employer's operations cannot begin or continue due to:
  - (a) Threats to the employees or the employer's property;
  - (b) The failure of public utilities, including a power failure, or the shutdown of public transportation;
  - (c) A fire, flood or other natural disaster;
  - (d) A state of emergency declared by the president of the United States, governor of the state of New York, or mayor of the city;
  - (e) Severe weather conditions that pose a threat to employee safety, although where a fast food employer adds shifts to an employee's schedule to cover for or replace another employee who cannot safely travel to work, the replacing or covering employee will receive premium pay;
2. The employee requested in writing a change in schedule;
3. Two employees voluntarily traded shifts with each other, pursuant to existing employer policy ; or
3. The employer is required to pay the employee overtime pay for a changed shift.

Section 4 of the bill would renumber, without substantive change, the shipboard gambling provisions (sections 20-950 to 20-966) of the Administrative Code in order to make room for new provisions to be administered by DCA.

Section 5 of the bill is the enactment clause. The clause would provide that this local law take effect 180 days after it becomes law, except that the director of the office of labor standards shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date. Subchapter 5 of chapter 12 of title 20 of the code, as added by a local law amending the administrative code of

the city of New York, in relation to prohibiting on-call scheduling for retail employees and providing advance notice of work schedules to retail employees, as proposed in introduction number 1387-A for the year 2016, would apply to collective bargaining agreements in effect on such effective date on the stated date of expiration of such agreement.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1396-A:)**



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

**PROPOSED INTRO. NO: 1396-A  
COMMITTEE: Civil Service and Labor**

**TITLE:** A local law to amend the administrative code in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide a schedule change premium when hours are changed after required notices.

**SPONSOR(S):** Council Members Lander, Johnson, Cohen, Rose, Kallos, Rodriguez, Richards, Ferreras-Copeland, Torres, Reynoso, Rosenthal, Constantinides, Levin, Levine, Salamanca, Van Bramer, Koslowitz, Lancman, Menchaca, Chin, Crowley, Cabrera, Espinal, Eugene, Maisel, Miller, Williams, Cumbo, Dromm, Cornegy, Barron, Gibson, Palma, Treyger, King, Perkins, Vacca and the Public Advocate (Ms. James)

**SUMMARY OF LEGISLATION:** This legislation would create a new “fair work practices” chapter of the Administrative Code with two subchapters. The first subchapter establishes general provisions governing fair work practices, while the second subchapter would require advance scheduling and schedule change premiums for workers employed at chain fast food establishments (more than 30 establishments nationally). Regarding advance scheduling, employers would be required to give employees a good faith estimate of what their schedule will look like. Fast food employees must get a written work schedule no later than 14 days before the first day of that schedule. The work schedule must span at least 7 days, be posted at the workplace and via electronic means (if possible), and must be updated within 24 hours of any change. A fast food employee may decline to work or be available to work additional hours not included in the initial written work schedule. If the employee does consent to work or be available to work, their signature must be obtained at or before the start of the shift (electronic transmission acceptable).

Fast food employers must provide the following schedule change premium – money that an employer pays to an employee as compensation for changes the employer makes to the employee’s work schedule – to fast food employees:

- With less than 14 days’ notice but at least 7 days’ notice - \$10 for each change to the work schedule in which additional hours or shifts are added; or the date or start or end time of a regular or on call shift is changed with no loss of hours.
- With less than 14 days’ notice but at least 7 days’ notice - \$20 for each change to the work schedule in which hours are subtracted from a regular or on call shift, or a regular or on call shift is cancelled.
- With less than 7 days’ notice - \$15 for each change to the work schedule in which hours or shifts are added; or the date or start or end time of a regular or on call shift is changed with no loss of hours.

- With less than 7 days' but at least 24 hours' notice - \$45 for each change to the work schedule in which hours are subtracted from a regular or on call shift, or a regular or on call shift is cancelled.
  - With less than 24 hours' notice - \$75 for each change to the work schedule in which hours are subtracted from a regular or on call shift, or a regular or on call shift is cancelled.
- Such payments shall not be considered wages earned for work performed by that employee but rather in addition to wages – paid at such time as the employer pays an employee wages owed for work performed during that work week. These premiums must also be separately noted on a wage stub or other form of written documentation and provided to the employee for that pay period.
  - A fast food employer is exempt from paying the amounts above if the employer's operations cannot continue (for example, due to a fire), the employee requested in writing a change in schedule, two employees voluntarily traded shifts with one another, or the employer is required to pay the employee overtime pay for a changed shift.
  - Employers will be required to maintain records documenting their compliance with the requirements of this law for a period of three years. The Office of Labor Policy and Standards (OLPS) will be allowed access to such documentation in furtherance of an investigation. Any person or organization may file a complaint with OLPS within two years of the date the person knew or should have known of the alleged violation and OLPS shall then investigate the complaint.
  - Adjudicatory powers may be exercised by the director of OLPS or by the Office of Administrative Trials and Hearings (OATH). If it is determined that a violation has occurred, specific administrative remedies exist for employees and former employees. If employer retaliation has occurred, employees shall have any discipline issued rescinded; be reinstated if terminated; receive back pay for any loss of pay or benefits resulting from discipline; and be granted \$500 for each violation not involving termination and \$2,500 for each violation involving termination. If an employer is found in violation of the advanced scheduling section, each employee or former employee shall be paid \$200. If an employer is found in violation of the schedule change premium, each employee or former employee shall be paid \$300.
  - For each violation of this law, the employer shall also be liable for a civil penalty payable to the City of \$500 for the first violation and, for subsequent violations that occur within two years of any previous violation, up to \$750 for the second violation and up to \$1,000 for each succeeding violation. Additionally, \$100 shall be payable to the City and \$100 to the fast food employee if a fast food employer is found to be in violation of engaging in a practice of scheduling in which the median hours worked differs significantly from the good faith estimate over a minimum period of time as defined by the rules of the director of OLPS.

The Office of Labor Policy and Standards will be required to conduct outreach and education to employers, employees, and members of the public who are likely to be affected by the law. The director shall also be required to report annually on the City's website, on the effectiveness of its enforcement activities.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law, except that the director of OLPS shall take the necessary measures to promulgate rules. Further, in the case of employees covered by a valid collective bargaining agreement in effect on such date, any reference in this law to a separate law (1387-A) in relation to prohibiting on call scheduling for retail employees and providing advance notice of work schedules to retail employees, shall take effect on the stated date of expiration of such agreement.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$915,022	\$578,620	\$578,620
<b>Net</b>	(\$915,022)	(\$578,620)	(\$578,620)

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

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation will cost \$915,022 in Fiscal 2018 and \$578,620 in successive fiscal years, largely the result of personal service (PS) costs. Total PS costs will total roughly \$375,000 in Fiscal 2018 and \$568,000 annually thereafter – representing the salary and fringe benefits of the following hires which will need to be made at the Office of Labor Policy and Standards: community support associate (1), investigator (1), agency attorney (1), compliance coordinator (2), and policy coordinator (1). Other than personal service (OTPS) expenses for a public awareness campaign, computers, office space, and other supplies are expected to cost \$540,193 in Fiscal 2018 and \$10,698 per year after that. The high cost in Fiscal 2018 for OTPS is almost entirely due to the public awareness campaign – provided to employers, employees, and members of the public, and is estimated to cost \$500,000.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Kendall Stephenson, Economist, Finance Division

**ESTIMATE REVIEWED BY:** Paul Sturm, Supervising Economist, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 1396 on December 6, 2016 and referred to the Committee on Civil Service and Labor. On March 3, 2017 the Committee held a hearing on Intro. No. 1396 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1396-A will be considered by the Committee on Civil Service and Labor at a hearing on May 22, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1396-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 18, 2017.

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

**(The following is the text of Int. No. 1396-A:)**

Int. No. 1396-A

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



**A Local Law to amend the administrative code of the city of New York, in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide a schedule change premium when hours are changed after required notices**

*Be it enacted by the Council as follows:*

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

*CHAPTER 11  
Reserved*

*CHAPTER 12  
FAIR WORK PRACTICES*

*Subchapter 1  
General Provisions*

§ 20-1201 *Definitions. As used in this chapter, except as otherwise specifically provided, the following terms have the following meanings:*

*Chain. The term “chain” means a set of establishments that share a common brand or that are characterized by standardized options for decor, marketing, packaging, products and services.*

*Director. The term “director” means the director of the office of labor standards established pursuant to section 20-a of the charter.*

*Employee. The term “employee” means any person covered by the definition of “employee” set forth in subdivision 5 of section 651 of the labor law or by the definition of “employee” set forth in subsection (e) of section 203 of title 29 of the United States code and who is employed within the city and who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law. Notwithstanding any other provision of this section, the term “employee” does not include any person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.*

*Employer. The term “employer” means any person or entity covered by the definition of “employer” set forth in subdivision 6 of section 651 of the labor law or any person or entity covered by the definition of “employer” set forth in subsection (d) of section 203 of title 29 of the United States code. Notwithstanding any other provision of this section, the term “employer” does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.*

*Fast food employee. The term “fast food employee” means any person employed or permitted to work at or for a fast food establishment by any employer that is located within the city where such person’s job duties include at least one of the following: customer service, cooking, food or drink preparation, delivery, security, stocking supplies or equipment, cleaning or routine maintenance. The term “fast food employee” does not include any employee who is salaried.*

*Fast food employer. The term “fast food employer” means any employer that employs a fast food employee at a fast food establishment.*

*Fast food establishment. The term “fast food establishment” means any establishment (i) that has as its primary purpose serving food or drink items; (ii) where patrons order or select items and pay before eating*

and such items may be consumed on the premises, taken out or delivered to the customer's location; (iii) that offers limited service; (iv) that is part of a chain; and (v) that is one of 30 or more establishments nationally, including (A) an integrated enterprise that owns or operates 30 or more such establishments in the aggregate nationally or (B) an establishment operated pursuant to a franchise where the franchisor and the franchisees of such franchisor own or operate 30 or more such establishments in the aggregate nationally. The term "fast food establishment" includes such establishments located within non-fast food establishments.

*Franchise.* The term "franchise" has the same definition as set forth in section 681 of the general business law.

*Franchisee.* The term "franchisee" means a person or entity to whom a franchise is granted.

*Franchisor.* The term "franchisor" means a person or entity who grants a franchise to another person or entity.

*Integrated enterprise.* The term "integrated enterprise" means two or more entities sufficiently integrated so as to be considered a single employer as determined by application of the following factors: (i) degree of interrelation between the operations of multiple entities; (ii) degree to which the entities share common management; (iii) centralized control of labor relations; and (iv) degree of common ownership or financial control.

*Office.* The term "office" means the office of labor standards established pursuant to section 20-a of the charter.

*On-call shift.* The term "on-call shift" means any time period other than an employee's regular shift when the employer requires the employee to be available to work, regardless of whether the employee actually works and regardless of whether the employer requires the employee to report to a work location.

*Regular shift.* The term "regular shift" means a span of consecutive hours starting when an employer requires an employee to report to a work location and ending when such employee is free to leave a work location. Breaks totaling two hours or less are not an interruption of consecutive hours, provided that such breaks do not include time when the employee's work location is closed. "Regular shift" does not include the hours worked by an employee who is called into work while on an on-call shift.

*Retail employer.* The term "retail employer" means any employer that employs a retail employee at a retail business. The term "retail business" means any entity with 20 or more employees that is engaged primarily in the sale of consumer goods at one or more stores within the city. For the purposes of this definition, "consumer goods" means products that are primarily for personal, household, or family purposes, including but not limited to appliances, clothing, electronics, groceries, and household items. In determining the number of employees performing work for a retail business for compensation, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

*Retail employee.* The term "retail employee" means any employee who is employed by a retail employer.

*Schedule change premium.* The term "schedule change premium" means money that an employer pays to an employee as compensation for changes the employer makes to the employee's work schedule, including: canceling, shortening or moving to another date and time shifts, including on-call shifts; adding additional hours to shifts already scheduled; adding previously unscheduled shifts to the work schedule; and not requiring employees to report to work during on-call shifts. Such payment is not wages earned for work performed by that employee but rather is in addition to wages.

*Work schedule.* The term "work schedule" means the regular shifts and on-call shifts that an employer assigns to an employee and includes the dates, times and locations where an employer requires an employee to work.

§ 20-1202 *Outreach and education.* The director shall conduct outreach and education about the provisions of this chapter. Such outreach and education shall be provided to employers, employees and members of the public who are likely to be affected by this law.

*§ 20-1203 Reporting. The director shall report annually on the city's website, without revealing identifying information about any non-public matter or complaint, on the effectiveness of its enforcement activities under this chapter. The report shall include the following information:*

- a. Administrative actions. 1. The number and nature of complaints received;*
  - 2. The results of investigations undertaken, including the number of complaints not substantiated and the number of notices of violations issued;*
  - 3. The number and nature of administrative adjudications;*
  - 4. The number of complaints resolved through mediation or conciliation, if any; and*
  - 5. The average time for a complaint to be resolved.*
- b. Civil actions. The number, nature, and outcomes of civil actions commenced by the corporation counsel against employers involving violations under this chapter.*

*§ 20-1204 Retaliation. a. No person shall take any adverse action against an employee that penalizes such employee for, or is reasonably likely to deter such employee from, exercising or attempting to exercise any right protected under this chapter. Taking an adverse action includes threatening, intimidating, disciplining, discharging, demoting, suspending or harassing an employee, reducing the hours or pay of an employee, informing another employer that an employee has engaged in activities protected by this chapter, and discriminating against the employee, including actions related to perceived immigration status or work authorization. An employee need not explicitly refer to this chapter or the rights enumerated herein to be protected from retaliation.*

*§ 20-1205 Notice and posting of rights. a. The director shall publish and make available notices for employers to post in the workplace or at any job site informing employees of their rights protected under each subchapter of this chapter before the effective date of the local law that added each corresponding subchapter. Such notices shall be made available in a downloadable format on the city's website in accordance with the requirements for language access as described in chapter 11 of title 23. The director shall update such notices if any changes are made to the requirements of this chapter or as otherwise deemed appropriate by the director.*

*b. In accordance with the rules of the office, every employer shall conspicuously post at any workplace or job site where any employee works the notices described in subdivision a of this section that are applicable to the particular workplace or job site. Such notices shall be in English and any language spoken as a primary language by at least five percent of employees at that location if the director has made the notice available in that language.*

*§ 20-1206 Recordkeeping a. Employers shall retain records documenting their compliance with the applicable requirements of this chapter for a period of three years and shall allow the office to access such records and other information, in accordance with applicable law and with appropriate notice, in furtherance of an investigation conducted pursuant to this chapter.*

*b. An employer's failure to maintain, retain or produce a record or other information required to be maintained by this chapter and requested by the office in furtherance of an investigation conducted pursuant to this chapter that is relevant to a material fact alleged by the office in a notice of violation issued pursuant to this subchapter creates a rebuttable presumption that such fact is true.*

*§ 20-1207 Administrative enforcement; jurisdiction and complaint procedures. a. Jurisdiction. The director shall enforce the provisions of this chapter.*

*b. Complaints and investigations. 1. Any person, including any organization, alleging a violation of this chapter may file a complaint with the office within two years of the date the person knew or should have known of the alleged violation.*

*2. Upon receiving such a complaint, the office shall investigate it.*

*3. The office may open an investigation on its own initiative.*

*4. A person or entity under investigation shall, in accordance with applicable law, provide the office with information or evidence that the office requests pursuant to the investigation. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the office believes that a violation of this chapter has occurred, the office may attempt to resolve it through any action authorized by section 20-a of the charter. Adjudicatory powers pursuant to this subchapter may be exercised by the director or by the office of administrative trials and hearings pursuant to section 20-a of the charter.*

5. The office shall keep the identity of any complainant confidential unless disclosure is necessary to resolve the investigation or is otherwise required by law. The office shall, to the extent practicable, notify such complainant that the office will be disclosing the complainant's identity before such disclosure.

§ 20-1208 Specific administrative remedies for employees or former employees. a. For violations of this chapter, the office may grant the following relief to employees or former employees:

1. All compensatory damages and other relief required to make the employee or former employee whole;
  2. An order directing compliance with the notice and posting of rights and recordkeeping requirements set forth in sections 20-1205 and 20-1206; and
  3. For each violation of:
    - (a) Section 20-1204,
      - (1) Rescission of any discipline issued, reinstatement of any employee terminated and payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;
      - (2) \$500 for each violation not involving termination; and
      - (3) \$2,500 for each violation involving termination;
    - (b) Section 20-1221, \$200 and an order directing compliance with section 20-1221;
    - (c) Section 20-1222, payment of schedule change premiums withheld in violation of section 20-1222 and \$300;
    - (d) Section 20-1231, payment as required under section 20-1231, \$500 and an order directing compliance with section 20-1231;
    - (e) Section 20-1241, \$300 and an order directing compliance with section 20-1241;
    - (f) Subdivision a of section 20-1251, the greater of \$500 or such employee's actual damages; and
    - (g) Subdivisions a and b of section 20-1252, \$300.
- b. The relief authorized by this section shall be imposed on a per employee and per instance basis for each violation.

§ 20-1209 Specific civil penalties payable to the city. a. For each violation of this chapter, an employer is liable for a penalty of \$500 for the first violation and, for subsequent violations that occur within two years of any previous violation of this chapter, up to \$750 for the second violation and up to \$1,000 for each succeeding violation.

b. The penalties imposed pursuant to this section shall be imposed on a per employee and per instance basis for each violation.

§ 20-1210 Enforcement by the corporation counsel. The corporation counsel or such other persons designated by the corporation counsel on behalf of the office may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1207 through 20-1209, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter or such other relief as may be appropriate.

§ 20-1211 Private cause of action a. Claims. Any person, including any organization, alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. Section 20-1204;
  2. Section 20-1221;
  3. Subdivisions a and b of section 20-1222;
  4. Section 20-1231;
  5. Subdivisions a, b, d, f and g of section 20-1241;
  6. Section 20-1251; and
  7. Subdivisions a and b of section 20-1252.
- b. Remedies. Such court may order compensatory, injunctive and declaratory relief, including the following remedies for violations of this chapter:
1. Payment of schedule change premiums withheld in violation of section 20-1222;
  2. An order directing compliance with the recordkeeping, information, posting and consent requirements set forth in sections 20-1205, 20-1206 and 20-1221;
  3. Rescission of any discipline issued in violation of section 20-1204;
  4. Reinstatement of any employee terminated in violation of section 20-1204;

5. *Payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;*

6. *Other compensatory damages and any other relief required to make the employee whole; and*

7. *Reasonable attorney's fees.*

c. *Statute of limitations. A civil action under this section shall be commenced within two years of the date the person knew or should have known of the alleged violation.*

d. *Relationship to office action. 1. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the office. Failure to so serve a notice does not adversely affect any plaintiff's cause of action.*

2. *An employee need not file a complaint with the office pursuant to subdivision b of section 20-1207 before bringing a civil action; however, no person shall file a civil action after filing a complaint with the office unless such complaint has been withdrawn or dismissed without prejudice to further action.*

3. *No person shall file a complaint with the office after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.*

4. *The commencement or pendency of a civil action by an employee does not preclude the office from investigating the employer or commencing, prosecuting or settling a case against the employer based on some or all of the same violations.*

§ 20-1212 *Civil action by corporation counsel for pattern or practice of violations. a. Cause of action. 1. Where reasonable cause exists to believe that an employer is engaged in a pattern or practice of violations of this chapter, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction.*

2. *The corporation counsel shall commence such action by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, civil penalties and any other appropriate relief.*

3. *Such action may be commenced only by the corporation counsel or such other persons designated by the corporation counsel.*

4. *Nothing in this section prohibits (i) the office from exercising its authority under section 20-1207 through 20-1209, or (ii) a person alleging a violation of this chapter from filing a complaint pursuant to section 20-1207 or a civil action pursuant to section 20-1211 based on the same facts pertaining to such a pattern or practice, provided that a civil action pursuant to this section shall not have previously been commenced.*

b. *Investigation. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to subdivision a of this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.*

c. *Civil penalty. In any civil action commenced pursuant to subdivision a of this section, the trier of fact may impose a civil penalty of not more than \$15,000 for a finding that an employer has engaged in a pattern or practice of violations of this chapter. Any civil penalty so recovered shall be paid into the general fund of the city.*

#### *Subchapter 2*

#### *Advance Scheduling and Schedule Change Premiums*

§ 20-1221 *Advance scheduling. a. No later than when a new fast food employee receives such employee's first work schedule, a fast food employer shall provide such employee with a good faith estimate in writing setting forth the number of hours a fast food employee can expect to work per week for the duration of the employee's employment and the expected dates, times and locations of those hours. If a long-term or indefinite change is made to the good faith estimate, the fast food employer shall provide an updated good faith estimate to the affected employee as soon as possible and before such employee receives the first work schedule following the change.*

b. *A fast food employer shall provide a fast food employee with written notice of a work schedule containing regular shifts and on-call shifts on or before the employee's first day of work. For all subsequent work schedules, the fast food employer shall provide such notice no later than 14 days before the first day of any new schedule. Such work schedule shall span a period of no less than seven days and contain all*

*anticipated regular shifts and on-call shifts that the employee will work or will be required to be available to work during the work schedule.*

*c. A fast food employer shall:*

*1. Provide fast food employees with written notice of the work schedule as required by subdivision b of this section by (i) posting the schedule in a conspicuous place at the workplace that is readily accessible and visible to all employees and (ii) transmitting the work schedule to each fast food employee, including by electronic means, if such means are regularly used to communicate scheduling information. The office may by rule establish requirements or exceptions necessary to ensure the privacy and safety of employees in connection with such posting and transmittal;*

*2. Update such schedule within 24 hours of the employer's knowledge of a change or as soon as practicable if the change is effective within 24 hours, provide the revised written schedule to the affected employees and re-post the schedule in accordance with paragraph one of this subdivision; and*

*3. Upon request by any fast food employee, and in accordance with the rules of the office, provide such employee with (i) such employee's work schedule in writing for any previous week worked for the past three years and (ii) the most current version of work schedules of all fast food employees who work at the same fast food establishment as the requesting employee, whether or not changes to the work schedule have been posted.*

*d. A fast food employee may decline to work or be available to work additional hours not included in the initial written work schedule provided pursuant to subdivision b of this section. When a fast food employee consents to work or be available to work such hours, the employee's written consent must be obtained, which consent may be transmitted electronically or otherwise at or before the start of the shift.*

*§ 20-1222 Schedule change premium. a. A fast food employer shall provide a fast food employee with the following schedule change premium amount, in addition to the employee's regular pay for shifts actually worked by the employee:*

*1. With less than 14 days' notice but at least 7 days' notice to the employee, \$10 for each change to the work schedule in which:*

*(a) Additional hours or shifts are added pursuant to subdivision d of section 20-1221; or*

*(b) The date or start or end time of a regular shift or on-call shift is changed with no loss of hours;*

*2. With less than 14 days' notice but at least 7 days' notice to the employee, \$20 for each change to the work schedule in which:*

*(a) Hours are subtracted from a regular or on-call shift; or*

*(b) A regular or on-call shift is cancelled;*

*3. With less than 7 days' notice to the employee, \$15 for each change to the work schedule in which:*

*(a) Additional hours or shifts are added pursuant to subdivision d of section 20-1221; or*

*(b) The date or start or end time of a regular or on-call shift is changed with no loss of hours;*

*4. With less than 7 days' but at least 24 hours' notice to the employee, \$45 for each change to the work schedule in which:*

*(a) Hours are subtracted from a regular or on-call shift; or*

*(b) A regular or on-call shift is cancelled; and*

*5. With less than 24 hours' notice to the employee, \$75 for each change to the work schedule in which:*

*(a) Hours are subtracted from a regular or on-call shift; or*

*(b) A regular or on-call shift is cancelled.*

*b. A fast food employer shall pay the schedule change premiums required under this subchapter at such time as the employer pays an employee wages owed for work performed during that work week. Schedule change premium pay shall be separately noted on a wage stub or other form of written documentation and provided to the employee for that pay period.*

*c. Notwithstanding subdivisions a and b of this section, a fast food employer is not required to provide a fast food employee with the amounts set forth in such subdivisions in the event that:*

*1. The employer's operations cannot begin or continue due to:*

*(a) Threats to the employees or the employer's property;*

*(b) The failure of a public utility or the shutdown of public transportation;*

*(c) A fire, flood or other natural disaster;*

*(d) A state of emergency declared by the president of the United States, governor of the state of New York, or mayor of the city; or*

*(e) Severe weather conditions that pose a threat to employee safety, although where a fast food employer adds shifts to an employee's schedule to cover for or replace another employee who cannot safely travel to work, such employer shall provide the replacing or covering employee with the amounts set forth in subdivision a of this section;*

*2. The employee requested in writing a change in schedule;*

*3. Two employees voluntarily traded shifts with one another, subject to any existing employer policy regarding required conditions for employees to exchange shifts; or*

*4. The employer is required to pay the employee overtime pay for a changed shift.*

§ 2. Sections 20-950 to 20-966 of the administrative code of the city of New York, as added by local law number 57 for the year 1997, subdivision l of section 20-950 as amended by local law 27 for the year 1998, are amended to read as follows:

§ [20-950] 20-9001 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

a. "Affiliate" shall mean (i) a business entity in which twenty-five percent or more is owned, or is subject to a power or right of control or a power to vote, or is managed by, a shipboard gambling business, or (ii) a business entity that owns twenty-five percent or more of a shipboard gambling business, or that exercises a power or right of control or a power to vote over twenty-five percent or more of a shipboard gambling business, or that manages a shipboard gambling business.

b. "Applicant" shall mean, if a business entity submitting an application for a license pursuant to this chapter, the entity and each principal thereof; if an individual submitting an application for a license, certificate of approval or registration pursuant to this chapter, such individual.

c. "Business entity" shall mean a corporation, partnership, limited liability company, individual or sole proprietorship.

d. "Certificate of approval" shall mean a certificate issued by the commission pursuant to the provisions of this chapter approving the employment in a shipboard gambling business of a gambling employee or agent.

e. "Commission" shall mean the New York city gambling control commission established pursuant to section [20-951] 20-9002 of this chapter.

f. "Gambling" shall mean any contest, game, gaming scheme or other activity in which a person stakes or risks something of value upon the outcome of a contest involving an element of chance or a future contingent event not under his or her control or influence, upon the understanding that he or she will receive something of value in the event of a certain outcome.

g. "Gambling device" shall mean a slot machine or any other machine or mechanical device which when operated may deliver or entitle a person to receive, as the result of the application of an element of chance, any money or property.

h. "Gambling employee or agent" shall mean a person employed in a shipboard gambling business who is not a key employee or agent and whose duties include (i) the conduct, operation or facilitation of gambling, whether or not involving the use of a gambling device; or (ii) the repair or maintenance of a gambling device. "Gambling employee or agent" shall include, but not be limited to, boxmen, dealers or croupiers, floormen, gambling machine mechanics, casino security personnel, count room personnel, cage personnel, slot machine and slot booth personnel, collection personnel, casino surveillance personnel and data processing personnel. "Gambling employee or agent" may also include any other category of persons identified by rule of the commission whose duties require regular presence in the area or areas of a vessel in which gambling takes place or for whom the commission determines a certificate of approval is appropriate and necessary to effectuate the purposes of this chapter. The job categories specified in such rule shall not include categories of employees, without limitation, such as kitchen personnel, food and beverage servers or vessel's crew, that are not involved in gambling operations.

i. "Key employee or agents" shall mean a person employed in a shipboard gambling business in a supervisory or managerial capacity or empowered to make discretionary decisions regarding such business, including, but not limited to, pit bosses, shift bosses, credit executives, casino cashier supervisors, casino facility managers and assistant managers and managers or supervisors of gambling employees or agents. Key employees shall also include any other category of persons identified by rule of the commission for which the commission determines licensure as a key employee is appropriate and necessary to effectuate the purposes of this chapter.

j. "License" shall mean a shipboard gambling license, a key employee license or a key vendor license issued by the commission pursuant to the provisions of this chapter.

k. "Parent business" or "parent business entity" shall mean a business entity that owns fifty percent or more of another business entity, or that has a power or right of control or power to vote over fifty percent or more of such business entity, or that manages such other business entity.

i. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation, every officer and director and every stockholder holding ten percent or more of the outstanding shares of the corporation; of a partnership, all the partners; if another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons or entities having an ownership interest of ten percent or more. Where a partner or stockholder holding ten percent or more of the outstanding shares of a corporation is itself a partnership or a corporation, the term "principal" shall also include the partners of such partnership or the officers, directors and stockholders holding the equivalent of ten percent or more ownership interest of the applicant business. For the purposes of this chapter: (1) an individual shall be considered to hold stock in a corporation where such individual participates in the operation of or has a beneficial interest in such corporation and such stock is owned directly or indirectly by or for (i) such individual, (ii) the spouse or domestic partner of such individual (other than a spouse who is legally separated from such individual pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such individual is domiciled), (iii) the children, grandchildren and parents of such individual or (iv) a corporation in which any of such individual, the spouse, domestic partner, children, grandchildren or parents of such individual in the aggregate own fifty percent or more in value of the stock of such corporation; (2) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is an applicant as defined in this section where such corporation holds fifty percent or more in value of the stock of a third corporation that holds stock in the applicant corporation. Notwithstanding any other provision of this subdivision, where there is reasonable cause to believe that any owner, officer or director of a business entity with an interest in an applicant business not otherwise within the scope of this subdivision lacks good character, honesty and integrity, the commission may designate such person as a principal for the purposes of sections [20-954, 20-955, 20-956 and 20-959 of this chapter] *20-9005, 20-9006, 20-9007 and 20-9010*.

m. "Registrant" shall mean a service employee or agent or an auxiliary vendor who has registered with the commission pursuant to the provisions of this chapter.

n. "Service employee or agent" shall mean a person employed in a shipboard gambling business who is not a key employee or agent or a gambling employee or agent.

o. "Shipboard gambling business" shall mean a business in which passengers are transported for the purpose of participating in gambling outside the territorial waters of the United States from a location within New York city and returned to a location within such city; provided that a business shall not be deemed a shipboard gambling business for purposes of this chapter where the gambling cruises or the gambling activities aboard such cruises operated by or on behalf of such business are conducted or proposed to be conducted no more than two times a year or every cruise operated by such business during which gambling activities occur is of at least seventy-two hours duration or where the commission determines, in its discretion, that the gambling offered aboard a vessel owned or operated by such business does not constitute a primary activity conducted aboard such vessel. In reaching a determination that gambling does not constitute a primary activity, the commission shall consider, without limitation, factors including: the passenger capacity of the vessel in relation to the number of gaming positions in the areas in which gambling will occur; the percentage of space devoted to public accommodation in which gambling will occur; the number of hours during which gambling will take place in relation to the total time of the cruise; and the nature of the advertising and other customer solicitation engaged in by the business.

p. "Subsidiary" shall mean any business that is managed by another business entity or any business in which fifty percent or more of the business is owned or in which fifty percent or more of the business is subject to a power or right of control or held with power to vote by another business entity.

q. "Vendor" shall mean any business, except for a business the primary function of which is to provide legal or accounting services or that is required to register as a lobbyist pursuant to section 3-213 of the code or pursuant to the New York state lobbying act (enacted by chapter 1040 of the laws of 1981, as amended) that provides a shipboard gambling business with goods or services used in the operation of such business. "Key



vendor" shall mean a vendor, in a category identified by rule of the commission, that furnishes goods or services related to the security operations, gambling operations, gambling equipment, the hiring, supervision or training of gambling employees or agents, the provision of alcoholic beverages, and the provision of food or food services the cost of which exceeds an amount to be set forth by rule of the commission. "Auxiliary vendor" shall mean a vendor, other than a key vendor, that furnishes goods or services to a shipboard gambling business, the cost of which goods or services exceeds an amount to be established for each category of such vendor by rule of the commission, related to maintenance of a vessel or facilities or equipment aboard a vessel, food or non-alcoholic beverages, entertainment or such other activity for which the commission determines by rule that registration is necessary or appropriate to effectuate the provisions of this chapter, provided that the commission may by rule determine that registration of a specific category of auxiliary vendor is unnecessary to achieve the purposes of this chapter. The commission shall by rule list the categories of goods and services and/or the amount of sales of such goods and services that do not require obtaining a key vendor license or an auxiliary vendor registration and may also, in its discretion, waive a requirement for a key vendor license or auxiliary vendor registration upon a determination that such license or registration is unnecessary to achieve the purposes of this chapter. In addition, the commission shall establish, by rule, a procedure whereby a shipboard gambling business may obtain temporary permission, on an expedited basis, to purchase goods or services from an unlicensed or unregistered vendor in a situation where such purchase is necessary to the operation of such business. The commission shall make provision for the issuance of licenses pursuant to sections [20-954 and 20-956 of this chapter] 20-9005 and 20-9007 to key vendors who furnish goods or services to shipboard gambling licensees and for the registration pursuant to section [29-955] 20-9006 of auxiliary vendors who furnish goods or services to shipboard gambling licensees. The commission shall maintain a list of all licensed and registered vendors and those vendors to whom a waiver has been granted and shall make such list available upon request.

§ [20-951] 20-9002 New York city gambling control commission. a. There is hereby created a New York city gambling control commission. Such commission shall consist of five members appointed by the mayor, two of whom shall be appointed after recommendation by the city council. The mayor shall appoint a chair from among the members of the commission. Each member of the commission shall be appointed for a two year term.

b. In the event of a vacancy on the commission during the term of office of a member, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

c. The members of the commission shall be compensated on a per diem basis, provided, however, that a member who holds other city office or employment shall receive only the compensation for such office or employment. The chair shall have charge of the organization of the commission and shall have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of this chapter.

§ [20-952] 20-9003 Power and duties of the commission. The commission shall be responsible for the licensing and regulation of shipboard gambling businesses. The powers and duties of the commission shall include, but not be limited to the following:

a. To issue and establish standards for the issuance, renewal, suspension and revocation of licenses, certificates of approval and registrations and waivers therefrom pursuant to this chapter; provided that the commission may by resolution delegate to the chair the authority to make individual determinations regarding the issuance, renewal, suspension and revocation of such licenses, certificates of approval and registrations and the appointment of independent auditors in accordance with the provisions of this chapter, except that a determination to refuse to issue a license, renewal, certificate of approval or registration or to refuse to grant a waiver therefrom pursuant to this chapter shall be made only by a majority vote of the commission.

b. To investigate any matter within the jurisdiction conferred by this chapter, including, but not limited to, any matter that relates to the good character, honesty and integrity of any owner, officer or director of an applicant business entity, or affiliate or subsidiary thereof, irrespective of whether such person is a principal of such business as defined in subdivision 1 of section [20-950 of this chapter] 20-9001, and to have full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other documents and materials relevant to such investigation.

c. To appoint, within the appropriations available therefor, such employees as may be required for the performance of the duties prescribed herein. In addition to such employees, the commission may request that the commissioner of any other appropriate city agency provide staff and other assistance to the commission in conducting background investigations for licenses, certificates of approval and registrations pursuant to this chapter in order that such work may be performed efficiently, within existing city resources.

d. To conduct studies or investigations into matters related to gambling in the city and other jurisdictions in order to assist the city in formulating policies relating to the regulation of shipboard gambling.

e. To establish standards for the conduct of shipboard gambling businesses.

f. To set forth requirements necessary to protect the public health, safety and welfare, including but not limited to requirements for the provision of security for patrons on shipboard or on the pier or adjacent area in coordination with appropriate law enforcement authorities, and other measures to provide for the welfare of patrons on such piers and in such areas.

g. To establish standards to protect consumers from fraudulent and misleading advertising and other solicitation of customers for shipboard gambling businesses.

h. To establish fees and promulgate rules as the commission may deem necessary and appropriate to effectuate the purposes and provisions of this chapter.

§ [20-953] 20-9004 Licenses, certificates of approval, and registration required. a. Unless otherwise provided, (i) It shall be unlawful to operate a shipboard gambling business unless such business has first obtained a shipboard gambling license from the commission.

(ii) It shall be unlawful for a shipboard gambling licensee to employ a key employee or agent unless such employee or agent has first obtained a key employee license from the commission pursuant to the provisions of this chapter.

(iii) It shall be unlawful for a shipboard gambling licensee to employ a gambling employee or agent unless such employee or agent has first obtained a certificate of approval from the commission pursuant to the provisions of this chapter.

(iv) It shall be unlawful for a shipboard gambling licensee to employ a service employee or agent unless such employee or agent has first registered with the commission pursuant to the provisions of this chapter.

(v) It shall be unlawful for a shipboard gambling licensee to purchase goods or services from a key vendor or an auxiliary vendor unless such vendor has first obtained a key vendor license or has registered with the commission, whichever is appropriate.

b. A license, certificate of approval or registration issued pursuant to this chapter or any rule promulgated hereunder shall not be transferred or assigned or used by any person or entity other than the licensee, holder of a certificate of approval or registrant to whom it was issued.

c. A license, certificate of approval or registration issued pursuant to this chapter shall be valid for a period of two years and shall, upon proper application for renewal pursuant to rule of the commission setting forth an expeditious procedure for the updating and review of the information required to be submitted by the applicant, be renewable for two year periods thereafter, except that the renewal period for a shipboard gambling license shall be for one year for each of the first two renewal periods succeeding the initial issuance of such license, and thereafter for two years.

d. The commission shall promulgate rules establishing the fees and the manner of payment of fees for any investigation, license, certificate of approval or registration required by this chapter in an amount sufficient to compensate the city for the administrative expense of conducting investigations and issuing or renewing a license, certificate of approval or registration and the expense of inspections and other activities related thereto.

§ [20-954] 20-9005 License application; application for certificate of approval. a. An applicant for a license or certificate of approval pursuant to this chapter shall submit an application in the form and containing the information prescribed by the commission. An application for a license shall be accompanied by: (i) in the case of any applicant business, a list of the names and addresses of all principals of such business, and, in the case of a shipboard gambling business, all key employees employed or proposed to be employed in the business; and (ii) in the case of a shipboard gambling business, a list of the names of all key and auxiliary vendors and prospective and anticipated key and auxiliary vendors and the names and job titles of all gambling and service employees and agents, prospective gambling and service employees and agents of the applicant business who are or who the applicant proposes to be engaged in the operation of the shipboard gambling business; (iii) such other information as the commission shall determine by rule will properly identify

employees and agents and prospective employees and agents; (iv) in the case of a shipboard gambling business, a description, accompanied by diagrams where appropriate, detailing the provisions that will be made by the applicant for security and other measures prescribed for the welfare of patrons by rule of the commission; (v) in the case of a shipboard gambling business, a description of the financial capacity and cash management system of the shipboard gambling business demonstrating the ability of such business to maintain and operate the business responsibly and to provide payment to patrons; and (vi) a form signed by each applicant authorizing the release to the city of financial and other information required by the commission and waiving any claims against the city that might arise in connection with the investigation of the applicant or the release of any information resulting from such investigation to other appropriate government officials.

b. i. An applicant for a license or a certificate of approval shall be fingerprinted by a person designated for such purpose by the commission, the department of investigation or the police department and pay a fee to be submitted to the division of criminal justice services and/or the federal bureau of investigation for the purposes of obtaining criminal history records.

ii. An applicant for a license or a certificate of approval shall provide to the commission, upon a form prescribed by the commission and subject to such minimum dollar thresholds and other reporting requirements set forth on such form, information for the purpose of enabling the commission to determine the good character, honesty and integrity of the applicant, including but not limited to: (a) a listing of the names and addresses of any person having a beneficial interest in an applicant business, and the amount and nature of such interest; (b) a listing of the amounts in which such applicant is indebted, including mortgages on real property, and the names and addresses of all persons to whom such debts are owed; (c) a listing of such applicant's real property holdings or mortgage or other interest in real property held by such applicant other than a primary residence and the names and addresses of all co-owners of such interest; (d) the name and address of any business in which such applicant holds an equity or debt interest, excluding any interest in publicly traded stocks or bonds; (e) the names and addresses of all persons or entities from whom an applicant has received gifts valued at more than one thousand dollars in any of the past three years, and the name of all persons or entities excluding any organization recognized by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code to whom the applicant has given such gifts in any of the past three years; (f) a listing of all criminal convictions, in any jurisdiction, of the applicant; (g) a listing of all pending civil or criminal actions to which the applicant knows or should have known that he or she is a party; (h) a listing of any determination by a federal, state or city regulatory agency of a violation by the applicant of statutes, laws, rules or regulations relating to the applicant's conduct where such violation has resulted in the suspension or revocation of a permit, license or other permission required in connection with the operation of a business or in a civil fine, penalty, settlement or injunctive relief in excess of threshold amounts or of a type established by the commission; (i) a listing of any criminal or civil investigation by a federal, state, or local prosecutorial agency, investigative agency or regulatory agency, in the five year period preceding the application, wherein such applicant: (A) knew or should have known that the applicant was the subject of such investigation, or (B) has received a subpoena requiring the production of documents or information in connection with such investigation; (j) a certification that an applicant business has paid all federal, state, and local income taxes related to the applicant's business for which the applicant is responsible for the three tax years preceding the date of the application or documentation that the applicant is contesting such taxes in a pending judicial or administrative proceeding; (k) a listing of any license, permit or other permission held by the applicant to engage in any capacity in a gambling business or activity in any jurisdiction; (l) a listing of any denials to the applicant by any jurisdiction of a license, permit or other permission to engage in any capacity in a gambling business or activity; and (m) such additional information concerning the sources and nature of funding of an applicant business and the good character, honesty and integrity of applicants that the commission may deem appropriate and reasonable. An applicant may submit any additional information that the applicant believes demonstrates the applicant's good character, honesty and integrity, including a licensing determination from another jurisdiction. Notwithstanding any provision of this subdivision, an applicant for a certificate of approval shall not be required to submit information described in subparagraphs (a) and (m) of this paragraph or any other information the commission determines is not necessary or appropriate. An applicant may also submit to the commission any material or explanation which the applicant believes demonstrates that any information submitted pursuant to this paragraph does not reflect adversely upon the

applicant's good character, honesty and integrity. The commission may require that applicants pay fees to cover the expenses of fingerprinting and background investigations provided for in this subdivision.

iii. In the case of a shipboard gambling business, the commission may also require that an applicant submit any or all of the information required by this paragraph with respect to any affiliate or subsidiary of the applicant that owns or operates a business in any jurisdiction.

iv. Notwithstanding any provision of this chapter, for purposes of this section in the case of an applicant shipboard gambling business that has a parent business entity: (A) fingerprinting and disclosure under this section shall be required of any person acting for or on behalf of the parent business who has direct management or supervisory responsibility for the operations or performance of the applicant; (B) the chief executive officer, chief operating officer and chief financial officer, or any other person exercising comparable responsibilities and functions, of any subsidiary or affiliate of such parent business entity over which any person subject to fingerprinting and disclosure under subparagraph (A) of this paragraph exercises similar responsibilities shall be fingerprinted and shall submit the information required pursuant to subparagraphs (f) and (g) of paragraph ii of this subdivision, as well as such additional information pursuant to this paragraph as the commission may find necessary; and (C) the listing specified under subparagraph (i) of paragraph ii of this subdivision shall also be provided for any subsidiary or affiliate of the parent business entity for which fingerprinting and disclosure by principals thereof is made pursuant to (B) of this paragraph.

v. The chief executive officer, chief operating officer and chief financial officer, or any other person exercising comparable responsibilities and functions, of any subsidiary or affiliate of a shipboard gambling business shall be fingerprinted and shall submit the information required pursuant to subparagraphs (f), (g) and (i) of paragraph ii of this subdivision, as well as such other information pursuant to this paragraph that the commission may find necessary.

c. A business required to be licensed pursuant to this chapter shall inform the commission, within a reasonable time, of any changes in the ownership composition of such business, the addition or deletion of any principal at any time subsequent to the issuance of the license, the arrest or criminal conviction of any principal of the business, or any other material change in the information submitted on the application for a license. A business required to be licensed shall provide the commission with notice of at least ten business days of the proposed addition of a new principal to such business. The commission may waive or shorten such period upon a showing that there exists a bona fide business requirement therefor. Except where the commission determines within such period, based upon information available to it, that the addition of such new principal may have a result inimical to the purposes of this chapter, the licensee may add such new principal pending the completion of review by the commission. The licensee shall be afforded an opportunity to demonstrate to the commission that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of this chapter. If upon the completion of such review, the commission determines that such principal has not demonstrated that he or she possesses good character, honesty and integrity, the license shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such licensee, as the case may be, within a reasonable time period prescribed by the commission.

d. Each applicant business shall provide the commission with a business address in New York city where notices may be delivered and legal process served and shall designate a person of suitable age and discretion at such address who shall be an agent for service of process.

§ [20-955] 20-9006 Registration application; application for renewal. a. An applicant for registration or renewal pursuant to this chapter shall submit an application on a form prescribed by the commission and containing such information as the commission determines will adequately identify and establish the background of such applicant. The commission may refuse to register or to renew the registration of an applicant who has knowingly failed to provide the information and/or documentation required by such form, or who has knowingly provided false information or documentation, required by this chapter or any rule promulgated pursuant hereto.

b. Notwithstanding any other provision of this chapter: (i) the commission may, where there is reasonable cause to believe that an applicant has not demonstrated to the commission that he or she possesses good character, honesty and integrity, require that such applicant be fingerprinted and provide to the commission the information set forth in subdivisions a and b of section [20-954 of this chapter] 20-9005 and may, after notice

and the opportunity to be heard, refuse to register such applicant for the reasons set forth in subdivision a of section [20-956 of this chapter] 20-9007; and

(ii) if at any time subsequent to registration, the commission has reasonable cause to believe that the registrant lacks good character, honesty and integrity, the commission may require that such registrant be fingerprinted and provide the background information required by subdivision b of section [20-954 of this chapter] 20-9005 and may, after notice and the opportunity to be heard, revoke the registration for the reasons set forth in subdivision a of section [20-956 of this chapter] 20-9007.

§ [20-956] 20-9007 Refusal to issue or renew a license or certificate of approval. a. The commission shall refuse to issue or to renew a license to an applicant who has not demonstrated to the commission that he or she possesses good character, honesty and integrity. In determining that an applicant has not met his or her burden to demonstrate good character, honesty and integrity, the commission may consider, but is not limited to: (i) knowing failure by such applicant to provide truthful or complete information in connection with the application; (ii) a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal to issue such license or certificate of approval, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which the license or certificate of approval is sought, in which case the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending; (iii) conviction of such applicant for a crime which, considering the factors set forth in section [seven hundred fifty-three] 753 of the correction law, would provide a basis under such law for the refusal of such license or certificate of approval; (iv) a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business or to perform the employment for which the license or certificate of approval is sought; (v) commission of a racketeering activity or knowing association with a person who has been convicted for a racketeering activity when the applicant knew or should have known of such conviction, including but not limited to the offenses listed in subdivision one of section [nineteen hundred sixty-one] 1961 of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction; (vi) conviction of a gambling offense under 18 U.S.C. § 1081 et seq., 18 U.S.C. §§ 1953 through 1955, article 225 of the penal law or the equivalent offense under the laws of any other jurisdiction; (vii) association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person; (viii) in the case of an applicant business, failure to pay any tax, fine, penalty, fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction and such judgment has not been stayed; and (ix) denial of a license or other permission to operate a gambling business or activity in another jurisdiction. For purposes of determining the good character, honesty and integrity of applicants for registration or registrants pursuant to section [20-955 of this chapter] 20-9006, the term "applicant" as used herein shall be deemed to apply to such applicants for registration or registrants.

b. The commission may refuse to issue or to renew a certificate of approval to an applicant who has not demonstrated that he or she possesses good character, honesty and integrity. In reaching such a determination, the commission may consider, but is not limited to, the factors set forth in paragraphs (i) through (ix) of subdivision a of this section.

c. The commission may refuse to issue or to renew a license or certificate of approval to an applicant who has knowingly failed to provide the information and/or documentation required in the form prescribed by the commission pursuant to section [20-954 of this chapter] 20-9005, or who has knowingly provided false information or documentation required by the commission pursuant to this chapter or any rules promulgated pursuant hereto.

d. The commission may refuse to issue or to renew a license or certificate of approval to an applicant when such applicant: (i) was previously issued a license or certificate of approval pursuant to this chapter and such license or certificate of approval was revoked pursuant to the provisions of this chapter; or (ii) has been determined to have committed any of the acts which would be a basis for the suspension or revocation of a license or certificate of approval pursuant to this chapter or any rules promulgated hereto.

e. The commission may refuse to issue or to renew a license pursuant to this chapter to an applicant business where such applicant business or any of the principals of such applicant business have been principals of a licensee whose license has been revoked pursuant to subdivision a of section [20-959 of this chapter] 20-9010.

§ [20-957] 20-9008 Independent auditing required. a. The commission may, in the event the background investigation conducted pursuant to section [20-954 of this chapter] 20-9005 produces adverse information, require as a condition of a shipboard gambling license that the licensee enter into a contract with an independent auditor, approved or selected by the commission. Such contract, the cost of which shall be paid by the licensee, shall provide that the auditor investigate the activities of the licensee with respect to the licensee's compliance with the provisions of this chapter, other applicable federal, state and local laws and such other matters as the commission shall determine by rule. The contract shall provide further that the auditor report the findings of such monitoring and investigation to the commission on a periodic basis.

b. The commission shall be authorized to prescribe, in any contract required by the commission pursuant to this section, such reasonable terms and conditions as the commission deems necessary to effectuate the purposes of this chapter.

§ [20-958] 20-9009 Investigations by the department of investigation or police department. In addition to any other investigation authorized pursuant to law, the commissioner of the department of investigation or the police commissioner shall, at the request of the commission, conduct a study or investigation of any matter arising under the provisions of this chapter, including but not limited to investigation of the information required to be submitted by applicants for licenses, certificates of approval and registration and the ongoing conduct of licensees, holders of certificates of approval and registrants.

§ [20-959] 20-9010 Revocation or suspension of license, certificate of approval or registration. a. In addition to the penalties provided in section [20-960 of this chapter] 20-9011, the commission may, after notice and opportunity to be heard, revoke or suspend a license, certificate of approval or registration issued pursuant to the provisions of this chapter when the licensee or a principal, employee or agent of a licensee, a holder of a certificate of approval or a registrant: (i) has been found to be in violation of this chapter or any rules promulgated hereunder; (ii) has repeatedly failed to obey the lawful orders of any person authorized to enforce the provisions of this chapter; (iii) has failed to pay, within the time specified by a court, the commission or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant hereto; (iv) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section [20-956 of this chapter] 20-9007, that the licensee, holder of a certificate of approval or registrant lacks good character, honesty and integrity or lacks the financial capacity to maintain and operate the business responsibly in a manner that will ensure the immediate payment to patrons; (v) whenever there has knowingly been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license, certificate of approval or registration was based; or (vi) whenever a licensee has failed to notify the commission as required by subdivision c of section [20-954 of this chapter] 20-9005 of any change in the ownership interest of the business or any other material change in the information required on the application for such license, or of the arrest or criminal conviction of a principal of such licensee or any of its employees or agents of which the licensee had knowledge or should have known.

b. Notwithstanding any other provision of this chapter or rules promulgated thereto, the commission may, upon a determination that the operation of a shipboard gambling business or the conduct of an employee of such business creates an imminent danger to life or property, immediately suspend the license of such business or the certificate of approval or registration of such employee without a prior hearing, provided that provision shall be made for an immediate appeal of such suspension to the chair of the commission who shall determine such appeal forthwith. In the event that the chair upholds the suspension, an opportunity for a hearing shall be provided on an expedited basis, within a period not to exceed four business days and the commission shall issue a final determination no later than four days following the conclusion of such hearing.

§ [20-960] 20-9011 Penalties. In addition to any other penalty provided by law: a. Except as otherwise provided in subdivision b of this section, any person who violates any provision of this chapter or any of the rules promulgated thereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for

each such violation. Such civil penalty may be recovered in a civil action or may be returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction;

b. Any person who violates subdivision a of section [20-953 of this chapter] 20-9004 shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall also be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction; and

c. (i) In the event that a shipboard gambling business has violated subdivision f of section [20-963 of this chapter] 20-9014, the commission, in addition to any other penalty prescribed in this section, shall, after providing notice and the opportunity to be heard, be authorized to order that any gambling device or other gambling equipment used in the violation of such subdivision shall be removed, sealed or otherwise made inoperable. An order pursuant to this paragraph shall be posted on the vessel on which such violation occurs. The commission shall take reasonable measures to provide notice to a person(s) holding a security interest(s) in a gambling device or gambling equipment with respect to which action is taken pursuant to this section.

(ii) Ten days after the posting of an order issued pursuant to paragraph (i) of this subdivision, this order may be enforced by any person so authorized by section [20-962 of this chapter] 20-9013.

(iii) Any gambling device or gambling equipment removed pursuant to the provisions of this subdivision shall be stored at a dock or in a garage, pound or other place of safety and the owner or other person lawfully entitled to the possession of such item may be charged with reasonable costs for removal and storage payable prior to the release of such item.

(iv) A gambling device or gambling equipment sealed or otherwise made inoperable or removed pursuant to this subdivision shall be unsealed, restored to operability or released upon payment of all outstanding fines and all reasonable costs for removal and storage and upon demonstration satisfactory to the commission that the provisions of subdivision f of section [20-963] 20-9014 will be complied with in all respects.

(v) It shall be a misdemeanor for any person to remove the seal from or make operable any gambling device or gambling equipment sealed or otherwise made inoperable in accordance with an order of the commission.

(vi) A gambling device or gambling equipment removed pursuant to this subdivision that is not reclaimed within ninety days of such removal by the owner or other person lawfully entitled to reclaim such item shall be subject to forfeiture upon notice and judicial determination in accordance with provisions of law. Upon forfeiture, the commission shall, upon a public notice of at least ten business days, sell such item at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city.

d. The corporation counsel is authorized to commence a civil action on behalf of the city for injunctive relief to restrain or enjoin any activity in violation of this chapter and for civil penalties.

§ [20-961] 20-9012 Liability for violations. A shipboard gambling business required by this chapter to be licensed shall be liable for violations of any of the provisions of this chapter or any rules promulgated pursuant hereto committed by any of its principals acting within the scope of such business and any of its employees and/or agents within the scope of their employment.

§ [20-962] 20-9013 Enforcement. Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by authorized employees or agents of the commission or the police department. In addition, such notices of violation may, at the request of the commission and with the consent of the appropriate commissioner, be issued by authorized employees and agents of the department of consumer affairs or the department of investigation.

§ [20-963] 20-9014 Conduct of shipboard gambling licensees. a. A shipboard gambling licensee shall be in compliance with all applicable federal, state and local statutes, laws, rules and regulations governing operation of a shipboard gambling business, including but not limited to: (i) specifications for design and construction, equipment required to be present on board such vessel, maintenance, inspection, documentation, operation and licensing of such vessels; requirements for the medical fitness, training and other qualifications, drug testing and licensing of the crew of such vessels; environmental requirements; requirements regarding safety and conditions of employment on such vessel; and requirements for accessibility under the Americans with

Disabilities Act and any regulations promulgated pursuant thereto, as such regulations may from time to time be amended and analogous provisions of title eight of this code;

(ii) prohibitions of gambling activity or the use of gambling devices within the territorial waters of the United States or the state of New York;

(iii) applicable zoning and building code requirements;

(iv) requirements governing the service and provision of food and alcoholic beverages within the territorial waters of the state of New York; and

(v) health and sanitary regulations.

b. A shipboard gambling licensee shall maintain audited financial statements, records, ledgers, receipts, bills and such other records as the commission determines are necessary or useful for carrying out the purposes of this chapter. Such records shall be maintained for a period of time not to exceed five years to be determined by rule of the commission, provided, however, that such rule may provide that the commission may, in its discretion, require that records be retained for a period of time exceeding five years. Such records shall be made available for inspection and audit by the commission at its request and, at the option of the commission, at either the licensee's place of business or at the offices of the commission.

c. A shipboard gambling licensee shall maintain liability and other insurance as prescribed by rule of the commission.

d. A shipboard gambling licensee shall, in accordance with rules of the commission, institute and maintain security and safety measures and shall provide and maintain such other public services for the welfare of patrons required by such rules.

e. A shipboard gambling licensee shall, upon request by a passenger who does not wish to leave the vessel carrying cash on his or her person, provide payment of winnings by check.

f. A shipboard gambling licensee shall ensure, by means acceptable to the commission and the department of investigation, that all gambling devices and gambling equipment on board the vessel are secured or made inoperable during any period the vessel is in the territorial waters of New York and shall comply with all rules promulgated by the commission regarding the maintenance, safeguarding and storage of gambling devices.

g. A shipboard gambling licensee shall adopt measures to ensure that persons under eighteen years of age do not engage in gambling aboard a vessel operated by or on behalf of such licensee.

h. All advertising by a shipboard gambling licensee shall prominently state the age restrictions for engaging in gambling aboard the vessel, and shall comply with all rules governing advertising promulgated by the commission.

i. A shipboard gambling licensee shall provide access to the vessel(s) operated by or on behalf of the shipboard gambling business to any person authorized by section [20-962 of this chapter] *20-9013* to enforce the provisions of this chapter including, but not limited to, regular and permanent access by any person assigned to such vessel by an agency authorized to enforce the provisions of this chapter.

j. A shipboard gambling licensee shall not purchase goods or services from a key vendor or an auxiliary vendor unless such vendor has first obtained a license from or registered with the commission, whichever is applicable, unless the shipboard gambling licensee has obtained permission from the commission as provided by rule of the commission pursuant to subdivision q of section [20-950 of this chapter] *20-9001* or the key vendor or auxiliary vendor has been granted a waiver pursuant to such subdivision.

k. (i) A shipboard gambling licensee shall not employ any person required to obtain a license, certificate of approval or to register pursuant to the provisions of this chapter unless such person has obtained such license, certificate of approval or registration; provided, however, that the commission shall, by rule, make provision for temporary permission for employment pending completion by the commission of review of an applicant for a certificate of approval or registration and may, in its discretion, permit the employment of a key employee who has not obtained the required license where the employment of such person is necessary for the operation of the shipboard gambling business.

(ii) The commission may, upon the request of a shipboard gambling business, make available the names of applicants for employment who have been approved for licenses, certificates of approval or registrations.

l. A shipboard gambling licensee shall demonstrate and ensure for each vessel operated by or on behalf of such licensee, irrespective of the size of the vessel, that (i) every crew member required by the certificate of inspection issued for each such vessel by the United States coast guard or the analogous document issued pursuant to the international convention for the safety of lives at sea meets all marine personnel requirements



set forth in such certificate or document and holds the applicable documentation, (ii) at least sixty-five percent of the required number of crew actually manning the vessel, as set forth in the certificate of inspection issued for each such vessel by the United States coast guard or the analogous document issued pursuant to the international convention for the safety of lives at sea, exclusive of those required to be licensed by the United States coast guard or the international maritime organization, have merchant mariners' documents endorsed for a rating of at least able seaman or the international maritime equivalent, and (iii) every person employed on each such vessel has received familiarization training consistent with the standards regarding emergency occupational safety, medical care and survival functions set forth in the seafarer's training, certification and watchkeeping code.

m. A shipboard gambling licensee shall comply with all additional rules governing conduct of a shipboard gambling business promulgated by the commission in order to effectuate the purposes of this chapter.

§ [20-964] 20-9015 Rules. The commission may promulgate such rules as it may deem necessary or useful to effectuate the purposes of this chapter.

§ [20-965] 20-9016 Hearings. a. A hearing pursuant to this chapter may be conducted by the commission, or, in the discretion of the commission, by an administrative law judge employed by the office of administrative trials and hearings or other administrative tribunal of competent jurisdiction. Where a hearing pursuant to a provision of this chapter is conducted by an administrative law judge, such judge shall submit recommended findings of fact and a recommended decision to the commission, which shall make the final determination.

b. Notwithstanding the provisions of subdivision a of this section, the commission may provide by rule that hearings or specified categories of hearings pursuant to this subchapter may be conducted by the department of consumer affairs. Where the department of consumer affairs conducts such hearings, the commissioner of consumer affairs shall make the final determination.

§ [20-966] 20-9017 Reporting requirements. a. No later than one week following the submission of the mayor's management report, the commission shall submit to the council a report detailing its activities pursuant to this chapter for the period covered by the mayor's management report. The report required by this section shall at a minimum include:

- i. the number of applicants for a license, certificate of approval or registration that were denied by the commission and a statement of the reasons for such denials;
- ii. the number of licenses, certificates of approval and registrations issued by the commission;
- iii. the number of applications for licenses, certificates of approval or registrations, respectively, presently pending;
- iv. the number of licenses, certificates of approval and registrations that have been suspended or revoked by the commission pursuant to section [20-959 of this chapter] 20-9010, a statement of the reasons for such suspensions and revocations, and the average duration of such suspensions;
- v. the amounts, by category, of all fees relating to implementation of this chapter to which the city is entitled, the amounts actually collected, and the reasons for any difference between the two amounts; and
- vi. the amounts, by category, of all expenditures relating to enforcement of the provisions of this chapter.

b. The information required by paragraphs i, ii and iv of subdivision a of this section shall identify the shipboard gambling business to which the information relates.

§ 3. This local law takes effect 180 days after it becomes law, except that the director of the office of labor standards shall take such measures as are necessary for the implementation of section one of this local law, including the promulgation of rules, before such date, and provided further that in the case of employees covered by a valid collective bargaining agreement in effect on such date, any reference in this local law to the provisions of subchapter 5 of chapter 12 of title 20 of the code, as added by a local law amending the administrative code of the city of New York, in relation to prohibiting on-call scheduling for retail employees and providing advance notice of work schedules to retail employees, as proposed in introduction number 1387-A for the year 2016, shall take effect on the stated date of expiration of such agreement.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES; Committee on Civil Service and Labor, May 22, 2017. *Other Council Members Attending: Council Member Lander.*

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

### **Report of the Committee on Finance**

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

Preconsidered L.U. No. 640

### **Report of the Committee on Finance in favor of a Resolution approving MHANY Pleasant East, Block 1710, Lots 31 and 36 and Block 1783, Lots 31 and 34; Manhattan, Community District No. 11, Council District No. 8.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 24, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

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

May 24, 2017

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

FROM: Eric Bernstein, Counsel, Finance Division

RE: Finance Committee Agenda of May 24, 2017 - Resolution approving a tax exemption for three Land Use items (Council Districts 8, 15, and 36)

#### **Item 1: MHANY Pleasant East**

MHANY Pleasant East (the “project” or “property”) is comprised of four (4) buildings in the East Harlem neighborhood. There are two (2) contiguous buildings located at 222-228 East 119<sup>th</sup> Street and 230-238 East 119<sup>th</sup> Street, with thirty (30) units each. There are also two (2) non-contiguous buildings located at 428-430 East 117<sup>th</sup> Street and 446-448 East 117<sup>th</sup> Street with thirty-five (35) units and sixteen (16) units, respectively. Each building has laundry facilities on the first floor of the building. There are no community rooms or meeting spaces, and there is one superintendent’s unit. The project is managed by MHANY Management, Inc. (MHANY), which has been the property manager since the properties were acquired by MHANY in 2004. The properties have been well maintained since MHANY acquired them.

The project is currently receiving a J-51 abatement, however, it did not cover as much of the property taxes as anticipated. Additionally, the project did not receive the J-51 tax exemption. The lack of a significant property tax abatement, plus the increase in the assessed value, have had a detrimental effect on the project’s ability to

pay debt service, property taxes and plan capital improvement projects. To enable the refinancing and rehabilitation, the City is requesting a full Article XI property tax exemption without any gross rent tax payments, which will make the current J-51 benefit null. The project also is requesting a retroactive Article XI to satisfy the current arrears of \$80,887.

Summary:

- Borough – Manhattan
- Block 1783, Lots 31 and 34; Block 1710, Lots 31 and 36
- Council District – 8
- Council Member – Mark-Viverito
- Council Member approval – Yes
- Number of buildings – 4
- Number of units –111 units
- Type of Exemption-Article XI Tax Exemption, Full, 40-year term
- Population – low income rental households
- Sponsor – MHANY Management, Inc.
- Purpose – preservation
- Cost to the City –
  - NPV of Exemption Benefits: \$6.7M (\$60,731/unit)
- Housing Code Violations-
  - Class A: 5
  - Class B: 20
  - Class C: 5
- Anticipated AMI targets: 80% AMI

**Item 2: Clinton Arms**

Clinton Arms (the “project” or “property”) is comprised of a single multiple dwelling consisting of 87 units, which includes one superintendent’s unit. The project provides rental housing for low-income individuals and families. The property is owned by Clinton Arms Associates, L.P. (“Company”), a redevelopment company formed pursuant to Article V of the Private Housing Finance Law (“PHFL”).

The Board of Estimate approved a resolution on October 20, 1983 (Cal. No. 28) providing for a tax exemption for the project pursuant to PHFL Section 125(1)(a) (“Original Exemption”). The Original Exemption, which will expire on October 30, 2024, requires the property to make an annual real property tax payment equal to 10% of the annual shelter rent or \$27,849, whichever is greater, plus an additional amount equal to 25% of the amount by which the contract rents applicable to the project, as adjusted and established from time to time pursuant to Section 8 of the United States Housing Act of 1934, as amended, exceeds the contract rents in effect as of the date of occupancy of the project by eligible tenants.

The current tax exemption expires on October 30, 2024. In order to refinance, the Company is requesting an extension of the exemption for 40 years. The owner will enter into a 20-year restrictive agreement requiring that it remain an Article V.

Summary:

- Borough – Bronx
- Block 3097, Lot 16
- Council District – 15
- Council Member – Torres
- Council Member approval – Yes
- Number of buildings – 1

- Number of units – 87 units, including superintendent’s unit
- Type of Exemption-Article V Tax Exemption, Partial, 40-year term
- Population – low-income rental households
- Sponsor – Clinton Arms Associates, L.P.
- Purpose – preservation
- Cost to the City – \$708,064 (NPV) (\$8,233/unit)
- Housing Code Violations-
  - Class A: 2
  - Class B: 6
  - Class C: 2
- Anticipated AMI targets: 50% AMI

### **Item 3: Fulton Park**

Fulton Park (the “project” or the “property”) is comprised of nine multiple dwellings consisting of 210 units, which includes one superintendent’s unit. The project provides rental housing for low-income individuals and families. The project is owned by Fulton Park Associates, L.P. (“Company”), a redevelopment company formed pursuant to Article V of the Private Housing Finance Law (“PHFL”).

The Board of Estimate approved a resolution on April 1, 1982 (Cal. No. 31) providing for a tax exemption for the property pursuant to PHF L Section 125(1)(a) (“Original Exemption”). The Original Exemption, which will expire on June 30, 2024, requires the property to make an annual real property tax payment equal to 10% of the annual shelter rent, plus an additional amount equal to 25% of the amount by which the contract rents applicable to the project, as adjusted and established from time to time pursuant to Section 8 of the United States Housing Act of 1934, as amended, exceeds the contract rents in effect as of the date of occupancy of the project by eligible tenants.

In order to refinance, the Company is requesting an extension of the exemption for 40 years. The owner will enter into a 20-year restrictive agreement requiring that it remain an Article V.

#### **Summary:**

- Borough – Brooklyn
- Block 1702, Lot 1; Block 1708, Lot 1
- Council District – 36
- Council Member – Cornegy
- Council Member approval – Yes
- Number of buildings – 9
- Number of units – 210 units
- Type of Exemption-Article V Tax Exemption, Partial, 40-year term
- Population – low-income rental households
- Sponsor – Fulton Park Associates, L.P.
- Purpose – preservation
- Cost to the City – \$1.35M (NPV) (\$6,488/unit)
- Housing Code Violations-
  - Class A: 16
  - Class B: 40
  - Class C: 9
- Anticipated AMI targets: 50% AMI

**(For text of the coupled resolutions for LU Nos. 641 and 642, please see, respectively, the Reports of the Committee on Finance for LU Nos. 641 and 642 printed in these Minutes; for text of the coupled resolution for LU No. 640, please see below:)**

*Accordingly, this Committee recommends the adoption of Preconsidered LU Nos. 640, 641, and 642.*

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

Res. No. 1487

**Resolution approving an exemption from real property taxes for property located at (Block 1710, Lots 31 and 36, and Block 1783, Lots 31 and 34) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 640).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 3, 2017 that the Council take the following action regarding a housing project located at (Block 1710, Lots 31 and 36, and Block 1783, Lots 31 and 34) Manhattan (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean January 1, 2017.
  - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - c. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1710, Lots 31 and 36, and Block 1783, Lots 31 and 34 on the Tax Map of the City of New York.
  - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- e. “HDFC” shall mean MHANY 2004 Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - h. “Owner” shall mean the HDFC.
  - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, MARK LEVINE, STEVEN MATTEO; Committee on Finance, May 24, 2017.

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

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

Report for LU No. 641

**Report of the Committee on Finance in favor of a Resolution approving Fulton Park, Block 1702, Lot 1 and Block 1708, Lot 1; Brooklyn, Community District No. 3, Council District No. 36.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 24, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 640 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1488

**Resolution approving a partial exemption from real property taxes for property located at (Block 1702, Lot 1 and 1708, Lot 1) Brooklyn, pursuant to Section 125 of the Private Housing Finance Law (Preconsidered L.U. 641).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 1, 2017 that the Council take the following action regarding a housing project located at (Block 1702, Lot 1 and 1708, Lot 1) Brooklyn ("Exemption Area"):

Approve an additional period of tax exemption for the Project pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (the "Tax Exemption");

**WHEREAS**, the project description that HPD provided to the Council states that the owner of the Project (the "Company") is a duly organized redevelopment company under Article V of the Private Housing Finance Law;

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

**RESOLVED:** The Council hereby approves, pursuant to PHFL Section 125(1)(a-3), an additional period of tax exemption as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean Fulton Park Associates, L.P.
  - b. “Effective Date” shall mean the later of (a) June 30, 2024, or (b) the date that the Company and HPD enter into the Restrictive Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1702, Lot 1 and Block 1708, Lot 1 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) June 30, 2064, (ii) the date of the expiration or termination of the Regulatory Agreement, (iii) the date upon which the Exemption Area ceases to be owned by the Owner or, with the prior written approval of HPD, another redevelopment company organized pursuant to Article V of the Private Housing Finance Law, (iv) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (v) the date of the expiration or termination of the Exemption Area’s Section 8 Housing Assistance Payments Contract.
  - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. “Owner” shall mean the Company or, with the prior written approval of HPD, any future owner of the Exemption Area that is a redevelopment company organized pursuant to Article V of the Private Housing Finance Law.
  - h. “Regulatory Agreement” shall mean the Redevelopment Agreement dated April 1, 1982 between the City of New York and the Owner, establishing certain controls upon the operation of the Exemption Area in accordance with Private Housing Finance Law Section 114.
  - i. “Restrictive Agreement” shall mean an agreement between HPD and the Company that is entered into on or after January 1, 2017 and that requires the Exemption Area to remain a redevelopment company development organized under and operated pursuant to Article V of the Private Housing Finance Law for a period of twenty years from the date of execution.
2. All of the value of the property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the (i) the amount of taxes due in the year immediately prior to the Effective Date, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which were authorized on the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any



form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article V of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the Restrictive Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (v) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (vi) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. Nothing herein shall entitle the Company to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, MARK LEVINE, STEVEN MATTEO; Committee on Finance, May 24, 2017.

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

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

Report for LU No. 642

**Report of the Committee on Finance in favor of a Resolution approving Clinton Arms, Block 3097, Lot 16; Bronx, Community District No. 6, Council District No. 15.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 24, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for LU No. 640 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1489

**Resolution approving a partial exemption from real property taxes for property located at (Block 3097, Lot 16) the Bronx, pursuant to Section 125 of the Private Housing Finance Law (Preconsidered L.U. 642).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 1, 2017 that the Council take the following action regarding a housing project located at (Block 3097, Lot 16) the Bronx ("Exemption Area"):

Approve an additional period of tax exemption for the Project pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (the "Tax Exemption");

**WHEREAS**, the project description that HPD provided to the Council states that the owner of the Project (the "Company") is a duly organized redevelopment company under Article V of the Private Housing Finance Law;

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

**RESOLVED:** The Council hereby approves, pursuant to PHFL Section 125(1)(a-3), an additional period of tax exemption as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean Clinton Arms Associates, L.P.
  - b. "Effective Date" shall mean the later of (a) October 30, 2024, or (b) the date that the Company and HPD enter into the Restrictive Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3097, Lot 16 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) October 30, 2064, (ii) the date of the expiration or termination of the Regulatory Agreement, (iii) the date upon which the Exemption Area ceases to be owned by the Owner or, with the prior written approval of HPD, another redevelopment company organized pursuant to Article V of the Private Housing Finance Law, (iv) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (v) the date of the expiration or termination of the Exemption Area's Section 8 Housing Assistance Payments Contract.
  - f. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

- g. "Owner" shall mean the Company or, with the prior written approval of HPD, any future owner of the Exemption Area that is a redevelopment company organized pursuant to Article V of the Private Housing Finance Law.
  - h. "Regulatory Agreement" shall mean the Redevelopment Agreement dated October 20, 1983 between the City of New York and the Owner, establishing certain controls upon the operation of the Exemption Area in accordance with Private Housing Finance Law Section 114.
  - i. "Restrictive Agreement" shall mean an agreement between HPD and the Company that is entered into on or after January 1, 2017 and that requires the Exemption Area to remain a redevelopment company development organized under and operated pursuant to Article V of the Private Housing Finance Law for a period of twenty years from the date of execution.
2. All of the value of the property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the (i) the amount of taxes due in the year immediately prior to the Effective Date, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which were authorized on the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - j. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article V of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the Restrictive Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (v) the Exemption Area is conveyed to a new owner without the prior written consent of HPD, or (vi) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - k. Nothing herein shall entitle the Company to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, MARK LEVINE, STEVEN MATTEO; Committee on Finance, May 24, 2017.

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

### **Report of the Committee on Governmental Operations**

Report for Int. No. 282-A

#### **Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to community involvement in decisions of the board of standards and appeals.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on April 10, 2014 (Minutes, page 1149), respectfully

### **REPORTS:**

#### **INTRODUCTION**

On May 23, 2017, the Committee on Governmental Operations, chaired by Council Member Benjamin Kallos, held a second hearing and vote approving ten bills.

Nine of the bills are related to the Board of Standards and Appeals: Int. No. 282-A, sponsored by Council Member Jimmy Van Bramer, in relation to community involvement in decisions of the board of standards and appeals; Int. No. 418-A, sponsored by Council Member Karen Koslowitz, in relation to written responses by the board of standards and appeals; Int. No. 514-A, sponsored by Council Member Steven Matteo, in relation to expiration of variances granted by the board of standards and appeals; Int. No. 1200-A, sponsored by Council Member Donovan Richards, in relation to proof of service of certain required mailings for applications to the board of standards and appeals; Int. No. 1390-A, sponsored by Council Member Benjamin Kallos, in relation to a board of standards and appeals coordinator within the department of city planning; Int. No. 1391-A, sponsored by Council Member Benjamin Kallos, in relation to qualifications of staff members of the board of standards and appeals; Int. No. 1392-A, sponsored by Council Member Benjamin Kallos, in relation to applications for variances and special permits before the board of standards and appeals; Int. No. 1393-A, sponsored by Council Member Benjamin Kallos, in relation to requiring the board of standards and appeals to report on variances and special permits; and Int. No. 1394-A, sponsored by Council Member Benjamin Kallos, in relation to adding zoning variance and special permit information on a map on a city website. The first hearing on these bills was held on December 14, 2016.

The tenth bill is Int. No. 848-A, sponsored by Council Member Ritchie Torres, in relation to sending voting histories to voters. The first hearing on this bill was held on February 29, 2016.

#### **BACKGROUND**

##### *Board of Standards and Appeals*

The Board of Standards and Appeals ('BSA') was originally established as an "independent board to grant "relief" from the zoning code."<sup>1</sup> In 1916, New York City adopted its first comprehensive zoning resolution and created a Board of Appeals with the power to vary the application of the new zoning resolution, stating: "Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this resolution the Board of Appeals shall have power in a specific case to vary any such

<sup>1</sup> About BSA, Board of Standards and Appeals, <http://www.nyc.gov/html/bsa/html/mission/mission.shtml>

provision in harmony with its general purpose and intent, so that the public health, safety and general welfare may be secured and substantial justice done.”<sup>2</sup>

### *Composition*

The BSA is comprised of five commissioners, each appointed by the Mayor for a term of six years.<sup>3</sup> Of these five members, one must be a professional planner, one a registered architect, and one a professional engineer.<sup>4</sup> The planner, architect and engineer must have ten years of professional experience.<sup>5</sup> Both the chair and vice-chair of the BSA are designated by the Mayor, but must satisfy the requisite experience to serve as the planner, the architect or the engineer.<sup>6</sup> No more than two of the BSA’s commissioners may reside in any one borough.<sup>7</sup>

### *Powers of the Board of Standards and Appeals*

Today, the BSA is empowered by the City Charter to interpret the meaning or applicability of the Zoning Resolution, Building Code, Fire Code, Multiple Dwelling Law, and Labor Law, with respect to the usage of private property.<sup>8</sup> This includes the ability to “vary” in certain instances the provisions of these regulations. The ability for the government to grant such relief on an individual basis is necessary in order to satisfy the “takings clause” of the United States Constitution. In that role, the BSA can act “as a safety valve by releasing restrictions in certain instances from their possible confiscatory effect in depriving a property owner of a proper use of his property while at the same time requiring him to pay taxes thereupon.”<sup>9</sup>

Specifically, when the application of a provision of the Zoning Resolution to an individual parcel of property results in “practical difficulties or unnecessary hardship,” the BSA may “vary or modify the provision so that the spirit of the law shall be observed, public safety secured, and substantial justice done.”<sup>10</sup> In order to grant such a variance, however, the BSA must make five specific findings:

1. “that there are unique physical conditions... peculiar to and inherent in the particular #zoning lot#, and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the #use# or #bulk# provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the #zoning lot# is located”<sup>11</sup>
2. “that because of such physical conditions there is no reasonable possibility that a #development#, #enlargement#, extension, alteration or change of #use# on the #zoning lot# in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; this finding shall not be required for the granting of a variance to a non-profit organization”<sup>12</sup>
3. “that the variance, if granted, will not alter the essential character of the neighborhood... [and] will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare”<sup>13</sup>
4. “that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however, where all other required findings are made, the purchase of a #zoning lot# subject to the restrictions sought to be varied shall not

<sup>2</sup> See City of New York, Building Zone Resolution of 1916, Art. 5 §20, available at: <https://www1.nyc.gov/assets/planning/download/pdf/about/city-planning-history/zr1916.pdf>

<sup>3</sup> NYC Charter § 659(a).

<sup>4</sup> NYC Charter § 659(b).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> NYC Charter §666

<sup>9</sup> See N.Y. City Hous. Auth. v. Foley, 223 N.Y.S.2d 621, 627 (N.Y. Sup. Ct., 1961).*Id.*

<sup>10</sup> NYC Zoning Resolution § 72-21 (“Findings Required for Variances”).

<sup>11</sup> NYC Zoning Resolution § 72-21(a)

<sup>12</sup> NYC Zoning Resolution § 72-21(b)

<sup>13</sup> NYC Zoning Resolution § 72-21(c)

- itself constitute a self-created hardship,”<sup>14</sup> and
5. “that within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for”<sup>15</sup>

If all of the above five findings are made then the BSA may grant a variance. However, all determinations approving a variance must set forth each of the required findings and all determinations disapproving a variance must set forth which of the findings were not satisfied, and each finding must be “supported by substantial evidence or other data considered by the Board in reaching its decision.”<sup>16</sup>

The BSA is also empowered to grant “special permits” for specified uses, or for the modification of use and bulk regulations in appropriate cases.<sup>17</sup> Special permits that affect use regulations are granted to permit a certain use in a district where that use might not otherwise be allowed, such as an auto service station in designated commercial districts<sup>18</sup> or a utility substation in a residential district.<sup>19</sup> The uses that may be permitted, and the conditions under which they may be permitted, are enumerated within the Zoning Resolution.<sup>20</sup> Special permits that affect bulk regulations include the enlargement of single- and two-family residences in designated areas of Brooklyn, enlargement of non-residential buildings, and modification of community facility uses.<sup>21</sup>

Although variances and special permits are among the most common of the powers exercised by the BSA, and discussed by the public, there are other powers as well. For instance, the BSA can renew, or ‘vest,’ building permits that have lapsed due to zoning changes or common law doctrine, if the work is determined to have commenced under validly-issued permits, tangible change occurred and economic loss would result due to significant expenditure or irrevocable financial commitment.<sup>22</sup> The BSA can also extend the term of previously approved variances and special permits (if a term was imposed on the approval) or modify previous approvals.<sup>23</sup> The BSA may grant waivers of certain provisions of the NYS General City Law, such as of the prohibition of building in the bed of any street identified on an official map or to grant certificate of occupancy for buildings that do not front on a mapped street.<sup>24</sup> Finally, one of the more often used powers of the BSA, is to hear and decide appeals to decisions rendered by the Department of Buildings, or any City agency which has jurisdiction over the use of land or use or bulks of buildings, for which the BSA may reverse, affirm or modify such decisions.<sup>25</sup>

A mechanism for public input is a required part of the process for the exercising of certain powers of the BSA. For example, prior to the consideration of applications for variances or special permits, Community Boards and Borough Boards are to review such applications under a process codified in the City Charter.<sup>26</sup> This process begins with the BSA forwarding a copy of the application to the affected Community Board(s), and to the Borough Board if the application involves land in multiple districts, which then must either conduct a public hearing, submit a recommendation to the BSA, or waive the right to do so.<sup>27</sup> The Community Board(s) and Borough Board, among others, are also required by law to be afforded a right to appear before the BSA for the purpose of proposing arguments or submitting evidence in support of or in opposition to the application.<sup>28</sup> However, all such recommendations and proposals are advisory, with the final decision rendered by the BSA.

The BSA issues written decisions, which are filed with the City Planning Commission, the affected Community or Borough Boards, and are made available on the BSA’s website. Final determinations by the

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<sup>14</sup> NYC Zoning Resolution § 72-21(d)

<sup>15</sup> NYC Zoning Resolution § 72-21(e)

<sup>16</sup> NYC Zoning Resolution § 72-21

<sup>17</sup> NYC Charter § 666(10).

<sup>18</sup> NYC Zoning Resolution § 73-211

<sup>19</sup> NYC Zoning Resolution § 73-14

<sup>20</sup> NYC Zoning Resolution § 73-01, *et seq.*

<sup>21</sup> NYC Zoning Resolution § 73-60, *et seq.* and <http://www.nyc.gov/html/bsa/html/mission/mission.shtml>

<sup>22</sup> NYC Zoning Resolution § 11-331 and <http://www.nyc.gov/html/bsa/html/mission/mission.shtml>

<sup>23</sup> NYC Zoning Resolution §§ 11-411, 11-412, 11-413 and <http://www.nyc.gov/html/bsa/html/mission/mission.shtml>

<sup>24</sup> <http://www.nyc.gov/html/bsa/html/mission/mission.shtml>

<sup>25</sup> NYC Zoning Resolution § 72-11 and <http://www.nyc.gov/html/bsa/html/mission/mission.shtml>

<sup>26</sup> NYC Charter § 668(a)

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

<sup>28</sup> NYC Charter § 666(9).

BSA may be challenged via an action in court pursuant to Article 78 of the New York State Civil Practice Law and Rules.<sup>29</sup>

#### *Voter Participation and the CFB Voter Guide*

Voter participation can be encouraged by empowering eligible voters and ensuring that they have access to information that is thorough and instructive. The Voter Guides published by the Campaign Finance Board, as required by the City Charter,<sup>30</sup> provide information about, among other things, registration deadlines, absentee ballots, ballot referenda, and biographical and issue-related information about candidates.<sup>31</sup> The guides allow voters to not only make informed choices when voting, but also serve to remind them how and when to vote. As part of their goal of improving voter engagement and participation, the guides may be a tool for providing additional information. Historically, turnout for some elections have been significantly smaller. For example, last fall's presidential general election had about a 62% turnout of registered voters, but the presidential primary saw only 35% of registered voters turnout to vote.<sup>32</sup> It is believed that providing voters with their voting history might remind them of elections they had otherwise overlooked and encourage them to vote more often.

### **Analysis of Legislation**

#### **Int. No. 282-A**

Int. No. 282-A would require the Board of Standards and Appeals to refer to relevant arguments and evidence submitted to them in rendering a final determination. It was amended to permit similar comments to be categorized together for such response. It would take effect 90 days after becoming law. Technical amendments were also made.

#### **Int. No. 418-A**

Int. No. 418-A would require the Board of Standards and Appeals to provide a response when it makes a determination contrary to the recommendation of a community or borough board. It was amended to clarify that inadvertent failure to comply should not invalidate a decision of the Board of Standards and Appeals. It would take effect 180 days after becoming law. Technical amendments were also made.

#### **Int. No. 514-A**

Int. No. 514-A would require the Board of Standards and Appeals to provide a notification to the owner of record when a variance is about to expire. Use of such property after the expiration of such term may be a violation of the certificate of occupancy and such notice would inform the owner that the Board of Standards and Appeals may not approve an application to extend the term of the variance until any penalties for such a violation are paid. Since the first hearing, the provision related to potential penalties was amended. The universe of term variances covered by the notification requirement was amended to begin with variances issued after December 31, 2013. It would take effect 90 days after becoming law. Technical amendments were also made.

#### **Int. No. 1200-A**

Int. No. 1200-A has been amended since the first hearing so that it would now require that certain copies of an application or application material, that are required to be mailed to a Council Member, Borough President, Community Board or City Agency, are sent by applicants using a method that provides proof of service and that such proof be provided to the Board of Standards and Appeals. The Board would note on its website when such proof of service of delivery has been received and verified. It was amended to take effect 180 days after becoming law.

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<sup>29</sup> NYC. Charter § 668(d).

<sup>30</sup> NYC Charter §1053

<sup>31</sup> See: <http://www.nyccfb.info/nyc-votes/voter-guide/past-voter-guides/>

<sup>32</sup> NYC Board of Elections Annual Report for 2016, p. 19-22, available at:

<http://vote.nyc.ny.us/downloads/pdf/documents/boe/AnnualReports/BOEAnnualReport16.pdf>

**Int. No. 1390-A**

Int. No. 1390-A would require the Department of City Planning to publicly post the name and contact information of the employee acting as a coordinator with the Board of Standards and Appeals. The Department would also be required to post a record of each application for a variance or a special permit to the Board of Standards and Appeals for which the Department provided testimony, as well as a copy of such testimony. The bill was amended to require that the website of the Board of Standards and Appeals link to such testimony. It would take effect immediately. Technical amendments were also made.

**Int. No. 1391-A**

Int. No. 1391-A would require that the Board of Standards and Appeals have access to the advice of a State certified general real estate appraiser with no less than five years' experience in analyzing and auditing real estate investments. It has been amended since introduction to provide that the access to such expertise may be obtained through a contract with a third party or engaging the services of an appraiser already under contract with another agency. It was also amended to require that such appraiser have at least five years of experience analyzing and auditing real estate investments. It was amended to take effect 120 days after becoming law. Technical amendments were also made.

**Int. No. 1392-A**

Int. No. 1392-A would require certain standards for applications to the Board of Standards and Appeals, as well as for the application process and would establish a civil penalty for false statements made to the Board. The bill would require certain materials to be included with certain applications, including a notarized certification that the statements in the materials are correct, a neighborhood character study if a claim of uniqueness of physical conditions is being made, and a financial analysis by a qualified real estate professional. Such financial analysis would contain market based acquisition costs, any appraisals of the property provided by the applicant as part of an application to a government entity within the five years prior, hard and soft costs, and proof of attempts to obtain financing where relevant. The bill has been amended to require that any minimum required materials beyond the above should be established by rule, provided that additional materials could be required from an individual applicant, in the discretion of the Board.

The bill was also amended to require that any materials presented by an applicant to a Community Board or Borough Board for a public hearing by those entities on the application, must also be supplied by the applicant to the Board of Standards and Appeals. Such entities may submit a copy of any such testimony or materials to the Board as well.

The bill would also require that testimony delivered by an applicant at a public hearing held by the Board on the application shall be sworn or affirmed under oath.

The bill was amended to require the Board to report to the Department of Investigation any information concerning a written instrument that contains a false statement that was presented to the Board with the knowledge or belief that such instrument would be part of the records of the Board.

Finally, the false statement civil penalty section of the bill was amended since the prior hearing, to require that the civil penalty should only be applied to a false statement made or allowed 'knowingly,' rather than 'negligently.' It was also amended to provide that the Corporation Counsel, or an agency designated by the Mayor, would have the authority to enforce the provision, but that the Office of Administrative Trials and Hearings would adjudicate any such violation. Additionally, it was amended to require that any person who notifies the Board of such a violation, prior to receiving notice of the potential violation, shall not be subject to such civil penalty. Further, the maximum amount of such civil penalty was reduced from \$25,000 to \$15,000.

It was amended to take effect 12 months after becoming law. Technical amendments were also made.

**Int. No. 1393-A**

Int. No. 1393-A would require the Board of Standards and Appeals to report information about applications for variances and special permits, and appeals of decisions regarding variances and special permits, to the Council twice per year. It was amended since the prior hearing to include reporting on pre-application meetings. It would take effect immediately. Technical amendments were also made.



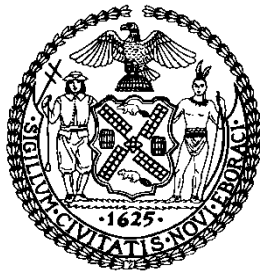
**Int. No. 1394-A**

Int. No. 1394-A would require the Board of Standards and Appeals to compile data on the location of variances and special permit applications into a data set. Since the last hearing it has been amended to provide that such data set may be mapped as a layer on an existing interactive map and that such data set shall include variances and special permit applications beginning January 1, 1998. It was amended to take effect 12 months after becoming law. Technical amendments were also made.

**Int. No. 848-A**

Int. No. 848-A would require that a voter history be mailed to each registered voter, but has been amended since its last hearing to include such voter history with the voter guide prepared by the Campaign Finance Board (CFB). It has been further amended to provide the CFB flexibility in how such voter history is provided with such voter guide. It was amended to take effect on January 1, 2018. It is the Council’s intention that the legislation’s flexibility be used by the CFB to find the most practical and cost effective solution for including such voter histories with the next voter guides in four years. If necessary, the legislation may be revisited in the intervening years, to adjust implementation.

(The following is the text of the Fiscal Impact Statement for Int. No. 282-A:)



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

**PROPOSED INTRO. NO. 282-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the New York city charter, in relation to community involvement in decisions of the board of standards and appeals.

**SPONSORS:** Council Members Van Bramer, Koo, Richards, Rose, Cohen, Gentile, Dickens, Vacca, Rosenthal, Constantinides, Wills, Grodenchik and Ulrich

**SUMMARY OF LEGISLATION:** This bill would require the Board of Standards and Appeals to refer to relevant arguments and evidence submitted to them when rendering a final determination. Similar comments may be categorized together for such responses.

**EFFECTIVE DATE:** This local would take effect 90 days after becoming law.

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

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would not be an impact on expenditures resulting from the enactment of this legislation.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Board of Standards and Appeals

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 282 on April 10, 2014 and referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on December 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 282-A, will be considered by the Committee on May 23, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 282-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 22, 2017.

**(For text of the remaining bills and their Fiscal Impact Statements, please see the Reports of the Committee on Governmental Operations for Int. Nos. 418-A, 514-A, 848-A, 1200-A, 1390-A, 1391-A, 1392-A, 1393-A, and 1394-A; for text of Int. No. 282-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 282-A, 418-A, 514-A, 848-A, 1200-A, 1390-A, 1391-A, 1392-A, 1393-A, and 1394-A.*

**(The following is the text of Int. No. 282-A:)**

Int. No. 282-A

By Council Members Van Bramer, Koo, Richards, Rose, Cohen, Gentile, Vacca, Rosenthal, Constantinides, Wills, Grodenchik, Menchaca, Kallos, Vallone and Ulrich.

**A Local Law to amend the New York city charter, in relation to community involvement in decisions of the board of standards and appeals**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 9 of section 666 of the New York city charter, as amended by a vote of the electors at the general election on November 4, 1975, and renumbered by local law number 49 for the year 1991, is amended to read as follows:

9. To afford an equal right to the city planning commission, community boards, and borough boards and lessees and tenants as well as owners to appear before it for the purpose of proposing arguments or submitting evidence in respect of any matter brought before it pursuant to the zoning resolution of the city of New York. *In rendering a final determination on any matter before it in which any such party has proposed relevant arguments or submitted relevant evidence, the board shall refer to such arguments or evidence in its final determination and describe the extent to which the board considered such arguments or evidence in*

reaching its final determination, to the extent applicable. The board may categorize similar comments together and respond to such categories, provided that each such categorical response indicates the testimony to which it is responding.

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

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, JOSEPH C. BORELLI; Committee on Governmental Operations, May 23, 2017.

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

Report for Int. No. 418-A

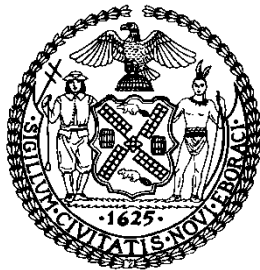
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to written responses by the board of standards and appeals.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on July 24, 2014 (Minutes, page 2947), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 282-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 418-A:*



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

**PROPOSED INTRO. NO. 418-A**

**COMMITTEE:** Governmental Operations

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**TITLE:** A Local Law to amend the New York City charter, in relation to written responses by the board of standards and appeals.

**SPONSORS:** Council Members Koslowitz, Gentile, Koo, Richards, Torres, Vallone, Rodriguez, Rosenthal, Mendez, Menchaca, Kallos and Ulrich.

**SUMMARY OF LEGISLATION:** This bill would require the Board of Standards and Appeals to provide a response when it makes a determination contrary to the recommendation of a community or borough board.

**EFFECTIVE DATE:** This local would take effect 180 days after becoming law.

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

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would not be an impact on expenditures resulting from the enactment of this legislation.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Board of Standards and Appeals

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 418 on July 24, 2014 and referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on December 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 418-A, will be considered by the Committee on May 23, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 418-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 22, 2017.

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

**(The following is the text of Int. No. 418-A:)**

Int. No. 418-A

By Council Members Koslowitz, Gentile, Koo, Richards, Torres, Vallone, Rodriguez, Rosenthal, Mendez, Menchaca, Kallos, Rose, Van Bramer, Barron and Ulrich.

**A Local Law to amend the New York city charter, in relation to written responses by the board of standards and appeals.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 668 of the New York city charter, as amended by local law number 102 for the year 1977, is amended to read as follows:

b. The recommendation of a community board or borough board pursuant to subdivision a of this section shall be filed with the board of standards and appeals and a copy sent to the city planning commission. The board of standards and appeals shall conduct a public hearing and act on the proposed application. A decision of the board shall indicate whether each of the specific requirements of the zoning resolution for the granting of variances has been met and shall include findings of fact with regard to each such requirement. *When the board of standards and appeals grants or denies an application for a variance or special permit, the board shall respond, as applicable, to any relevant recommendation filed with such board by a community board or borough board regarding such application. Inadvertent failure to comply with the preceding sentence shall not result in the invalidation of any board decision.*

§2. This local law takes effect 180 days after it becomes law.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, JOSEPH C. BORELLI; Committee on Governmental Operations, May 23, 2017.

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

Report for Int. No. 514-A

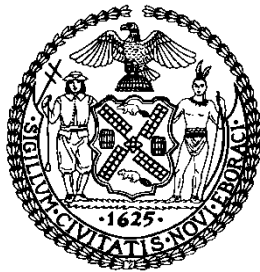
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to expiration of variances granted by the board of standards and appeals.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on October 22, 2014 (Minutes, page 3793), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 282-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 514-A:*



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

**PROPOSED INTRO. NO. 514-A**

**COMMITTEE:** Governmental Operations

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to expiration of variances granted by

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**SPONSORS:** Council Members Matteo, Ulrich, Johnson, Koo, Rosenthal, Vacca, Gentile and Kallos.

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the board of standards and appeals.

**SUMMARY OF LEGISLATION:** This bill would require the Board of Standards and Appeals (BSA) to provide a notification to the owner of record when a variance is about to expire. Use of such property after the expiration of such term may be a violation of the certificate of occupancy and such notice would inform the owner that the BSA may not approve an application to extend the term of the variance until any penalties for such a violation are paid.

**EFFECTIVE DATE:** This local would take effect 90 days after becoming law.

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

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would not be an impact on expenditures resulting from the enactment of this legislation. BSA would use Outlook to send property owners an automated notice six months before their variance is about to expire.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Board of Standards and Appeals

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 514 on October 22, 2014 and referred to the Committee on Governmental Operations. A hearing was held by the Committee on December 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 514-A, will be considered by the Committee on May 23, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 514-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 24, 2017.

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

**(The following is the text of Int. No. 514-A:)**

## Int. No. 514-A

By Council Members Matteo, Ulrich, Johnson, Koo, Rosenthal, Vacca, Gentile, Kallos, Vallone, Rose, Van Bramer and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to expiration of variances granted by the board of standards and appeals**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-209 to read as follows:

*§ 25-209 Notice of expiration of a variance. For any variance granted by the board after December 31, 2013 pursuant to sections 666 and 668 of the charter for which such board imposed a term, the board shall notify, no later than six months prior to the expiration of the term of such variance, the owner of record of the subject property that the term of such variance will expire. Such notification shall be sent via first class mail and, if practicable, via email. Use of such subject property after the expiration of such term in a manner that is inconsistent with the certificate of occupancy or with records of the department of buildings shall subject such property to a violation of section 28-118.3.2 of this code. Such notification shall also inform the owner of record of the subject property that the board may not approve an application to extend the term of a variance until penalties imposed pursuant to a violation of such section are paid in full.*

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

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, JOSEPH C. BORELLI; Committee on Governmental Operations, May 23, 2017.

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

## Report for Int. No. 848-A

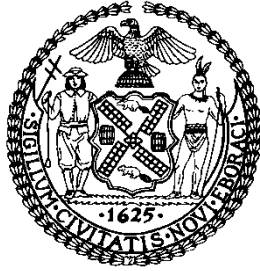
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to sending voting histories to voters.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on June 26, 2015 (Minutes, page 2705), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 282-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 848-A:*



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

**PROPOSED INTRO. NO. 848-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the New York city charter, in relation to sending voting histories to voters.

**SPONSORS:** Council Members Deutsch, Espinal, Kallos, Rodriguez, Rosenthal, Torres, Ulrich and Williams.

**SUMMARY OF LEGISLATION:** This bill would require the Campaign Finance Board to include a list of all primary and general elections held over the previous four calendar years, as well as whether or not a voter was registered to vote and whether such voter voted, within the voter guide mailed to voters for the citywide primary and general elections held every four years.

**EFFECTIVE DATE:** This local would take effect on January 1<sup>st</sup>, 2018.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be an impact of \$1.6 million in expenditures every fourth fiscal year resulting from the enactment of this legislation. The legislation would first impact the budget in Fiscal 2021, and every fourth year thereafter when the voter guide is scheduled to be issued. Costs associated with the bill’s implementation include additional printing and related administrative costs.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
 Mayor’s Office of Legislative Affairs  
 Board of Standards and Appeals

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
 John Russell, Unit Head  
 Eric Bernstein, Counsel



**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 848 on June 26, 2015 and referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on December 29, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 848-A, will be considered by the Committee on May 23, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 848-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 23, 2017.

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

**(The following is the text of Int. No. 848-A:)**

Int. No. 848-A

By Council Members Torres, Rodriguez, Rosenthal, Deutsch, Williams, Espinal, Kallos, Rose, Barron and Ulrich.

**A Local Law to amend the New York city charter, in relation to sending voting histories to voters**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 3 and 4 of subdivision a of section 1053 of the New York city charter, as designated and amended by local law number 170 for the year 2016, are amended, and a new paragraph 5 is added to such subdivision, to read as follows:

3. information on each candidate, including but not limited to name, party affiliation, present and previous public offices held, present occupation and employer, prior employment and other public service experience, educational background, a listing of major organizational affiliations and endorsements, and a concise statement by each candidate of his or her principles, platform or views; [and]

4. where there is a ballot proposal or referendum, concise statements explaining such proposal or referendum and an abstract of each such proposal or referendum; *and*

5. *For a voter guide mailed in connection with the citywide primary and general elections held every four years, such voter guide shall include for each registered voter a list of the primary and general elections held over the previous four calendar years for which, according to the records of the board of elections, such voter was registered to vote and whether such voter voted in each such election. Such information may be printed separately from such voter guide, provided that it is included with the mailing of such voter guide.*

§ 2. This local law takes effect on January 1, 2018.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, JOSEPH C. BORELLI; Committee on Governmental Operations, May 23, 2017.

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

Report for Int. No. 1200-A

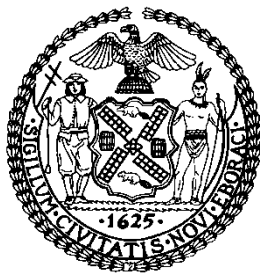
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to proof of service of certain required mailings for applications to the board of standards and appeals.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on May 25, 2016 (Minutes, page 1488), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 282-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1200-A:*



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

**PROPOSED INTRO. NO. 1200-A**

**COMMITTEE: Governmental Operations**

**TITLE:** A Local Law to amend the New York city charter, in relation to proof of service of certain required mailings for applications to the board of standards and appeals.

**SPONSORS:** Council Members Richards, Salamanca, Gentile, Dromm, Chin, Menchaca and Kallos.

**SUMMARY OF LEGISLATION:** This bill would require that certain copies of an application or application materials that are required to be mailed to a Council Member, Borough President, Community Board or City Agency, are to be sent by applicants by a method that provides proof of service, and for such proof to be provided to the Board of Standards and Appeals (the Board). The Board would note on its website when such proof of service of delivery has been received and verified.

**EFFECTIVE DATE:** This local would take effect 180 days after becoming law.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY18
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	de minimus	\$0	\$0
<b>Net</b>	de minimus	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be a de minimus impact on expenditures resulting from the enactment of this legislation. Existing resources would be used to update the Board of Standards and Appeals website to note when applicants' proof of service of delivery has been received and verified.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Existing resources

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Board of Standards and Appeals

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1200 on May 25, 2016 and referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on December 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1200-A, will be considered by the Committee on May 23, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1200-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 22, 2017.

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

**(The following is the text of Int. No. 1200-A:)**

Int. No. 1200-A

By Council Members Richards, Salamanca, Gentile, Dromm, Chin, Menchaca, Kallos, Vallone, Rose and Van Bramer.

**A Local Law to amend the New York city charter, in relation to proof of service of certain required mailings for applications to the board of standards and appeals**

*Be it enacted by the Council as follows:*

Section 1. Section 668 of the New York city charter is amended by adding a new subdivision f to read as follows:

*f. Any copy of an application or application material that is required by this chapter, or by rule of the board, to be mailed by the applicant to a council member, borough president, community board or city agency shall be sent to such parties by certified mail, or any similar method approved by the board that provides for proof of service. Proof of service of the delivery of the initial filing of an application to the council member, borough president and community board, as required by this chapter, shall be submitted to the board, and the board shall note on its website that such proof of service of delivery has been received and verified.*

§ 2. This local law takes effect 180 days after it becomes law.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, JOSEPH C. BORELLI; Committee on Governmental Operations, May 23, 2017.

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

Report for Int. No. 1390-A

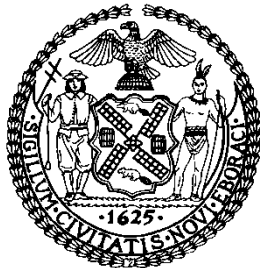
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to a board of standards and appeals coordinator within the department of city planning.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4082), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 282-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1390-A:*



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

**PROPOSED INTRO. NO. 1390-A**

**COMMITTEE:** Governmental Operations

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**TITLE:** A Local Law to amend the New York city charter, in relation to a board of standards and appeals coordinator within the department of city planning.

**SPONSORS:** Council Members Kallos, Mendez, Richards and Gentile.

**SUMMARY OF LEGISLATION:** This bill would require the Department of City Planning (Department) to publicly post the name and contact information of the employee acting as a coordinator with the Board of Standards and Appeals. The Department would also post a record of each application for a variance or a special permit to the Board of Standards and Appeals for which the Department provided testimony, as well as a copy of such testimony. The Board of Standards and Appeals website would link to such testimony.

**EFFECTIVE DATE:** This local would take effect 90 days after becoming law.

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

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**FISCAL IMPACT STATEMENT:**

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY18
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	de minimus	\$0	\$0
<b>Net</b>	de minimus	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be a de minimus impact on expenditures resulting from the enactment of this legislation. Existing resources would be used to update the Department of City Planning’s and Board of Standards and Appeals’ website to include the required records of applications and testimonies.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Existing resources

**SOURCES OF INFORMATION:** New York City Council Finance Division  
 Mayor’s Office of Legislative Affairs  
 Board of Standards and Appeals

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
 John Russell, Unit Head  
 Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1390 on December 6, 2016 and referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on December 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1390-A, will be considered by the Committee on May 23, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1390-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 22, 2017.

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

**(The following is the text of Int. No. 1390-A:)**

Int. No. 1390-A

By Council Members Kallos, Mendez, Richards, Gentile, Vallone, Rose and Van Bramer.

**A Local Law to amend the New York city charter, in relation to a board of standards and appeals coordinator within the department of city planning**

*Be it enacted by the Council as follows:*

Section 1. Section 191 of the New York city charter is amended to read as follows:

§ 191. Department and director of city planning. a. There shall be a department of city planning, the head of which shall be the director of city planning. The director of city planning shall be the chair and a member of the city planning commission and shall serve at the pleasure of the mayor.

b. The director of city planning shall:

1. Advise and assist the mayor, the borough presidents and the council in regard to the physical planning and public improvement aspects of all matters related to the development of the city.
2. Provide staff assistance to the city planning commission in all matters under its jurisdiction.
3. Be the custodian of the city map and record thereon all changes legally authorized.
4. Conduct continuous studies and collect statistical and other data to serve as the basis for planning recommendations.
5. Provide community boards with such staff assistance and other professional and technical assistance as may be necessary to permit such boards to perform their planning duties and responsibilities under this chapter.
6. Assist the mayor in the preparation of strategic plans, including the preparation of the report provided for in section sixteen concerning the social, economic and environmental health of the city, the strategic policy statement provided for in section seventeen and the ten-year capital strategy provided for in section two hundred fifteen.
7. Appoint a deputy executive director for strategic planning.
8. Make a complete transcript of the public meetings and hearings of the commission available for public inspection free of charge within sixty days after any such meeting or hearing. The director shall also provide a copy of any requested pages of such transcript at a reasonable fee to cover the costs of copying and, where relevant, mailing.
9. Indicate on the department's website the name and contact information of an employee who acts as a coordinator with the board of standards and appeals.
10. Provide on the department's website, a record of each application for a variance or special permit to the board of standards and appeals where the department or the city planning commission has submitted testimony and a copy of such testimony in a searchable format.
11. Perform such other functions as are assigned to him or her by the mayor or other provisions of law.

c. The department shall employ such planning experts, engineers, architects and other officers and employees as may be required to perform its duties, within the appropriation therefor.

§ 2. Section 668 of the New York city charter is amended by adding a new subdivision g to read as follows:

*g. The board shall provide access on its website to any testimony posted by the department of city planning pursuant to paragraph 10 of subdivision a of section 191.*

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

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, JOSEPH C. BORELLI; Committee on Governmental Operations, May 23, 2017.

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

Report for Int. No. 1391-A

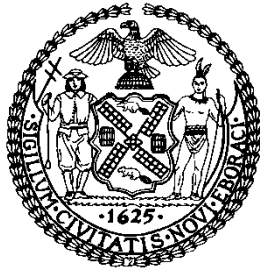
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to qualifications of staff members of the board of standards and appeals.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4083), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 282-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1391-A:*



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

**PROPOSED INTRO. NO. 1391-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the New York city charter, in relation to qualifications of staff members of the board of standards and appeals. **SPONSORS:** Council Members Kallos, Koslowitz, Richards and Gentile.

**SUMMARY OF LEGISLATION:** This bill would require that the Board of Standards and Appeals have access to the advice of a State certified general real estate appraiser with no less than five years’ experience in analyzing and auditing real estate investments.

**EFFECTIVE DATE:** This local would take effect 120 days after becoming law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	de minimus	de minimus	de minimus
<b>Net</b>	de minimus	de minimus	de minimus

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be a de minimus impact on expenditures resulting from the enactment of this legislation. Existing resources would be used to give the Board of Standards and Appeals access to real estate appraisers in the Finance Department or another City agency.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** New York City’s General Fund

**SOURCES OF INFORMATION:** New York City Council Finance Division  
 Mayor’s Office of Legislative Affairs  
 Board of Standards and Appeals

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1391 on December 6, 2014 and referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on December 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1391-A, will be considered by the Committee on May 23, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1391-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 22, 2017.

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

**(The following is the text of Int. No. 1391-A:)**

Int. No. 1391-A

By Council Members Kallos, Koslowitz, Richards, Gentile, Rose and Van Bramer.

**A Local Law to amend the New York city charter, in relation to qualifications of staff members of the board of standards and appeals**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 661 of the New York city charter, as amended by local law number 49 for the year 1991, is amended to read as follows:

a. The executive director may appoint such engineers, architects, and experts and other officers and employees as may be required to perform the duties of his or her office, with the approval of the board and within the appropriation provided therefor. *The executive director shall also ensure the board has access to the advice of a state certified general real estate appraiser, either by engaging the services of an appraiser employed or retained by a city agency, retaining the services of a third party, or appointing at least one staff member, provided that such state certified general real estate appraiser shall have no less than five years' experience in analyzing and auditing real estate investments, with the approval of the board and within the appropriation provided therefor.*

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

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, JOSEPH C. BORELLI; Committee on Governmental Operations, May 23, 2017.

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



Report for Int. No. 1392-A

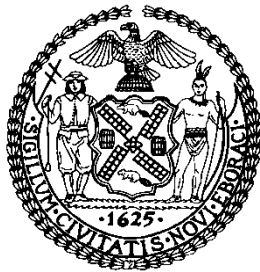
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to applications for variances and special permits before the board of standards and appeals**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4084), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 282-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1392-A:*



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

**PROPOSED INTRO. NO. 1392-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the New York city charter, in relation to applications for variances and special permits before the board of standards and appeals.

**SPONSORS:** Council Members Kallos, Koslowitz, Mendez and Richards.

**SUMMARY OF LEGISLATION:** This bill would require certain standards for applications, and the application process, for variances and special permits before the Board of Standards and Appeals (the Board). Additional minimum standards for application materials would be set by rule by the Board. The bill would also establish a civil penalty for knowingly making or allowing to be made false statements to the Board. The civil penalty would be enforced by the Corporation Counsel or an agency designated by the Mayor.

**EFFECTIVE DATE:** This local would take effect 12 months after becoming law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	de minimus	\$0	\$0
<b>Net</b>	de minimus	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be a de minimus impact on expenditures resulting from the enactment of this legislation in Fiscal 2018 as the Board devotes existing resources to the establishment of new standards for application materials and processes, and the procedures for their enforcement.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Existing resources

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Board of Standards and Appeals

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1392 on December 6, 2016 and referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on December 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1392-A, will be considered by the Committee on May 23, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1392-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 22, 2017.

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

**(The following is the text of Int. No. 1392-A:)**

Int. No. 1392-A

By Council Members Kallos, Koslowitz, Mendez, Richards, Vallone, Rose, Van Bramer and Barron.

**A Local Law to amend the New York city charter, in relation to applications for variances and special permits before the board of standards and appeals**

*Be it enacted by the Council as follows:*

Section 1. Section 668 of the New York city charter, as amended by local law number 102 for the year 1977, paragraph 2 of subdivision a as amended by a vote of the electors at the general election on November 7, 1989, paragraph 5 of subdivision a as added by local law number 19 for the year 1987, paragraphs 6 and 7 of subdivision a as added by vote of the electors at the general election on November 7, 1989, subdivisions c, d and e as amended by vote of the electors at the general election on November 7, 1989, as amended by a local law of the city of New York for the year 2017, in relation to written responses by the board of standards and appeals, as proposed in introduction number 418-A, as amended by a local law of the city of New York for the

year 2017, in relation to proof of service of certain required mailings for applications to the board of standards and appeals, as proposed in introduction number 1200-A, as amended by a local law of the city of New York for the year 2017, in relation to a board of standards and appeals coordinator within the department of city planning, as proposed in introduction number 1390-A, as amended by a local law of the city of New York for the year 2017, in relation to adding zoning variance and special permit information on a map on a city website, as proposed in introduction number 1394-A, is amended to read as follows:

§ 668. Variances and special permits. a. *The applicant, the property owner, and the preparer of any document accompanying an application to vary the zoning resolution or an application for a special permit shall certify, executed under penalty of perjury, that the statements made in the application and accompanying documents are correct. Such certifications shall be notarized.*

b. *The board shall establish by rule the minimum required materials, including but not limited to financial analysis, to be submitted with an application for a variance from the zoning resolution, provided that this requirement shall not limit the board's ability to require additional materials from an applicant, and further provided that such application shall include the following:*

1. *In addition to any materials submitted in support of a claim of uniqueness of physical conditions, a neighborhood character study defined by a radius appropriate to the scale of the neighborhood, as determined by the board, shall be provided. Such study shall include data relevant to the waivers being sought, photographs and relevant land use approvals, for the entire study area.*

2. *A financial analysis conducted by a qualified real estate professional, other than the owner or applicant, shall be submitted. Such financial analysis shall illustrate that an as-of-right project would not result in a reasonable return on investment whereas the waivers sought for the project would result in a reasonable return on investment and that the waivers sought are the minimum necessary to yield a reasonable return. The financial analysis shall include total development costs comprised of but not limited to: (i) market-based acquisition costs, (ii) any appraisals of the property provided by the applicant as part of an application to a local, state or federal agency within the 5 years prior, and, (iii) as applicable, hard and soft costs. If the applicant asserts that the project cannot obtain construction or rehabilitation financing because of the existing zoning requirements, the applicant shall provide proof of all attempts to obtain such financing. All construction cost estimates shall be prepared by a registered architect, professional engineer, builder or contractor, other than the owner or applicant. Such estimates must be signed and, where applicable, contain such preparer's seal. All rental or sellout estimates must be substantiated by market appraisals with appropriate narrative adjustments.*

c. Community boards and borough boards shall review applications to vary the zoning resolution and applications for special permits within the jurisdiction of the board of standards and appeals under the zoning resolution pursuant to the following procedure:

1. Each proposal or application shall be filed with the board of standards and appeals, which shall forward a copy within five days to the community board for each community district in which the land involved, or any part thereof, is located, and to the borough board if the proposal or application involves land located in two or more districts in a borough.

2. Each such community board shall, not later than sixty days after the receipt of the proposal or application, either notify the public of the proposal or application, in the manner specified by the city planning commission pursuant to subdivision i of section one hundred ninety-seven-c, conduct a public hearing thereon and prepare and submit a written recommendation thereon directly to the board of standards and appeals, or waive the conduct of such public hearing and the preparation of such written recommendation. *If a public hearing is held, the applicant shall submit to the board of standards and appeals a copy of any presentation materials utilized at the hearing, as well as a notarized statement executed under penalty of perjury that such materials are true and correct and are as presented to the community board, and such community board may submit to the board of standards and appeals a copy of any testimony presented or materials received from the applicant for such application.*

3. A copy of a recommendation or waiver by a community board pursuant to paragraph two of this subdivision that involves land located within two or more community districts in a borough shall also be filed with the borough board within the same time period specified in that paragraph. Not later than thirty days after the filing of such a recommendation or waiver with the borough board by every community board in which the land involved is located or after the expiration of the time allowed for such community boards to act, the

borough board may hold a public hearing on the proposal or application and any such recommendation and may submit a written recommendation or a waiver thereof to the board of standards and appeals. *If a public hearing is held, the applicant shall submit to the board of standards and appeals a copy of any presentation materials utilized at the hearing, as well as a notarized statement executed under penalty of perjury that such materials are true and correct and are as presented to the borough board, and such borough board may submit to the board of standards and appeals a copy of any testimony presented or materials received from the applicant for such application.*

4. The receipt of such a recommendation or waiver from every community or borough board involved, or the expiration of the time allowed for such boards to act, shall constitute an authorization to the board of standards and appeals to review the application and to make a decision.

5. If after the receipt of such a recommendation or waiver from every community or borough board involved, or the expiration of the time allowed for such boards to act, the applicant for a special permit or variance submits to the board of standards and appeals any additional documents or plans, he or she shall at the same time forward copies of such documents or plans to the city planning commission, the council member involved and to the community or borough board involved.

6. Copies of any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law in connection with an application under this section, and any documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any such draft environmental impact statement shall be delivered to all affected community boards and borough boards.

7. If a meeting involving a city agency and an applicant is convened to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law for an application subject to review under this section, each community board involved and each borough president involved shall receive advance notice of such meeting, and each shall have the right to send one representative to the meeting.

[b] *d.* The recommendation of a community board or borough board pursuant to subdivision [a] *c* of this section shall be filed with the board of standards and appeals and a copy sent to the city planning commission. The board of standards and appeals shall conduct a public hearing and act on the proposed application. *All testimony delivered at a public hearing by the applicant on the proposed application shall be sworn or affirmed under oath.* A decision of the board shall indicate whether each of the specific requirements of the zoning resolution for the granting of variances has been met and shall include findings of fact with regard to each such requirement. When the board of standards and appeals grants or denies an application for a variance or special permit, the board shall respond, as applicable, to any relevant recommendation filed with such board by a community board or borough board regarding such application. Inadvertent failure to comply with the preceding sentence shall not result in the invalidation of any board decision.

[c] *e.* Copies of a decision of the board of standards and appeals and copies of any recommendation of the affected community board or borough board shall be filed with the city planning commission. Copies of the decision shall also be filed with the affected community or borough boards.

[d] *f.* Any decision of the board of standards and appeals pursuant to this section may be reviewed as provided by law.

[e] *g.* *The board shall report to the department of investigation any and all information concerning conduct which it knows or should reasonably know to involve the offering or presentation of a written instrument that contains a false statement or false information to such board with the knowledge or belief that such instrument will become part of the records of such board.*

*h.* The city planning commission shall be a party to any proceeding to determine and vary the application of the zoning resolution. The commission may appear and be heard on any application pursuant to this section before the board of standards and appeals if, in the judgment of the city planning commission, the granting of relief requested in such application would violate the requirements of the zoning resolution relating to the granting of variances. The commission shall have standing to challenge the granting or denial of a variance in a proceeding brought pursuant to article seventy-eight of the civil practice law and rules, or in any similar proceeding.

[f] *i.* Any copy of an application or application material that is required by this chapter, or by rule of the board, to be mailed by the applicant to a council member, borough president, community board or city agency

shall be sent to such parties by certified mail, or any similar method approved by the board that provides for proof of service. Proof of service of the delivery of the initial filing of an application to the council member, borough president and community board, as required by this chapter, shall be submitted to the board, and the board shall note on its website that such proof of service of delivery has been received and verified.

[g] j. The board shall provide access on its website to any testimony posted by the department of city planning pursuant to paragraph 10 of subdivision a of section 191.

[h] k. The board of standards and appeals shall compile data on the location of all variances and special permit applications filed with the board after January 1, 1998 and acted upon by the board, into a publicly available data set. Such data set shall also be provided to the department of information technology and telecommunications for inclusion on an interactive map of the city maintained on a city website. Such map shall allow a user to filter the view of such data by variance, type of special permit, year of filing of variances and special permits and year of decision by the board on variances and special permits.

*l. The board of standards and appeals may promulgate such rules and prescribe such forms as are necessary to carry out the provisions of this section.*

§ 2. Chapter 27 of the New York city charter is amended by adding a new section 670 to read as follows:

§ 670 *False statements. a. It shall be a violation of this section for any person to knowingly make or allow to be made a material false statement in any certificate, professional certification, form, signed statement, application or report that is either submitted directly to the board of standards and appeals or that is generated with the intent that the board rely on its assertions.*

*b. The office of the corporation counsel or an agency designated by the mayor shall have the authority to enforce the provisions of this section. Pursuant to section 1048, the office of administrative trials and hearings shall have jurisdiction over any such violation. Any determination reached by such office shall constitute a final determination.*

*c. A person who has been found to have knowingly made or allowed to be made a material false statement in violation of subdivision a of this section shall be subject to a civil penalty of up to \$15,000 for each such false statement. The board of standards and appeals may dismiss any application in connection with a final determination of such violation.*

*d. Any person who commits a violation of subdivision a of this section and who notifies the board of such violation prior to receiving notice of the potential violation shall not be subject to a civil penalty for such violation, except that the board may dismiss any application in connection with such violation.*

§ 3. This local law takes effect 12 months after it becomes law.

BEN KALLOS, *Chairperson*; MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, JOSEPH C. BORELLI; Committee on Governmental Operations, May 23, 2017.

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

Report for Int. No. 1393-A

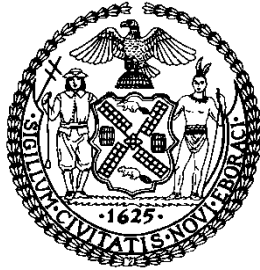
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring the board of standards and appeals to report on variances and special permits.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4086), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 282-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1393-A:*



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

**PROPOSED INTRO. NO. 1393-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the New York city charter, in relation to requiring the board of standards and appeals to report on variances and special permits.

**SPONSORS:** Council Members Kallos, Matteo, Richards, Van Bramer, Mendez, Vacca and Menchaca.

**SUMMARY OF LEGISLATION:** This bill would require the Board of Standards and Appeals to report information about applications for variances and special permits, and appeals of decisions regarding variances and special permits, to the Council twice per year.

**EFFECTIVE DATE:** This local would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would not be an impact on expenditures resulting from the enactment of this legislation.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor’s Office of Legislative Affairs  
Board of Standards and Appeals

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1393 on December 6, 2016 and referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on December 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1393-A, will be considered by the Committee on May 23, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1393-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 22, 2017.

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

**(The following is the text of Int. No. 1393-A:)**

Int. No. 1393-A

By Council Members Kallos, Matteo, Richards, Van Bramer, Mendez, Vacca, Menchaca, Vallone, Rose and Barron.

**A Local Law to amend the New York city charter, in relation to requiring the board of standards and appeals to report on variances and special permits**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 25 of the administrative code of the city New York is amended by adding a new section 25-208 to read as follows:

§ 25-208 *Reports on variances and special permits. a. Not later than December 15, 2017 and no later than December 15 each year thereafter, the board of standards and appeals shall provide to the speaker of the council and post on its website in a non-proprietary format that permits automated processing, a report regarding variances and special permits for the first four months of the current fiscal year. Such report shall include the following information for the reporting period, disaggregated by variance or type of permit:*

- 1. the number of pre-application meeting requests filed;*
- 2. the number of applications filed;*
- 3. the number of applications filed for which a pre-application meeting request was held;*
- 4. the number of applications for which an initial hearing was held;*
- 5. the number of applications that were approved;*
- 6. the number of applications that were denied;*
- 7. the number of appeals filed;*
- 8. the number of appeals granted;*
- 9. the number of appeals denied;*
- 10. the average length of time from when an application was filed to when a decision was made; and*
- 11. the average length of time from when an appeal was filed to when a decision was made.*

*b. Not later than September 1, 2017 and no later than September 1 each year thereafter, the board of standards and appeals shall provide to the speaker of the council and post on its website in a non-proprietary format that permits automated processing a report regarding variances and special permits for the previous fiscal year. Such report shall include the following information for the reporting period, disaggregated by variance or type of permit:*

- 1. the number of pre-application meeting requests filed;*

2. the number of applications filed;
  3. the number of applications filed for which a pre-application meeting request was held;
  4. the number of applications for which an initial hearing was held;
  5. the number of applications that were approved;
  6. the number of applications that were denied;
  7. the number of appeals filed;
  8. the number of appeals granted;
  9. the number of appeals denied;
  10. the average length of time from when an application was filed to when a decision was made; and
  11. the average length of time from when an appeal was filed to when a decision was made.
- § 2. This local law takes effect immediately.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, JOSEPH C. BORELLI; Committee on Governmental Operations, May 23, 2017.

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

Report for Int. No. 1394-A

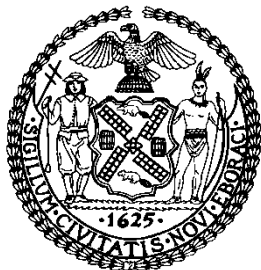
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to adding zoning variance and special permit information on a map on a city website.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4087), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 282-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1394-A:*



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

**PROPOSED INTRO. NO. 1394-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the New York city charter, in relation to adding zoning variance and special permit information on a map on a city website.

**SPONSORS:** Council Members Kallos, Matteo, Richards, Van Bramer, Mendez, Koslowitz, Vacca, Gentile, Menchaca and Chin.



**SUMMARY OF LEGISLATION:** This bill would require the Board of Standards and Appeals to compile data on the location of all variances and special permit applications filed since January 1, 1998 into a data set. Such data set would then be required to be included as a filter on an interactive City map.

**EFFECTIVE DATE:** This local would take effect 12 months after becoming law.

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

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would not be an impact on expenditures resulting from the enactment of this legislation. Existing resources would be used to include data compiled by the Board of Standards and Appeals as a filter on pre-existing City map software.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Board of Standards and Appeals

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Eric Bernstein, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1394 on December 6, 2016 and referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on December 14, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1394-A, will be considered by the Committee on May 23, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1394-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 22, 2017.

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

**(The following is the text of Int. No. 1394-A:)**

## Int. No. 1394-A

By Council Members Kallos, Matteo, Richards, Van Bramer, Mendez, Koslowitz, Vacca, Gentile, Menchaca, Chin, Vallone, Rose and Barron.

**A Local Law to amend the New York city charter, in relation to adding zoning variance and special permit information on a map on a city website**

*Be it enacted by the Council as follows:*

Section 1. Section 668 of the New York city charter is amended by adding a new subdivision h to read as follows:

*h. The board of standards and appeals shall compile data on the location of all variances and special permit applications filed with the board after January 1, 1998 and acted upon by the board, into a publicly available data set. Such data set shall also be provided to the department of information technology and telecommunications for inclusion on an interactive map of the city maintained on a city website. Such map shall allow a user to filter the view of such data by variance, type of special permit, year of filing of variances and special permits and year of decision by the board on variances and special permits.*

§ 2. This local law takes effect 12 months after it becomes law.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, JOSEPH C. BORELLI; Committee on Governmental Operations, May 23, 2017.

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

## Report of the Committee on Health

Report for Int No. 1456-A

### Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring mobile food vendors to post letter grades received for sanitary inspections.

The Committee on Health, to which the annexed proposed amended local law was referred on February 1, 2017 (Minutes, page 336), respectfully

### REPORTS:

#### **I. Introduction**

Today, the Committee on Health, chaired by Council Member Corey Johnson, will hold a hearing on Proposed Int. No. 1456-A, which would require food trucks and carts to post a letter grade, similar to the existing requirement for restaurants to do so. This bill was previously heard in this Committee on May 3, 2017.

#### **II. Background**

Mobile food vendors are governed by the general food vending laws located in Title 17 of the Administrative Code,<sup>73</sup> the Mobile Food Vending regulations in Article 89 of the New York City Health Code,<sup>74</sup> and the Food Preparation and Food Establishments regulations in Article 81 of the Health Code. The Health Code defines a mobile food vending unit as “a food service establishment as defined in Article 81 of this Code located in a pushcart or vehicle, self or otherwise propelled, used to store, prepare, display, serve or sell food, or distribute food free of charge to the public, for consumption in a place other than in or on the unit.”<sup>75</sup>

While mobile food vendors are subject to the same sanitary standards as restaurants, such vendors were carved out of the grading system for food service establishments. The Health Code specifically states that the letter grading system for food service establishments “shall not apply to mobile food vending units...”<sup>76</sup>

One challenge unique to inspecting mobile food vendors is their mobility. DOHMH cannot count on a mobile vendor being in a specific place at a specific time. To ameliorate this issue, DOHMH inspects mobile food vendors around the time of the issuance of a mobile food vending permit.<sup>77</sup> Health inspectors also routinely inspect mobile food vendors on the street, inspecting them where they are commonly found. Proposed Int. No. 1456-A would not make changes to this system of inspection.

The Committee on Health received testimony at the previous hearing on this bill on May 3, 2017 that requiring letter grades on food carts and trucks would allow customers to make informed choices and let customers know that vendors are inspected regularly, possibly earning them respect and legitimacy.<sup>78</sup>

#### **III. Analysis of Proposed Int. No. 1456-A**

Proposed Int. No. 1456-A would require DOHMH to issue health-inspection-based letter grades to mobile food vendors. Letter grades are currently required to be posted in restaurants. This law would expand this requirement to mobile food sellers, which are subject to the same Health Code requirements. The letter grade would reflect the outcome of the most recent inspection by DOHMH. Proposed Int. No. 1456-A would take effect 270 days after its enactment.

The following changes were made to the bill since it was originally heard on May 3, 2017:

<sup>73</sup> NYC Ad. Code § 17-306 through 17-325.1.

<sup>74</sup> NYC Health Code § 89.01 through 89.35.

<sup>75</sup> NYC Health Code § 81.03(h).

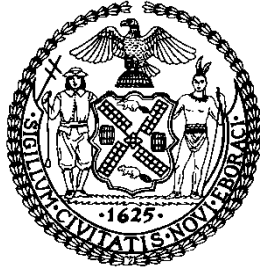
<sup>76</sup> NYC Health Code § 81.51(f).

<sup>77</sup> NYC Ad. Code § 17-307(b)(2)(d).

<sup>78</sup> Transcript of the hearing of the Committee on Health, May 3, 2017, available at [legistar.council.nyc.gov](http://legistar.council.nyc.gov).

- Language was added requiring the letter grading system to be implemented in a manner consistent with the implementation of the restaurant letter grading system, where practicable
- The effective date was changed from 120 days after enactment to 270 days after enactment
- Various technical changes

(The following is the text of the Fiscal Impact Statement for Int. No. 1456-A:)



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

**INTRO. NO: 1456-A**

**COMMITTEE: Health**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring mobile food vendors to post letter grades received for sanitary inspections.

**SPONSOR(S):** Council Members Koslowitz, Cabrera, Grodenchik, Lancman, Deutsch, Salamanca, Richards, Cornegy, Barron, Gentile, Constantinides, Menchaca, Vacca and Kallos.

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Health and Mental Hygiene (DOHMH) to establish and implement a system for grading and classifying inspection results for mobile food vendors. The legislation would require DOHMH to issue, and the mobile food vendors to post, a card indicating the vendor’s sanitary inspection letter grade.

**EFFECTIVE DATE:** This legislation would take effect 270 days after becoming law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY 19</b>	<b>Full Fiscal Impact FY 18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$225,690	\$225,690	\$225,690
<b>Net</b>	\$225,690	\$225,690	\$225,690

**IMPACT ON REVENUES:** It is anticipated that this legislation would not have an impact on revenues.

**IMPACT ON EXPENDITURES:** It is estimated that this bill would cost \$225,690 annually to support a three-person increase in headcount.

- Following the induction of restaurant letter grading in 2010, the number of DOHMH Public Health Sanitarians increased by approximately nine percent. A comparable increase in Public Health Sanitarians for the Mobile Food Vending Program equals three positions.

- DOHMH currently dedicates 21 Public Health Sanitarians and nine Associate Public Health Sanitarians to the Mobile Food Vending Program, for a total cost of \$2,258,994. Three new positions, budgeted at \$75,230 each, totals \$225,690.
- The additional staff would support an increase in follow-up inspections resulting from food cart grading. The agency could utilize existing resources to provide administrative and technical support.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Jeanette Merrill, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirilhen R. Francisco, Unit Head, NYC Council Finance Division  
Eric Bernstein, Counsel, NYC Council Finance Division.

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 1, 2017 and was referred to the Committee on Health. The Committee held a hearing on May 3, 2017 and the bill was laid over. The bill was subsequently amended, and the Committee will vote on the amended legislation, Proposed Int. No. 1456-A, at a hearing on May 23, 2017. Upon successful vote by the Committee, the full Council will vote on the legislation on May 24, 2017.

**DATE PREPARED:** May 22, 2017.

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

**(The following is the text of Int. No. 1456-A:)**

Int. No. 1456-A

By Council Members Koslowitz, Cabrera, Grodenchik, Lancman, Deutsch, Salamanca, Richards, Cornegy, Barron, Gentile, Constantinides, Menchaca, Vacca, Kallos, Johnson, Eugene and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring mobile food vendors to post letter grades received for sanitary inspections**

*Be it enacted by the Council as follows:*

Section 1. Section 17-306 of the administrative code of the city of New York is amended by adding a new subdivision t to read as follows:

*t. "Letter grade." A letter grade indicating the sanitary inspection grade issued by the department pursuant to section 17-325.3.*

§ 2. Section 17-311 of the administrative code of the city of New York, subdivision d of such section as added by local law number 9 for the year 2008, is amended to read as follows:

§ 17-311 Display of license or plate *and letter grade*. a. Each food vendor shall carry his or her license upon his or her person and it shall be exhibited upon demand to any police officer, public health sanitarian or other authorized officer or employee of the city.

b. The food vendor's license shall be worn conspicuously by him or her at all times while he or she is operating as a food vendor.

c. The permit plate *and letter grade* shall be firmly affixed to the vending vehicle or pushcart in a conspicuous place *as required by rules of the department*.

d. Vendors issued fresh fruits and vegetables permits pursuant to paragraph four of subdivision b of

section 17-307 of the administrative code of the city of New York shall carry upon their person a laminated or similarly durable and easily readable map, prepared and issued to them by the commissioner, designating those areas of the city in which they are authorized to vend. Those persons issued a fresh fruits and vegetables permit found to be vending from green carts and vehicles in precincts other than those designated on their borough-specific permits shall be deemed to be operating such vehicle or pushcart without a permit.

§ 3. Subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-325.3 to read as follows:

§ 17-325.3 *Sanitary inspection grading.* *The department shall establish and implement a system for grading and classifying inspection results for each vending vehicle or pushcart using letters to identify and represent a vending vehicle or pushcart's degree of compliance with laws and rules that require such vending vehicle and pushcart to operate in a sanitary manner to protect public health. Where practicable, such system shall be implemented in a manner consistent with the implementation of the letter grading program established by the department for food service establishments pursuant to section 81.51 of the health code.*

§ 4. This local law takes effect 270 days after it becomes law, provided, however, that the commissioner shall take any actions necessary for its implementation prior to such effective date including, but not limited to, the promulgation of rules.

COREY D. JOHNSON, *Chairperson*; MATHIEU EUGENE, PETER A. KOO, INEZ D. BARRON, ROBERT E. CORNEGY, Jr., *Committee on Health*, May 23, 2017. *Other Council Members Attending: Koslowitz*

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

### **Report of the Committee on Housing and Buildings**

Report for Int. 722-A

#### **Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to minimum temperatures required to be maintained in dwellings.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 11, 2015 (Minutes, page 826), respectfully

#### **REPORTS:**

#### **Introduction**

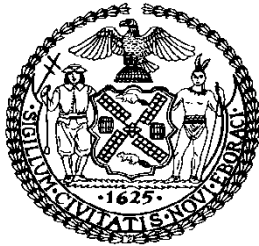
On May 23, 2017, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 722-A.

The Committee previously heard Proposed Int. No. 722-A on January 14, 2016 and received testimony from representatives of the Department of Housing Preservation and Development (HPD), the Manhattan Borough President's Office, housing developers, members of the real estate industry, tenant advocates, legal service providers, environmental advocacy organizations, and other interested members of the public. More information about this bill is available with materials from that hearing, and can be accessed online at <https://goo.gl/OE1gqR>.

**Proposed Int. No. 722-A**

Proposed Int. No. 722-A would require that, during heating season, between October 1 and May 31, owners of residential buildings who are required to provide heat for their tenants maintain a minimum nighttime (between 10:00 p.m. and 6:00 a.m.) temperature during heating season of 62 degrees, regardless of the outdoor temperature. The effective date of this legislation is October 1, 2017.

**(The following is the text of the Fiscal Impact Statement for Int. No. 722-A:)**



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

**PROPOSED INTRO. NO: 722-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to minimum temperatures required to be maintained in dwellings

**SPONSORS:** Council Members Williams, Levine, Rose, Rosenthal, Van Bramer, Torres, Constantinides, Garodnick, Kallos, Levin, Treyger, Dromm and Barron (by request of the Manhattan Borough President).

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 722-A would increase the minimum nighttime temperature required to be maintained in areas of dwelling units used or occupied for living purposes between October 1st and May 31st, a period known as "Heat Season." Residential property owners would be required to provide tenants with adequate heat under the following conditions: Between the hours of 10 p.m. and 6 a.m., the inside temperature would have to be kept at 62 degrees or above (raised from 55), regardless of the outdoor temperature.

**EFFECTIVE DATE:** This local law would take effect on October 1, 2017, except that the Commissioner of Housing Preservation and Development may take any actions necessary for its implementation, including promulgation of rules, before such effective date.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While HPD may issue violations to property owners regarding inadequate heat during heat season, HPD notes that most property owners provide heat as required by code. For example, during the 2014-2015 heating season, HPD received 208,000 complaints regarding inadequate heat, but only issued 4,484 violations, which represents 2 percent, of all complaints received. In addition, the penalties associated with such violations are not mandated under this legislation, and thus not assumed in this cost estimate.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by HPD to implement the provisions of this local law and non-City entities would bear the costs of providing heat in accordance with the legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 11, 2015 as Intro. No. 722 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 14, 2016, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 722-A, will be considered by the Committee on May 23, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 19, 2017.

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

**(The following is the text of Int. No. 722-A:)**

Int. No. 722-A

By Council Members Williams, Levine, Rose, Rosenthal, Van Bramer, Torres, Constantinides, Garodnick, Kallos, Levin, Treyger, Dromm, Barron, Cornegy and Salamanca (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to minimum temperatures required to be maintained in dwellings.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 27-2029 of the administrative code of the city of New York is amended to read as follows:

a. During the period from October first through May thirty-first, centrally-supplied heat, in any dwelling in which such heat is required to be provided, shall be furnished so as to maintain, in every portion of such dwelling used or occupied for living purposes:

(1) between the hours of six a.m. and ten p.m., a temperature of at least sixty-eight degrees Fahrenheit whenever the outside temperature falls below fifty-five degrees; and

(2) between the hours of ten p.m. and six a.m., a temperature of at least [fifty-five] sixty-two degrees Fahrenheit [whenever the outside temperature falls below forty degrees].

§ 2. This local law shall take effect on October 1, 2017, except that the commissioner of housing preservation and development may take any actions necessary for its implementation, including promulgation of rules, before such effective date.



JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., MARK LEVINE, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Housing and Buildings, May 23, 2017.

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

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

Report for L.U. No. 604

**Report of the Committee on Land Use in favor of approving Application No. 20175318 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at Block 2458, Lots 13, 35, and 49, Borough of the Bronx, Community Board 4, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 5, 2017 (Minutes, page 1017) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### ***SUBJECT***

**BRONX - CB 4**

**20175318 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law, Section 577, for the approval of a new real property tax exemption for property located at Block 2458, Lots 13, 35, and 49, Borough of the Bronx.

#### ***INTENT***

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance law for the exemption area located at Block 2458, Lots 13, 35 and 49, which contains multiple dwellings known as Concourse Village West that will provide rental housing for low-income families.

#### **PUBLIC HEARING**

**DATE:** May 2, 2017

**Witnesses in Favor:** Two

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 16, 2017

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

**In Favor:**

Salamanca, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1490

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2458, Lots 13, 35 and 49, Borough of the Bronx, (L.U. No. 604; Non-ULURP No. 20175318 HAX).**

By Council Members Greenfield and Salamanca.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 27, 2017 its request dated March 20, 2017 that the Council approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption") for property located at Block 2458, Lots 13, 35 and 49, Community District No. 4, Borough of the Bronx, Council District No. 17 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 2, 2017;

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

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law the Council approves the exemption of the Exemption Area from real property taxes as follows:

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

- a. “Community Facility Space” shall mean those portions of the Exemption Area required to be used as a community facility under the Regulatory Agreement.
  - b. “Company” shall mean Concourse Village West Owner LLC.
  - c. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - e. “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2458, Lots 13, 35, and 49 on the Tax Map of the City of New York.
  - f. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - g. “HDFC” shall mean HP Concourse Village West Housing Development Fund Company, Inc.
  - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. “Owner” shall mean, collectively, the HDFC and the Company.
  - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
  - c. Nothing herein shall entitle the Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the Owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 607

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20175260 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of The Egg Shop LES LLC, d/b/a The Egg Shop, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 151 Elizabeth Street, Borough of Manhattan, Community Board 2, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1172) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**MANHATTAN CB - 2**

**20175260 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of The Egg Shop Les, LLC, d/b/a The Egg Shop, for a new revocable consent to maintain and operate a small unenclosed sidewalk café located at 151 Elizabeth Street.

By letter dated May 12, 2017 and submitted to the City Council on May 15, 2017, the Applicant withdrew the Application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent.

**SUBCOMMITTEE RECOMMENDATION****DATE:** May 16, 2017

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1491

**Resolution approving a motion to file pursuant to withdrawal of the Application for a new revocable consent for a small unenclosed sidewalk café located at 151 Elizabeth Street, Borough of Manhattan (20175260 TCM; L.U. No. 607).**

By Council Members Greenfield and Richards.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on April 10, 2017 its approval dated April 7, 2017 of the petition of The Egg Shop Les, LLC, d/b/a The Egg Shop, for a new revocable consent to establish, maintain and operate a small unenclosed sidewalk café located at 151 Elizabeth Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

**WHEREAS**, by letter dated May 12, 2017 and submitted to the City Council on May 15, 2017, the Applicant withdrew the Application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent;

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a, 7.90 and 11.80 of the Rules of the Council.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 608

**Report of the Committee on Land Use in favor of approving Application No. C 170140 ZMX submitted by 600 Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 6c, changing an existing M1-1 District to an R8A District on property located on 156th Street between Caldwell Avenue and Eagle Avenue, Borough of the Bronx, Community District 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1172) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:*****SUBJECT*****BRONX CB - 1****C 170140 ZMX**

City Planning Commission decision approving an application submitted by 600 Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c changing from an M1-1 District to an R8A District property bounded by Eagle Avenue, 156<sup>th</sup> Street, Cauldwell Avenue, and a line 100 feet southwesterly of 156<sup>th</sup> Street, Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 14, 2016.

***INTENT***

To approve the amendment to the Zoning Map, which in conjunction with the related action would facilitate the development of a new mixed-use development comprising residential and community facility uses in the Melrose neighborhood of the Bronx, in Community District 1.

**PUBLIC HEARING****DATE:** May 2, 2017**Witnesses in Favor:** Four**Witnesses Against:** Three

**SUBCOMMITTEE RECOMMENDATION****DATE:** May 16, 2017

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1492

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170140 ZMX, a Zoning Map amendment (L.U. No. 608).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on April 7, 2017 its decision and report dated April 5, 2017 (the "Decision"), on the application submitted by 600 Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6c, which in conjunction with the related action would facilitate the development of a new mixed-use development comprising residential and community facility uses in the Melrose neighborhood of the Bronx, (ULURP No. C 170140 ZMX), Community District 1, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to application N 170141 ZRX (L.U. No. 609), a zoning text amendment to designate a Mandatory Inclusionary Housing area; and 20175428 HAX (L.U. 645), a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located Block 2624, Lot 41;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 2, 2017;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued November 14, 2016 (CEQR No. 17DCP025X) (the “Negative Declaration”);

**RESOLVED:**

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the Decision, incorporated by reference herein, the Council approves the Decision as follows:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6c, changing from an M1-1 District to an R8A District property bounded by Eagle Ave, 156<sup>th</sup> Street, Cauldwell Avenue, and a line 100 feet southwesterly of 156<sup>th</sup> Street, as shown on a diagram attached to the Decision (for illustrative purposes only) dated November 14, 2016, Community District 1, Borough of the Bronx.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 609

**Report of the Committee on Land Use in favor of approving Application No. N 170141 ZRX submitted by 600 Associates, LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of the Bronx, Community District 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1172) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**



***SUBJECT*****BRONX CB - 1****N 170141 ZRX**

City Planning Commission decision approving an application submitted by 600 Associates LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Housing Inclusionary area.

***INTENT***

To approve an amendment to the text of the Zoning Resolution, which in conjunction with the related action would facilitate the development of a new mixed-use development comprising residential and community facility uses in the Melrose neighborhood of the Bronx, in Community District 1.

***PUBLIC HEARING*****DATE:** May 2, 2017**Witnesses in Favor:** Four**Witnesses Against:** Three***SUBCOMMITTEE RECOMMENDATION*****DATE:** May 16, 2017

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1493

**Resolution approving the decision of the City Planning Commission on Application No. N 170141 ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 1, Borough of the Bronx (L.U. No. 609).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on April 7, 2017 its decision and report dated April 5, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 600 Associates, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area on property located at 600 East 156<sup>th</sup> Street (Block 2624, Lot 41), which in conjunction with the related action would facilitate development of a new mixed-use development, comprising of residential and community facility uses in the Melrose neighborhood the Bronx, (Application No. N 170141 ZRX), Community District 1, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to application C 170140 ZMX (L.U. No. 608), an amendment to the Zoning Map changing an M1-1 District to an R8A District; and Preconsidered L.U. 645), a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located Block 2624, Lot 41;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 2, 2017;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued November 14, 2016 (CEQR No. 17DCP025X) (the "Negative Declaration");

**RESOLVED:**

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

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

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**THE BRONX**

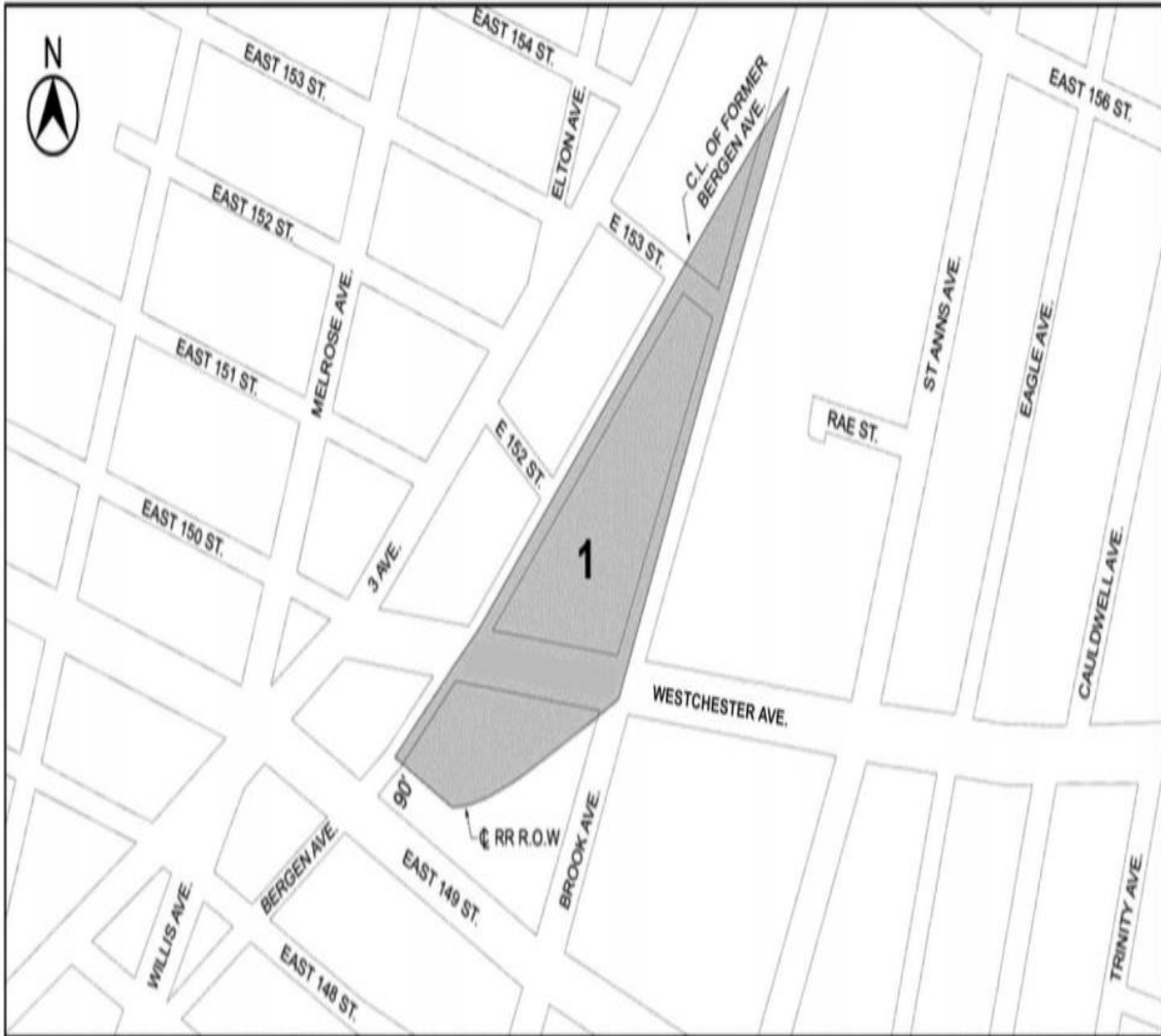
**The Bronx Community District 1**

In the #Special Harlem River Waterfront District# (see Section 87-20) and in the R7A, R7X, R8 and R8A Districts within the areas shown on the following Maps 1, 2 and 3:

\* \* \*

Map 2 – [date of adoption]

[EXISTING MAP]

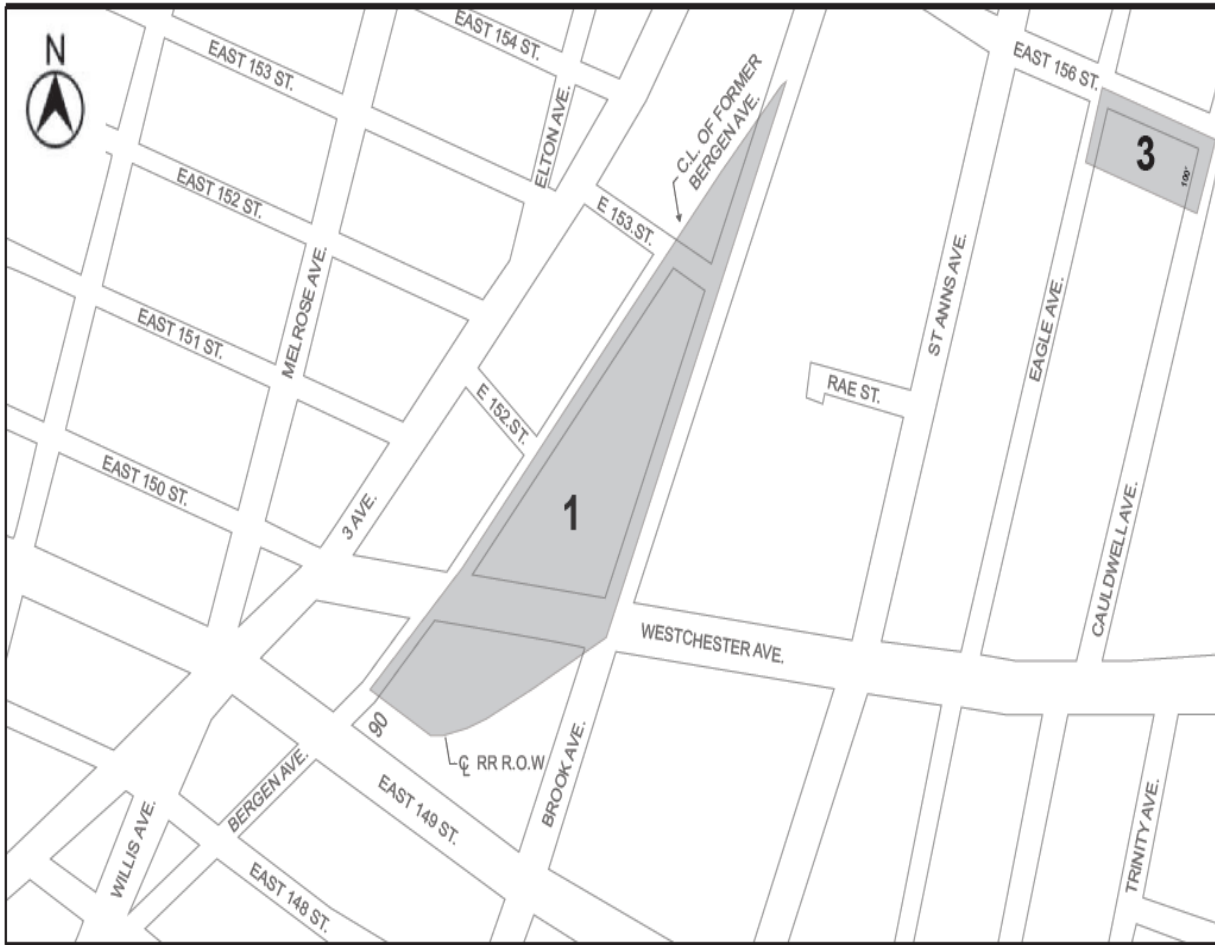


■ Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area 1— 9/14/16 MIH Program Option 1 and Option 2

Portion of Community District 1, The Bronx

[PROPOSED MAP]



■ Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area 1— 9/14/16 MIH Program Option 1 and Option 2

Area 3— [date of adoption] MIH Program Option 1

Portion of Community District 1, The Bronx

\* \* \*

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 610

**Report of the Committee on Land Use in favor of approving Application No. C 160326 ZMX submitted by Westchester Mews LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 4b, changing an existing R5 District to an R6 District, and establishing a C2-4 District within the proposed R6 district on property located at Newbold Avenue and Olmstead Avenue, Borough of the Bronx, Community District 9, Council District 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1173), respectfully

### **REPORTS:**

#### **SUBJECT**

**BRONX CB - 9**

**C 160326 ZMX**

City Planning Commission decision approving an application submitted by Westchester Mews, LLC, pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4b.

#### **INTENT**

To approve an amendment to the Zoning Map, which in conjunction with the related actions would facilitate the development of a mixed-use development containing approximately 206 affordable dwelling units, commercial, and community facility space in the Unionport section of the Bronx in Community District 9.

#### **PUBLIC HEARING**

**DATE:** May 2, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** One

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May16, 2017

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

#### **In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

#### **Against:**

None

#### **Abstain:**

None

**COMMITTEE ACTION****DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 611

**Report of the Committee on Land Use in favor of approving Application No. N 160327(A) ZRX submitted by Westchester Mews LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Article II, chapter 3 relating to bulk and floor area regulations, and Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of the Bronx, Community District 9, Council District 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1173), respectfully

**REPORTS:****SUBJECT****BRONX CB - 9****N 160327(A) ZRX**

City Planning Commission decision approving an application submitted by Westchester Mews LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3 relating to bulk regulations in Mandatory Inclusionary Housing areas, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve an amendment to the text of the Zoning Resolution, which in conjunction with the related actions would facilitate the development of a mixed-use development containing approximately 206 affordable dwelling units, commercial, and community facility space in the Unionport section of the Bronx in Community District 9.

**PUBLIC HEARING**

**DATE:** May 2, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 16, 2017

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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



Report for L.U. No. 614

**Report of the Committee on Land Use in favor of approving Application No. 20175389 PNM pursuant to §1301(2)(f) of the New York City Charter concerning a proposed maritime lease between the New York City Department of Small Business Services and Ports America, Inc. for piers 88 and 90 on the Hudson River between West 48th Street and West 55th Street, Borough of Manhattan, Community Board 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1174) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**20175389 PNM**

Application pursuant to §1301 (2) (f) of the New York City Charter concerning a proposed maritime lease between the New York City Department of Small Business Services (“DSBS”) and Ports America, Inc. for piers 88 and 90 on the Hudson River between West 48<sup>th</sup> Street and West 55<sup>th</sup> Street.

**INTENT**

To approve of a maritime lease between DSBS and Ports America, Inc. of City-owned land, Piers 88 and 90 (Manhattan Cruise Terminal) for a term that will commence upon execution of the lease and expires as of December 30, 2029, with a renewal of two 5-year periods at Tenant’s option.

**PUBLIC HEARING**

**DATE:** May 16, 2017

**Witnesses in Favor:** Eight

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 16, 2017

The Subcommittee recommends that the Land Use Committee approve the lease.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1494

**Resolution approving a proposed Lease Agreement for maritime uses of the City-owned Manhattan Cruise Terminal consisting generally of Piers 88 and 90 on the Hudson River between West 48<sup>th</sup> and West 55<sup>th</sup> Streets, identified as Block 1107, Lot 12, and Block 1109, Lot 21 on the Tax Map for the Borough of Manhattan, City and State of New York, and adjacent upland and lands underwater, and the helix structure, roadway approach and ramp to the helix (20175389 PNM; L.U. No. 614).**

By Council Members Greenfield and Koo.

**WHEREAS**, the New York City Economic Development Corporation, on behalf of the City of New York Department of Small Business Services, filed with the Council on April 20, 2017, pursuant to Sections 1301(2)(f) of the New York City Charter, a proposed lease agreement between The City of New York Department of Small Business Services (“DSBS”), as landlord, and Ports America, Inc. as tenant (“Tenant”) for the leasing of the City-owned Manhattan Cruise Terminal, consisting generally of Piers 88 and 90 on the Hudson River between West 48<sup>th</sup> and West 55<sup>th</sup> Streets, identified as Block 1107, Lot 12, and Block 1109, Lot 21 on the Tax Map for the Borough of Manhattan, City and State of New York, and adjacent upland and lands underwater, and the helix structure, roadway approach and ramp to the helix, which initial term of the Lease shall commence upon execution and expires December 30, 2029, with two (2) 5-year renewal periods at Tenant’s option, upon terms and conditions set forth in the lease agreement, a copy of which is attached hereto (the "Lease Agreement”);

**WHEREAS**, the Lease Agreement is subject to review and action by the Council pursuant to Section 1301(2)(f) of the New York City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Lease Agreement on May 16, 2017;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the determination by DSBS, dated October 21, 2015, that the Lease Agreement is a Type II action pursuant to 6 NYCRR Part 617.5(c)(26) and requires no further review under CEQR (the “Type II Determination”)

**RESOLVED:**

The Council finds that the action described herein shall not result in potentially significant adverse environmental impacts as determined by the Type II Determination.

Pursuant to Section 1301(2) (f) of the New York City Charter, the Council approves the Lease Agreement in accordance with the terms and conditions set forth in the Lease Agreement, a copy of which is attached hereto.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 615

**Report of the Committee on Land Use in favor of approving Application No. 20175387 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a new real property tax exemption for property located in the Borough of Manhattan, Community Board 3, Council District 1 and 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1174) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**MANHATTAN CB - 3**

**20175387 HAM**

Application submitted by the New York City Department of Housing Preservation and Development for the termination of a prior tax exemption and approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 345, Lot 9; Block 349, Lot 21; Block 350, Lots 23, 39; Block 355, Lot 62; Block 372, Lot 37; Block 378, Lot 4; Block 389, Lot 27; Block 391, Lot 45; Block 393, Lots 6, 7, 8, 40; Block 398, Lot 55; Block 402, Lot 54; Block 404, Lot 58; Block 405, Lot 42; and Block 440, Lot 50; in Community District 3, Borough of Manhattan, Council Districts 1 and 2.

***INTENT***

To approve of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the exemption area and termination of the prior tax exemption for a project consisting of eighteen multiple dwellings that provide rental housing for low-income families.

***PUBLIC HEARING***

**DATE:** May 16, 2017

**Witnesses in Favor:** Two

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** May 16, 2017

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

**In Favor:**

Salamanca, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

***COMMITTEE ACTION***

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1495

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 345, Lot 9; Block 349, Lot 21; Block 350, Lots 23, 39; Block 355, Lot 62; Block 372, Lot 37; Block 378, Lot 4; Block 389, Lot 27; Block 391, Lot 45; Block 393, Lots 6, 7, 8, 40; Block 398, Lot 55; Block 402, Lot 54; Block 404, Lot 58; Block 405, Lot 42; and Block 440, Lot 50; Borough of Manhattan, (L.U. No. 615; Non-ULURP No. 20175387 HAM).**

By Council Members Greenfield and Salamanca.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 18, 2017 its request dated April 11, 2017 that the Council approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at Block 345, Lot 9; Block 349, Lot 21; Block 350, Lots 23, 39; Block 355,

Lot 62; Block 372, Lot 37; Block 378, Lot 4; Block 389, Lot 27; Block 391, Lot 45; Block 393, Lots 6, 7, 8, 40; Block 398, Lot 55; Block 402, Lot 54; Block 404, Lot 58; Block 405, Lot 42; and Block 440, Lot 50; Community District No. 3, Borough of Manhattan, Council Districts Nos. 1 and 2 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 16, 2017;

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

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves the exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Commercial Property" shall mean those portions of the Exemption Area devoted to business, commercial or community facility use.
  - (b) "Effective Date" shall mean July 1, 2015.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 345, Lot 9; Block 349, Lot 21; Block 350, Lots 23, 39; Block 355, Lot 62; Block 372, Lot 37; Block 378, Lot 4; Block 389, Lot 27; Block 391, Lot 45; Block 393, Lots 6, 7, 8, 40; Block 398, Lot 55; Block 402, Lot 54; Block 404, Lot 58; Block 405, Lot 42; and Block 440, Lot 50 on the Tax Map of the City of New York.
  - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (e) "HDFC" shall mean the Lower East Side People's Mutual Housing Association Housing Development Fund Corporation.
  - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (g) "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.
  - (h) "Exemption" shall mean the exemption from real property taxes provided hereunder with respect to the Exemption Area.
  - (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area on and after the date such Regulatory Agreement is executed.
  - (j) "Residential Property" shall mean all of the real property, other than the Commercial Property, included in the Exemption Area.

- (k) “Tax Payment” shall mean an annual real property tax payment commencing upon July 1, 2017 that is based on an assessed valuation equal to an amount calculated by multiplying \$2,000 times the number of residential units included in the Exemption Area and increasing such product by three and seven tenths percent (3.7%) on July 1, 2018 and on July 1 of each successive year until the Expiration Date, provided, however, that the Tax Payment shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
2. All of the value of the Residential Property, including both the land and any improvements, shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating on June 30, 2017.
  3. All of the value of the Residential Property, including both the land and any improvements, shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing on July 1, 2017 and terminating upon the Expiration Date provided, however, that the Owner shall make real property tax payments in the sum of the Tax Payment.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the owner of the Exemption Area has failed to execute the Regulatory Agreement within three-hundred sixty-five (365) days after the date of approval of the Exemption by the New York City Council pursuant to a duly authorized resolution, (iii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (v) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (vi) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  5. In consideration of the Exemption, the owner of the Exemption Area shall (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Tax Payment shall not be reduced by the amount of such J-51 Benefits.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW

COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 616

**Report of the Committee on Land Use in favor of approving a Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 1992, Lot 5 and Block 2018, Lot 62, Borough of Brooklyn, (L.U. No. 616; Non-ULURP No. 20175388 HAK).**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1174) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**BROOKLYN CB - 2**

**20175388 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at Block 1992, Lot 5 and Block 2018, Lot 62, Borough of Brooklyn, Community District 2, Council District 35.

***INTENT***

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance law for the exemption area which contains two multiple dwellings known as Brooklyn Public Library Offsite that will provide rental housing for low-income families.

***PUBLIC HEARING***

**DATE:** May 16, 2017

**Witnesses in Favor:** One

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** May 16, 2017

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

**In Favor:**

Salamanca, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Wills, Richards, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

Williams

**Abstain:**

Barron

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

Res. No. 1496

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 1992, Lot 5 and Block 2018, Lot 62, Borough of Brooklyn, (L.U. No. 616; Non-ULURP No. 20175388 HAK).**

By Council Members Greenfield and Salamanca.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 18, 2017 its request dated April 11, 2017 that the Council approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption") for property located at Block 1992, Lot 5 and Block 2018, Lot 62, Community District No. 2, Borough of Brooklyn, Council District No. 35, (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 16, 2017;

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

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves the exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean Athena Housing Associates LLC.



- b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1992, Lot 5 and Block 2018, Lot 62 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “HDFC” shall mean Athena Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. “Owner” shall mean, collectively, the HDFC and the Company.
  - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings in the Exemption Area that have a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas in such buildings on or before three years from the Effective Date.

- c. Nothing herein shall entitle the HDFC, the Owner or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 617

**Report of the Committee on Land Use in favor of approving Application No. 20175325 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at Block 2425, Lot 16, Block 2427, Lots 1 and 52, Block 2429, Lot 34, Block 2433, Lot 57, and Block 2439, Lot 22, Borough of the Bronx, Community Board 4, Council District 16.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1174) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**BRONX CB - 4**

**20175325 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for properties located at Block 2425, Lot 16, Block 2427, Lots 1 and 52, Block 2429, Lot 34, Block 2433, Lot 57, and Block 2439, Lot 22, Borough of the Bronx, Community District 4, Council District 16.

***INTENT***

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance law for the exemption area that will be reduced by an amount equal to any concurrent J-51 Benefits.

***PUBLIC HEARING*****DATE:** May 2, 2017**Witnesses in Favor:** Three**Witnesses Against:** None***SUBCOMMITTEE RECOMMENDATION*****DATE:** May 16, 2017

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

**In Favor:**

Salamanca, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

***COMMITTEE ACTION*****DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1497

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2425, Lot 16, Block 2427, Lots 1 and 52, Block 2429, Lot 34, Block 2433, Lot 57, and Block 2439, Lot 22, Borough of the Bronx, (L.U. No. 617; Non-ULURP No. 20175325 HAX).**

By Council Members Greenfield and Salamanca.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 18, 2017 its request dated April 11, 2017 that the Council approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption") for property located at Block 2425, Lot 16, Block 2427, Lots 1 and 52,

Block 2429, Lot 34, Block 2433, Lot 57, and Block 2439, Lot 22., Community District No. 4, Borough of the Bronx, Council District No. 16 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 2, 2017;

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

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves the exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean BPG Properties 1 LLC.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2425, Lot 16, Block 2427, Lots 1 and 52, Block 2429, Lot 34, Block 2433, Lot 57, and Block 2439, Lot 22 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean Dreamyard NEP Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - i. "Owner" shall mean, collectively, the HDFC and the Company.
  - j. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - c. Nothing herein shall entitle the HDPC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 619

**Report of the Committee on Land Use in favor of approving Application No. 20175324 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at Block 2861, Lot 11, Block 2867, Lot 58, Block 2868, Lot 127, Block 2876, Lot 170, Block 3196, Lot 10, and Block 3216, Lot 52, Borough of the Bronx, Community Board 5, Council District 14.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1175) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**BRONX CB - 5**

**20175324 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for properties located at Block 2861, Lot 11, Block 2867, Lot 58, Block 2868, Lot 127, Block 2876, Lot 170, Block 3196, Lot 10 and Block 3216, Lot 52, Borough of the Bronx, Community District 5, Council District 14.

***INTENT***

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance law for the exemption area that will be reduced by an amount equal to any concurrent J-51 Benefits.

***PUBLIC HEARING***

**DATE:** May 2, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** May 16, 2017

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

**In Favor:**

Salamanca, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

***COMMITTEE ACTION***

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

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

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

Res. No. 1498

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2861, Lot 11, Block 2867, Lot 58, Block 2868, Lot 127, Block 2876, Lot 170, Block 3196, Lot 10 and Block 3216, Lot 52, Borough of the Bronx, (L.U. No. 619; Non-ULURP No. 20175324 HAX).**

By Council Members Greenfield and Salamanca.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 18, 2017 its request dated April 11, 2017 that the Council approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption") for property located at Block 2861, Lot 11, Block 2867, Lot 58, Block 2868, Lot 127, Block 2876, Lot 170, Block 3196, Lot 10 and Block 3216, Lot 52, Community District No. 5, Borough of the Bronx, Council District No. 14 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 2, 2017;

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

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves the exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean BPG Properties 1 LLC.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2861, Lot 11, Block 2867, Lot 58, Block 2868, Lot 127, Block 2876, Lot 170, Block 3196, Lot 10 and Block 3216, Lot 52 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

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

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE,



JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 627

**Report of the Committee on Land Use in favor of approving Application No. 20175390 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 3805, Lots 123 and 124, Borough of the Bronx, Community District 9, Council District 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 10, 2017 (Minutes, page 1344) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**BRONX CB - 9**

**20175390 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 3805, Lots 123 and 124, Borough of the Bronx.

***INTENT***

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance law for the exemption area located at Block 3805, Lots 123 and 124 which contains two multiple dwellings known as Westchester Mews that will provide rental housing for low-income families.

***PUBLIC HEARING***

**DATE:** May 2, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** One

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** May 16, 2017

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1499

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 3805, Lots 123 and 124, Borough of the Bronx, (L.U. No. 627; Non-ULURP No. 20175390 HAX).**

By Council Members Greenfield and Salamanca.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 1, 2017 its request dated May 1, 2017 that the Council approve an exemption from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 3805, Lots 123 and 124, Community District No. 9, Borough of the Bronx, Council District No. 18 (the "Exemption Area");

**WHEREAS**, the Tax Exemption Request is related to applications C 160326 ZMX (L.U. No. 610), an amendment to the Zoning Map to change property from R5 and R5/C2-2 Districts to R6 and R6/C2-4 Districts; and N 160327(A) ZRX (L.U. No. 611), a zoning text amendment to designate a Mandatory Inclusionary Housing area and to modify the bulk regulations for MIH developments in R6 Districts;

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption on May 2, 2017;

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

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Community Facility Space" shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
  - b. "Companies" shall mean Westchester Mews LLC and Westchester Mews LIHTC LLC.
  - c. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - d. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - e. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3805, Lots 123 and 124 on the Tax Map of the City of New York.
  - f. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - g. "HDFC" shall mean HP Westchester Mews Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - h. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. "Owner" shall mean, collectively, the HDFC and the Companies.
  - j. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all

mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 628

**Report of the Committee on Land Use in favor of approving, with modifications, Application No. 20175270 HKM (N 170298 HKM) for the designation by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the Morningside Heights Historic District, Borough of Manhattan, Community Board 7 and 9, Council District 6 and 7.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 10, 2017 (Minutes, page 1344) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CBs - 7 and 9**

**20175270 HKM (N 170298 HKM)**

Designation by the Landmarks Preservation Commission [DL-495/LP-2584] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Morningside Heights Historic District, as a historic district.

**PUBLIC HEARING**

**DATE:** May 2, 2017

**Witnesses in Favor:** Six

**Witnesses Against:** Two

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 16, 2017

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

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1500

**Resolution modifying the designation by the Landmarks Preservation Commission of the Morningside Heights Historic District, Borough of Manhattan, Designation List No. 495, LP-2584 (L.U. No. 628; 20175270 HKM; N 170298 HKM).**

By Council Members Greenfield and Koo.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on March 2, 2017 a copy of its designation report dated February 21, 2017 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Morningside Heights Historic District, Community Districts 7 and 9, Borough of Manhattan, with the following district boundaries ("the Designation");

The Morningside Heights Historic District consists of the property bounded by a line beginning on the eastern curbline of Riverside Drive at a point on a line extending westerly from the southern property line of 362 Riverside Drive (aka 362-366 Riverside Drive; 318 West 109<sup>th</sup> Street), extending northerly along the eastern curbline of Riverside Drive to the southern curbline of West 119<sup>th</sup> Street, easterly along the southern curbline of West 119<sup>th</sup> Street to the western curbline of Claremont Avenue, southerly along the western curbline of Claremont Avenue continuing southerly to the southern curbline of West 116<sup>th</sup> Street, easterly along the southern curbline of West 116<sup>th</sup> Street to the western curbline of Broadway, southerly along the western curbline of Broadway to a point on a line extending easterly from the southern property line of 600 West 116<sup>th</sup> Street (aka 2951-2959 Broadway), westerly along said line and the southern property lines of 600 West 116<sup>th</sup> Street (aka 2951-2959 Broadway), 606 West 116<sup>th</sup> Street (aka 602-606 West 116<sup>th</sup> Street), 610 West 116<sup>th</sup> Street (aka 608-610 West 116<sup>th</sup> Street), 612 West 116<sup>th</sup> Street and part of the southern property line of 616 West 116<sup>th</sup> Street (aka 614-618 West 116<sup>th</sup> Street), southerly along the eastern property line of 617 West 115<sup>th</sup> Street and a line extending southerly from the eastern property line of 617 West 115<sup>th</sup> Street to the southern curbline of West 115<sup>th</sup> Street, easterly along the southern curbline of West 115<sup>th</sup> Street to a point on a line extending northerly from the eastern property line of 608 West 115<sup>th</sup> Street (aka 608-610 West 115<sup>th</sup> Street) southerly along said line and the eastern property line of 608 West 115<sup>th</sup> Street (aka 608-610 West 115<sup>th</sup> Street) to a point on the northern property line of 609 West 114<sup>th</sup> Street (aka 605-609 West 114<sup>th</sup> Street), easterly along the northern property line of 609 West 114<sup>th</sup> Street (aka 605-609 West 114<sup>th</sup> Street) and part of the northern property line of 601 West 114<sup>th</sup> Street (aka 601-603 West 114<sup>th</sup> Street; 2921-2927 Broadway), northerly along the western property line of 600 West 115<sup>th</sup> Street (aka 2931-2939 Broadway) to the southern curbline of West 115<sup>th</sup> Street, easterly along the southern curbline of West 115<sup>th</sup> Street to the western curbline of Broadway, southerly along the western curbline of Broadway to the northern curbline of West 114<sup>th</sup> Street, westerly along the northern curbline of West 114<sup>th</sup> Street to a point on a line extending northerly from the eastern property line of 604 West 114<sup>th</sup> Street, southerly along said line and the eastern property line of 604 West 114<sup>th</sup> Street, to the southern property line of 604 West 114<sup>th</sup> Street, westerly along the southern property lines of 604 to 618 West 114<sup>th</sup> Street, southerly along the eastern property line of 615 West 113<sup>th</sup> Street (aka 615-617 West 113<sup>th</sup> Street) and a line extending southerly from the eastern property line of 615 West 113<sup>th</sup> Street (aka 615-617 West 113<sup>th</sup> Street) to the southern curbline of West 113<sup>th</sup> Street, easterly along the southern curbline of West 113<sup>th</sup> Street and across Broadway to a point on a line extending northerly from the eastern property line of 562 West 113<sup>th</sup> Street (aka 562-568 West 113<sup>th</sup> Street; 2890-2898 Broadway), southerly along said line and the eastern property line of 562 West 113<sup>th</sup> Street (aka 562-568 West 113<sup>th</sup> Street; 2890-2898 Broadway), westerly along part of the southern property line of 562 West 113<sup>th</sup> Street (aka 562-568 West 113<sup>th</sup> Street; 2890-2898 Broadway), southerly along the eastern property line of 545 West 112<sup>th</sup> Street (aka 2880-2888 Broadway) and a line extending southerly from the eastern property line of 545 West 112<sup>th</sup> Street (aka 2880-2888 Broadway) to the southern curbline of West 112<sup>th</sup> Street, easterly along the southern curbline of West 112<sup>th</sup> Street to point on a line extending northerly from the eastern property line of 542 West 112<sup>th</sup> Street (aka 542-548 West 112<sup>th</sup> Street, 2868-2878A Broadway), southerly along said line and the eastern property line of 542 West 112<sup>th</sup> Street (aka 542-548 West 112<sup>th</sup> Street, 2868-2878A Broadway) to a point on the northern property line of 545 West 111<sup>th</sup> Street (aka 2858-2866 Broadway), easterly along part of the northern property line of 545 West 111<sup>th</sup> Street (aka 2858-2866 Broadway) and the northern property lines of 535 West 111<sup>th</sup> Street (aka 533-537 West 111<sup>th</sup> Street) to 503 West 111<sup>th</sup> Street (aka 503-505 West 111<sup>th</sup> Street), southeasterly along the eastern property line of 503 West 111<sup>th</sup> Street (aka 503-505 West 111<sup>th</sup> Street) and southerly along a line extending southerly from the eastern property line of 503 West 111<sup>th</sup> Street (aka 503-505 West 111<sup>th</sup> Street) to the southern curbline of West 111<sup>th</sup> Street, easterly along the southern curbline of West 111<sup>th</sup> Street to the western curbline of Amsterdam Avenue, southerly along the western curbline of Amsterdam Avenue continuing in a straight line across Cathedral Parkway to a point on a line extending easterly from the southern property line of 500 Cathedral Parkway (aka 1002A-1018 Amsterdam Avenue), westerly along said line and the southern property lines of 500 Cathedral Parkway (aka 1002A-1018 Amsterdam Avenue) to 550 Cathedral Parkway (aka 548-550 Cathedral Parkway), northerly along the western property line of 550 Cathedral Parkway (aka 548-550 Cathedral Parkway) to the southern curbline of Cathedral Parkway, easterly along the southern curbline of Cathedral Parkway to a point on a line extending southerly from the western property line of 535 Cathedral Parkway (aka 529-541 Cathedral Parkway), northerly along said line and the western property line of 535 Cathedral Parkway (aka 529-541 Cathedral Parkway), to a point

on the southern property line of 536 West 111th Street (aka 536-538 West 111th Street), westerly along part of the southern property line of 536 West 111th Street (aka 536-538 West 111th Street), northerly along the western property line of 536 West 111th Street (aka 536-538 West 111th Street) and a line extending northerly from the western property line of 536 West 111th Street (aka 536-538 West 111th Street) to the northern curblines of West 111th Street, westerly along the northern curblines of West 111th Street to the eastern curblines of Broadway, northerly along the eastern curblines of Broadway to the northern curblines of West 112th Street, westerly across Broadway and along the northern curblines of West 112th Street to a point on a line extending northerly from the eastern property line of 395 Riverside Drive (aka 393-397 Riverside Drive; 620-628 West 112th Street), southerly along said line and the eastern property line of 395 Riverside Drive (aka 393-397 Riverside Drive; 620-628 West 112th Street), easterly along the northern property lines of 611 West 111th Street (aka 609-611 West 111th Street), 605 West 111th Street (aka 605-607 West 111th Street), and 603 West 111th Street, southerly along the eastern property line of 603 West 111th Street and a line extending southerly from the eastern property line of 603 West 111th Street to the southern curblines of West 111th Street, easterly along the southern curblines of West 111th Street to the western curblines of Broadway, southerly along the western curblines of Broadway to the northern curblines of Cathedral Parkway, westerly along the northern curblines of Cathedral Parkway to a point on a line extending northerly from the eastern property line of 610 Cathedral Parkway (aka 608-614 Cathedral Parkway) southerly along said line and the eastern property line of 610 Cathedral Parkway (aka 608-614 Cathedral Parkway), westerly along the southern property line of 610 Cathedral Parkway (aka 608-614 Cathedral Parkway) and part of the southern property line of 375 Riverside Drive (aka 371-375 Riverside Drive; 616-624 Cathedral Parkway), southerly along the eastern property line of 370 Riverside Drive (aka 317-327 West 109th Street) to the northern curblines of West 109th Street, westerly along the northern curblines of West 109th Street to a point on a line extending northerly from the eastern property line of 362 Riverside Drive (aka 362-366 Riverside Drive; 318 West 109th Street), southerly along said line and the eastern property line of 362 Riverside Drive (aka 362-366 Riverside Drive; 318 West 109th Street), westerly along the southern property line of 362 Riverside Drive (aka 362-366 Riverside Drive; 318 West 109th Street) to the point of beginning.

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

**WHEREAS**, the New York City Planning Commission submitted to the Council on April 28, 2017, its report on the Designation dated April 26, 2017 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on May 2, 2017; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the record, information, and materials contained in the Designation Report, CPC Report, and the Council Public Hearing, the Council modifies the Designation to exclude the following property (Parcel 1) from boundaries of the Morningside Heights Historic District:

Parcel I

550 Cathedral Parkway  
Manhattan, Tax Block 1881, Tax Lot 56, as more particularly described as follows:

BEGINNING at a point on the southerly side of Cathedral Parkway distant 125 feet eastwardly from the southeasterly corner of Cathedral Parkway and Broadway; running

THENCE southerly parallel with Broadway 70.92 feet; running

THENCE eastwardly parallel with Cathedral Parkway 75 feet;

THENCE northwardly again parallel with Broadway 70.92 feet to the southerly side of Cathedral Parkway;

THENCE westwardly along said southerly side of Cathedral Parkway 75 feet to the point or place of BEGINNING.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

Approved with Modifications and Coupled on the General Order Calendar.

Report for L.U. No. 629

**Report of the Committee on Land Use in favor of approving Application No. 20175271 HKM (N 170297 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Cathedral Church of St. John the Divine, located at 1047 Amsterdam Avenue (7501Block 1865, Lots 1, 10, S8010), as an historic landmark, Borough of Manhattan, Community Board 9, Council District 7.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 10, 2017 (Minutes, page 1345) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 9**

**20175271 HKM (N 170297 HKM)**

Designation by the Landmarks Preservation Commission [DL-495/LP-2585] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Cathedral Church of St. John the Divine and the Cathedral Close, located at 1047 Amsterdam Avenue (a/k/a 1021-1061 Amsterdam Avenue, 419 West 110<sup>th</sup> Street (Cathedral Parkway)), (Tax Map Block 1865, Lots 1, 10, S8010), as a historic landmark.

**PUBLIC HEARING**

**DATE:** May 2, 2017

**Witnesses in Favor:** Four

**Witnesses Against:** None



**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 16, 2017

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

**In Favor:**

Palma, Mendez, Levin, Rose, Kallos.

**Against:**

Koo

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1501

**Resolution affirming the designation by the Landmarks Preservation Commission of the Cathedral Church of St. John the Divine and the Cathedral Close, located at 1047 Amsterdam Avenue (a/k/a 1021 1061 Amsterdam Avenue, 419 West 110<sup>th</sup> Street (Cathedral Parkway)), (Tax Map Block 1865, Lots 1, 10, S8010), Borough of Manhattan, Designation List No. 495, LP-2585 (L.U. No. 629; 20175271 HKM; N 170297 HKM).**

By Council Members Greenfield and Koo.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on March 2, 2017 a copy of its designation report dated February 21, 2017 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Cathedral Church of St. John the Divine and the Cathedral Close, located at 1047 Amsterdam Avenue (a/k/a 1021-1061 Amsterdam Avenue, 419 West 110<sup>th</sup> Street (Cathedral Parkway)), Community District 9, Borough of Manhattan, as a landmark and Tax Map Block 1865, Lots 1, 10, S8010, as its landmark site (the "Designation");

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

**WHEREAS**, the New York City Planning Commission submitted to the Council on April 28, 2017, its report on the Designation dated April 26, 2017 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on May 2, 2017; and

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

**RESOLVED:**

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

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 633

**Report of the Committee on Land Use in favor of approving Application No. 20175305 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Love Mamak Corp., d/b/a Mamak, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 174 2nd Avenue, Borough of Manhattan, Community Board 3, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 10, 2017 (Minutes, page 1346) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**MANHATTAN CB - 3**

**20175305 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Love Mamak Corp, d/b/a Mamak, for a new revocable consent to maintain and operate an unenclosed sidewalk café located at 174 2<sup>nd</sup> Avenue.

***INTENT***

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

***PUBLIC HEARING***

**DATE:** May 16, 2017

**Witnesses in Favor:** None

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** May 16, 2017

The Subcommittee recommends that the Land Use Committee approve the Petition.

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Re. No. 1502

**Resolution approving the petition for a new revocable consent for an unenclosed sidewalk café located at 174 2<sup>nd</sup> Avenue, Borough of Manhattan (20175305 TCM; L.U. No. 633).**

By Council Members Greenfield and Richards.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on April 20, 2017 its approval dated April 19, 2017 of the petition of Love Mamak Corp, d/b/a Mamak, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 174 2<sup>nd</sup> Avenue, Community District 3, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code;

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the New York City Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on May 16, 2017; and

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

**RESOLVED:**

Pursuant to Section 20-226 of the New York City Administrative Code, the Council approves the Petition.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 634

**Report of the Committee on Land Use in favor of approving Application No. 20175243 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ruby's Midtown LLC for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 442 3rd Avenue, Borough of Manhattan, Community Board 6, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 10, 2017 (Minutes, page 1346) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**MANHATTAN CB - 6**

**20175243 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ruby's Midtown, LLC, d/b/a Ruby's Midtown, for a new revocable consent to maintain and operate an unenclosed sidewalk café located at 442 3<sup>rd</sup> Avenue.

***INTENT***

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

***PUBLIC HEARING***

**DATE:** May 16, 2017

**Witnesses in Favor:** Two

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** May 16, 2017

The Subcommittee recommends that the Land Use Committee approve the Petition.

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1503

**Resolution approving the petition for a new revocable consent for an unenclosed sidewalk café located at 442 3<sup>rd</sup> Avenue, Borough of Manhattan (20175243 TCM; L.U. No. 634).**

By Council Members Greenfield and Richards.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on April 20, 2017 its approval dated April 20, 2017 of the petition of Ruby's Midtown, LLC, d/b/a Ruby's Midtown, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 442 3<sup>rd</sup> Avenue, Community District 6, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code;

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the New York City Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on May 16, 2017; and

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

**RESOLVED:**

Pursuant to Section 20-226 of the New York City Administrative Code, the Council approves the Petition.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 636

**Report of the Committee on Land Use in favor of approving Application No. 20175122 SCR pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 800-Seat Primary/Intermediate School Facility to be located at the block bounded by Osgood Avenue to the north, Waverly Place to the south, Wiederer Place to the east, and Targee Street to the west (Block 635, Lot 1), in the Stapleton section of Staten Island, in Community School District No. 31, Community Board 1, Council District 49.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 10, 2017 (Minutes, page 1346) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**STATEN ISLAND CB - 1**

**20175122 SCR**

Application pursuant to Section 1732 of the New York School Construction Authority Act,

concerning the proposed site selection for a new, approximately 800-Seat Primary/Intermediate School Facility to be located at the block bounded by Osgood Avenue to the north, Waverly Place to the south, Wiederer Place to the east, and Targee Street to the west (Block 635, Lot 1), in the Stapleton section of Staten Island, in Community School District No. 31.

***INTENT***

To approve site plan which contains approximately 55,795 square feet of lot area to facilitate a primary/intermediate school facility which will serve students in grade levels pre-kindergarten through 8<sup>th</sup> grade in Community School District 31.

***PUBLIC HEARING***

**DATE:** May 16, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** May 16, 2017

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

**In Favor:**

Palma, Mendez, Levin, Rose, Kallos.

None

**Against:**

Koo

**Abstain:**

None

***COMMITTEE ACTION***

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

## Res. No. 1504

**Resolution approving the site plan for a new, approximately 800-Seat Primary/Intermediate School Facility to be located on the block bounded by Osgood Avenue to the north, Waverly Place to the south, Wiederer Place to the east, and Targee Street to the west (Block 635, Lot 1), in Community District 1, Community School District 31, Borough of Staten Island (Non-ULURP No. 20175122 SCR; L.U. No. 636).**

By Council Members Greenfield and Koo.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on May 8, 2017, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 800-Seat Primary/Intermediate School Facility to be located on the block bounded by Osgood Avenue to the north, Waverly Place to the south, Wiederer Place to the east, and Targee Street to the west (Block 635, Lot 1), Community District No. 1, Borough of Staten Island, serving students in Community School District No. 31 (the "Site Plan");

**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on May 16, 2017;

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on March 21, 2017, (SEQR Project Number 17-018) (the "Negative Declaration"); and

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

**RESOLVED:**

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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



## Report for L.U. No. 637

**Report of the Committee on Land Use in favor of approving Application No. 20175203 SCK pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 1000-Seat Primary/Intermediate School Facility to be located at the block bounded by Atlantic Avenue, Logan Street, Dinsmore Place and Chestnut Street (Block 4142, Lot 32 in portion), in the East New York section of Brooklyn, in Community School District No. 19, Community Board 5, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 10, 2017 (Minutes, page 1347) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:*****SUBJECT*****BROOKLYN CB - 5****20175203 SCK**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 1000-Seat Primary/Intermediate School Facility to be located at the block bounded by Atlantic Avenue, Logan Street, Dinsmore Place and Chestnut Street (Block 4142, Lot 32 in portion), in the East New York section of Brooklyn, in Community School District No. 19.

***INTENT***

To approve a site plan which contains approximately 53,803 square feet of lot area to facilitate a primary/intermediate school facility which will serve students in Community School District 19.

***PUBLIC HEARING*****DATE:** May 16, 2017**Witnesses in Favor:** Three**Witnesses Against:** None***SUBCOMMITTEE RECOMMENDATION*****DATE:** May 16, 2017

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1505

**Resolution approving the site plan for a new, approximately 1000-Seat Primary/Intermediate School Facility to be located on the block bounded by Atlantic Avenue, Logan Street, Dinsmore Place and Chestnut Street (Block 4142, Lot 32 in portion), in Community District 5, Community School District 19, Borough of Brooklyn (Non-ULURP No. 20175203 SCK; L.U. No. 637).**

By Council Members Greenfield and Koo.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on May 8, 2017, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 1000-Seat Primary/Intermediate School Facility to be located on the block bounded by Atlantic Avenue, Logan Street, Dinsmore Place and Chestnut Street (Block 4142, Lot 32 in portion), Community District No. 5, Borough of Brooklyn, serving students in Community School District No. 19 (the "Site Plan");

**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on May 16, 2017;

**WHEREAS**, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement ("FEIS") dated February 12, 2016 and Technical Memoranda dated February 24, 2016 and April 15, 2016, (SEQR Project Number 17-022) (the "FEIS" and Technical Memoranda"); and

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

**RESOLVED:**

Having considered the FEIS and the Technical Memoranda with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent possible by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and
- (3) The action is consistent with the applicable policies set forth in 19 NYCRR 600.5, and since the Secretary of State has approved a local government waterfront revitalization program, the action is consistent with the local waterfront revitalization program to the maximum extent possible.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 638

**Report of the Committee on Land Use in favor of approving Application No. 20175417 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new real property tax exemption for property located in the Borough of Manhattan, Community Board 11, Council District 5 and 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 10, 2017 (Minutes, page 1347) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**MANHATTAN CB - 11**

**20175417 HAM**

Application submitted by the New York City Department of Housing Preservation and Development for the termination of a prior tax exemption and approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 1610, Lots 9 and 13; Block 1625, Lot 71; Block 1627, Lots 21 and 22; Block 1628, Lots 2, 4, 6, 10, 49 and 103; Block 1629, Lots 30, 64 and 65; Block 1655, Lots 23 and 29; Block 1677, Lot 38; Block 1710, Lots 19 and 21; and Block 1711, Lot 121; in Community District 11, Borough of Manhattan, Council Districts 5 and 8.

***INTENT***

To approve a new real property tax exemption pursuant to Article XI, Section 577, of the Private Housing Finance Law for the exemption area and termination of the prior tax exemption for the project which consists of twenty-one multiple dwellings, known as Lott Legacy Apartments, that provide rental housing for low-income families.

***PUBLIC HEARING***

**DATE:** May 16, 2017

**Witnesses in Favor:** One

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** May 16, 2017

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

**In Favor:**

Salamanca, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

***COMMITTEE ACTION***

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1506

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 1610, Lots 9 and 13; Block 1625, Lot 71; Block 1627, Lots 21 and 22; Block 1628, Lots 2, 4, 6, 10, 49 and 103; Block 1629, Lots 30, 64 and 65; Block 1655, Lots 23 and 29; Block 1677, Lot 38; Block 1710, Lots 19 and 21; and Block 1711, Lot 121; Borough of Manhattan, (L.U. No. 638; Non-ULURP No. 20175417 HAM).**

By Council Members Greenfield and Salamanca.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 2, 2017 its request dated April 24, 2017 that the Council approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at Block 1610, Lots 9 and 13; Block 1625, Lot 71; Block 1627, Lots 21 and 22; Block 1628, Lots 2, 4, 6, 10, 49 and 103; Block 1629, Lots 30, 64 and 65; Block 1655, Lots 23 and 29; Block 1677, Lot 38; Block 1710, Lots 19 and 21; and Block 1711, Lot 121; in Community District No. 11, Borough of Manhattan, Council Districts Nos. 5 and 8 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 16, 2017;

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

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves the exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "420-c Exemptions" shall mean the exemptions from real property taxation pursuant to Section 420-c of the Real Property Tax Law for that portion of the Exemption Area located at Block 1610, Lots 9 and 13, Block 1625, Lot 71, Block 1627, Lots 21 and 22, Block 1628, Lots 2, 10, and 49, Block 1629, Lots 30, 64, and 65, Block 1710, Lots 19 and 21, and Block 1711, Lot 121.
  - b. "Company" shall mean Lott Legacy LLC.
  - c. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - d. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1610, Lots 9 and 13, Block 1625, Lot 71, Block 1627, Lots 21 and 22, Block 1628, Lots 2, 4, 6, 10, 49, and 103, Block 1629, Lots 30, 64, and 65, Block 1655, Lots 23 and 29, Block 1677, Lot 38, Block 1710, Lots 19 and 21, and Block 1711, Lot 121 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean Lott Legacy Apartments Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

- h. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - i. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - j. “Owner” shall mean, collectively, the HDFC and the Company.
  - k. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The 420-c Exemptions shall terminate upon the Effective Date.
  3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
    - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but the New Exemption shall be reduced by the amount of such J-51 Benefits.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 639

**Report of the Committee on Land Use in favor of approving Application No. 20175419 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 23 of the Private Housing Finance Law for the approval of a mortgage loan for property located at Block 3256, Lots 156 and 75, the Borough of the Bronx, Community Board 8, Council District 14.**

The Committee on Land Use, to which the annexed Land Use item was referred on May 10, 2017 (Minutes, page 1347) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**BRONX CB - 8**

**20175419 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 23 of the Private Housing Finance Law for the approval of a mortgage loan for property located at Block 3256, Lots 156 and 75, Council District 14.

***INTENT***

To approve a mortgage loan between HPD and a City-aided limited profit housing company organized as a mutual housing company, which provides housing for moderate income families, in order to restore a garage, which solely serves the moderate income families, to a sound physical condition.

***PUBLIC HEARING***

**DATE:** May 16, 2017

**Witnesses in Favor:** One

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** May 16, 2017

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

**In Favor:**

Salamanca, Cohen, Treyger.

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

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

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

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

Res. No. 1507

**Resolution approving a mortgage loan pursuant to Article II of the Private Housing Finance Law for property located at Block 3256, Lot 156 and Lot 75, Borough of the Bronx, (L.U. No. 639; Non-ULURP No. 20175419 HAX).**

By Council Members Greenfield and Salamanca.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 5, 2017 its request dated May 1, 2017 that the Council approve a mortgage loan pursuant to Section 23 of Article II of the Private Housing Finance Law (the "Mortgage Loan") for property located at Block 3256, Lot 156 and Lot 75, Community District No. 8, Borough of the Bronx, Council District No. 14;

**WHEREAS**, Kingsbridge Arms, Inc. is a City-aided limited profit housing company organized as a mutual housing company pursuant to Article II of the Private Housing Finance Law ("Housing Company") and provides housing for moderate income families ("Mitchell-Lama Development");

**WHEREAS**, the Housing Company owns real property consisting of one multiple dwelling located at 2865 Kingsbridge Terrace and one parking garage located at 2801 Kingsbridge Terrace ("Garage") both located in the Borough of the Bronx;

**WHEREAS**, the Garage was included in the original plan and project for the Mitchell-Lama Development that was approved by the Board of Estimate and the Garage is solely for the benefit of the residents of the Mitchell-Lama Development;

**WHEREAS**, the Garage has deteriorated and is in dire need of financing to restore it to a sound physical condition ("Garage Repair");

**WHEREAS**, HPD requests approval to provide a mortgage loan to the Housing Company for the Garage Repair pursuant to Section 23 of the Private Housing Finance Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on May 16, 2017;



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

**RESOLVED:**

Pursuant to Section 23 of the Private Housing Finance Law, a mortgage loan between HPD and the Housing Company, in an amount not to exceed \$4,000,000, at an interest rate of 1%, for the purpose of the Garage Repair, is approved by the Council.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 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 Land Use and had been favorably reported for adoption.

Report for Preconsidered L.U. No. 645

**Report of the Committee on Land Use in favor of approving Application No. 20175428 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2624, Lot 41 in the Borough of the Bronx, Community District 1, Council District 17.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on May 24, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**BRONX CB - 1**

**20175428 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2624, Lot 41, Borough of the Bronx.

***INTENT***

To approve a real property tax exemption pursuant to Article XI, Section 577, of the Private Housing Finance law for property located at Block 2624, Lot 41, which in conjunction with the related actions would facilitate a one multiple dwelling that provides rental housing for low-income families.

***PUBLIC HEARING*****DATE:** May 16, 2017**Witnesses in Favor:** None**Witnesses Against:** None***SUBCOMMITTEE RECOMMENDATION*****DATE:** May 16, 2017

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

***COMMITTEE ACTION*****DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1508

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2624, Lot 41, Borough of the Bronx, (Preconsidered L.U. No. 645; Non-ULURP No. 20175428 HAX).**

By Council Members Greenfield and Salamanca.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 16, 2017 its request dated May 15, 2017 that the Council approve an exemption from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 2624, Lot 41, Community District No. 1, Borough of the Bronx, Council District No. 17 (the "Exemption Area");

**WHEREAS**, the Tax Exemption Request is related to applications C 170140 ZMX (L.U. No. 608), an amendment to the Zoning Map to change an M1-1 District to an R8A District; and N 170141 ZRX (L.U. No. 609), a zoning text amendment to designate a Mandatory Inclusionary Housing area;

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

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Community Facility Space" shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2624, Lot 41 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean 600 East 156<sup>th</sup> Street Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "Owner" shall mean, collectively, the HDFC and the Partnership.
  - i. "Partnership" shall mean 600 East 156<sup>th</sup> Street Associates, L.P.
  - j. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space, shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
  - c. Nothing herein shall entitle the HDPC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 646

**Report of the Committee on Land Use in favor of approving Application No. 20175418 HAX submitted by the New York City Department of Housing Preservation and Development for the termination of a prior tax exemption and approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2426, Lot 62; and Block 2371, Lots 1, 6 and 29; Borough of the Bronx, Community Boards 3 and 4, Council District 16.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on May 24, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### ***SUBJECT***

**BRONX CBs - 3 and 4**

**20175418 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for the termination of a prior tax exemption and approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 2426, Lot 62; and Block 2371, Lots 1, 6 and 29; Borough of the Bronx, Community Districts 3 and 4, Council District 16.

#### ***INTENT***

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law and termination of the prior tax exemption, in order to facilitate the project which consists of four multiple dwellings, known as 163<sup>rd</sup> St. Improvement Council, that provide rental housing for low-income families.

#### ***PUBLIC HEARING***

**DATE:** May 16, 2017

**Witnesses in Favor:** Two

**Witnesses Against:** None

#### ***SUBCOMMITTEE RECOMMENDATION***

**DATE:** May 16, 2017

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

#### **In Favor:**

Salamanca, Cohen, Treyger.

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

***COMMITTEE ACTION***

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

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

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

Res No. 1509

**Resolution approving a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of a prior exemption for the Exemption Area located on Block 2426, Lot 62; and Block 2371, Lots 1, 6 and 29; Borough of the Bronx (Preconsidered L.U. No. 646; 20175418 HAX).**

By Council Members Greenfield and Salamanca.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 8, 2017 its request dated May 3, 2017 that the Council approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and termination of the prior tax exemption (the "Tax Exemption") for property located at Block 2426, Lot 62; and Block 2371, Lots 1, 6 and 29, Community Districts 3 and 4, Borough of the Bronx (the "Exemption Area");

**WHEREAS**, HPD's request for the amendment is related to a prior tax exemption application approved by City Council Resolution adopted February 10, 1999, Resolution No. 613 of 1999; L.U. No. 325 (the "Prior Resolution");

**WHEREAS**, upon due notice, the Council held a public hearing on the Amended Tax Exemption on May 16, 2017;

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

**RESOLVED:**

The Council approves the Amended Tax Exemption requested by HPD for the Exemption Area pursuant Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean 163<sup>rd</sup> Street Equities LLC.
  - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2426, Lot 62 and Block 2371, Lots 1, 6, and 29 on the Tax Map of the City of New York.
  - d. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e. "HDFC" shall mean 163rd Street Bronx Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - f. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - h. "Owner" shall mean, collectively, the HDFC and the Company.
  - i. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Council of the City of New York on February 10, 1999 (Resolution No. 613).
  - j. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
  - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written

consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

### **Report of the Committee on Parks and Recreation**

Report for Int. No. 1305-A

**Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to minimum notice of temporary parking restrictions related to the removal of trees.**

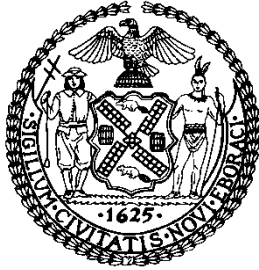
The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on October 13, 2016 (Minutes, page 3361), respectfully

### **REPORTS:**

**(For text of report, please see the Report of the Committee on Parks and Recreation for Preconsidered Int. No. 1627 printed in these Minutes)**



*The following is the text of the Fiscal Impact Statement for Int. No. 1305-A:*



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

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 1305 – A**

**COMMITTEE: Parks & Recreation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to minimum notice of temporary parking restrictions related to the removal of trees.

**Sponsor:** By Council Members Salamanca, Vacca, Gentile, Treyger, Koslowitz, and Dromm

**SUMMARY OF LEGISLATION:** Proposed Intro. 1305–A would require the Department of Parks and Recreation (DPR) to post notices of the effective date of temporary parking restrictions relating to tree removals at least two days before the commencement of such restrictions, with certain exceptions.

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

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

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

**ESTIMATE PREPARED BY:** Kenneth Grace, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 1305 on October 13, 2016 and referred to the Committee on Parks and Recreation. A hearing was held by the Committee on Parks and Recreation on October 20, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1305-A, will be considered by the Committee on Parks and Recreation on May 22, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1305-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 21, 2017.

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

**(The following is the text of Int. No. 1305-A:)**

Int. No. 1305-A

By Council Members Salamanca, Vacca, Gentile, Treyger, Koslowitz and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to minimum notice of temporary parking restrictions related to the removal of trees**

*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 Notification of tree removal. a. Not less than two days prior to commencement of temporary parking restrictions on any street or roadway or a portion thereof, for the purpose of removal of trees by the department, the department shall post notice of the effective date of such restrictions on such street or roadway, unless the planned work is to occur in accordance with other existing parking restrictions, such as alternate side parking regulations. Such notification shall include the effective date of such restrictions, the location of such restrictions and the estimated end date of such restrictions.*

*b. Nothing in this section shall be construed to require the department to provide notice of any temporary parking restrictions where such restrictions are required to commence immediately to preserve public safety.*

*c. Nothing in this section shall be construed to require the department to complete planned removal within the estimated end date of such restrictions.*

2. This local law takes effect immediately.

MARK LEVINE, *Chairperson*; DARLENE MEALY, FERNANDO CABRERA, JAMES G. VAN BRAMER, ANDREW COHEN, ALAN N. MAISEL; Committee on Parks and Recreation, May 22, 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 Parks and Recreation and had been favorably reported for adoption.

## Report for Int. No. 1613

**Report of the Committee on Parks and Recreation in favor of approving and adopting, a Local Law in relation to the naming of 53 thoroughfares and public places, Susana Mushatt Jones Avenue, Borough of Brooklyn, Horace L. Morancie Way, Borough of Brooklyn, Annie Beveridge Way, Borough of Staten Island, Pvt. Buford Brown Way, Borough of the Bronx, Yadira Arroyo Way, Borough of the Bronx, Francis “Al” Chapman Way, Borough of the Bronx, Cosmos FM Way, Borough of Queens, Jimmy Lanza Way, Borough of Queens, Nicholas J. DeMasi Way, Borough of Queens, Police Officer Christie Masone Way, Borough of Brooklyn, Dr. Dolores Beckham Way, Borough of Queens, Lenore G. Briggs Way, Borough of Brooklyn, Barbara Simmons Way, Borough of Brooklyn, Rebbetzin Chaya Mushka Schneerson, Schneerson Square, Borough of Brooklyn, Patrolman David Guttenberg Way, Borough of Brooklyn, Our Lady of Angels Way, Borough of Brooklyn, Alberto Ingravallo Way, Borough of Brooklyn, Father John J. Murray Way, Borough of Queens, Emily Warren Roebing Way, Borough of Brooklyn, Leslie Lewis Way, Borough of Brooklyn, Christine Zounek Way, Borough of Brooklyn, Woody’s Way, Borough of Manhattan, Jesus ‘Tato’ Laviera Way, Borough of Manhattan, Jacques Marchais Way, Borough of Staten Island, Thomas Coppola II Way, Borough of Staten Island, U.S. Coast Guard Way, Borough of Staten Island, The Honorable Jerome X. “Jay” O’Donovan Way, Borough of Staten Island, Retired NYPD Captain Edward D. Reuss Way, Borough of Staten Island, Cinco de Mayo Place, Borough of Brooklyn, Moises Locon and Nicholas Figueroa Way, Borough of Manhattan, Mother Cabrini Way, Borough of Manhattan, Elzina L. Dunn Brown Way, Borough of the Bronx, Sgt. Paul J. Tuozzolo Way, Borough of the Bronx, Elombe Brath Way, Borough of Manhattan, Johnnie Mae Johnson Way, Borough of Manhattan, Luz Yolanda Coca Way, Borough of Brooklyn, Tillie Tarantino Way, Borough of Brooklyn, David D. Pagan Way, Borough of Brooklyn, Walter Kelly Jr. Way, Borough of Queens, Julius Freeman Way, Borough of Queens, Ted Buczek Way, Borough of Manhattan, Dr. Norbert Sander Way, Borough of Manhattan, Mirabal Sisters Way, Borough of Manhattan, Albert and Dorothy Rose Blumberg Way, Borough of Manhattan, Mrs. Ponsie B. Hillman Way, Borough of Manhattan, Ramon J. Jimenez Corner, Borough of the Bronx, Msgr. William Smith Way, Borough of the Bronx, Alfredo Thiebaud Way, Borough of the Bronx, Bill Finger Way, Borough of the Bronx, Julio Infante Way, Borough of the Bronx, Larry Savinkin Way, Borough of Brooklyn, LEP Joseph A. Morabito Way, Borough of the Bronx, Detective Steven McDonald Way, Borough of Manhattan and the repeal of sections 20 and 26 of local law number 45 for the year 2017.**

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on May 25, 2017, respectfully

**REPORTS:**Comment:

On May 22, 2017, the Committee on Parks and Recreation will hold a hearing on Preconsidered Int. No. 1613 which co-names fifty-three (53) thoroughfares and public places. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

- b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided, however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map.

### **Section 1. Susannah Mushatt Jones Avenue**

Introduced by Council Member Barron

July 6, 1899 – May 12, 2016

Susannah Mushatt Jones was an American supercentenarian who lived through two world wars and the Great Depression and was the last living American who was verified to have been born before 1900. Born in Alabama, she graduated from the Calhoun Boarding School, founded by Booker T. Washington. She was one of the founding members of the Calhoun Club, which was established to raise money to send young people to college. She relocated to New York and served on the Vandalia Senior Housing Tenant Patrol for over 21 years and remained on the tenant patrol board until the age of 100. In 2015, the year before her death, the Guinness Book of World Records proclaimed her the oldest living person on the world. She also received proclamations from American Presidents, Congressional Representatives and Mayors and other local dignitaries. Recently, Lowndes County, Alabama legislators honored her by naming Highway 33 as “Susannah Mushatt Jones Highway.”

### **Section 2. Horace L. Morancie Way**

Introduced by Council Member Barron

June 27, 1929 – February 4, 2015

Horace L. Morancie co-founded and was the former Chair of the Urban Resource Institute (URINYC). He fought to provide vital social services to city residents and developed programs to address several community issues including housing, job training and domestic violence. He was also selected by former Mayor John Lindsay to lead the Central Brooklyn Model Cities program as part of the Great Society and War on Poverty initiatives of the 1960s and 70s. His initiatives included developing Central Brooklyn such as creating jobs, housing projects, social services, sports and culture. Today, URINYC provides domestic violence, addiction and developmental disabilities services to more than 1,400 residents of the City every year. To commemorate the 50<sup>th</sup> anniversary of the independence of Jamaica and Trinidad and Tobago, in 2012, EVERYBODY’S, the Caribbean-American magazine honored him for his immense contributions in promoting the nation of Trinidad and Tobago abroad.

### **Section 3. Annie Beveridge Way**

Introduced by Council Member Borelli

June 12, 1959 – February 3, 2015

Annie Beveridge was a life-long Staten Islander who taught science at PS 55 in Eltingville and Prall Intermediate School in West Brighton for 25 years and was also the general menagerie keeper at the Staten Island Zoo for many years before her teaching career. She was the first woman accepted into the internship program at the Jersey Wildlife Preservation Trust in England, where she spent four months working with endangered species, in addition to her regular science teaching. She appeared on Regis and Kathie Lee bringing several animals on the show. She was featured in the Staten Island Advance for Humanitarian Efforts at the Staten Island Zoo, participated in the Thousand Women Parade in Japan in support of equality for women, was a member of the Staten Island Zoological Society and she organized a class effort to support first responders after 9/11 by having children write moral boosting letters to the firemen, police and EMT’s who were working at Ground Zero.

**Section 4. Pvt. Buford Brown Way**

Introduced by Council Member Cabrera

Buford Brown was born in Georgia in 1924, served in the United States Army during World War II and on active duty from October 1945 until December 1946 at Lubbock Army Air Field. Pvt. First Class Buford Brown qualified as a Carbine Sharpshooter, transported nuclear and atomic weaponry operating an Armored Tractor and received a Citation and Medal for Good Conduct and an Honorable Discharge. Following his military service, Mr. Brown returned to civilian life, married and had a family, moving from Harlem to the Bronx in 1966. For the remainder of his life, along with his wife Mrs. Dorothy Brown, Buford Brown was known as a community entrepreneur and benefactor, founding and operating multiple businesses and community organizations serving the community, including a licensed home daycare center, Jac-ga-Mar Community Improvement Association and Jac-ga-Mar Realty Corporation. The Association participated in community clean-ups, green thumb gardens and community patrols as Bronx neighborhoods were declining. For his efforts, vision and trailblazing, Mr. Brown received a Citation from the New York City Council from former Council Member Rev. Wendell Foster in the 1980's.

**Section 5. Yadira Arroyo Way**

Introduced by Council Member Cabrera

December 22, 1972 – March 16, 2017

Yadira Arroyo was killed in the line of duty when a man was trying to steal her FDNY ambulance and struck her.

**Section 6. Francis "Al" Chapman Way**

Introduced by Council Member Cabrera

Francis "Al" Chapman was a committed community leader who spent over 30 years devoted to the Kingsbridge Heights neighborhood. He became a community leader in the mid-1980's amidst a wave of rent increases that had resulted from building renovations. Many lower income tenants found the higher rents to be a substantial hardship and he became involved in a long-term effort to change the way that these rent increases were calculated and how the state reviewed landlords' applications. He rallied the community, leading many public meetings and negotiations with state officials. He took a leadership role in citywide efforts to build strength with other organizations. These efforts paid off when the New York State Legislature passed legislation changing the calculation period, effectively slashing future capital rent increases in half and to hold particularly abusive landlords accountable. Additionally, he assumed many difficult administrative responsibilities in community leadership. As chair of the Kingsbridge Heights Neighborhood Improvement Association, he spent many years writing and administering grants, ensuring that the small, non-profits met requirements and addressing the organization's personnel issues.

**Section 7. Cosmos FM Way**

Introduced by Council Member Constantinides

Cosmos FM is a Greek-American radio station founded in 1987 that provides the Hellenic community in the city a voice on the airwaves. Currently, they have over 5,000 sustaining members and 200,000 listeners. Cosmos provides news from Greece and Cyprus, as well as programming on politics, science, social issues,

religion, health, finance, music, the arts, sports and community affairs. Cosmos FM has been an integral part of the Greek-American experience in Astoria.

### **Section 8. Jimmy Lanza Way**

Introduced by Council Member Constantinides

James Lanza served in the United States Navy during the Vietnam War who later became a member of FDNY's Engine 53, Ladder 43, known as 'El Barrio's Bravest.' On September 11<sup>th</sup>, He and other firefighters pulled 16 people out of the rubble alive. During his 30 years with FDNY, he assisted in the search-and-recovery mission in New Orleans after Hurricane Katrina, served on the board of the FDNY Fire Family Transport Foundation and volunteered at the Red Cross. He died as a result from 9/11 related cancer.

### **Section 9. Nicholas J. DeMasi Way**

Introduced by Council Member Constantinides

Nicholas J. DeMasi was a firefighter stationed at Engine Company 261 for many years. He was a responder during the 9/11 attacks and spent many months after working on the cleanup of Ground Zero. He retired in 2004 and later died of 9/11-related cancer.

### **Section 10. Police Officer Christie Masone Way**

Introduced by Council Member Cumbo

December 18, 1949 – April 2, 1978

Police Officer Christie Masone was assigned to the 79th Precinct. He and his partner Officer Norman Cerullo were killed in the line of duty after stopping two suspicious men in front of 660 Willoughby Street, Brooklyn. The suspect who was arrested was charged with murder.

### **Section 11. Dr. Dolores Beckham Way**

Introduced by Council Member Dromm

September 28, 1954 – October 5, 2016

Dr. Dolores Beckham was an educator for 40 years and was the principal of the Joseph Pulitzer Middle School since 1999. Under her leadership, she introduced a dual language program to the school and it was selected as one of the 15 recognized as the Chancellor's Citywide Model Dual Language programs. She was a Fulbright Award-winning principal in 2008 and traveled around the world for conferences on education and leadership.

### **Section 12. Lenore G. Briggs Way**

Introduced by Council Member Eugene

Lenore G. Briggs founded the Lefferts Gardens Montessori School. She immigrated to New York City in 1965 and in 1973, she opened a home daycare center which grew into a preschool and kindergarten called Mom's Center for Early Childhood Development Incorporated located at 559 Rogers Avenue in the Prospect Lefferts Gardens Neighborhood. She later renamed the center as the Lefferts Gardens Montessori School, (LGM). She received several awards and was recognized on many occasions for her contributions to the community, including a citation from the Brooklyn Borough President's office. In 2010, the school was expanded from a two classroom to five-classroom operation and continues to expand.

**Section 13. Barbara Simmons Way**

Introduced by Council Member Eugene  
December 28, 1952 – September 4, 2016

Barbara Simmons was an active member of CPAC under the Department of Education and was also an active member of NYC Community for Change. She fought for education reform and traveled to Albany many times to lobby for money for schools and better housing for the poor. She received many awards and certificates from numerous city agencies and the City Council for her devotion to schools and her community including a proclamation for Outstanding Service to the Community from Borough President Adams for her dedication to school district 17, a CEC Award for her dedication to district 17 and the Outstanding Service Award from Senator Hamilton.

**Section 14. Rebbetzin Chaya Mushka Schneerson, Schneerson Square**

Introduced by Council Member Eugene  
March 16, 1901 – February 10, 1988

Rebbetzin Chaya Mushka Schneerson was the daughter of the sixth Rebbe of Chabad and was married to Rabbi Menachem Mendel Schneerson, leader of the Chabad movement. Along with her husband, they led the global Chabad-Lubavitch movement, which would become the largest Jewish organization in the world that inspired Jewish activism in the United States and the world after the Holocaust. Throughout her life she repeatedly risked her life to help others under both Soviet and Nazi rule. She lived in Crown Heights from 1941 until her death, and soon after, Campus Chomesh was built on Lefferts Avenue in Brooklyn in her memory. Today, Campus Chomesh is the largest Jewish girls school in the world.

**Section 15. Patrolman David Guttenberg Way**

Introduced by Council Member Gentile  
Died December 28, 1978

David Guttenberg served with the NYPD for 18 years and was assigned to the 68<sup>th</sup> Precinct. He was killed in the line of duty on December 28, 1978, while responding to a robbery in progress.

**Section 16. Our Lady of Angels Way**

Introduced by Council Member Gentile

This co-naming will commemorate Our Lady of Angels' more than 125 years of educational service to the Bay Ridge community.

**Section 17. Alberto Ingravallo Way**

Introduced by Council Member Gentile

Alberto Ingravallo was born in Italy and later immigrated to the United States where he received his diploma as a mechanic at the Automotive High School of Brooklyn. He later became a teacher at the Automotive High School in Brooklyn. He also enlisted in the United States Army Reserve. He was a member and treasurer of the Independent National Democrats Club. He developed COOP and condominiums for the Brooklyn community and also dedicated himself to coaching and refereeing youth soccer. He was a founding member of the soccer referee association of Staten Island and continued to referee until 2011. He also initiated a musical cultural exchange program between Mola di Bari and New York in 2001. He was a member of the Congrega SS Addolorata and established the annual Concerto della Festivale de Maria SS Addolorata.

**Section 18. Father John J. Murray Way**

Introduced by Council Member Grodenchik  
March 15, 1929 – September 3, 2007

Father Murray was ordained as a Roman Catholic priest on May 29, 1965. He was an alcoholic who struggled with the disease for years and decided to seek help. He joined Alcoholics Anonymous (AA) and later became a leader of the local chapter. Over the years, he helped thousands of others who struggled with the disease of alcoholism. He also joined the Bishop's Committee on Alcoholism Counseling. He was very involved with youth activities and neighborhood betterment activities such as the Clean-Up of the Greenway.

**Section 19. Emily Warren Roebling Way**

Introduced by Council Member Levin  
September 23, 1843 – February 28, 1903

Emily Warren Roebling married Washington Roebling on January 18, 1865. Her father-in-law, John A. Roebling was undertaking the construction of the Brooklyn Bridge, but died in an unexpected accident. Emily's husband took over the role of Chief Engineer of the Brooklyn Bridge, however he got the bends which left him bedridden for the remainder of the construction of the bridge. Emily then became pupil, secretary, messenger and engineer throughout the remainder of the construction of the bridge, serving as liaison between her husband and the engineers and laborers working on the bridge. Then Congressman Abram S. Hewitt noted Emily for her hard work that she put into the construction of the bridge and became the first person to cross the Brooklyn Bridge after it opened on May 24, 1883.

**Section 20. Leslie Lewis Way**

Introduced by Council Member Levin

Leslie Lewis was supportive of the local police and spent most of his time working with the 84<sup>th</sup> Precinct to lower crime. The United States Congress recognized him in 2012 for his public safety efforts. He was a WWII veteran and later volunteered as president of the 84<sup>th</sup> Precinct Community Council and as a public safety liaison for Brooklyn Borough Hall. During WWII, he was awarded the Expert Rifleman's badge and a Good Conduct Medal. He was also responsible for the concept of 'Job Power,' which he developed as a way to bring together employers and minorities living in urban areas. This plan was pitched to the Department of Labor and he received thanks from President Nixon for his ideas. This concept evolved into the modern day job fair, a now commonly used method to bring job seekers and employers together.

**Section 21. Christine Zounek Way**

Introduced by Council Member Levin

Christine Zounek was a long-time resident of Milton Street and a community leader who cared deeply for all of her neighbors. In 2008, she became the first volunteer at the Greenpoint Reformed Church Food Pantry and Soup Kitchen at 136 Milton Street, and quickly became the Head Chef. The food pantry and soup kitchen is a critical part of the Greenpoint community and it is estimated that over five years, Christine helped prepare over 17,500 meals. She is fondly remembered for not only cooking nutritious food, but also food that was delicious, including Eastern European recipes that were greatly appreciated by the community who relied on the soup kitchen. In 2010, Christine received a Community Builder award from Neighbors Allied for Good Growth for her work at the Greenpoint Church and although she was honored to receive the award, she said "Doing service is a gift in itself."



**Section 22. Woody's Way**

Introduced by The Speaker Council Member Mark-Viverito

William E. Woodlon was one of 12 African-Americans in his class when he joined the FDNY in January 1982. He was first assigned to Engine 39 on 67<sup>th</sup> Street in Manhattan and worked there until 1996. He was then transferred to Engine 21 on East 40<sup>th</sup> Street in the Murray Hill section of Manhattan. He worked at Ground Zero after the September 11<sup>th</sup> attacks and later retired after 20 years as a firefighter in February 2002. He died as a result of 9/11 related cancer.

**Section 23. Jesus 'Tato' Laviera Way**

Introduced by The Speaker Council Member Mark-Viverito

September 5, 1950 – November 1, 2013

Mr. Laviera published books, plays and poems and made hundreds of appearances at colleges, workshops and literary events and was one of the best-known representatives of the Nuyorican school of poetry. He was born in the Santurce district of San Juan, P.R., and later moved to the Lower East Side. He was involved with the University of the Streets, an educational project that helped adults obtain a high school diploma and attend college, was an administrator at the Association of Community Service, directed the Hispanic Drama Workshop and was a member of various social agencies. His most famous books of poetry include *La Carreta Made a U-Turn*, which earned him an invitation to the White House by President Jimmy Carter to an event for distinguished American poets. His second book *Enclave* made him the first Hispanic author to win the American Book Award of the Before Columbus Foundation and poems from his third publication, *AmeRican* have been included in more than thirty anthologies.

**Section 24. Jacques Marchais Way**

Introduced by Council Member Matteo

1887 – 1948

Jacques Marchais was one of the earliest collectors of Tibetan art in the United States. She developed this affinity for Tibetan culture in the late 1920s, and thoroughly studied all she could. After viewing an exhibit dedicated to the Chinese Lama Temple Potala of Jehol, at the 1933 Century of Progress International Exposition in Chicago, she became particularly inspired to enhance her collection of Tibetan artifacts and share her knowledge with the world. In 1945, she founded the Jacques Marchais Museum of Tibetan Art in Lighthouse Hill on Staten Island. She designed the buildings which are the first Himalayan style architecture to be built in the United States and is the first museum in the world solely dedicated to Tibetan art. The museum also offers classes in Tai Chi and meditation.

**Section 25. Thomas Coppola II Way**

Introduced by Council Member Matteo

August 24, 1974 – July 15, 2016

Thomas Coppola II worked for the Department of Sanitation as a wrecker operator, mechanical broom operator, roll-on roll-off operator and an E-Z Pac operator. After the 9/11 attacks, he was sent to Ground Zero to operate the mechanical broom and remained there to help in the search and rescue effort. He also assisted in cleaning up debris on Staten Island after Superstorm Sandy for week after the storm. He died as a result of 9/11 related cancer.

**Section 26. U.S. Coast Guard Way**

Introduced by Council Member Matteo

This co-naming will commemorate the United States Coast Guard. Many members of the US Coast Guards' New York Sector, including the Captain of the Port, have residences on Staten Island.

**Section 27. The Honorable Jerome X. "Jay" O'Donovan Way**

Introduced by Council Member Matteo

1944 – December 11, 2014

Jerome X. O'Donovan was a decorated hero of the Vietnam War and a former City Councilman. He was a member of the United States Marine Corps and earned two Bronze Stars and a field promotion to the rank of Captain during the Vietnam War. He was a member of the Vietnam Veterans of America, the Marine Corps League and served as the Grand Marshal of the Memorial Day and St. Patrick's parades on Staten Island. As a City Councilman, he was chairman of the Economic Development Committee and was behind legislation to provide free fare on the Staten Island Ferry, he worked to cut express bus fares, close the Fresh Kills landfill and bring millions in funding for arts, reading projects, new classrooms and school computers. In the 1980's, he traveled to Vietnam on the POW/MIA issue and to the Soviet Union to help free Refuseniks.

**Section 28. Retired NYPD Captain Edward D. Reuss Way**

Introduced by Council Member Matteo

1940 – 2017

Edward D. Reuss served in the United States Army as a Military Police Officer at Fort Benjamin Harrison, Indiana. He joined the NYPD as a patrolman in 1963 and served in the rank of Sergeant, Lieutenant and Captain. Throughout his career, he was assigned to Manhattan's 4<sup>th</sup> Precinct, Staten Island's 123<sup>rd</sup> and 120<sup>th</sup> Precincts, Manhattan's 9<sup>th</sup> Precinct and back to Staten Island's 120<sup>th</sup> Precinct. He was also a member of the Captain's Endowment Association of the NYPD, the International Association of Chiefs of Police and a the International Police Association, Region 2. He retired after 29 years of service in the NYPD in 1992. In 1999, he launched an NY Cop Online Magazine which features true accounts of the men and women of the NYPD. He assisted on 9/11 by setting up a command post in New Dorp to ship much needed supplies to Ground Zero and again during Hurricane Sandy, he organized retired NYPD officers to aid in disaster relief.

**Section 29. Cinco de Mayo Place**

Introduced by Council Member Menchaca

This co-naming will recognize the culture and heritage of the Mexican population in Brooklyn. Cinco de Mayo commemorates the Mexican Army's victory over French forces at the Battle of Puebla on May 5, 1862.

**Section 30. Moises Locon and Nicholas Figueroa Way**

Introduced by Council Member Mendez

Moises Locon and Nicholas Figueroa were tragically killed in an explosion in the East Village. The explosion led to the collapse of three buildings and severely damaged a fourth building, and also injuring 22 people. As a result of this explosion and other gas-related incidents, the City enacted an extensive set of gas safety reforms.

**Section 31. Mother Cabrini Way**

Introduced by Council Member Mendez

This co-naming will commemorate the 100<sup>th</sup> Anniversary of Mother Francis Xavier Cabrini's death, who established hospitals, schools, orphanages and immigrant services throughout the United States and became the first woman to be given the title of 'Missionary' and the first American citizen canonized as a Saint by the Vatican. The co-naming is also in connection with the Cabrini Medical Center that closed in 2008, which made a significant contribution to improve the lives of citizens of New York.

**Section 32. Elzina L. Dunn Brown Way**

Introduced by Council Member Palma

Died January 3, 2013

Elzina L. Dunn Brown was an NYPD school crossing guard who gave her life defending her daughter from an abusive boyfriend. Diamond Dunn, Elzina's daughter, and her boyfriend Raymond Mayrant were arguing in the apartment when Mayrant pulled out a gun. He was about to shoot Diamond Dunn, when Elzina stepped in the middle of them and was killed. She was honored at the 11<sup>th</sup> annual Walk With Me event which focused on domestic violence in the Bronx. A plaque was installed outside of PS 100 Isaac Clason in memory of her service as a crossing guard.

**Section 33. Sgt. Paul J. Tuozzolo Way**

Introduced by Council Member Palma

Paul Tuozzolo was a 19-year veteran with the New York City Police Department and was assigned to the 43<sup>rd</sup> Precinct. He was killed in the line of duty while responding to a violent custody dispute in the Bronx.

**Section 34. Elombe Brath Way**

Introduced by Council Member Perkins

1936 - May 19, 2014

Elombe Brath grew up in Harlem and Hunts Point and founded the Patrice Lumumba Coalition in 1975. The Patrice Lumumba Coalition took its name from the first Prime Minister of the Democratic Republic of the Congo who was assassinated in 1961. The organization supported African liberation movements and also throughout the New York area. The organization was based out of Harlem and held regular forums and was very active in the boycott of South Africa and involved in boycotting the South African musical Ipi Tombe. He played an instrumental role in organizing Harlem welcoming Nelson Mandela in 1990 and was a strong advocate for the Central Park 5. He fought to eliminate the usage of the term "negro" and also launched a Black is Beautiful campaign in 1961 which included Afrocentric fashion shows featuring African-American women known as Grandassa models. He also created the African Jazz-Arts Society and Studios in Harlem in 1956 and also served as a consultant on African affairs for television host Gil Noble.

**Section 35. Johnnie Mae Johnson Way**

Introduced by Council Member Perkins

Johnnie Mae Johnson was elected District Leader from the 70<sup>th</sup> Assembly District, Part A due to her strong community ties and tireless work in the community. She was instrumental in getting a pedestrian bridge constructed into Harlem River Park where before, there was a lack of safe crossing for pedestrians and she was a founding member of the Addie Mae Collins Head Start Program and later became PTA president at PS 133.

The Addie Mae Collins Head Start Program is a non-profit program that provides childcare services to the children of East Harlem to stimulate and foster their cognitive, social, emotional and physical development. She was very helpful to people who wanted to register to vote and took them through the process so they could participate in elections. She was very involved in her community and helped make East Harlem a popular destination for many people. She fought for social justice in her community for over 50 years and received the Community Service Award, among others.

### **Section 36. Luz Yolanda Coca Way**

Introduced by Council Member Reynoso

Luz Yolanda Coca was a housing advocate for over 30 years who fought for tenants rights. She developed a reputation as a skilled community organizer and fierce tenant advocate. She helped save many tenants from losing their homes. She began as a volunteer at AmeriCorp's VISTA, ACORN and later became employed at Fifth Avenue Committee. She was instrumental in helping local residents stand up against landlords who wrongfully threatened and harassed long-term tenants hoping to displace them. She also worked as a volunteer organizer at the Bushwick Housing Independence Project helping tenants who faced eviction. In 2015, she was awarded the Sargent Shriver Award for her life-long commitment and work in Brooklyn.

### **Section 37. Tillie Tarantino Way**

Introduced by Council Member Reynoso

December 21, 1931 – October 30, 2013

Tillie Tarantino was a dedicated activist in Williamsburg and was the founding member of the Conselyea Street Block Association, the first Executive Director of the Swinging 60's Senior Center for 30 years and was a leader in the Italian American movement of north Brooklyn. She was an active member of Community Board 1 and was a founding member of Greenpoint Renaissance Enterprise Corporation, a group of local organizations joining together to address a broad range of housing and healthcare issues facing the community.

### **Section 38. David D. Pagan Way**

Introduced by Council Member Reynoso

September 24, 1943 – September 20, 2016

David D. Pagan was drafted in the United States Army and served in Vietnam as an infantryman in the Air Cavalry Division. He later became a community activist in Bushwick as executive director of Los Sures, a non-profit organization that advocates rebuilding south Williamsburg since 1972. Los Sures has undertaken large-scale rehabilitation of many buildings giving residents a safe and sustainable neighborhood. Under his leadership, Los Sures became a pioneer in the management and development of affordable housing and was the first community-based organization to enter into agreements to manage City-owned properties.

### **Section 39. Walter Kelly Jr. Way**

Introduced by Council Member Richards

Walter Kelly Jr. was a jazz musician who began playing the trumpet in his high school band. He later played the trumpet in the United States Army Band during the Korean War where he also earned the rank of Sergeant. After his service, he received a Certificate of Recognition for his service and also received a Certificate of Merit for his dedication to the United States Military. He played concerts in numerous nightclubs in New York City and was an integral member of the great musicians of the 'Jazz Heydays' in Harlem during the 1950's and 60's. He toured Japan three times with the Sil Austin Band and played the Ed Sullivan Show with the Ray Charles Band. He also toured the United States with his own band the 'Kelly All-

Stars.’ He portrayed Louis Armstrong in a play about musicians that was held at numerous junior high schools throughout the City and toured the country with the hit Broadway play, ‘Sophisticated Ladies.’

#### **Section 40. Julius Freeman Way**

Introduced by Council Member Richards

1927 – July 22, 2016

Julius Freeman served in WWII as a medic with the 332<sup>nd</sup> Tuskegee Airmen. In 2007, he was awarded the Congressional Gold Medal by President George W. Bush. After the war, he was a successful car salesman and became the first African-American spokesperson to appear on TV commercials in Ohio. After he retired in 2008, he visited schools to educate youth about the Tuskegee Airmen.

#### **Section 41. Ted Buczek Way**

Introduced by Council Member Rodriguez

Ted Buczek served in the United States Navy during WWII and later worked at Swann Manufacturing in New Jersey. He was a member of the Pulaski Association with in the NYPD. His son Michael was killed in 1988 at the age of 24 after he and his partner struggled with two drug-dealing suspects. Ted started the Police Officer Michael Buczek Foundation and the Michael Buczek Little League which still today serves about 500 Washington Heights youths each year. These foundations give children safe place to play while being mentored by NYPD officers.

#### **Section 42. Dr. Norbert Sander Way**

Introduced by Council Member Rodriguez

Dr. Norbert Sander was the last New York City resident to win the NYC Marathon in 1974. Later, he became the CEO and founder of the Armory Track Foundation. For the last 25 years, the Armory has been the busiest sports facilities in the country with over 125,000 athletes competing at the facility each year, far from its state of decline in the 1970’s and 80’s. Approximately 2,000 high school students use the facility each week. He received the Abebe Bikila Award for Outstanding Contribution to the Sport of Running in 2014 and received the 2016 City and State Reports Outstanding Achievement Community Development Award.

#### **Section 43. Mirabal Sisters Way**

Introduced by Council Member Rodriguez

Died 1960

The Dominican Republic was controlled by a cruel dictator named Rafael Trujillo during the 1950’s. He used his secret police to scare the nation and keep the people under his rule and he directly controlled the country’s vital utilities including the radio, mail, press, airlines and the passport office. Those who spoke out against him were usually killed. Patria, Minerva and Maria Teresa Mirabal were sisters who were members of the anti-Trujillo underground who helped distribute pamphlets about Trujillo’s abuses and collected weapons in order to plan revolts against Trujillo. They helped form the resistance group called the Movement of the Fourteenth of June in an attempt to overthrow Trujillo. The sisters became known as Las Mariposas (The Butterflies). Trujillo had the sisters killed after their attempt to assassinate Trujillo was exposed in 1960. Their deaths served as a catalyst to Trujillo’s assassination by military leaders six months later. Since their deaths, the Mirabal sisters have been commemorated in songs, books and poems. Throughout Latin America, the Mirabal sisters are regarded as feminist icons and the anniversary of their death is commemorated each year as the International Day Against Violence Against Women. There is a Mirabal Sisters Cultural and Community Center at 142<sup>nd</sup> Street in Manhattan.

**Section 44. Albert and Dorothy Rose Blumberg Way** (Introduced by Council Member Rodriguez) at the intersection of 168<sup>th</sup> Street and St. Nicholas Avenue in the borough of Manhattan.

Albert Blumberg was a political activist who was an official of the Communist Party several years before joining the Democratic Party as a district leader. He fought for economic and social reforms. Dorothy Rose Blumberg was an accomplished author and best known for her works, "Whose What" and "Florence Kelly." Together with her husband, she helped change the cultural and political landscape of Northern Manhattan. They helped lead the creation of various senior centers and organizations advocating for senior citizens, including Seniors Helping Seniors. They were also instrumental in helping organized the 1199 Union Retires. In the political arena, they brought together the coalition that spearheaded political change in Northern Manhattan and lead to the creation of the 10th Council District in the City Council, resulting in the election of the first elected official in the United States of Dominican decent. They were advisors to former Mayor David Dinkins and other known political leaders.

**Section 45. Mrs. Ponsie B. Hillman Way**

Introduced by Council Member Rosenthal  
October 7, 1918 – June 26, 2008

Ponsie B. Hillman was a retired teacher and former Assistant Treasurer of the United Federation of Teachers (UFT). She was a lifetime member of Delta Sigma Theta Sorority, Inc., and the NAACP. In 1963, she received a Teacher of the Year award for working in the American Federation of Teachers Freedom Schools, educating African-American children who were denied access to schools due to desegregation efforts. She received a senior service award from the New York City Comptroller's Office. She volunteered with the NY Blood Bank Services and Project Find senior center and during her tenure at the UFT, she served on the Executive Board, organized the AfroAmerican Heritage Committee, initiated the Asian-American Committee after an educational trip to Taiwan, and setup the UFT summer camp program. She also served as a NYSUT Board Election District Director. After her death, the Ponsie Barclay Hillman Precollege Scholarship was created to pay tribute to her as an educator, an advocate and a pioneer in the civil rights and labor movements.

**Section 46. Ramon J. Jimenez Corner**

Introduced by Council Member Salamanca

Ramon J. Jimenez was a community activist, who for decades led the fight to save Hostos Community College in the South Bronx, spoke out against police brutality and led a campaign to remove the leadership that had mismanaged the National Puerto Rican Day Parade. He also wrote investigative pieces, political analyses and represented injured workers and single mothers facing evictions. He led the 1976 protests that saved Hostos Community College from closing during a fiscal crisis.

**Section 47. Msgr. William Smith Way**

Introduced by Council Member Salamanca  
Died 2008

Msgr. William Smith was assigned to St. John Chrysostom Church. While at St. John's, he co-founded the Mid Bronx Desperadoes (MBD), a coalition of volunteers who were determined to save their community from the overwhelming incidents of arson, disinvestment and abandonment. Currently, MBD has successfully constructed and renovated over 2,300 units of housing and developed the construction of the New Horizons Retail Center which has created over 200 jobs. He was transferred to St. Athanasius Church in the mid 1980's where he co-founded the St. Vincent de Paul Nursing Home in 1992. After it opened, he played a major role

in the everyday operation of the nursing home, including holding Mass for seniors twice per week and visits all hours of the day.

#### **Section 48. Alfredo Thiebaud Way**

Introduced by Council Member Salamanca

Alfredo Thiebaud was the president and owner of Delicioso Coco Helado Inc. During the 1970's, he sold coconut ice in paper cups on the streets of the South Bronx and later built a fleet of pushcarts selling tropical flavored ices. He often donated ices to neighborhood festivals and borough events. Elected officials expressed after his death that Mr. Thiebaud's faith in the Bronx had helped revitalize a declining neighborhood and provided thousands of families with much-needed jobs over the years. He started his company in 1967 in the kitchen of his South Bronx apartment, recreating a popular dessert in Latin America and the Caribbean, starting with one flavor, coconut, which he made from real coconuts. Later he added cherry and many other flavors. His company eventually employed more than 30 seasonal workers and supplied more than 100 vendors with pushcarts, dry ice and, of course, the tropical-flavored ices in three sizes of cups, from April through October every year. He designed and built the carts himself in the basement of his factory. He was recognized by over thirty organizations and was awarded the Business of the Year Award from the Bodega Association, the Small Business Advocate of the Year Award from the United States Small Business Association, Community Advocate from the 40<sup>th</sup> Precinct among others.

#### **Section 49. Bill Finger Way**

Introduced by Council Member Torres

February 8, 1914 – January 18, 1974

Bill Finger was an American comic strip and comic book writer who was best known for co-creating the character Batman with Bob Kane of DC Comics. He also wrote many of the original Green Lantern stories. He was inducted into the Jack Kirby Hall of Fame in 1994 and the Will Eisner Award Hall of Fame in 1999. Comic-Con International established the Bill Finger Award for Excellence in Comic Book Writing, which is given annually to two recipients, one living, one deceased who have produced significant bodies of work in the comic book field. He lived in the Bronx during the Great Depression and graduated from DeWitt Clinton High School in 1933.

#### **Section 50. Julio Infante Way**

Introduced by Council Member Torres

Julio Infante was an active parishioner of Saint Simon Stock Church, a member of Community Board 5 and an advocate for youth development in his neighborhood. He volunteered and donated resources of countless community events and charity projects throughout his life, such as paying for Christmas lights to decorate the 46<sup>th</sup> Precinct during the Holiday Season and catering Community Board 5's Children's' Christmas Party. He chartered buses for the youth basketball team and financed a trip to Florida so that the players participate in a basketball tournament.

#### **Section 51. Larry Savinkin Way**

Introduced by Council Members Deutsch and Treyger

October 25, 1955 – March 6, 2017

Before migrating to Brooklyn with his family from Odessa, Ukraine in 1996, Larry was a hardworking business owner where he operated a door-making company and a chain of merchant stores. He was previously employed as a computer programmer, worked for the United States Census Bureau and served as a

Community Liaison for former Congressman Bob Turner and later Rep. Hakeem Jeffries. He was a project manager at the Jewish Association for Serving the Aging (JASA), a local community-based organization that serves older adults of all races, religions and economic backgrounds across New York City. For over 20 years, he was involved in several prominent organizations including the September 11 Family Group, the Brighton Beach Business Improvement District, The Holocaust Memorial Committee, Odessa Community of New York, and Brooklyn's Community Planning Board 13. Through the Odessa Community of New York, he organized many events inviting famous poets and artists to celebrate Odessa culture. He also built a 9/11 Memorial at Asser Levy Park in Brooklyn and organized an event every year around 9/11 dedicated to the memory of his son and many others.

**Section 52. LEP Joseph A. Morabito Way**

Introduced by Council Member Vacca

June 10, 1958 – June 8, 2013

Joseph A. Morabito served in law enforcement for over 34 years starting in the United States Navy from 1978 until 1982. While in the Navy, he served on the USS Kitty Hawk, the Naval Investigation Service as a Military Police Officer and worked as an Undercover Narcotics Officer. After the Navy, he took a post as a Federal Officer with the United States Veterans Administration Investigation Section and was stationed in the Bronx, NY. He acquired several titles while under this command including Patrol Section Supervisor, Investigation Supervisor, Field Training Officer and Evidence Operation Custodian. In 1986, he transferred to the United States Department of Defense Police Counter Terrorism Task Force where he held the rank of Lieutenant and acquired several certifications including SWAT Officer/Supervisor, SWAT Training Officer, VIP Protection, Police General Topics Instruction, Firearms Instructor, and Counter Terrorism Task Force Supervisor School. In 1997, he transferred to the United States Treasury Department in West Point NY as a Federal Officer (Lieutenant) assigned to the Uniformed Division until he retired from the Federal Government in 1999. In 2006, he was hired as an International Law Enforcement Professional by Dyncorp International and the US State Department and served his first tour in Iraq. While in Iraq, he held the title of Lead Instructor for Scorpion Police Academy on FOB Fallac/Normandy and was an advisor/mentor to the Iraqi National Police Force. While stationed in Iraq, he accompanied the Iraqi National Police on missions and raids into hostile situations and was assigned to a Quick Reaction Force with a Military Police Unit. In 2008, he worked as a Civilian International Police Officer/Instructor and was an advisor to the Haiti National Police Force where he received 14 commendations and 2 Service Stars for various missions he conducted. In 2013, he was killed on an Afghan National Army base in the Afghan province of Paktika while training Afghans to be police officers.

**Section 53. Detective Steven McDonald Way**

Introduced by Council Member Rosenthal and The Speaker Council Member Mark-Viverito

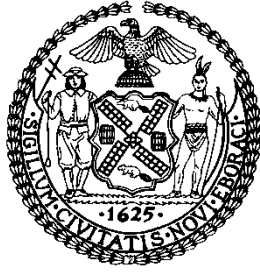
March 1, 1957 - January 10, 2017

Steven McDonald joined the NYPD in 1984 and in 1986 at the age of 29, with two years on the police force, he was shot by a 15 year-old boy in Central Park and became paralyzed from the neck down. He forgave his assailant and made many public appearances over the years spreading the message of forgiveness to the public. The Steven McDonald Extra Effort Award has been presented each NHL season since 1987-88 to the Rangers player who goes above and beyond the normal call of duty.

**Section 54. The REPEAL of Sections 20 and 26 of Local Law number 45 for the year 2017.** This section repeals Sections 20 and 26 of Local Law number 45 for the year 2017.



*The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 1613:*



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

**PROPOSED INTRO. NO: Pre-Considered INT 1613  
COMMITTEE: Parks and Recreation**

**TITLE:** A Local Law in relation to the naming of fifty-three thoroughfares and public places.

**SPONSOR (S):** By The Speaker (Council Member Mark-Viverito) and Council Members Barron, Borelli, Cabrera, Constantinides, Cumbo, Deutsch, Dromm, Eugene, Gentile, Grodenchik, Levin, Matteo, Menchaca, Mendez, Palma, Perkins, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Jr., Torres, Treyger, Vacca and Gibson.

In relation to the naming of 53 thoroughfares and public places, Susannah Mushatt Jones Avenue, Borough of Brooklyn, Horace L. Morancie Way, Borough of Brooklyn, Annie Beveridge Way, Borough of Staten Island, Pvt. Buford Brown Way, Borough of the Bronx, Yadira Arroyo Way, Borough of the Bronx, Francis "Al" Chapman Way, Borough of the Bronx, Cosmos FM Way, Borough of Queens, Jimmy Lanza Way, Borough of Queens, Nicholas J. DeMasi Way, Borough of Queens, Police Officer Christie Masone Way, Borough of Brooklyn, Dr. Dolores Beckham Way, Borough of Queens, Lenore G. Briggs Way, Borough of Brooklyn, Barbara Simmons Way, Borough of Brooklyn, Rebbetzin Chaya Mushka Schneerson, Schneerson Square, Borough of Brooklyn, Patrolman David Guttenberg Way, Borough of Brooklyn, Our Lady of Angels Way, Borough of Brooklyn, Alberto Ingravallo Way, Borough of Brooklyn, Father John J. Murray Way, Borough of Queens, Emily Warren Roebling Way, Borough of Brooklyn, Leslie Lewis Way, Borough of Brooklyn, Christine Zounek Way, Borough of Brooklyn, Woody's Way, Borough of Manhattan, Jesus 'Tato' Laviera Way, Borough of Manhattan, Jacques Marchais Way, Borough of Staten Island, Thomas Coppola II Way, Borough of Staten Island, U.S. Coast Guard Way, Borough of Staten Island, The Honorable Jerome X. "Jay" O'Donovan Way, Borough of Staten Island, Retired NYPD Captain Edward D. Reuss Way, Borough of Staten Island, Cinco de Mayo Place, Borough of Brooklyn, Moises Locon and Nicholas Figueroa Way, Borough of Manhattan, Mother Cabrini Way, Borough of Manhattan, Elzina L. Dunn Brown Way, Borough of the Bronx, Sgt. Paul J. Tuozzolo Way, Borough of the Bronx, Elombe Brath Way, Borough of Manhattan, Johnnie Mae Johnson Way, Borough of Manhattan, Luz Yolanda Coca Way, Borough of Brooklyn, Tillie Tarantino Way, Borough of Brooklyn, David D. Pagan Way, Borough of Brooklyn, Walter Kelly Jr. Way, Borough of Queens, Julius Freeman Way, Borough of Queens, Ted Buczek Way, Borough of Manhattan, Dr. Norbert Sander Way, Borough of Manhattan, Mirabal Sisters Way, Borough of Manhattan, Albert and Dorothy Rose Blumberg Way, Borough of Manhattan, Mrs. Ponsie B. Hillman Way, Borough of Manhattan, Ramon J. Jimenez Corner, Borough of the Bronx, Msgr. William Smith Way, Borough of the Bronx, Alfredo Thiebaud Way, Borough of the Bronx, Bill Finger Way, Borough of the Bronx, Julio Infante Way, Borough of the Bronx, Larry Savinkin Way, Borough of Brooklyn, LEP Joseph A. Morabito Way, Borough of the Bronx, Detective Steven McDonald Way, Borough of Manhattan and the repeal of sections 20 and 26 of local law number 45 for the year 2017.

**SUMMARY OF LEGISLATION:** The proposed law would add, through the posting of additional signs, the following new street names:

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Susannah Mushatt Jones Avenue	None	At the intersection of Vandalia Avenue and Louisiana Avenue
Horace L. Morancie Way	Rockaway Parkway	Between Wilmohr Street and Church Avenue
Annie Beveridge Way	None	At the intersection of Osborne Street and Woods of Arden Road
Pvt. Buford Brown Way	None	At the intersection of East 179 <sup>th</sup> Street and Morris Avenue
Yadira Arroyo Way	None	At the intersection of Creston Avenue and East 188 <sup>th</sup> Street
Francis "Al" Chapman Way	None	At the intersection of 29 <sup>th</sup> Street and 23 <sup>rd</sup> Avenue
Jimmy Lanza Way	None	At the intersection of 31 <sup>st</sup> Avenue and 54 <sup>th</sup> Street
Nicholas J. DeMasi Way	None	At the intersection of 77 <sup>th</sup> Street and 21 <sup>st</sup> Avenue
Police Officer Christie Masone Way	Washington Avenue	Between Myrtle Avenue and Willoughby Avenue
Dr. Dolores Beckham Way	80 <sup>th</sup> Street	Between 34 <sup>th</sup> Avenue and Northern Boulevard
Lenore G. Briggs Way	None	At the intersection of Rutland Road and Rogers Avenue
Barbara Simmons Way	None	At the intersection of Lefferts Avenue and Kingston Avenue
Rebbetzin Chaya Mushka Schneerson, Schneerson Square	Lefferts Avenue	Between Brooklyn Avenue and New York Avenue
Patrolman David Guttenberg Way	None	At the intersection of 86 <sup>th</sup> Street and 7 <sup>th</sup> Avenue
Our Lady of Angels Way	None	At the southwest corner of 4 <sup>th</sup> Avenue and 73 <sup>rd</sup> Street
Alberto Ingravallo Way	None	At the northeast corner of Bay Ridge Parkway and 18 <sup>th</sup> Avenue
Father John J. Murray Way	None	At the northeast corner of Union Turnpike and

		Bell Boulevard
Emily Warren Roebling Way	Columbia Heights	Between Pineapple Street and Orange Street
Leslie Lewis Way	Wyckoff Street	Between Bond Street and Nevins Street
Christine Zounek Way	Milton Street	Between Franklin Street and Manhattan Avenue
Woody's Way	None	At the southwest corner of 118 <sup>th</sup> Street and Park Avenue
Jesus 'Tato' Laviera Way	None	At the intersection of East 123 <sup>rd</sup> Street and Second Avenue
Jacques Marchais Way	None	At the intersection of Lighthouse Avenue and Windsor Avenue
Thomas Coppola II Way	None	At the intersection of Cotter Avenue and Royal Oak Road
U.S. Coast Guard Way	None	At the intersection of School Road and Bay Street
The Honorable Jerome X. "Jay" O'Donovan Way	None	At the intersection of Rochelle Street and Dalemere Road
Retired NYPD Captain Edward D. Reuss Way	None	At the intersection of Jefferson Street and Seaview Avenue
Cinco de Mayo Place	5 <sup>th</sup> Avenue	Between 43 <sup>rd</sup> Street and 42 <sup>nd</sup> Street
Moises Locon and Nicholas Figueroa Way	None	At the northwest corner of East 7 <sup>th</sup> Street and Second Avenue
Mother Cabrini Way	East 19 <sup>th</sup> Street	Between Second Avenue and Third Avenue
Elzina L. Dunn Brown Way	None	At the intersection of Thieriot Avenue and Randall Avenue
Sgt. Paul J. Tuozzolo Way	Purdy Street	Between Metropolitan Avenue and St. Raymond's Avenue
Elombe Brath Way	None	At the southwest corner of Adam Clayton Powell Jr. Boulevard and 125 <sup>th</sup> Street
Johnnie Mae Johnson Way	None	At the northwest corner of 130 <sup>th</sup> Street and Lexington Avenue
Luz Yolanda Coca Way	None	At the intersection of

		Suydam Street and Wilson Avenue
Tillie Tarantino Way	None	At the intersection of Conselyea Street and Leonard Street
David D. Pagan Way	None	At the intersection of South 4 <sup>th</sup> Street and Roebling Street
Walter Kelly Jr. Way	None	At the intersection of 132 <sup>nd</sup> Avenue and Farmers Boulevard
Julius Freeman Way	None	At the intersection of 191 <sup>st</sup> Street and Nashville Boulevard
Ted Buczek Way	None	At the intersection of Fort George Avenue and Audubon Avenue
Dr. Norbert Sander Way	168 <sup>th</sup> Street	Between Broadway and Fort Washington Avenue
Mirabal Sisters Way	None	At the intersection of 168 <sup>th</sup> Street and Amsterdam
Albert and Dorothy Rose Blumberg Way	None	At the intersection of 168 <sup>th</sup> Street and St. Nicholas Avenue
Mrs. Ponsie B. Hillman Way	None	At the northwest corner of Col Avenue and West 71 <sup>st</sup> Street
Ramon J. Jimenez Corner	East 149 <sup>th</sup> Street	Between Walton Avenue and the Grand Concourse
Msgr. William Smith Way	Beck Street	Between Intervale Avenue and Tiffany Street
Alfredo Thiebaud Way	St. Ann's Avenue	Between 159 <sup>th</sup> Street and 161 <sup>st</sup> Street
Bill Finger Way	192 <sup>nd</sup> Street	Between Grand Concourse and Valentine Avenue
Julio Infante Way	East 181 <sup>st</sup> Street	Between Ryer and Valentine Avenue
Larry Savinkin Way	None	At the intersection of Brighton Beach Avenue and Coney Island Avenue
LEP Joseph A. Morabito Way	Laconia Avenue	Between Stell Place and Waring Avenue
Detective Steven McDonald Way	None	At the 85 <sup>th</sup> Street Transverse, Central Park

**EFFECTIVE DATE:** This local law would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures</b>	<b>\$15,238</b>	<b>\$0</b>	<b>\$15,238</b>
<b>Net</b>	<b>\$15,238</b>	<b>\$0</b>	<b>\$15,238</b>

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

**IMPACT ON EXPENDITURES:** This legislation would require the installation of 53 new street signs. Each sign costing \$37.50 and the labor to install each sign costing \$250, for a total cost of \$287.50 each. As such, the total cost of enacting this legislation would be approximately \$15,238

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Kenneth Grace Legislative Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation will be considered by the Committee on Parks and Recreation as a Pre-Considered Intro. on May 22, 2017. Upon a successful vote by the Committee, the bill would be introduced and submitted to the full Council for a vote on May 24, 2017.

Fiscal Impact Schedule

<b>New Name</b>	<b>Number of Signs</b>	<b>Cost</b>	<b>Installation (street signs only)</b>	<b>Total Cost</b>
Susannah Mushatt Jones Avenue	1	37.5	250	287.50
Horace L. Morancie Way	1	37.5	250	287.50
Annie Beveridge Way	1	37.5	250	287.50
Pvt. Buford Brown Way	1	37.5	250	287.50
Yadira Arroyo Way	1	37.5	250	287.50
Francis "Al" Chapman Way	1	37.5	250	287.50
Cosmos FM Way	1	37.5	250	287.50
Jimmy Lanza Way	1	37.5	250	287.50
Nicholas J. DeMasi Way	1	37.5	250	287.50

Police Officer Christie Masone Way	1	37.5	250	287.50
Dr. Dolores Beckham Way	1	37.5	250	287.50
Lenore G. Briggs Way	1	37.5	250	287.50
Barbara Simmons Way	1	37.5	250	287.50
Rebbetzin Chaya Mushka Schneerson, Schneerson Square	1	37.5	250	287.50
Patrolman David Guttenberg Way	1	37.5	250	287.50
Our Lady of Angels Way	1	37.5	250	287.50
Alberto Ingravallo Way	1	37.5	250	287.50
Father John J. Murray Way	1	37.5	250	287.50
Emily Warren Roebling Way	1	37.5	250	287.50
Leslie Lewis Way	1	37.5	250	287.50
Christine Zounek Way	1	37.5	250	287.50
Woody's Way	1	37.5	250	287.50
Jesus 'Tato' Laviera Way	1	37.5	250	287.50
Jacques Marchais Way	1	37.5	250	287.50
Thomas Coppola II Way	1	37.5	250	287.50
U.S. Coast Guard Way	1	37.5	250	287.50
The Honorable Jerome X. "Jay" O'Donovan Way	1	37.5	250	287.50
Retired NYPD Captain Edward D. Reuss Way	1	37.5	250	287.50
Cinco de Mayo Place	1	37.5	250	287.50
Moises Locon and Nicholas Figueroa Way	1	37.5	250	287.50
Mother Cabrini Way	1	37.5	250	287.50
Elzina L. Dunn Brown Way	1	37.5	250	287.50
Sgt. Paul J. Tuozzolo Way	1	37.5	250	287.50
Elombe Brath Way	1	37.5	250	287.50
Johnnie Mae Johnson Way	1	37.5	250	287.50
Luz Yolanda Coca Way	1	37.5	250	287.50
Tillie Tarantino Way	1	37.5	250	287.50
David D. Pagan Way	1	37.5	250	287.50
Walter Kelly Jr. Way	1	37.5	250	287.50
Julius Freeman Way	1	37.5	250	287.50
Ted Buczek Way	1	37.5	250	287.50
Dr. Norbert Sander Way	1	37.5	250	287.50
Mirabal Sisters Way	1	37.5	250	287.50
Albert and Dorothy Rose Blumberg Way	1	37.5	250	287.50
Mrs. Ponsie B. Hillman Way	1	37.5	250	287.50
Ramon J. Jimenez Corner	1	37.5	250	287.50
Msgr. William Smith Way	1	37.5	250	287.50
Alfredo Thiebaud Way	1	37.5	250	287.50

Bill Finger Way	1	37.5	250	287.50
Julio Infante Way	1	37.5	250	287.50
Larry Savinkin Way	1	37.5	250	287.50
LEP Joseph A. Morabito Way	1	37.5	250	287.50
Detective Steven McDonald Way	1	37.5	250	287.50
<b>TOTAL</b>	<b>53</b>	<b>\$1,988</b>	<b>\$13,250</b>	<b>\$15,238</b>

*Accordingly, this Committee recommends its adoption.*

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

MARK LEVINE, *Chairperson*; DARLENE MEALY, FERNANDO CABRERA, JAMES G. VAN BRAMER, ANDREW COHEN, ALAN N. MAISEL; Committee on Parks and Recreation, May 22, 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 Parks and Recreation and had been favorably reported for adoption.

Report for Int. No. 1627

**Report of the Committee on Parks and Recreation in favor of approving and adopting, a Local Law in relation to the naming of Joel A. Miele, Sr. Pedestrian Bridge.**

The Committee on Parks and Recreation, to which the annexed preconsidered proposed local law was referred on May 24, 2017, respectfully

**REPORTS:**

**INTRODUCTION**

On May 22, 2017, the Committee on Parks and Recreation, chaired by Council Member Mark Levine, will hold a hearing to vote on Preconsidered Int. No.1627, Proposed Int. No. 1305-A and Res. No. 994. More information on Preconsidered Int. No.1627 can be accessed online at <https://goo.gl/VhAp4t>, information on Proposed Int. No. 1305-A can be accessed online at <https://goo.gl/M3E9Tc> and more information on Res. No. 994 can be accessed online at <https://goo.gl/OdFFXE>.

## **BACKGROUND**

### **Preconsidered Int. No. 1627**

Preconsidered Int. No. 1627 permanently changes the name of the 163<sup>rd</sup> Avenue Pedestrian Bridge in the Borough of Queens to Joel A. Miele, Sr. Pedestrian Bridge, and amends the official City map accordingly.

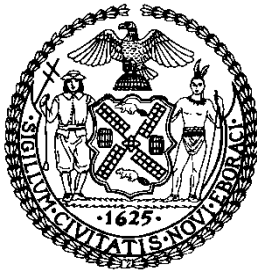
### **Proposed Int. No. 1305-A**

Proposed Int. No. 1305-A would require the Department of Parks and Recreation to post notices of the effective date of temporary parking restrictions relating to tree removals at least two days before the commencement of such restrictions, with certain exceptions.

### **Res. No. 994**

Res. No. 994 calls upon the Metropolitan Transportation Authority and all other appropriate entities to support a Hudson River Greenway between Spuyten Duyvil and Yonkers to provide riverfront access in a continuous stretch concurrent with the Metro-North line extending from Manhattan to Westchester. The Hudson River Greenway bicycle and pedestrian trail begins at Battery Park and runs all the way up through Westchester County with 3-mile long gap along the waterfront in the Bronx and Yonkers. The New York Metropolitan Transit Council, an organization of regional governments charged with studying transportation-related issues for New York City, Long Island and the lower Hudson Valley is charged with coming up with a plan for closing the gap in a way that allows for continuous access along the greenway.

*The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 1627:*



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

**LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. Preconsidered 1627**

**COMMITTEE: Parks & Recreation**

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**TITLE:** A Local Law in relation to the naming of Joel A. Miele, Sr. Pedestrian Bridge.      **Sponsor:** By Council Member Ulrich

**SUMMARY OF LEGISLATION:** The proposed bill would permanently change the name of the 163<sup>rd</sup> Avenue Pedestrian Bridge in the Borough of Queens to Joel A. Miele, Sr. Pedestrian Bridge, and amend the official City map accordingly.

**EFFECTIVE DATE:** This local law would take effect immediately.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$325</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$325</b>	<b>\$0</b>	<b>\$0</b>

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

**IMPACT ON EXPENDITURES:** This legislation would require the installation of 2 new street signs. Each sign costing \$37.50 and the labor to install both costing \$250.00. As such, the total cost of enacting this legislation would be approximately \$325.00

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

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

**ESTIMATE PREPARED BY:** Kenneth Grace, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation will be considered by the Committee on Parks and Recreation as a Pre-Considered Intro. on May 22, 2017. Upon a successful vote by the Committee, the bill would be introduced and submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 22, 2017.

*Accordingly, this Committee recommends its adoption.*

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

MARK LEVINE, *Chairperson*; DARLENE MEALY, FERNANDO CABRERA, JAMES G. VAN BRAMER, ANDREW COHEN, ALAN N. MAISEL; Committee on Parks and Recreation, May 22, 2017.

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

## Report of the Committee on Technology

Report for Int. No. 951-A

### Report of the Committee on Technology in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring direct telephone access to 911 service.

The Committee on Technology, to which the annexed proposed amended local law was referred on October 15, 2015 (Minutes, page 3689), respectfully

#### REPORTS:

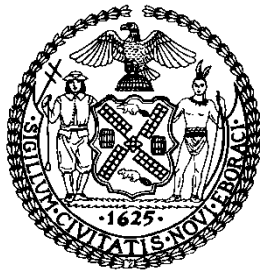
##### I. INTRODUCTION

On May 22, 2017, the Committee on Technology, chaired by Council Member James Vacca, will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 951-A. The Committee previously heard Int. No. 951 on June 17, 2016 and received testimony from the Department of Information Technology & Telecommunications (DoITT) and the Fire Department City of New York (FDNY). More information about this bill is available with the materials for that hearing, which can be accessed online at <https://goo.gl/jUAuvO>.

##### II. PROPOSED INT. NO. 951-A

Proposed Int. No. 951-A would require that, by May 1, 2019, existing multi-line telephone systems in certain businesses and City agencies have direct telephone access to 911, such that a prefix is not required prior to dialing 911. New multi-line phone systems within such agencies and businesses must be pre-configured to directly dial 911. Proposed Int. No. 951-A would also require that each such telephone system be configured to provide notification of a central location for which emergency personnel can respond to a 911 call placed on the telephone system.

(The following is the text of the Fiscal Impact Statement for Int. No. 951-A:)



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

PROPOSED INTRO. NO: 951-A  
COMMITTEE: **Technology**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring direct telephone access to 911 service.

**SPONSORS:** By Council Members Crowley, Eugene, Johnson, Mealy, Mendez, Palma, Gibson, Rosenthal, Kallos, Dromm and Borelli

**SUMMARY OF LEGISLATION:** Proposed Intro. 951-A would require that, by May 1, 2019, existing multi-line telephone systems accessible to the public in certain businesses and City agencies have direct telephone access to 911, such that a prefix is not required prior to dialing 911. New multi-line phone systems within covered business and agencies must be pre-configured to directly dial 911. This law would also require that each such telephone system be configured to provide notification of a central location for which emergency personnel can respond to a 911 call placed on the telephone system.

Upon receipt of a complaint, covered businesses found to have failed to comply with this legislation’s requirements would be issued a notice of violation by the designated administering agency. If a covered business fails to correct the violation within 30 days after issuance of the notice would be subject to a civil penalty of \$250 for the first violation and \$500 for each subsequent violation. Covered business would not be subject to a civil penalty if it establishes that the requirements of this legislation would be unduly and unreasonably costly.

**EFFECTIVE DATE:** This local law would take effect immediately

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** N/A

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would not be an impact on expenditures resulting from the enactment of this legislation. Existing resources would be used to comply with the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** John Russell, Unit Head

**ESTIMATE REVIEWED BY:** Eric Bernstein, Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 15, 2015 as Intro. No. 951 and referred to the Committee on Technology. The legislation was considered at a hearing on June 17, 2016 and was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 951-A, will be voted on by the Committee on Technology at a hearing on May 22, 2017. Upon successful vote by the Committee, Proposed Intro. No. 951-A will be submitted to the full Council for a vote on May 24, 2017.

**DATE PREPARED:** May 19, 2017.

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

**(The following is the text of Int. No. 951-A:)**

Int. No. 951-A

By Council Members Crowley, Eugene, Johnson, Mealy, Mendez, Palma, Gibson, Rosenthal, Kallos, Dromm and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring direct telephone access to 911 service**

*Be it enacted by the Council as follows:*

Section 1. Section 10-173 of the administrative code of the city of New York, as added by local law number 78 for the year 2016, is renumbered to section 10-174.

§ 2. Section 10-173 of the administrative code of the city of New York, as added by local law number 102 for the year 2016, is renumbered to section 10-175.

§ 3. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-176 to read as follows:

*§ 10-176 Direct telephone access to emergency services. a. As used in this section:*

*Administering agency. The term “administering agency” means the offices or agencies designated by the mayor, pursuant to subdivision g of this section, to administer and enforce the provisions of this section.*

*Covered business. The term “covered business” means any sole proprietorship, partnership, association, joint venture, corporation or other form of business organization which opens its facilities to the general public for the sale and purchase of goods or services.*

*Multi-line telephone system. The term “multi-line telephone system” means a system accessible to the general public comprised of common control units, telephone sets, control hardware and software and adjunct systems which enables users to make and receive telephone calls using shared resources such as telephone network trunks or data link bandwidth. The term “multi-line telephone system” includes, but is not limited to, (i) network-based and premises-based systems, such as centrex services, (ii) premises-based, hosted and cloud-based voice over internet protocols, (iii) private branch exchanges, (iv) key telephone systems, and (v) hybrid key telephone systems.*

*b. Each multi-line telephone system installed for operation by a covered business or the city on or after the effective date of the local law that added this section shall be configured to allow a person initiating a 911 call on such system to directly access 911 service by dialing the digits 911 without any additional code, digit, prefix, postfix or trunk-access code.*

*c. By May 1, 2019, each existing multi-line telephone system operated by a covered business or the city shall be configured to allow a person initiating a 911 call on such system to directly access 911 service by dialing the digits 911 without any additional code, digit, prefix, postfix or trunk-access code.*

*d. Each (i) multi-line telephone system installed for operation by a covered business or the city on or after the effective date of the local law that added this section, and (ii) by May 1, 2019, each existing multi-line telephone system operated by a covered business or the city shall be configured to provide, to a centralized location on such system, notification of any 911 call made on such system.*

*e. Prior to configuration or in the course of investigation under subdivision f of this section, a covered business or the city may schedule and conduct a test call for their multi-line telephone system to ensure such system can directly access 911 service by dialing the digits 911 without any additional code, digit, prefix, postfix or trunk-access code. Any such test call must be scheduled with and conducted in conjunction with the police department.*

*f. 1. Upon receipt of a complaint alleging that a covered business has failed to comply with this section or rules promulgated thereunder, the administering agency shall investigate such allegation.*

*2. Upon substantiating such allegation, such agency shall issue a notice of violation, in a form and manner established by such agency, to such covered business. In addition to any other information prescribed by such agency, such notice shall state that, if within 30 days after issuance of such notice, the condition giving rise to such violation is corrected and such covered business files with such agency, in a form and manner established by such agency, a certification that such condition has been corrected, then such covered business shall not be subject to a civil penalty for such violation.*

*3. If such covered business fails to correct such condition within 30 days after issuance of such notice or fails to file with the administering agency a certification in accordance with paragraph 2 of this subdivision, such covered business shall be subject to a civil penalty of not less than \$250 for the first violation and not less than \$500 for each subsequent violation, provided that:*

*(a) Such covered business shall not be subject to a civil penalty for such violation if (i) such covered business establishes that the requirements of such subdivision would be unduly and unreasonably costly for such covered business to comply with and (ii) such covered business identifies the manufacturer and model number of the multi-line telephone system that needs to be reprogrammed or replaced and establishes that such covered business made a good faith attempt to reprogram or replace the system; and*

*(b) No covered business shall be subject to more than one violation for the same multi-line telephone system in any 10-day period.*

*4. The administering agency may recover such penalties in an action in any court of appropriate jurisdiction or in a proceeding before an authorized tribunal of the office of administrative trials and hearings.*

*g. The mayor shall, in writing, designate one or more offices or agencies to administer and enforce the provisions of this section and may, from time to time at the mayor's discretion, change such designation. Within 10 days after such designation or change thereof, a copy of such designation or change thereof shall be published on the city's website and on the website of each such office or agency, and shall be electronically submitted to the speaker of the council.*

§ 4. This local law takes effect immediately.

JAMES VACCA, *Chairperson*; DAVID G. GREENFIELD, BARRY S. GRODENCHIK; Committee on Technology, May 22, 2017. *Other Council Members Attending: Council Member Crowley.*

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

## GENERAL ORDER CALENDAR

Report for L.U. No. 610 & Res. No. 1510

**Report of the Committee on Land Use in favor of approving Application No. C 160326 ZMX submitted by Westchester Mews LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 4b, changing an existing R5 District to an R6 District, and establishing a C2-4 District within the proposed R6 district on property located at Newbold Avenue and Olmstead Avenue, Borough of the Bronx, Community District 9, Council District 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1173) and which was previously brought before the Council at this May 24, 2017 Stated Meeting, respectfully

**REPORTS:****SUBJECT****BRONX CB - 9****C 160326 ZMX**

City Planning Commission decision approving an application submitted by Westchester Mews, LLC, pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4b.

**INTENT**

To approve an amendment to the Zoning Map, which in conjunction with the related actions would facilitate the development of a mixed-use development containing approximately 206 affordable dwelling units, commercial, and community facility space in the Unionport section of the Bronx in Community District 9.

**PUBLIC HEARING****DATE:** May 2, 2017**Witnesses in Favor:** Three**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** May16, 2017

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1510

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160326 ZMX, a Zoning Map amendment (L.U. No. 610).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on April 7, 2017 its decision and report dated April 5, 2017 (the "Decision"), on the application submitted by Westchester Mews, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 4d, which in conjunction with the related actions would facilitate the development of a mixed-use development containing approximately 206 affordable dwelling units, commercial, and community facility space in the Unionport section of the Bronx, (ULURP No. C 160326 ZMX), Community District 9, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to applications N 160327(A) ZRX (L.U. No. 611), a zoning text amendment to designate a Mandatory Inclusionary Housing area and to modify the bulk regulations for MIH developments in R6 Districts; and 20175390 HAX (L.U. 627), a tax exemption pursuant to Article XI of the Private Housing Finance Law;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 2, 2017;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the revised negative declaration issued on March 6, 2017 (CEQR No. 16DCP080X), which includes (E) designations to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials (E-406) (the "Revised Negative Declaration");

**RESOLVED:**

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the Decision, incorporated by reference herein, the Council approves the Decision as follows:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 4b:

1. eliminating from within an existing R5 District a C2-2 District bounded by Westchester Avenue, Olmstead Avenue, a line midway between Westchester Avenue and Newbold Avenue, and a line 450 feet easterly of Pugsley Avenue;
2. changing from an R5 District to an R6 District property bounded by Westchester Avenue, Olmstead Avenue, Newbold Avenue, Pugsley Avenue, a line midway between Westchester Avenue and Newbold Avenue, and a line 450 feet easterly of Pugsley Avenue; and
3. establishing within the proposed R6 District a C2-4 District bounded by Westchester Avenue, Olmstead Avenue, a line midway between Westchester Avenue and Newbold Avenue and a line 450 feet easterly of Pugsley Avenue;

as shown on a diagram attached to the Decision (for illustrative purposes only) dated December 12, 2016 and subject to the conditions of CEQR Declaration E- 406, Community District 9, Borough of the Bronx.

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 611 & Res. No. 1511

**Report of the Committee on Land Use in favor of approving Application No. N 160327(A) ZRX submitted by Westchester Mews LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Article II, chapter 3 relating to bulk and floor area regulations, and Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of the Bronx, Community District 9, Council District 18.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1173) and which was previously brought before the Council at this May 24, 2017 Stated Meeting, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BRONX CB - 9**

**N 160327(A) ZRX**

City Planning Commission decision approving an application submitted by Westchester Mews LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3 relating to bulk regulations in Mandatory Inclusionary Housing areas, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.



**INTENT**

To approve an amendment to the text of the Zoning Resolution, which in conjunction with the related actions would facilitate the development of a mixed-use development containing approximately 206 affordable dwelling units, commercial, and community facility space in the Unionport section of the Bronx in Community District 9.

**PUBLIC HEARING**

**DATE:** May 2, 2017

**Witnesses in Favor:** Three

**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 16, 2017

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 18, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Palma, Garodnick, Mendez, Koo, Lander, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The Committee's proposed modifications were filed with the City Planning Commission on May 18, 2017. The City Planning Commission filed a letter dated May 18, 2017, with the Council on May 23, 2017,

indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1511

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 160327(A) ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3 relating to bulk regulations in Mandatory Inclusionary Housing areas, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 9, Borough of the Bronx (L.U. No. 611).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on April 7, 2017 its decision and report dated April 5, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Westchester Mews, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3 relating to bulk regulations in Mandatory Inclusionary Housing areas, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, (Application No. N 160327(A) ZRX), Community District 9, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to applications C 160326 ZMX (L.U. No. 610), an amendment to the Zoning Map to change property from R5 and R5/C2-2 Districts to R6 and R6/C2-4 Districts; and 20175390 HAX (L.U. 627), a tax exemption pursuant to Article XI of the Private Housing Finance Law;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 2, 2017;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the revised negative declaration issued on March 6, 2017 (CEQR No. 16DCP080X), which includes (E) designations to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials (E-406) (the "Revised Negative Declaration");

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, Application, and based on the environmental determination and consideration described in the Decision, the Council approves the Decision with the following modifications:

Matter underlined is new, to be added;  
 Matter ~~struck out~~ is to be deleted;  
 Matter within # # is defined in Section 12-10;  
 Matter ~~double struck out~~ is old, deleted by the City Council;  
 Matter double-underlined is new, added by the City Council;  
 \* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article II**  
**RESIDENCE DISTRICT REGULATIONS**

**Chapter 3**  
**Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-10**  
**OPEN SPACE AND FLOOR AREA REGULATIONS**  
 R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

\* \* \*

**23-15**  
**Open Space and Floor Area Regulations in R6 through R10 Districts**  
 R6 R7 R8 R9 R10

\* \* \*

**23-153**  
**For Quality Housing buildings**

R6 R7 R8 R9 R10

In the districts indicated, for #Quality Housing buildings#, the maximum #floor area ratio# and maximum #residential lot coverage# for #interior lots# or #through lots# shall be as set forth in the table in this Section. The maximum #residential lot coverage# for a #corner lot# shall be 100 percent.

The maximums for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

**MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO  
 FOR QUALITY HOUSING BUILDINGS**

District	Maximum #Lot Coverage# for an #Interior Lot# or #Through Lot# (in percent)	Maximum #Floor Area Ratio#
R6	60	2.20

R6 <sup>**2</sup>	60	2.43
R6 <sup>*1.3</sup> R6A R7B	65	3.00
R6B	60	2.00
R7	65	3.44
R7* <sup>1</sup> R7A	65	4.00
	* * *	
R8* <sup>1</sup>	70	7.20
	* * *	

---

<sup>1</sup> for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#

<sup>2</sup> for #zoning lots# in an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#

<sup>3</sup> the maximum #lot coverage# for #zoning lots# in Mandatory Inclusionary Housing Area 1 (date of adoption) in Community District 9 in the Borough of the Bronx in an R6 District utilizing the height and setback provisions of paragraph (c) of Section 23-664

**23-154  
Inclusionary Housing**

\* \* \*

(d) Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

\* \* \*

(2) Maximum #floor area ratio#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section shall apply to any #MIH development#. However, in an R7-3 or R7X District, the maximum #floor area ratio# for any #MIH development# shall be 6.0, and in an R6 District without a letter suffix in Mandatory Inclusionary Housing Area 1 (date of adoption) in Community District 9 in the Borough of the Bronx, it shall be 3.6. ~~the maximum #floor area ratio# for any #MIH development# in an R6 District without a letter suffix shall be 3.6, and in an R7-3 or R7X District, the maximum #floor area ratio# shall be 6.0 for any #MIH development#.~~

\* \* \*

**APPENDIX F  
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**The Bronx**

\* \* \*

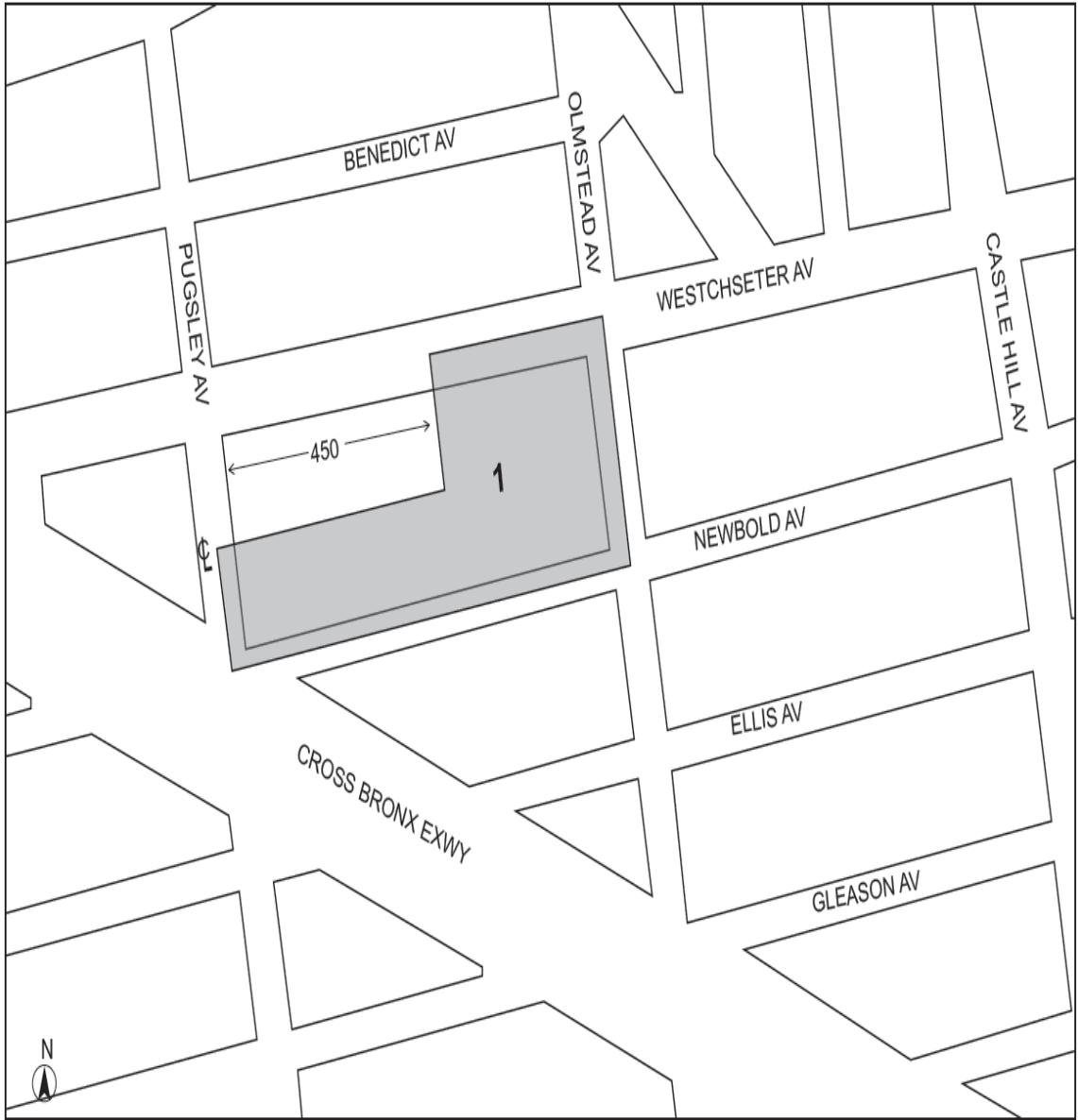
**The Bronx Community District 9**

\* \* \*

In the R6 District within the areas shown on the following Map 1:

Map 1 - [date of adoption]

[PROPOSED MAP]



■ Mandatory Inclusionary Housing area see Section 23-154(d)(3)  
Area 1 (date of adoption) – MIH Program Option 1 ~~and Option 2~~

Portion of Community District 9, The Bronx

\* \* \*

DAVID G. GREENFIELD, *Chairperson*; ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 18, 2017.

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

Report for L.U. No. 612 & Res. No. 1512

**Report of the Committee on Land Use in favor of approving Application No. C 170142 ZMK submitted by Atlantic East Affiliates LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 17c, changing an existing R6 District to an R8A/C2-4 District on property located at Atlantic Avenue and Eastern Parkway, Borough of Brooklyn, Community District 16, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1173) and which was previously brought before the Council at the May 10, 2017 Stated Meeting (Minutes, page 1250) and referred to the City Planning Commission, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB - 16**

**C 170142 ZMK**

City Planning Commission decision approving an application submitted by Atlantic East Affiliates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17c.

#### **INTENT**

To approve the amendment to the Zoning Map, which in conjunction with the related action would facilitate the development of a new 10-story mixed-use building, containing approximately 67 affordable dwelling units in the Ocean Hill neighborhood of Community District 16 in Brooklyn.

#### **PUBLIC HEARING**

**DATE:** May 2, 2017

**Witnesses in Favor:** Four

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 2, 2017

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 4, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Wills, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

**Against:**

None

**Abstain:**

None

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

Res. No. 1512

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170142 ZMK, a Zoning Map amendment (L.U. No. 612).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on April 7, 2017 its decision dated April 5, 2017 (the "Decision"), on the application submitted by Atlantic East Affiliates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17c, which in conjunction with the related action would facilitate the development of a new 10-story mixed-use building containing approximately 67 affordable dwelling units in the Ocean Hill neighborhood of Brooklyn, (ULURP No. C 170142 ZMK), Community District 16, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to applications N 170143 ZRK (L.U. No. 613), a zoning text amendment to designate a Mandatory Inclusionary Housing area;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 2, 2017;

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



**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on November 28, 2016 (CEQR No. 17DCP068K), which includes (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-400) (the “Negative Declaration”);

**RESOLVED:**

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170142 ZMK, incorporated by reference herein, the Council approves the Decision as follows:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17c:

1. eliminating from within an existing R6 District a C2-3 District bounded by the southerly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), Eastern Parkway, a line midway between Atlantic Avenue and Pacific Street, and a line 100 feet westerly of Eastern Parkway;
2. changing from an R6 District to an R8A District property bounded by the southerly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division) and its easterly prolongation, a line 100 feet easterly of Eastern Parkway, a line midway between Atlantic Avenue and Pacific Street, and a line 100 feet westerly of Eastern Parkway; and
3. establishing within the proposed R8A District a C2-4 District bounded by the southerly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division) and its easterly prolongation, a line 100 feet easterly of Eastern Parkway, a line midway between Atlantic Avenue and Pacific Street, and a line 100 feet westerly of Eastern Parkway;

as shown on a diagram (for illustrative purposes only) dated November 28, 2016, and subject to the conditions of CEQR Declaration E-400, Community District 16, Borough of Brooklyn.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 4, 2017.

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

## Report for L.U. No. 613 &amp; Res. No. 1513

**Report of the Committee on Land Use in favor of approving Application No. N 170143 ZRK submitted by Atlantic East Affiliates LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 16, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 25, 2017 (Minutes, page 1173) and which was previously brought before the Council at the May 10, 2017 Stated Meeting (Minutes, p. 1251) and referred to the City Planning Commission, respectfully

**REPORTS:****SUBJECT****BROOKLYN CB - 16****N 170143 ZRK**

City Planning Commission decision approving an application submitted by Atlantic East Affiliates, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve the amendment to the text of the Zoning Resolution, which in conjunction with the related action would facilitate the development of a new 10-story mixed-use building, containing approximately 67 affordable dwelling units in the Ocean Hill neighborhood of Community District 16 in Brooklyn.

**PUBLIC HEARING****DATE:** May 2, 2017**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 2, 2017

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Torres.

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

**COMMITTEE ACTION**

**DATE:** May 4, 2017

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Wills, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

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

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The Committee's proposed modifications were filed with the City Planning Commission on May 8, 2017. The City Planning Commission filed a letter dated May 23, 2017, with the Council on May 22, 2017, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1513

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 170143 ZRK, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 16, Borough of Brooklyn (L.U. No. 613).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on April 7, 2017 its decision dated April 5, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Atlantic East Affiliates, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in the Ocean Hill neighborhood of Brooklyn, which in conjunction with the related action would facilitate the development of a new 10-story mixed-use building containing approximately 67 affordable dwelling units, (Application No. N 170143 ZRK), Community District 16, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to application C 170142 ZMK (L.U. No. 612), an amendment to the Zoning Map to change R6 and R6/C2-3 zoning districts on portions of two blocks to an R8A/C2-4 district;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 2, 2017;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on November 28, 2016, (CEQR No. 17DCP068K), which includes (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-400) (the “Negative Declaration”);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170143 ZRM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

Matter in double ~~strikeout~~ is old, deleted by the City Council;

Matter in double-underline is new, added by the City Council;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Housing Designated Areas**

\* \* \*

**Brooklyn**

\* \* \*

**Brooklyn Community District 16**

In the R6A, R6B, R7A, ~~and R7D~~ and R8A Districts within the areas shown on the following Map 1:

Map 1 – [date of adoption]

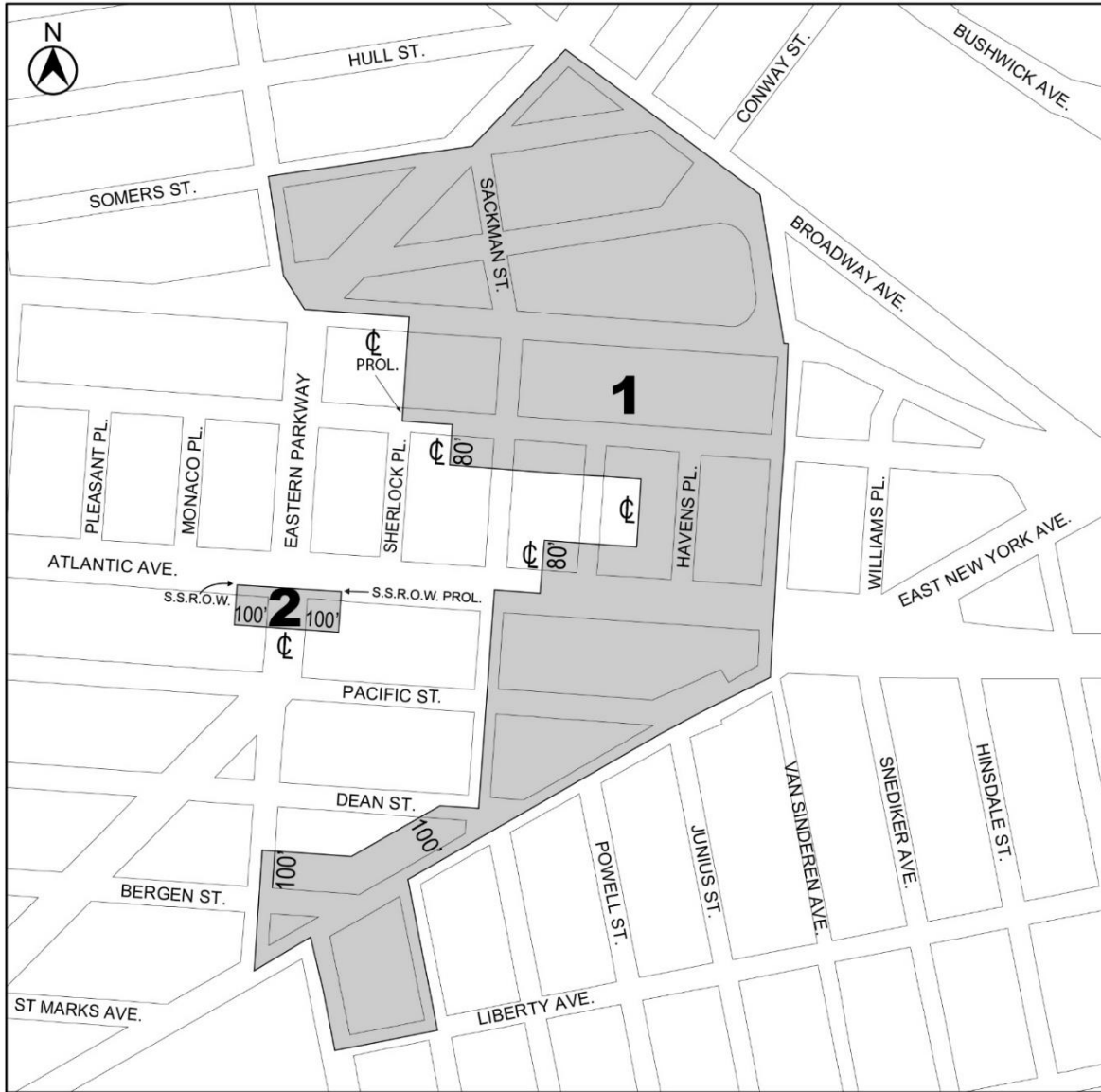
[EXISTING MAP]



■ Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 4/20/16 MIH Program Option 1 and Deep Affordability Option

[PROPOSED MAP]



■ Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area 1 – 4/20/16 MIH Program Option 1 and Deep Affordability Option

Area 2 – [date of adoption] MIH Program Option 1 ~~and Option 2~~

## Portion of Community District 16, Brooklyn

\* \* \*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, May 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).

**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Latesha Scott	1405 Park Avenue #4A New York, N.Y. 10029	8
Runey Winston Francis	681 East 224th Street Bronx, N.Y. 10466	12
Frances E. Elam	2141 Crotona Avenue #13H Bronx, N.Y. 10457	15
Careen Medina	1125 Wyatt Street #2F Bronx, N.Y. 10460	17
Jenny Lee	73-36 52nd Avenue Maspeth, N.Y. 11378	30
Jessica Flores	144 Ridgewood Avenue Brooklyn, N.Y. 11208	37
Shelomo Alfassa	1269 East 69th Street #2 Brooklyn, N.Y. 11234	46

Ivette Speight	381 Victory Blvd #2 Staten Island, N.Y. 10301	49
----------------	--	----

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Dilys G, Rubizzi	107 Christopher Street New York, N.Y. 10014	3
Michelle Johnson	177 West 151st Street #1B New York, N.Y. 10039	9
Iesha Turner	4120 Hutchinson River Parkway East #23A Bronx, N.Y. 10475	12
Diane Johnson	725 Garden Street #10C Bronx, N.Y. 10457	15
Annette Santiago	730 Elton Avenue Bronx, N.Y. 10455	17
Millicent Martin	2017 Caesar Place #5 Bronx, N.Y. 10473	18
Margaret S. Devlin	125-09 9th Avenue College Point, N.Y. 11356	19
Sarah J. Shea	146-11 Booth Memorial Avenue Flushing, N.Y. 11355	20
Ladania M. Bailey	221-19 114th Road N.Y. 11411	27
Pamela Robinson	104-10 191st Street Hollis, N.Y. 11412	27
Suzanne Wright-Jones	98-10 218th Street Queens Village, N.Y. 11429	27
Christina Schneider	77-57 76th Street Queens, N.Y. 11385	30
Eugene M. Funk	130-09 Lefferts Blvd South Ozone Park, N.Y. 11420	32
Barbara Webber	54 Boerum Street #2J Brooklyn, N.Y. 11206	34



Cedieu Gouin	826 Montgomery Street #A19 Brooklyn, N.Y. 11213	35
Jerry Melville	70 Patchen Avenue #4C Brooklyn, N.Y. 11221	36
Eva Arteaga	56 Grant Avenue #1 Brooklyn, N.Y. 11208	37
James D. Noble	151 Dahill Road Brooklyn, N.Y. 11218	39
Melanie Angelica Luna	675 Lincoln Avenue #16L Brooklyn, N.Y. 11208	42
Marilyn Thornton-Chase	185 Ardsley Loop #11A Brooklyn, N.Y. 11239	42
Joseph R. Aievoli, Jr	1054 83rd Street Brooklyn, N.Y. 11228	43
Ian A. Petersen	7312 Narrows Avenue Brooklyn, N.Y. 11209	43
Robert Zirpoli	1567 Independence Avenue #1 Brooklyn, N.Y. 11228	43
Kathoria S. Sparkman	1414 Brooklyn Avenue #40 Brooklyn, N.Y. 11210	45
Shermaine Greesom	2075 Rockaway Parkway #6G Brooklyn, N.Y. 11236	46
Tessa C. Richardson-Jones	1472 East 91st Street Brooklyn, N.Y. 11236	46
Alla Gurevich	2540 Batchelder Street #7-0 Brooklyn, N.Y. 11235	48
Dane Buchanan	267 Myrtle Avenue Staten Island, N.Y. 10310	49
Sara DiStefano	170 Benziger Avenue Staten Island, N.Y. 10301	49
Celia Y. Luzcando	32 Markham Lane #2B Staten Island, N.Y. 10310	49
Nickcole Darnelle Rivera	185 St. Marks Place #12B Staten Island, N.Y. 10301	49

Michael Saccenti

14 Acacia Avenue  
Staten Island, N.Y. 10308

51

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

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

- |      |                     |   |
|------|---------------------|---|
| (1)  | <b>Int 282-A -</b>  | Community involvement in decisions of the board of standards and appeals.   |
| (2)  | <b>Int 418-A -</b>  | Written responses by the board of standards and appeals.  |
| (3)  | <b>Int 514-A -</b>  | Expiration of variances granted by the board of standards and appeals.  |
| (4)  | <b>Int 722-A -</b>  | Minimum temperatures required to be maintained in dwellings.  |
| (5)  | <b>Int 848-A -</b>  | Sending voting histories to voters.   |
| (6)  | <b>Int 951-A -</b>  | Requiring direct telephone access to 911 service.   |
| (7)  | <b>Int 1200-A -</b> | Proof of service of certain required mailings for applications to the board of standards and appeals.   |
| (8)  | <b>Int 1305-A -</b> | Minimum notice of temporary parking restrictions related to the removal of trees.   |
| (9)  | <b>Int 1384-A -</b> | Providing fast food employees the ability to make voluntary contributions to not-for-profit organizations of their choice through payroll deductions. |
| (10) | <b>Int 1387-A -</b> | Prohibiting on-call scheduling for retail employees and providing advance notice of work schedules to retail employees.                               |

- (11) **Int 1388-A -** Banning consecutive work shifts in fast food restaurants.
- (12) **Int 1390-A -** Board of standards and appeals coordinator within the department of city planning.
- (13) **Int 1391-A -** Qualifications of staff members of the board of standards and appeals.
- (14) **Int 1392-A -** Applications for variances and special permits before the board of standards and appeals.
- (15) **Int 1393-A -** Requiring the board of standards and appeals to report on variances and special permits.
- (16) **Int 1394-A -** Adding zoning variance and special permit information on a map on a city website.
- (17) **Int 1395-A -** Fast food employers to offer work shifts to current employees before hiring additional employees.
- (18) **Int 1396-A -** Establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees.
- (19) **Int 1456-A -** Requiring mobile food vendors to post letter grades received for sanitary inspections.
- (20) **Int 1613 -** Naming of 53 thoroughfares and public places.
- (21) **Int 1627 -** Naming of Joel A. Miele, Sr. Pedestrian Bridge.
- (22) **L.U. 604 & Res 1490 -** **App. 20175318 HAX** Bronx, Community Board 4, Council District 17.
- (23) **L.U. 607 & Res 1491 -** **App. 20175260 TCM** Manhattan, Community Board 2, Council District 1 (**Coupled to be Filed pursuant to a Letter of Withdrawal**).

- (24) **L.U. 608 & Res 1492 -** **App. C 170140 ZMX** Bronx, Community District 1, Council District 17.
- (25) **L.U. 609 & Res 1493 -** **App. N 170141 ZRX** Bronx, Community District 1, Council District 17.
- (26) **L.U. 610 & Res 1510 -** **App. C 160326 ZMX** Bronx, Community District 9, Council District 18.
- (27) **L.U. 611 & Res 1511 -** **App. N 160327(A) ZRX** Bronx, Community District 9, Council District 18.
- (28) **L.U. 612 & Res 1512 -** **App. C 170142 ZMK** Brooklyn, Community District 16, Council District 37.
- (29) **L.U. 613 & Res 1513 -.** **App. N 170143 ZRK** Brooklyn, Community District 16, Council District 37.
- (30) **L.U. 614 & Res 1494 -** **App. 20175389 PNM** Manhattan, Community Board 4, Council District 3.
- (31) **L.U. 615 & Res 1495 -** **App. 20175387 HAM** Manhattan, Community Board 3, Council District 1 and 2.
- (32) **L.U. 616 & Res 1496 -** **App. 20175388 HAK** Brooklyn, Community Board 2, Council District 35.
- (33) **L.U. 617 & Res 1497 -** **App. 20175325 HAX** Bronx, Community Board 4, Council District 16.
- (34) **L.U. 619 & Res 1498 -** **App. 20175324 HAX** Bronx, Community Board 5, Council District 14.
- (35) **L.U. 627 & Res 1499 -** **App. 20175390 HAX** Bronx, Community District 9, Council District 18.
- (36) **L.U. 628 & Res 1500 -** **App. 20175270 HKM (N 170298 HKM)** Manhattan, Community Board 7 and 9, Council District 6 and 7 (**Approved with Modifications**).

- (37) **L.U. 629 & Res 1501 -** **App. 20175271 HKM (N 170297 HKM)** Manhattan, Community Board 9, Council District 7.
- (38) **L.U. 633 & Res 1502 -** **App. 20175305 TCM** Manhattan, Community Board 3, Council District 2.
- (39) **L.U. 634 & Res 1503 -** **App. 20175243 TCM** Manhattan, Community Board 6, Council District 2.
- (40) **L.U. 636 & Res 1504 -** **App. 20175122 SCR** Stapleton section of Staten Island, in Community School District No. 31, Community Board 1, Council District 49
- (41) **L.U. 637 & Res 1505 -** **App. 20175203 SCK** Brooklyn, in Community School District No. 19, Community Board 5, Council District 37.
- (42) **L.U. 638 & Res 1506 -** **App. 20175417 HAM** Manhattan, Community Board 11, Council District 5 and 8.
- (43) **L.U. 639 & Res 1507 -** **App. 20175419 HAX** Bronx, Community Board 8, Council District 14
- (44) **L.U. 640 & Res 1487 -** MHANY Pleasant East Manhattan, Community District No. 11, Council District No. 8.
- (45) **L.U. 641 & Res 1488 -** Fulton Park Brooklyn, Community District No. 3, Council District No. 36.
- (46) **L.U. 642 & Res 1489 -** Clinton Arms Bronx, Community District No. 6, Council District No. 15.
- (47) **L.U. 645 & Res 1508 -** **App. 20175428 HAX** Bronx, Community District 1, Council District 17.
- (48) **L.U. 646 & Res 1509 -** **App. 20175418 HAX** Bronx, Community Boards 3 and 4, Council District 16.

**(49) Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **50**.

*Present but Not Voting (PNV)* – Mendez.

**The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items (Council Member Mendez should be considered Present but Not Voting for all of the items listed below as well):**

The following was the vote recorded for **Int. No. 722-A**:

**Affirmative** – Barron, Borelli, Cabrera, Chin, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

**Abstention** – Cohen and Ulrich – **2**.

The following was the vote recorded for **Int. Nos. 1384-A, 1387-A, 1388-A and 1395-A**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vacca, Vallone, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

**Negative** – Borelli, Ulrich and Matteo – **3**.

The following was the vote recorded for **Int. No. 1396-A**:

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

**Negative** – Borelli, Grodenchik, Ulrich and Matteo – **4**.

The following was the vote recorded for **LU No. 616 & Res. No. 1496:**

**Affirmative** –Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

**Negative** – Barron and Williams – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int Nos. 282-A, 418-A, 514-A, 722-A, 848-A, 951-A, 1200-A, 1305-A, 1384-A, 1387-A, 1388-A, 1390-A, 1391-A, 1392-A, 1393-A, 1394-A, 1395-A, 1396-A, 1456-A, 1613, and 1627.*

## **RESOLUTIONS**

*presented for voice-vote*

**The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:**

Report for voice-vote item Res No. 994

**Report of the Committee on Parks and Recreation in favor of approving a Resolution calling upon the Metropolitan Transportation Authority and all other appropriate entities to support a Hudson River Greenway between Spuyten Duyvil and Yonkers to provide riverfront access in a continuous stretch concurrent with the Metro-North line extending from Manhattan to Westchester.**

The Committee on Parks and Recreation, to which the annexed resolution was referred on February 24, 2016 (Minutes, page 438), respectfully

### **REPORTS:**

**(For text of report, please see the Report of the Committee on Parks and Recreation for Int. No. 1305-A printed in the Reports of Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 994)**

Res. No. 994

**Resolution calling upon the Metropolitan Transportation Authority and all other appropriate entities to support a Hudson River Greenway between Spuyten Duyvil and Yonkers to provide riverfront access in a continuous stretch concurrent with the Metro-North line extending from Manhattan to Westchester.**

By Council Members Cohen, Levine, Rodriguez, Palma and Menchaca.

**Whereas,** In 1991, the Hudson River Valley Greenway Act (the Act) was signed by then Governor Mario Cuomo to initiate the design and construction of multi-use trails along the Hudson River from Manhattan to Saratoga County; and

**Whereas,** An important mission of the Act is to promote increased public access to the Hudson River by creating riverside parks and develop the Hudson River Valley Greenway Trail System; and

**Whereas,** The Hudson River Valley Greenway, established by the Act is a state sponsored program created to assist in the development and preservation of natural, historic and recreational resources while encouraging economic development among the 13 counties bordering the Hudson River; and

**Whereas,** Currently, residents of Riverdale and the public have access to Riverdale Station Park, a 300 foot promenade with entrances through the Riverdale's Metro North Station at 254<sup>th</sup> Street; and

**Whereas,** Residents, advocacy groups and local elected officials have expressed that expanding access to the Hudson River waterfront would be beneficial to residents and local businesses surrounding the area to take advantage of the City's waterfront; and

**Whereas,** The New York Metropolitan Transportation Council (NYMTC), a regional council of governments and transportation providers which serves as the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley, conducted the Greenway Link Study (the Study) in 2013 which consisted of evaluating designs for a pathway connecting the Manhattan Waterfront Greenway in northern Manhattan with the Old Croton Aqueduct Trail in Yonkers; and

**Whereas;** The Study was conducted to map a route for the trail and identify specific physical improvements and ensure a safe route for pedestrians and cyclists as close to the river as possible; and

**Whereas;** The Study also outlined planning and design issues that affect topography when having to construct an off-road multi-use trail for recreational purposes, specifically code compliance, regulatory compliance and property ownership issues; and

**Whereas,** When released to the public, residents raised concerns regarding certain aspects of the Study, specifically sidewalk construction that would require altering the wooded nature of the area, cost estimates and also safety concerns for cyclists crossing the Broadway Bridge which requires them to ride on a steel-grate roadway with two lanes of traffic in each direction; and

**Whereas,** There is community support for additional engineering and other relevant studies to be performed by the appropriate agencies to achieve easier access to the Hudson River waterfront for the Bronx community and the public; and

**Whereas,** Residents, advocacy groups, elected officials and all agencies involved with the Hudson River Valley Greenway share a common goal to initiate new studies and evaluate plans and designs that will grant the public access to the waterfront safely and will benefit the community, both recreationally and economically; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Metropolitan Transportation Authority and all other appropriate entities to support a Hudson River Greenway between Spuyten Duyvil and Yonkers to provide riverfront access in a continuous stretch concurrent with the Metro-North line extending from Manhattan to Westchester.

MARK LEVINE, *Chairperson*; DARLENE MEALY, FERNANDO CABRERA, JAMES G. VAN BRAMER, ANDREW COHEN, ALAN N. MAISEL; Committee on Parks and Recreation, May 22, 2017.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.



Report for voice-vote item Res. No. 1444

**Report of the Committee on Civil Service and Labor in favor of approving a Resolution affirming the right to collectively bargain for workers in the City of New York.**

The Committee on Civil Service and Labor, to which the annexed resolution was referred on April 24, 2017 (Minutes, page 1154), respectfully

**REPORTS:**

**Introduction:**

On Monday, May 22, 2017, the Committee on Civil Service and Labor chaired by Council Member (CM) I. Daneek Miller will hold a vote on Reso. No. 1444, resolution affirming the right to collectively bargain for workers in the City of New York, and Res. No. 1445, resolution urging Congress to vote against proposed “right-to-work” legislation, both sponsored by CM Miller. The Committee held its first hearing on these resolutions, as preconsidered on April 19, 2017, and heard testimony from the Mayoral Administration and advocates.

**I. The Labor Movement after President Trump**

**A. Background**

How the Administration of President Donald Trump will deal with most internal and international issues remains to be seen, but how this incumbency is likely to deal with labor unions and the working people of this country, is clearer. The first hearing explored how the Trump Administration could impact the rights, health, safety and general wellbeing of workers.

**1. Worker Rights and Collective Bargaining**

When deliberating the position of working Americans and the role of U.S. law in hindering or advancing that position, there are two important questions to consider:

- Why do we need federal labor regulations (wage and hour, safety and health, etc.)?
- Why is it important for workers to have the right to collectively bargain?

Labor regulations are necessary for the economy to operate efficiently and fairly. While the relationship between employer and employee is a market relationship it is also a relation of hierarchy with asymmetries of power and information generally favoring the employer.

<sup>1</sup>While there have always been ways for workers to enforce employers to meet obligations for pay, benefits and safety—namely through litigation—differences in resources make it hard for individual workers to use these tools.<sup>2</sup> The 20<sup>th</sup> century saw two responses to this: workers organized to use collective action to reduce their disadvantages and used democratic processes to create workplace regulation.<sup>3</sup>

To put it simply, worker protections in the U.S. developed out of the misery experienced by the majority of laborers and their families. The process of production has always been dangerous—injuries, illnesses, and death a frequent part of life for workers throughout U.S. history.<sup>4</sup> The lack of workplace safety and standards on hours and wages was not truly addressed until the Progressive period, when Congress began researching

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<sup>1</sup> U.S. Dep’t of Labor, Commission on the Future of Worker-Management Relations website, *available at*: <https://www.dol.gov/sec/media/reports/dunlop/dunlop.htm>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

workplace safety in response to a number of horrific and highly-publicized accidents.<sup>5</sup> This was a time in which child labor was commonplace, but organization around such issues began picking up steam.<sup>6</sup>

There are two pieces of legislation largely credited with solidifying most workers' rights on the job: The Fair Labor Standards Act (FLSA) of 1938<sup>7</sup> and the Occupational Safety and Health Act of 1970 (OSH Act).<sup>8</sup> The former—a federal statute prescribing standards for wages and overtime pay—outlawed certain child labor and instituted a forty-hour workweek. The latter required employers to comply with regulations promulgated by Occupational Safety and Health Administration (OSHA) and provide their employees with a work and a workplace free from recognized, serious hazards. Although these laws have been on the books for decades, there were still 2.9 million nonfatal workplace injuries and illnesses and close to 5,000 fatal work injuries reported by private industry employers in 2015, according to the U.S. Department of Labor's Bureau of Labor Statistics.<sup>9</sup>

As the FLSA serves only as a floor for minimum wage and overtime standards, many unions have been able to secure their members with minimum standards that exceed the FLSA – a clear benefit of the collective bargaining process. It is less well known that unions also play a beneficial role in increasing firm productivity, reducing inequality (sex and race), and increasing wages for non-union workers.<sup>10</sup>

Please see section III. A. for an analysis of a proposed City Council Resolution affirming the right to collectively bargain in New York City.

## 2. Regulation Rollback

Although it is early in the federal legislative session, the Republican controlled House, Senate and White House, have moved expeditiously to roll back many rules and regulations instituted under the Obama Administration, many of which benefit workers. Making use of the Congressional Review Act (CRA), the 115<sup>th</sup> Congress have been able to—and had until May 9<sup>th</sup> to continue to—challenge any rule submitted to Congress since June 13, 2016.<sup>11</sup> In order to halt a rule under the CRA, Congress must pass a resolution of disapproval with a simple majority. These resolutions cannot be filibustered, amended and receive “fast track” status. Additionally, if an Agency does see a rule targeted, they are barred from writing “substantially similar” regulations without subsequent statutory authorization.<sup>12</sup>

So far, President Trump has signed 11 of the 13 such 2017 resolutions into law.<sup>13</sup> This is notable, as the CRA was written in 1996 and has only been used once before 2017. There are two signed resolutions of disapproval relevant to today's hearing worth highlighting:

- H.J.Res. 37 – Disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation.

The first such resolution, though not immediately obvious, nullified the “Fair Pay and Safe Workplaces” Executive Order (13673) issued by the Federal Acquisition Regulatory Council on August 25, 2016, which imposed certain obligations on federal contractors and subcontractors.<sup>14</sup> Among a few things, the rule required

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> 29 U.S.C. § 201, *et seq.*

<sup>8</sup> 29 U.S.C. § 651, *et seq.*

<sup>9</sup> See “Employer-Reported Workplace Injury and Illness Summary.” Bureau of Labor Statistics. October 27, 2016. <https://www.bls.gov/news.release/osh.nr0.htm> and “Census of Fatal Occupational Injuries Summary, 2015.” Bureau of Labor Statistics. December 16, 2016. <https://www.bls.gov/news.release/cfoi.nr0.htm>.

<sup>10</sup> For a discussion of this and other benefits to unionization, see <https://www.theatlantic.com/business/archive/2016/08/union-inequality-wages/497954/>.

<sup>11</sup> Congress usually has 60 days to review new federal rules, but are given additional time if a rule has been under consideration for fewer than 60 days when a congressional session ends.

<sup>12</sup> Beth, Richard. *Disapproval of Regulations by Congress: Procedure Under the Congressional Review Act*. Congressional Research Service. October 10, 2001. <https://www.senate.gov/CRSPubs/316e2dc1-fc69-43cc-979a-dfc24d784c08.pdf>

<sup>13</sup> Included in the CRA legislation awaiting action by the President is the disapproval of the rule submitted by the Department of Labor regarding State political subdivisions establishing private sector retirement savings programs.

<sup>14</sup> Joe Davidson, “Obama's fair-pay order for contractors under attack in Congress,” Wash. Post, Feb. 28, 2017.

prospective federal contractors to disclose whether they had violated a host of federal and state labor laws and executive orders in the preceding 3-year period, including the FLSA, the National Labor Relations Act, and Executive Order 13658 (Establishing a Minimum Wage for Contractors).<sup>15</sup> The rule also required contractors to provide documentation from each pay period on the number of hours worked, overtime hours, pay, and additions to or deductions from pay for each individual performing work under the contract.<sup>16</sup> Ultimately, the Fair Pay and Safe Workplaces Executive order helped set up a process by which the federal government could ensure that contractors were complying with wage laws, health and safety standards, and civil rights laws.<sup>17</sup>

- H.J.Res. 83 – Disapproving the rule submitted by the Department of Labor to “Clarification of Employer’s Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness.”

The other such resolution repealed the Department of Labor’s rule from December 19, 2016 which required employers’ to keep injury and illness records for five years.<sup>18</sup> It will now be easier for employers to falsify injury records so as to avoid OSHA inspections, which are rare in the first place.<sup>19</sup> With only 6 months of potentially falsified data, OSHA will find it difficult to ensure that records are accurate.<sup>20</sup>

On top of the rules repealed using the Congressional Review Act, Congress has also introduced legislation to potentially undue even more regulations and at the same time prevent agencies from creating new rules. Three such bills are worth highlighting:

The first such bill is titled the “Midnight Rules Relief Act,”<sup>21</sup> and would give Congress the ability to overturn any presidential or executive branch regulation finalized within the last 60 days of an administration. Under current law, a resolution of disapproval can only be used by Congress to invalidate one final rule at a time.<sup>22</sup> The bill, however, would allow Congress to disapprove multiple rules at a time. There were around 145 so called “midnight rules” enacted by the Obama Administration, including the fiduciary rule for investment advisers and a regulation to expand overtime pay.<sup>23</sup> The Midnight Rules Relief Act was passed in a vote in the House on January 4, and awaits a vote in Senate.<sup>24</sup>

The second such bill would be the “Regulations from the Executive in Need of Scrutiny (REINS) Act,”<sup>25</sup> would amend the Congressional Review Act (discussed herein) to require congressional approval of major agency regulations before those regulations can go into effect.<sup>26</sup> More specifically, the REINS Act prevents major regulations from taking effect unless Congress passes and the president signs a joint resolution of approval within 70 legislative days of the initial report received by Congress.<sup>27</sup> If Congress allows this 70-day window to close without taking any action, many rules and regulations will simply be nullified.<sup>28</sup> Rules and regulations enacted by federal agencies follow an extensive, expert-driven process. Although Congress can pass a law directing an agency to take action on a certain area and set a schedule for the agency to follow in

<sup>15</sup> *Id.*

<sup>16</sup> <https://www.gpo.gov/fdsys/pkg/FR-2014-08-05/pdf/2014-18561.pdf>.

<sup>17</sup> Joe Davidson, “Obama’s fair-pay order for contractors under attack in Congress,” Wash. Post, Feb. 28, 2017.

<sup>18</sup> Barry Meier and Danielle Ivorymarch, “Worker Safety Rules Are Among Those Under Fire in Trump Era,” Mar. 3, 2017 at A14.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> H.R. 21/S. 34 (2017).

<sup>22</sup> See, <https://fas.org/sgp/crs/misc/R43992.pdf>.

<sup>23</sup> See, <https://govtrackinsider.com/midnight-rules-relief-act-would-allow-congress-to-nullify-multiple-obama-regulations-at-once-67b8973745b7>.

<sup>24</sup> See, <https://www.govtrack.us/congress/bills/115/hr21>.

<sup>25</sup> H.R. 26/S.21. (2017).

<sup>26</sup> For the most part, a rule is deemed to be “major” if it is likely to impose an annual cost on the economy of \$100 million or more, results in a major increase in costs or prices for consumers, individual industries, federal, State, or local government agencies, or has significant adverse effects on competition, employment, productivity, innovation, or the ability of US companies to compete with foreign companies in domestic and export markets. For non-major rules, the current process remains the same – the rule can take effect unless Congress passes and the president signs a resolution of disapproval, or Congress overrides a presidential veto of such a disapproval resolution. See, [https://www.govtrack.us/congress/bills/115/hr5/text/rfs#link=I\\_102\\_3\\_~Q1\\_15\\_~T1&nearest=H059D0BF5B7C64F76B12205629E668\\_CFE](https://www.govtrack.us/congress/bills/115/hr5/text/rfs#link=I_102_3_~Q1_15_~T1&nearest=H059D0BF5B7C64F76B12205629E668_CFE).

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

<sup>28</sup> Herb Jackson, “Republican Congress puts priority on targeting regulations,” U.S.A. Today, Jan. 2, 2017.

issuing rules, usually an agency surveys its area of legal responsibility and decides on its own which issues are a priority.<sup>29</sup> The REINS Act gives Congress the power to dismiss the standard public commentary and public hearing process. The bill awaits a vote in the Senate, having passed in the House on January 5<sup>th</sup>.<sup>30</sup>

The third such law would be called the “Regulatory Accountability Act” (RAA)<sup>31</sup> and would modify the Administrative Procedure Act to require federal agencies to halt implementation of rules costing more than \$1 billion if a petition seeking judicial review of that rule is filed within the statutorily provided time for challenging the rule’s issuance.<sup>32</sup> Since a U.S. Supreme Court ruling in 1984, courts have deferred to agencies’ expertise when reviewing regulations, noting that “judges are not experts in the field, and are not part of either political branch of Government.”<sup>33</sup> The court also noted that, “federal judges—who have no constituency—have a duty to respect legitimate policy choices made by those who do. The responsibilities for assessing the wisdom of such policy choices and resolving the struggle between competing views of the public interest are not judicial ones.”<sup>34</sup> The RAA will ultimately make judges responsible for reviewing rules.

### 3. National Right-To-Work Law

Congress has already introduced legislation to amend the National Labor Relations Act to enact a nationwide Right-to-Work (RTW) Law in the private sector.<sup>35</sup> This law is the subject of one of the resolutions being heard at this hearing. Please *see* section III. B. for an analysis of this bill.

### 4. The Department of Labor Under Trump

Job training has been a priority for the U.S. Department of Labor (DOL) as the nature of the American economy changes. As noted by the DOL, “Additional training and opportunities for learning on the job are needed to enhance the performance of enterprises, improve the rate of productivity growth, and permit higher wages and benefits.”<sup>36</sup> The willingness of employers to do this themselves is quite limited, since workers they train can leave for other employers.<sup>37</sup> The ability of employees to pay for their own training is limited because of costs, especially when access to credit is a challenge—it can be too expensive to borrow against earnings tomorrow to fund training today.<sup>38</sup> It is of note that the President’s 2018 Budget proposal (sometimes referred to as the “skinny budget”) requests \$9.6 billion for the DOL, a \$2.5 billion, or 21 percent decrease from the 2017 annualized continuing resolution level.<sup>39</sup> The DOL is the country’s primary administrator of financial assistance programs aimed at employment training and education of adults, dislocated workers, individuals with disabilities, youth, and other groups. This is largely accomplished through the consolidated job training programs of the Workforce Innovation and Opportunity Act of 1014.

The budget proposal states: “With the need to rebuild the Nation’s military without increasing the deficit, this Budget focuses the Department of Labor on its highest priority functions and disinvests in activities that are duplicative, unnecessary, unproven, or ineffective.”<sup>40</sup> These cuts include eliminating the \$343 million Senior Community Service Employment Program (SCSEP), \$11 million in training grants at OSHA, and technical-assistance grants at the Office of Disability Employment Policy.<sup>41</sup> The proposal also seeks to close poor performing Job Corps centers, and seeks to move funding for general job training and employment from

<sup>29</sup> For a detailed description of the federal rulemaking process see:

[https://www.federalregister.gov/uploads/2011/01/the\\_rulemaking\\_process.pdf](https://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf)

<sup>30</sup> See, <https://www.govtrack.us/congress/bills/115/hr26>.

<sup>31</sup> H.R. 5 (2017).

<sup>32</sup> See, <https://www.govtrack.us/congress/bills/115/hr5/details>.

<sup>33</sup> *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

<sup>34</sup> *Id.*

<sup>35</sup> H.R. 545/S.785 (2017).

<sup>36</sup> See <https://www.dol.gov/sec/media/reports/dunlop/section1.htm>.

<sup>37</sup> Evidence of a recent decline in firm provided training and some of the possible causes are discussed in: A. Hanks, E. Gurwitz, B. Duke and A. Green, “Workers or Waste?” Center for American Progress, June 2016, <https://www.americanprogress.org/issues/economy/reports/2016/06/08/138706/workers-or-waste/>.

<sup>38</sup> While not a subject of today’s hearing unions can provide a solution to this problem through apprenticeship and similar training programs. See T. Kochan, D. Finegold and P. Osterman, “Who can fix the “Middle-Skills” Gap?” Harvard Business Review, <https://hbr.org/2012/12/who-can-fix-the-middle-skills-gap>.

<sup>39</sup> America First: A Budget Blueprint to Make America Great Again, available at:

[https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/2018\\_blueprint.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/2018_blueprint.pdf).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

the federal budget to States, localities, and employers.<sup>42</sup> Each of these programs is outlined in more detail below:

a. Senior Community Service Employment Program

SCSEP offers training and job placement assistance for those over 55 with low to moderate income. In New York City, this program administered by the NYC Department for the Aging Senior Employment Services Unit (SESU), whose recruiters are stationed at Workforce1 Centers. DFTA received over \$3.3 million in Federal Funds in the Fiscal 2018 Preliminary Plan for this program—representing about 4.6 percent of the total federal revenue flowing into DFTA’s budget.

b. Occupational Safety and Health Administration Training Grants

Grants from OSHA, stemming from Susan Harwood Training Grant Program, are awarded to nonprofit organizations. The funds provide training and education for workers and employers on the recognition, avoidance, and prevention of safety and health hazards in their workplaces, and inform workers of their rights and employers of their responsibilities under the OSH Act.<sup>43</sup> According to the DOL, these are targeted to audiences who might otherwise not receive training, including small business workers and employers, hard-to-reach or low-literacy workers, and especially workers in vulnerable and high-hazard industries. Previous award winners include the Laborers International Union of North America and the National Council on Occupational Safety and Health.<sup>44</sup>

c. Office of Disability Employment Policy (ODEP) Technical Assistance Grants

ODEP funds a handful of centers who help people with disabilities enhance their employability. This is done in many ways, including providing federal and private employers with free consulting services and resources to support the recruitment, hiring, and retention of people with disabilities, assisting state and local workforce development systems to better serve youth with disabilities, and by connecting employers with national networks of available disabled jobseekers.<sup>45</sup>

d. Job Corps

Job Corps provides career development services to at-risk young women and men, ages 16 to 24. The program integrates the teaching of academic, vocational, employability skills and social competencies through a combination of classroom and practical-based learning experiences to prepare youth for stable, long-term, high-paying jobs.<sup>46</sup> Interestingly, a 2008 evaluation of the program found that, “program participation increases educational attainment, reduces criminal activity, and increases earnings for several post-program years.”<sup>47</sup>

e. City Programs that rely on DOL funds

It is uncertain how much of this funding is actually under threat, but preliminary analysis from the Council’s Finance Division suggests four agencies receive grants from the DOL in the Mayor’s Fiscal 2018 Preliminary Budget (Jan Plan), as shown below:

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<sup>42</sup> *Id.*

<sup>43</sup> See <https://www.osha.gov/dte/sharwood/successes.html>.

<sup>44</sup> *Id.*

<sup>45</sup> See <http://www.ncwd-youth.info/odep-funded-ta-centers>.

<sup>46</sup> See [http://www.jobcorps.gov/AboutJobCorps/program\\_design.aspx](http://www.jobcorps.gov/AboutJobCorps/program_design.aspx)

<sup>47</sup> Schochet, Peter Z, John Burghardt and Sheena McConnell. 2008. "Does Job Corps Work? Impact Findings from the National Job Corps Study." *American Economic Review*, 98(5): 1864-86. <https://www.aeaweb.org/articles?id=10.1257/aer.98.5.1864>

**Sum of Funding from DOL by Agency**

<b>Agency</b>	<b>Jan 2018 Total</b>
Department of Small Business Services	\$ 38,690,839
Department of Youth and Community Development	24,505,340
Fire Department	17,662,164
Department of Health and Mental Hygiene	5,303,723
Miscellaneous <sup>48</sup>	4,019,084
<b>Grand Total</b>	<b>\$ 90,181,150</b>

II. Resolutions

The committee will hear two resolutions at this hearing related to President Trump's potential effect on the Labor Movement.

Resolution No. 1444: Resolution affirming the right to collectively bargain for workers in the City of New York.

1. Background

The first resolution is Res. No. 1444 regarding affirming the right to collectively bargain for workers in the City of New York, sponsored by Chair I. Daneek Miller.

Before the election of Donald J. Trump as President of the United States in November of last year, the Union Movement was doing relatively well in New York City. *The New York Times*, published an article in September of last year entitled, "Labor Unions, Waning Nationwide, Stay Robust in New York."<sup>49</sup> The article notes that as a union union-backed campaign for a \$15 minimum wage was moving, a national decline in organized labor persisted. However, the *Times* reported, "for three straight years, New York City, the birthplace of the Fight for \$15 movement, has bucked that trend."

In the United States, less than one in nine workers belonged to a union, "a share that has decreased slowly and steadily for more than 15 years, the report says. But in New York City, more than a quarter of workers are unionized, the highest proportion since 2007."<sup>50</sup> The share of New Yorkers in unions rose in the last several years from 21.5 percent in 2012 to 25.5 percent in 2016.<sup>51</sup> It should be noted, however, that government employees account for much of these union membership numbers.<sup>52</sup> In any case, there are about 901,000 unionized workers living in the City, which is slightly less than half the state's total population of union members at about 1.99 million.<sup>53</sup> The only state with more union members is California with about 2.5 million, but, "that total amounted to only about one in six workers in California, compared with slightly less than one in four in New York State."<sup>54</sup>

During and since the election campaign, President Trump has demonstrated a hostility to organized labor. For instance, the President's first nomination to fill the post of Labor Secretary was Andrew Puzder the C.E.O. of CKE Restaurants, which owns the Hardee's and Carl's Jr. fast food franchisers.<sup>55</sup> Ultimately, he withdrew himself from consideration amid criticism from both Republicans and Democrats. At the time, the *Times* noted that:

<sup>48</sup> Miscellaneous represents DOL funding for fringe benefits.

<sup>49</sup> Patrick McGeehan, "Labor Unions, Waning Nationwide, Stay Robust in New York," *New York Times*, Sept. 4, 2016 at A17.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Alan Rappaport, "Andrew Puzder Withdraws From Consideration as Labor Secretary," *New York Times*, Feb. 16, 2017 at A1.

Democrats cheered Mr. Puzder's withdrawal as a victory for working Americans. The Labor Department regulates workplace safety, enforces wage and hour laws, maintains unemployment and payroll data, and is generally seen as an advocate for workers. Mr. Puzder, at the helm of his fast-food company, ardently opposed the Affordable Care Act, cast a skeptical eye on minimum wage and overtime rules, and pledged an assault on regulations that he said in his withdrawal statement would 'put America's workers and businesses back on a path to sustainable prosperity.'<sup>56</sup>

In addition, as discussed *infra* the President supports national "right to work" legislation that has the potential to decimate labor unions. Finally, as a businessman, although he did work well with unions in New York City in the past, he has had several clashes with unions in the past decade, particularly with his properties in Las Vegas, that have been organizing.<sup>57</sup>

## 2. Resolution

The resolution would state that since the advent of the Industrial Revolution, organized labor has played a crucial role in the growth of America's middle class. The resolution would further note that for decades, collective bargaining, the process by which groups of employees negotiate with management to secure benefits such as health care, safety protections, and pensions, has undergirded the livelihood of millions of American families.

The resolution would also note that organized labor has a proud tradition in New York City. In addition, the resolution would state that on September 5<sup>th</sup>, 1882, the first Labor Day Parade, which featured roughly 10,000 workers, took place in Manhattan. The resolution would further state that the International Ladies' Garment Worker Union (ILGWU), a major forerunner of UNITE HERE, was founded in New York City in 1900. In addition, the resolution would state that Samuel Gompers, the founder of the American Federation of Labor (AFL), started organizing on the Lower East Side.

The resolution would also find that organized labor remains a major presence in New York City, which is home to 900,000 union members, or 25.5 percent of all city workers, an increase from 21.5 percent in 2012. The resolution would further note that according to the City University of New York (CUNY) Graduate Center, a similar trend exists statewide, as New York State's private-sector union density increased from roughly 14 percent in 2012 to 15.1 percent in 2014. In addition, the resolution would state that a January 2017 report from the Bureau of Labor Statistics (BLS) indicates that New York State's union membership rate of 23.6 percent is not only the nation's highest but also more than twice the national average of 10.7 percent.

The resolution would further state that some elected officials have sought to undermine unions across the country in recent years. The resolution would also find that twenty-seven states have passed right-to-work (RTW) laws, which release workers from the obligation to pay the fees that fund union representation. The resolution would additionally state that in these states, individuals who leave the union can now get a "free ride" by receiving the benefits of collective bargaining without paying for them. In addition, the resolution would find that over the last several years, RTW laws have undermined union membership across the country, even in our nation's industrial heartland.

The resolution would also find that the BLS has found that Wisconsin, which has a long union tradition, has seen union membership plummet since it passed RTW legislation in 2011. In addition the resolution would state that the BLS found that in 2015, 8.3 percent of Wisconsin workers were union members. The resolution would also state that this was a sharp decrease from 2014, when 11.7 percent of the state's workforce belonged to unions.

Whereas, The Center for American Progress (CAP) also found that the decline in union membership correlates with a declining share of total income for the middle 60 percent of households. The resolution would further note that although the three middle quintiles earned 53.2 percent of the nation's income in 1968, they received 45.7 percent of all income in 2012.

Further the resolution would note that the political climate remains hostile for organized labor, as President Trump supports RTW laws, and Congress recently introduced legislation to implement them nationwide. And finally the resolution would state that amid this assault on union workers and their families, it is vital that New York City renews its commitment to collective bargaining as an indispensable part of the American social compact.

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<sup>56</sup> *Id.*

<sup>57</sup> Emily Cadie, "Trump's Labor Pains: The Ups and Downs of His Union Relations," *Newsweek*, June 3, 2016.

Therefore, the Council of the City of New York would resolve to affirm the right to collectively bargain for workers in the City of New York.

A. Res. No. 1445 calling upon Congress to vote against proposed “right to work” legislation.

1. Background

The second resolution being heard at today’s hearing is Resolution No. 1445: Resolution urging Congress to vote against proposed “right-to-work” legislation, sponsored by Chair Miller.

In 2017, the National Right-to-Work Act, sponsored by Representative Steve King of Iowa and Senator Rand Paul of Kentucky, was introduced in Congress.<sup>58</sup> The National Right-to-Work Act is intended to, “preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.”<sup>59</sup> The proposed legislation amends provisions in the National Labor Relations Act and the Railway Labor Act related to labor organizing and collective bargaining.<sup>60</sup> According to the National Right to Work Committee, similar measures have been enacted in twenty-eight states across the country. The earliest right to work laws were adopted by Florida and Arkansas in 1943 and 1944, respectively;<sup>61</sup> and, in 2017, Kentucky and Missouri became the latest states to enact right to work statutes.

According to the National Right to Work Legal Defense Foundation, the goal of the right to work movement is to, “guarantee that no person can be compelled, as a condition of employment, to join or not to join, nor to pay dues to a labor union.”<sup>62</sup>

Title 29 of the United States Code provides that, “employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.”<sup>63</sup> Furthermore, employers are prohibited from engaging in conduct that would, “interfere with, restrain, or coerce employees in the exercise”<sup>64</sup> of their right to form or join a labor organization.

Labor rights advocates highlight the negative impact that “right to work” laws have had on workers in America. They argue that such laws have contributed to the decline in unionization from 20.1 percent in the 1980s to 10.7 percent in 2017,<sup>65</sup> which they argue leads to less economic growth, a smaller middle class, and greater income inequality. According the Economic Policy Institute (EPI), the decline in union membership has coincided with growing income inequality. For example, in 2016, EPI reported that the share of national income going to the top 10 percent of wage earners has increased from 31.5 percent in 1970 to 47.2 percent in 2014, while union membership has declined from 27.9 percent to 11.1 percent during the same period.<sup>66</sup> Additional EPI research shows that states that have adopted right to work laws tend to have lower average wages compared to other states.

2. Resolution:

Res. No. 1445 would state that twenty-seven states currently have “right-to-work” (RTW) laws, including rust-belt states such as Indiana, Wisconsin, and Michigan. The Resolution would state that no worker can be forced to become a dues-paying member of a union, but he or she can be compelled to pay “agency fees,” which partially cover the costs of collective bargaining. The Resolution would further note that RTW laws make agency fees

<sup>58</sup> National Right-to-Work Act, H.R. 785, 115<sup>th</sup> Cong. (2017) & National Right-to-Work Act, S. 545, 115<sup>th</sup> Cong. (2017).

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> Available at <https://nrtwc.org/facts-issues/state-right-to-work-timeline-2016/>.

<sup>62</sup> Available at <http://www.nrtw.org/right-to-work-frequently-asked-questions>.

<sup>63</sup> 29 U.S.C. § 157 (2017).

<sup>64</sup> *Id.* at § 158.

<sup>65</sup> Bureau of Labor Statistics, Economic News Release: Union Members Summary, Jan. 26, 2017, available at <https://www.bls.gov/news.release/union2.nr0.htm>.

<sup>66</sup> Lawrence Mishel & Jessica Schieder, As union membership has fallen, the top 10 percent have been getting a larger share of income, Econ. Pol’y. Inst., May 24, 2016, available at <http://www.epi.org/publication/as-union-membership-has-fallen-the-top-10-percent-have-been-getting-a-larger-share-of-income/>.



optional, thereby creating a downward spiral for unions, which exist to secure higher wages and safe working conditions for their members.

The Resolution would state that although federal law requires unions to bargain on behalf of all employees irrespective of membership, RTW laws allow individuals to avoid agency fees while they continue to receive the wage premiums and pension contributions for which unions have negotiated. The Resolution would further note that as workers are incentivized to leave, it becomes harder for unions to survive. The Resolution would find that union membership has plummeted in a number of states following the passage of RTW legislation.

The Resolution would state that according to the Wisconsin State Journal, union membership fell in that state by nearly 40 percent between 2010, before the passage of RTW legislation, and 2016. The Resolution would find that Michigan followed a similar pattern. The Resolution would also find that the Bureau of Labor Statistics (BLS) found that union membership dropped from 633,000 Michigan workers to 585,000 in 2014, a decline of 7.5 percent in the first full year under the new law.

The Resolution would state that statistics from BLS also indicate that, nationwide, union membership has fallen from 20.1 percent of wage and salary workers in 1983 to 10.7 percent in 2016. The Resolution would also state that According to the Economic Policy Institute (EPI), as unionization has declined, so has the share of income earned by the middle 60 percent of families. The Resolution would note that there is little evidence to suggest that RTW laws produce superior economic conditions or increase wages. The Resolution would further note that in 2016, RTW states had three of the five highest state unemployment rates.

The Resolution would state that additionally, according to the American Federation of State, County, and Municipal Employees (AFSCME), nine out of the bottom 10 states in terms of per-capita income do not have collective bargaining in the public sector. The Resolution would note that several academic studies, including one authored by Lawrence Mishel, a University of Wisconsin economist, have found that deunionization causes at least 20 percent of wage inequality and that unionization increases wages and benefits, by roughly 28 percent. The Resolution would further note that a 2015 EPI report found that wages in RTW states are 3.2 percent lower per year on average than wages in other states.

The Resolution would state that despite this negative impact on wages, proposed legislation in both the House of Representatives (H.R. 785) and the Senate (S.545) would establish RTW nationwide. The Resolution would also state that RTW hurts the workers it purports to help by compromising their ability to collectively bargain, and it has not improved macroeconomic conditions. The Resolution would further note that implementing it nationally would jeopardize the economic security of millions of Americans.

Therefore, the Council of the City of New York would resolve to urge Congress to vote against proposed “right to work” legislation.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 1444:)**

Res. No. 1444

**Resolution affirming the right to collectively bargain for workers in the City of New York.**

By Council Members Miller, Dromm, Kallos, Koslowitz, Chin and Treyger.

**Whereas**, Since the advent of the Industrial Revolution, organized labor has played a crucial role in the growth of America’s middle class; and

**Whereas**, For decades, collective bargaining, the process by which groups of employees negotiate with management to secure benefits such as health care, safety protections, and pensions, has undergirded the livelihood of millions of American families; and

**Whereas**, Organized labor has a proud tradition in New York City; and

**Whereas**, On September 5th, 1882, the first Labor Day Parade, which featured roughly 10,000 workers, took place in Manhattan; and

**Whereas**, The International Ladies’ Garment Worker Union (ILGWU), a major forerunner of UNITE HERE, was founded in New York City in 1900; and

**Whereas**, Samuel Gompers, the founder of the American Federation of Labor (AFL), started organizing on the Lower East Side; and

**Whereas**, Organized labor remains a major presence in New York City, which is home to 900,000 union members, or 25.5 percent of all city workers, an increase from 21.5 percent in 2012; and

**Whereas**, According to the City University of New York (CUNY) Graduate Center, a similar trend exists statewide, as New York State's private-sector union density increased from roughly 14 percent in 2012 to 15.1 percent in 2014 ; and

**Whereas**, Moreover, a January 2017 report from the Bureau of Labor Statistics (BLS) indicates that New York State's union membership rate of 23.6 percent is not only the nation's highest but also more than twice the national average of 10.7 percent; and

**Whereas**, Some elected officials have sought to undermine unions across the country in recent years; and

**Whereas**, Twenty-seven states have passed right-to-work (RTW) laws, which release workers from the obligation to pay the fees that fund union representation; and

**Whereas**, In these states, individuals who leave the union can now get a "free ride" by receiving the benefits of collective bargaining without paying for them; and

**Whereas**, Over the last several years, RTW laws have undermined union membership across the country, even in our nation's industrial heartland; and

**Whereas**, BLS has found that Wisconsin, which has a long union tradition, has seen union membership plummet since it passed RTW legislation in 2011; and

**Whereas**, BLS found that in 2015, 8.3 percent of Wisconsin workers were union members; and

**Whereas**, That is a sharp decrease from 2014, when 11.7 percent of the state's workforce belonged to unions; and

**Whereas**, The Center for American Progress (CAP) also found that the decline in union membership correlates with a declining share of total income for the middle 60 percent of households; and

**Whereas**, Although the three middle quintiles earned 53.2 percent of the nation's income in 1968, they received 45.7 percent of all income in 2012; and

**Whereas**, The political climate remains hostile for organized labor, as President Trump supports RTW laws, and Congress recently introduced legislation to implement them nationwide; and

**Whereas**, Amid this assault on union workers and their families, it is vital that New York City renews its commitment to collective bargaining as an indispensable part of the American social compact; now, therefore, be it

**Resolved**, That the Council of the City of New York affirms the right to collectively bargain for workers in the City of New York.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, May 22, 2017.  
*Other Council Members Attending: Council Member Lander.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 1445

**Report of the Committee on Civil Service and Labor in favor of approving a Resolution urging Congress to vote against proposed "right-to-work" legislation.**

The Committee on Civil Service and Labor, to which the annexed preconsidered resolution was referred on April 25, 2017 (Minutes, page 1155), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Civil Service and Labor for Res. No. 1444 printed above in this voice-vote Resolutions section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 1445:)**

Res. No. 1445

**Resolution urging Congress to vote against proposed “right-to-work” legislation.**

By Council Members Miller, Dromm, Kallos, Koslowitz, Chin and Treyger.

**Whereas**, Twenty-seven states currently have “right-to-work” (RTW) laws, including rust-belt states such as Indiana, Wisconsin, and Michigan; and

**Whereas**, No worker can be forced to become a dues-paying member of a union, but he or she can be compelled to pay “agency fees,” which partially cover the costs of collective bargaining; and

**Whereas**, RTW laws make agency fees optional, thereby creating a downward spiral for unions, which exist to secure higher wages and safe working conditions for their members; and

**Whereas**, Although federal law requires unions to bargain on behalf of all employees irrespective of membership, RTW laws allow individuals to avoid agency fees while they continue to receive the wage premiums and pension contributions for which unions have negotiated; and

**Whereas**, As workers are incentivized to leave, it becomes harder for unions to survive; and

**Whereas**, Union membership has plummeted in a number of states following the passage of RTW legislation; and

**Whereas**, According to the Wisconsin State Journal, union membership fell in that state by nearly 40 percent between 2010, before the passage of RTW legislation, and 2016; and

**Whereas**, Michigan followed a similar pattern; and

**Whereas**, The Bureau of Labor Statistics (BLS) found that union membership dropped from 633,000 Michigan workers to 585,000 in 2014, a decline of 7.5 percent in the first full year under the new law; and

**Whereas**, Statistics from BLS also indicate that, nationwide, union membership has fallen from 20.1 percent of wage and salary workers in 1983 to 10.7 percent in 2016; and

**Whereas**, According to the Economic Policy Institute (EPI), as unionization has declined, so has the share of income earned by the middle 60 percent of families; and

**Whereas**, There is little evidence to suggest that RTW laws produce superior economic conditions or increase wages; and

**Whereas**, In 2016, RTW states had three of the five highest state unemployment rates; and

**Whereas**, Additionally, according to the American Federation of State, County, and Municipal Employees (AFSCME), nine out of the bottom 10 states in terms of per-capita income do not have collective bargaining in the public sector; and

**Whereas**, Several academic studies, including one authored by Lawrence Mishel, a University of Wisconsin economist, have found that deunionization causes at least 20 percent of wage inequality and that unionization increases wages and benefits, by roughly 28 percent; and

**Whereas**, A 2015 EPI report found that wages in RTW states are 3.2 percent lower per year on average than wages in other states; and

**Whereas**, Despite this negative impact on wages, proposed legislation in both the House of Representatives (H.R. 785) and the Senate (S.545) would establish RTW nationwide; and

**Whereas**, RTW hurts the workers it purports to help by compromising their ability to collectively bargain, and it has not improved macroeconomic conditions; and

**Whereas**, Implementing it nationally would jeopardize the economic security of millions of Americans; now, therefore, be it

**Resolved,** That the Council of the City of New York urges Congress to vote against proposed “right to work” legislation

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, May 22, 2017.  
*Other Council Members Attending: Council Member Lander.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

**INTRODUCTION AND READING OF BILLS**

Preconsidered Int. No. 1613

By The Speaker (Council Member Mark-Viverito) and Council Members Barron, Borelli, Cabrera, Constantinides, Cumbo, Deutsch, Dromm, Eugene, Gentile, Gibson, Grodenchik, Levin, Matteo, Menchaca, Mendez, Palma, Perkins, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Jr., Torres, Treyger and Vacca.

**A Local Law in relation to the naming of 53 thoroughfares and public places, Susana Mushatt Jones Avenue, Borough of Brooklyn, Horace L. Morancie Way, Borough of Brooklyn, Annie Beveridge Way, Borough of Staten Island, Pvt. Buford Brown Way, Borough of the Bronx, Yadira Arroyo Way, Borough of the Bronx, Francis “Al” Chapman Way, Borough of the Bronx, Cosmos FM Way, Borough of Queens, Jimmy Lanza Way, Borough of Queens, Nicholas J. DeMasi Way, Borough of Queens, Police Officer Christie Masone Way, Borough of Brooklyn, Dr. Dolores Beckham Way, Borough of Queens, Lenore G. Briggs Way, Borough of Brooklyn, Barbara Simmons Way, Borough of Brooklyn, Rebbetzin Chaya Mushka Schneerson, Schneerson Square, Borough of Brooklyn, Patrolman David Guttenberg Way, Borough of Brooklyn, Our Lady of Angels Way, Borough of Brooklyn, Alberto Ingravallo Way, Borough of Brooklyn, Father John J. Murray Way, Borough of Queens, Emily Warren Roebling Way, Borough of Brooklyn, Leslie Lewis Way, Borough of Brooklyn, Christine Zounek Way, Borough of Brooklyn, Woody’s Way, Borough of Manhattan, Jesus ‘Tato’ Laviera Way, Borough of Manhattan, Jacques Marchais Way, Borough of Staten Island, Thomas Coppola II Way, Borough of Staten Island, U.S. Coast Guard Way, Borough of Staten Island, The Honorable Jerome X. “Jay” O’Donovan Way, Borough of Staten Island, Retired NYPD Captain Edward D. Reuss Way, Borough of Staten Island, Cinco de Mayo Place, Borough of Brooklyn, Moises Locon and Nicholas Figueroa Way, Borough of Manhattan, Mother Cabrini Way, Borough of Manhattan, Elzina L. Dunn Brown Way, Borough of the Bronx, Sgt. Paul J. Tuozzolo Way, Borough of the Bronx, Elombe Brath Way, Borough of Manhattan, Johnnie Mae Johnson Way, Borough of Manhattan, Luz Yolanda Coca Way, Borough of Brooklyn, Tillie Tarantino Way, Borough of Brooklyn, David D. Pagan Way, Borough of Brooklyn, Walter Kelly Jr. Way, Borough of Queens, Julius Freeman Way, Borough of Queens, Ted Buczek Way, Borough of Manhattan, Dr. Norbert Sander Way, Borough of Manhattan, Mirabal Sisters Way, Borough of Manhattan, Albert and Dorothy Rose Blumberg Way, Borough of Manhattan, Mrs. Ponsie B. Hillman Way, Borough of Manhattan, Ramon J. Jimenez Corner, Borough of the Bronx, Msgr. William Smith Way, Borough of the Bronx, Alfredo Thiebaud Way, Borough of the Bronx, Bill Finger Way, Borough of the Bronx, Julio Infante Way, Borough of the Bronx, Larry Savinkin Way, Borough of Brooklyn, LEP Joseph A. Morabito Way, Borough of the Bronx, Detective Steven McDonald Way, Borough of Manhattan and the repeal of sections 20 and 26 of local law number 45 for the year 2017.**

*Be it enacted by the Council as follows:*

Section 1. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Susana Mushatt Jones Avenue	None	At the intersection of Vandalia Avenue and Louisiana Avenue

§2. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Horace L. Morancie Way	Rockaway Parkway	Between Wilmohr Street and Church Avenue

§3. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Annie Beveridge Way	None	At the intersection of Osborne Street and Woods of Arden Road

§4. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Pvt. Buford Brown Way	None	At the intersection of East 179 <sup>th</sup> Street and Morris Avenue

§5. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Yadira Arroyo Way	None	At the intersection of Creston Avenue and East 188 <sup>th</sup> Street

§6. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Francis "Al" Chapman Way	None	At the intersection of University

		Avenue and West 197 <sup>th</sup> Street
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§7. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Cosmos FM Way	None	At the intersection of 29 <sup>th</sup> Street and 23 <sup>rd</sup> Avenue

§8. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Jimmy Lanza Way	None	At the intersection of 31 <sup>st</sup> Avenue and 54 <sup>th</sup> Street

§9. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Nicholas J. DeMasi Way	None	At the intersection of 77 <sup>th</sup> Street and 21 <sup>st</sup> Avenue

§10. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Police Officer Christie Masone Way	Washington Avenue	Between Myrtle Avenue and Willoughby Avenue

§11. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Dr. Dolores Beckham Way	80 <sup>th</sup> Street	Between 34 <sup>th</sup> Avenue and Northern Boulevard

§12. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Lenore G. Briggs Way	None	At the intersection of Rutland Road and Rogers Avenue

§13. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Barbara Simmons Way	None	At the intersection of Lefferts Avenue and Kingston Avenue

§14. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Rebbetzin Chaya Mushka Schneerson, Schneerson Square	Lefferts Avenue	Between Brooklyn Avenue and New York Avenue

§15. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Patrolman David Guttenberg Way	None	At the intersection of 86 <sup>th</sup> Street and 7 <sup>th</sup> Avenue



§16. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Our Lady of Angels Way	None	At the southwest corner of 4 <sup>th</sup> Avenue and 73 <sup>rd</sup> Street

§17. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Alberto Ingravallo Way	None	At the northeast corner of Bay Ridge Parkway and 18 <sup>th</sup> Avenue

§18. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Father John J. Murray Way	None	At the northeast corner of Union Turnpike and Bell Boulevard

§19. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Emily Warren Roebling Way	Columbia Heights	Between Pineapple Street and Orange Street

§20. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Leslie Lewis Way	Wyckoff Street	Between Bond Street and Nevins Street

§21. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Christine Zounek Way	Milton Street	Between Franklin Street and Manhattan Avenue

§22. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Woody's Way	None	At the southwest corner of 118 <sup>th</sup> Street and Park Avenue

§23. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Jesus 'Tato' Laviera Way	None	At the intersection of East 123 <sup>rd</sup> Street and Second Avenue

§24. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Jacques Marchais Way	None	At the intersection of Lighthouse Avenue and Windsor Avenue

§25. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Thomas Coppola II Way	None	At the intersection of Cotter

		Avenue and Royal Oak Road
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§26. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
U.S. Coast Guard Way	None	At the intersection of School Road and Bay Street

§27. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
The Honorable Jerome X. "Jay" O'Donovan Way	None	At the intersection of Rochelle Street and Dalemere Road

§28. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Retired NYPD Captain Edward D. Reuss Way	None	At the intersection of Jefferson Street and Seaview Avenue

§29. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Cinco de Mayo Place	5 <sup>th</sup> Avenue	Between 43 <sup>rd</sup> Street and 42 <sup>nd</sup> Street

§30. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Moises Locon and Nicholas Figueroa Way	None	At the northwest corner of East 7 <sup>th</sup> Street and Second Avenue

§31. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Mother Cabrini Way	East 19 <sup>th</sup> Street	Between Second Avenue and Third Avenue

§32. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Elzina L. Dunn Brown Way	None	At the intersection of Thieriot Avenue and Randall Avenue

§33. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Sgt. Paul J. Tuozzolo Way	Purdy Street	Between Metropolitan Avenue and St. Raymond's Avenue

§34. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Elombe Brath Way	None	At the southwest corner of Adam Clayton Powell Jr. Boulevard and 125 <sup>th</sup> Street

§35. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Johnnie Mae Johnson Way	None	At the northwest corner of 130 <sup>th</sup> Street and Lexington Avenue

§36. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Luz Yolanda Coca Way	None	At the intersection of Suydam Street and Wilson Avenue

§37. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Tillie Tarantino Way	None	At the intersection of Conselyea Street and Leonard Street

§38. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
David D. Pagan Way	None	At the intersection of South 4 <sup>th</sup> Street and Roebling Street

§39. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Walter Kelly Jr. Way	None	At the intersection of 132 <sup>nd</sup>

		Avenue and Farmers Boulevard
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§40. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Julius Freeman Way	None	At the intersection of 191 <sup>st</sup> Street and Nashville Boulevard

§41. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Ted Buczek Way	None	At the intersection of Fort George Avenue and Audubon Avenue

§42. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Dr. Norbert Sander Way	168 <sup>th</sup> Street	Between Broadway and Fort Washington Avenue

§43. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Mirabal Sisters Way	None	At the intersection of 168 <sup>th</sup> Street and Amsterdam

§44. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Albert and Dorothy Rose Blumberg Way	None	At the intersection of 168 <sup>th</sup> Street and St. Nicholas Avenue

§45. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Mrs. Ponsie B. Hillman Way	None	At the northwest corner of Col Avenue and West 71 <sup>st</sup> Street

§46. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Ramon J. Jimenez Corner	East 149 <sup>th</sup> Street	Between Walton Avenue and the Grand Concourse

§47. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Msgr. William Smith Way	Beck Street	Between Intervale Avenue and Tiffany Street

§48. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Alfredo Thiebaud Way	St. Ann's Avenue	Between 159 <sup>th</sup> Street and 161 <sup>st</sup> Street

§49. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Bill Finger Way	192 <sup>nd</sup> Street	Between Grand Concourse and Valentine Avenue

§50. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Julio Infante Way	East 181 <sup>st</sup> Street	Between Ryer and Valentine Avenue

§51. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Larry Savinkin Way	None	At the intersection of Brighton Beach Avenue and Coney Island Avenue

§52. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
LEP Joseph A. Morabito Way	Laconia Avenue	Between Stell Place and Waring Avenue

§53. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Detective Steven McDonald Way	None	At the 85 <sup>th</sup> Street Transverse, Central Park



§54. Sections 20 and 26 of local law number 45 for the year 2017 are hereby REPEALED.

§55. This local law shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Parks and Recreation).

Res. No. 1481

**Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that prohibits third parties from obtaining copies of homeowners' deeds.**

By Council Members Barron and Gentile.

**Whereas**, Recent years have seen a substantial rise of real property scams as a result of the 2008 foreclosure crisis, subsequent recession and the significant increase in New York City property values; and

**Whereas**, According to the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee), minority homeowners (particularly African-Americans and Latinos) are considerably more likely to be victims of scams, and to suffer greater financial losses per scam, than white homeowners; and

**Whereas**, The Lawyers Committee also reports that older New Yorkers are disproportionately affected by scams and experience greater losses than younger homeowners while being more likely to live on limited or fixed incomes; and

**Whereas**, One of the most prevalent scams has been real property deed fraud involving the fraudulent transfer of the ownership of a home to a third party; and

**Whereas**, Real property deed fraud typically occurs through either the forging of deeds or the fraudulent transfer of deeds; and

**Whereas**, State law currently establishes that deeds are public records that can be copied and distributed to any member of the public upon request and payment of the requisite fees; and

**Whereas**, In New York City, certified copies of deeds may be obtained through the Automated City Register Information System (ACRIS) or in person from the Borough City Register Offices in Manhattan, the Bronx, Queens and Brooklyn, and from the Office of the Richmond County Clerk on Staten Island; and

**Whereas**, According to a February 22, 2016 CBS New York report, "scam artists are accessing homeowners' deeds online and then putting these homes up for sale, entering into contracts with several unsuspecting buyers, and flipping it for a profit."; and

**Whereas**, Manhattan District Attorney Cyrus Vance told CBS New York that his office was investigating 100 similar cases where deeds were obtained online; and

**Whereas**, State law currently limits the issuance of copies of other valuable documents, such as birth certificates, to the person to whom the record directly relates or their legal representative, except in the case of court orders and governmental requests; and

**Whereas**, Similar limitations on the provision of copies of homeowner deeds to third-parties would reduce the ability for such parties to fraudulently modify or transfer the deeds; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, legislation that would prohibit third parties from obtaining copies of homeowners' deeds.

Referred to the Committee on Housing and Buildings.

Int. No. 1614

By Council Members Crowley, Johnson, Cabrera, Koo, Miller, Cornegy, Mealy and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties for violations occurring in dwellings operated as homeless shelters and requiring contracts with the owners of such dwellings**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (a) of section 27-2115 of the administrative code of the city of New York, as amended by local law 65 for the year 1987 is amended to read as follows:

(a) (1) *Subject to the provisions of paragraph two of this subdivision a [A] person who violates any law relating to housing standards shall be subject to a civil penalty of not less than ten dollars nor more than fifty dollars for each non-hazardous violation, not less than twenty-five dollars nor more than one hundred dollars and ten dollars per day for each hazardous violation, fifty dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than fifty dollars nor more than one hundred fifty dollars and, in addition, one hundred twenty-five dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person willfully making a false certification of correction of a violation shall be subject to a civil penalty of not less than fifty dollars nor more than two hundred fifty dollars for each violation falsely certified, in addition to the other penalties herein provided.*

(2) *A person who violates any law relating to housing standards in a dwelling being operated as a homeless shelter, as such term is defined in subdivision a of section 21-317 of the administrative code of the city of New York, shall be subject to a civil penalty of not less than thirty dollars nor more than one hundred and fifty dollars for each non-hazardous violation, not less than seventy-five dollars nor more than three hundred dollars for each hazardous violation and not less than one hundred and fifty dollars nor more than four hundred and fifty dollars for each immediately hazardous violation. Such penalties shall be in addition to any daily penalties that may be authorized pursuant to paragraph (1) of this subdivision.*

§ 2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-317 to read as follows:

§ 21-317 a. *Definitions. For the purposes of this section, the following terms have the following meanings:*

*Cluster site. The term “cluster site” means an individual unit that is being utilized as shelter for a homeless family within a private building.*

*Shelter. The term “shelter” means a building, or individual units within a building, being utilized by the department or a provider under contract or similar agreement with the department to provide temporary emergency housing.*

*Stand-alone shelter. The term “stand-alone shelter” means a building being utilized by the department or a provider under contract or similar agreement with the department to provide shelter to homeless individuals.*

*b. The city may not enter into or renew a contract to provide shelter at a cluster site or a stand-alone shelter unless the city enters into a lease agreement with the building owner of such cluster site or stand-alone shelter.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1615

By Council Members Cumbo, Cornegy, Rosenthal, Menchaca and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a subcontractor bill of rights**

*Be it enacted by the Council as follows:*

Section 1. Title 6 of the administrative code of the city of New York is amended to add a new section 6-142 to read as follows:

*§6-142 Subcontractor bill of rights. a. For purposes of this section, the following terms shall have the following meanings:*

*“Contracting agency” means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.*

*“Contractor” means a person or entity who is a party to a contract with a contracting agency valued in excess of \$100,000.*

*“Subcontractor” means a person or entity who is a party or a proposed party to a contract with a contractor valued in excess of \$100,000.*

*“Department” means the department of small business services.*

*b. The department, in consultation with the city chief procurement officer, shall develop and make available to all contracting agencies a subcontractor bill of rights. The bill of rights shall be in the form of a written document, using plain and simple language, which advises subcontractors of their rights as they relate to their relationship with contractors and the contracting agency. The bill of rights shall include, but not be limited to, information about the rights of subcontractors with respect to payment by the contractor, available city services to assist subcontractors, and contact information for the relevant city and state agencies where subcontractors may submit complaints or ask questions about the contract or city procurement generally. The department shall update the bill of rights as necessary and shall post it on its website.*

*c. Upon receiving notice by a contractor of a proposed subcontractor, a contracting agency shall provide such subcontractor with a copy of the bill of rights developed pursuant to subdivision b of this section.*

*d. The bill of rights shall serve as an informational document only and nothing in this section or in such document shall be construed as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.*

*e. Nothing in this section shall be construed to limit an agency's authority to cancel or terminate a contract, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity pre-qualification, or otherwise deny a contractor city business.*

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

Referred to the Committee on Economic Development.

Int. No. 1616

By Council Members Dromm, Constantinides and Gentile

**A Local Law in relation to establishing a temporary task force on post-incarceration reentry for older adults**

*Be it enacted by the Council as follows:*

Section 1. Temporary task force on post-incarceration reentry for elderly adults.

a. The mayor and council shall establish a temporary task force to address issues related to the post-incarceration reentry of elderly adults.

b. The task force shall consist of nine members as follows:

1. Three members shall be appointed by the mayor, provided that: (1) one member shall be an employee or of the department of correction or office of criminal justice with experience running discharge planning programs; and (2) one member shall be from the mayor’s office of management and budget with knowledge of financial issues regarding discharge planning programs;

2. Three members shall be appointed by the speaker of the council, provided that: (1) one member shall be an employee of a government agency or nonprofit organization with experience managing programs that address reentry for post-incarceration elderly adults; and (2) one member shall be an academic with expertise

in post-incarceration reentry for older adults; and

3. Three members shall appointed jointly by the speaker of the council and the mayor, provided that one member shall be a formerly incarcerated individual.

c. Membership on the task force shall not constitute the holding of a public office, and members of the task force shall not be required to take and file oaths of office before serving on the task force. Members of the task force shall serve without compensation.

d. The task force shall meet at least four times per year. At its first meeting, the task force shall select a chairperson from among its members by majority vote of the task force.

e. The task force may establish its own rules and procedures with respect to the conduct of its meetings and other affairs not inconsistent with law.

f. Each member shall serve for a term of 24 months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

g. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official.

h. The task force may request and shall receive all possible cooperation from any department, division, board, bureau, commission, borough president, agency or public authority of the city of New York, for assistance, information, and data as will enable the task force to properly carry out its functions.

i. The task force shall issue a report to the mayor and council no later than twelve months after the final member of the task force is appointed. Such report shall include the following information regarding the reentry of elderly adults from both state prisons and local jails:

1. An analysis of the root causes of incarceration for elderly adults, and proposals to reduce the rates of incarceration for elderly adults.

2. An analysis of re-entry services for elderly adults, including but not limited to: (i) the unique health needs of elderly adults, (ii) the costs and benefits of re-entry services elderly adults, including benefits associated with reducing recidivism, (iii) how the city can work with the state department of corrections and community supervision to ensure the proper provision of reentry services, including the possibility of shared resources, and (iv) identifying gaps in current reentry services;

3. Proposals for reforms of state laws, rules, or policies; and

4. Any other recommendations to assist the department in developing a compassionate post-incarceration elderly adult reentry policy.

j. The task force shall terminate upon the publication of its report.

§2. This local law takes effect immediately.

Referred to the Committee on Aging.

Int. No. 1617

By Council Members Dromm, Constantinides and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on incarcerated parents with children and children of incarcerated parents**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-148 to read as follows:

§ 9-148 *Incarcerated parent report a. For the purposes of this section, the following terms have the following meanings:*

*Borough jail facility.* The term “borough jail facility” means any department facility in which incarcerated individuals are housed by the department and is located outside Rikers Island.

*Child.* The term “child” means any person who is 21 years and younger.

*City jail.* The term “city jail” means any department facility in which incarcerated individuals are housed by the department.

*Parent.* The term “parent” means a biological parent, adoptive parent, legal guardian, or any individual who has been adjudicated to have custody or visitation of a child pursuant to the New York State Domestic Relations Law.

*Video visit.* The term “video visit” means any visit conducted via a live video conferencing system using an electronic device including, but not limited to, a desktop computer, laptop, or tablet, used for video visitation purposes with an incarcerated individual.

*Visitor.* The term “visitor” means any person who enters a city jail with the stated intention of visiting an incarcerated individual at any borough jail facility, city jail, or city jail on Rikers Island, or any person who is screened by the department for visitation purposes and any person who registers to visit an incarcerated individual on the department’s visitor tracking system.

b. The commissioner shall submit to the speaker of the council and post on the department’s website on a quarterly basis, beginning on or before January 1, 2018, a report containing information pertaining to the visitation of the incarcerated individual population in city jails for the prior quarter. Such quarterly report shall include, but not be limited to, the following information:

1. The total number of incarcerated parents, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, in any city jail, in total and disaggregated by the facilities located on Rikers Island and further disaggregated by each borough jail facility;

2. The total number of children who visited an incarcerated parent in any city jail, in total disaggregated by the facilities located on Rikers Island and further disaggregated by each borough jail facility;

3. The total number of children unable to complete a visit with an incarcerated parent in any city jail, in total and disaggregated by the facilities located on Rikers Island and further disaggregated by each borough jail facility;

4. The total number of children who completed a video visit with an incarcerated parent in any city jail, in total disaggregated by the facilities located on Rikers Island and further disaggregated by each borough jail facility;

5. The total number of children who were unable to complete a video visit with an incarcerated parent in any city jail and the reason such visit was not completed, in total disaggregated by the facilities located on Rikers Island and by each borough jail facility;

c. Such report shall be permanently accessible from the department’s website and shall be provided in a format that permits automated processing. Each report shall include a comparison of the current reporting period to the prior three reporting periods, where such information is available.

§2. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-911 to read as follows:

§ 21-911 Children of incarcerated parents program a. For the purposes of this section, the following terms have the following meanings:

*Borough jail facility.* The term “borough jail facility” means any department of correction facility in which incarcerated individuals are housed by the department of correction and is located outside Rikers Island.

*CHIPP.* The term “CHIPP” means the children of incarcerated parents program as administered by ACS.

*City jail.* The term “city jail” means any department of correction facility in which incarcerated individuals are housed by the department of correction.

*Correctional facility.* The term “correctional facility” means any facility in which incarcerated individuals are housed that is located outside the five boroughs of New York city.

*Parent.* The term “parent” means a biological parent, adoptive parent, legal guardian, or any individual who has been adjudicated to have custody or visitation of a child pursuant to the New York State Domestic Relations Law.

*Video visit. The term "video visit" means any visit conducted via a live video conferencing system using an electronic device including, but not limited to, a desktop computer, laptop, or tablet, used for video visitation purposes with an incarcerated individual.*

*b. The commissioner shall submit to the speaker of the council and post on ACS's website on a quarterly basis, beginning on or before January 1, 2018, a report containing information pertaining to CHIPP for the prior quarter. Such quarterly report shall include, but not be limited, to the following information:*

*1. The total number of children participating in CHIPP, disaggregated by ethnicity, age, and gender, including non-binary gender individuals;*

*2. The total number of children, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, who participate in each in-person visit;*

*3. The total number of children who were not able to have an in-person visit with an incarcerated parent, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, and the reason the children were unable to visit an incarcerated parent;*

*4. The total number of children, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, who participated in a video visit and the name of each borough jail facility, city jail, correctional facility, or detention facility that allows children to visit incarcerated parents via video visits;*

*5. The total number of children who were unable to have a video visit disaggregated by ethnicity, age, and gender, including non-binary gender individuals, and the reason such visit was not completed; and*

*6. The name of each borough jail facility, city jail, correctional facility, or detention facility that children are taken to have in-person visits with incarcerated parents.*

*c. Such report shall be permanently accessible from the department's website and shall be provided in a format that permits automated processing. Each report shall include a comparison of the current reporting period to the prior three reporting periods, where such information is available.*

§3. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Res. No. 1482

**Resolution calling on the New York State Department of Corrections and Community Supervision to enhance reentry services and programs for older incarcerated adults.**

By Council Member Dromm and Gentile.

**Whereas**, The New York State Department of Corrections and Community Supervision ("DOCCS") is responsible for improving public safety by providing a continuity of appropriate treatment services in safe and secure facilities where all inmates' needs are addressed and they are prepared for release to facilitate a successful completion of their sentence; and

**Whereas**, DOCCS houses a daily population of approximately 51,500 and oversees approximately 35,500 parolees, statewide; and

**Whereas**, Correctional reentry is the process by which incarcerated individuals return to the community with all necessary resources helping them to successfully reintegrate back into society as productive and law abiding citizens; and

**Whereas**, DOCCS offers several programs including their transitional services program to assist inmates throughout the stages of their incarceration to fully participate in programs designed to prepare them for a successful reentry to the community as law abiding and productive citizens; and

**Whereas**, According to The Associated Press-NORC Center for Public Affairs Research, incarceration has a significant and lasting impact on older Americans' work and retirement experiences; and

**Whereas**, Reentry services should aim to better equip older incarcerated adults with life skills, such as education in the advancement of technologies, that can help them better gain employment upon their release; and

**Whereas,** The State could greatly benefit economically from enhanced reentry services targeting the older adult population by seeing an increase in post-release employment from this population; and

**Whereas,** Enhancing reentry services and programs for older incarcerated adults would help reduce recidivism, which can have profound collateral consequences, including public health risks, homelessness, unemployment, and disenfranchisement; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York State Department of Corrections and Community Supervision to enhance reentry services and programs for older incarcerated adults.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 1483

**Resolution calling upon the United States Department of Homeland Security to terminate the use of privately-run immigration detention facilities, as well as to limit the use of detention to only those individuals who pose an imminent threat to national security.**

By Council Members Dromm and Constantinides.

**Whereas,** The United States Immigration and Customs Enforcement (ICE), a division of the United States of Department of Homeland Security (DHS), is charged with overseeing and providing for the care, custody and control of immigration detainees; and

**Whereas,** President Donald J. Trump’s Executive Order 13767, entitled, “Border Security and Immigration Enforcement Improvements,” issued on January 25, 2017, called for an expansion of immigrant detention facilities and authorized the use of private contractors to construct, operate or control facilities; and

**Whereas,** The United States already maintains the largest immigration detention infrastructure in the world, detaining approximately 380,000 to 442,000 persons per year; and

**Whereas,** The largest federal client of private prison companies is the DHS; and

**Whereas,** Increased use of immigration detention directly affects New York City immigrants and their families as, according to the 2010 United States Census, New York City is home to nearly three million immigrants, one of the largest immigrant populations in the nation; and

**Whereas,** Since 2009, congressional appropriations have conditioned DHS funding to the filling of a minimum number of immigration detention beds, commonly referred to as the “detention bed quota”; and

**Whereas,** This arbitrary quota set by Congress requires the detention of 34,000 at any given time, which costs taxpayers more than \$2 billion each year; and

**Whereas,** No other law enforcement agency in the United States is subject to a real or perceived quota for detainees; and

**Whereas,** The for-profit companies that currently run the majority of private prisons in the United States, including the Corrections Corporation of America (CCA) and the GEO Group, are also contracted to operate nine out of ten of the country’s largest immigration detention centers; and

**Whereas,** Courts have acknowledged that immigration detention is intended to be a non-punitive measure to ensure detainees attend immigration court hearings and comply with court orders; nevertheless, disciplinary measures and segregation practices to which immigration detainees are subjected often emulate those used in criminal facilities; and

**Whereas,** Despite being centers for administrative civil detention, there exist far too many parallels between immigration detention and the criminal prison system in structure, as well as the frequent reports of inhumane conditions and widespread guard and staff misconduct; and

**Whereas,** Immigrants’ rights groups nationwide report that private detention facilities often create significant obstacles for detainees seeking legal counsel and access to justice, despite the right to counsel in immigration proceedings and findings that detainees are significantly more likely to obtain immigration relief when represented by an attorney; and

**Whereas,** There are countless confirmed reports of instances where DHS and private contractors have deprived civil immigration detainees of their basic physical and legal rights; and

**Whereas,** As a result, there have been multiple lawsuits filed on behalf of detained or formerly detained immigrants for constitutional and human rights violations that occurred while in immigration detention facilities; and

**Whereas,** One such lawsuit filed by New York Lawyers for the Public Interest (NYLPI) on behalf of a group of formerly detained individuals challenged the failure to provide mental health discharge planning for individuals at the time of release from detention; and

**Whereas,** Through a series of interviews of current or former detainees with serious health conditions, NYLPI found that without discharge planning, individuals with mental illness often face an array of grave consequences when released from detention; and

**Whereas,** In Colorado, as many as 60,000 current and former immigration detainees may be eligible to join a class-action suit filed against one of the nation's largest private detention companies over forced, unpaid labor; and

**Whereas,** ICE has periodically updated its Performance-Based National Detention Standards, each time claiming the updates address medical and mental health services concerns, increase access to legal services and religious opportunities, improve communication with detainees with limited English proficiency, improve the process for reporting and responding to complaints, and increase recreation and visitation; and

**Whereas,** Despite these standards, facility compliance is inconsistent and loosely monitored and there remain countless reports of detainee rights violations; and

**Whereas,** There are few mechanisms to ensure facilities comply with ICE standards because they are not codified and, therefore, not legally enforceable; and

**Whereas,** Unlike government-run prisons and detention centers, privately-run institutions are not subject to the same reporting and transparency requirements, and thus operate outside the purview of public oversight and accountability; and

**Whereas,** Privately-run immigration detention centers have repeatedly proven themselves unfit or unwilling to meet proper and ethical standards of care; and

**Whereas,** Based on their investigations, the ACLU and Mother Jones concluded that privately-run prisons provide substandard services in comparison to federally-run prisons; and

**Whereas,** Prompted by these findings the United States Department of Justice (DOJ), while under President Obama's leadership, announced on August 18, 2016 that it would take affirmative steps to significantly reduce, and ultimately end, its use of private facilities to house detainees; and

**Whereas,** On February 21, 2017, after President Trump's inauguration, Attorney General Jeff Sessions rescinded this previous directive, signaling a major setback to restoring justice in the criminal justice detention system; and

**Whereas,** The GEO Group, a significant donor to President Trump's inaugural festivities, saw a sharp rise in the price of its stock offerings which had plummeted after the DOJ's August 2016 announcement; and

**Whereas,** Other for-profit detention corporations are likely to benefit greatly from the increased use of private detention facilities in both the criminal justice and immigration contexts; and

**Whereas,** Attaching a profit motive to detention undermines the cause of justice and fairness; and

**Whereas,** The DHS can no longer ignore the systemic violation of the human rights of immigrants in administrative, civil detention; therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Department of Homeland Security to terminate the use of privately-run immigration detention facilities, as well as to limit the use of detention to only those individuals who pose an imminent threat to national security.

Referred to the Committee on Immigration.

Int. No. 1618

By Council Members Gentile, Dromm, Lancman, Rosenthal and Torres.



**A Local Law to amend the New York city charter, in relation to requiring that the department of investigation conduct public outreach campaigns and issue annual reports on complaints received**

*Be it enacted by the Council as follows:*

Section 1. Chapter 34 of the New York city charter is amended by adding a new section 808 to read as follows:

§ 808. *Public outreach and reporting.* (a) *The department shall conduct annual outreach campaigns to educate the public on forms of government corruption, fraud, and waste, and provide information regarding how the public can submit complaints to the department. Such outreach campaigns shall include the use of print, radio, and public forums.* (b) *The department shall post a report on its website by March 1<sup>st</sup> of each year regarding public complaints received by the department for the preceding year. Such reports shall include the total number of resolved complaints disaggregated by month, agency involved, category of employee misconduct, and the mechanism through which the complaint was submitted.*

Section 2. This local law take effect in 120 days.

Referred to the Committee on Oversight and Investigations.

Int. No. 1619

By Council Members Johnson, Levin, Constantinides and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to runaway youth and homeless youth who have been turned away from any shelter under the jurisdiction of the department of youth and community development**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-404 to read as follows:

§ 21-404 *Homeless and runaway youth shelter exclusion count.* a. *For the purposes of this section, the following terms have the following meanings:*

*Runaway youth.* *The term “runaway youth” means a person under the age of 18 years who is absent from their legal residence without the consent or knowledge of their parent, legal guardian, or custodian; and*

*Homeless youth.* *The term “homeless youth” means a person under the age of 21 who is in need of services and is without a place of shelter where supervision and care are available.*

b. *Beginning July 1, 2018, and on the first day of each succeeding calendar quarter, the department shall submit to the speaker and post on its website a report detailing each incident in which a homeless youth has been turned away from a shelter. Such a report shall include but not be limited to, the following information for the previous calendar quarter:*

1. *The name of the shelter from which the youth was turned away;*
2. *The age of the youth turned away;*
3. *The sex or gender of the youth;*
4. *The youth’s status if ascertainable such as runaway, homeless, or both;*
5. *The number of beds available at such shelter;*
6. *The number of beds available at such shelter at the time the youth was turned away; and*
7. *The reason the youth was turned away.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Youth Services.

## Int. No. 1620

By Council Members Kallos and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting by the department of education on services provided in public schools related to dental, vision and sexual health and to substance abuse counseling**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 21-a of the administrative code of the city of New York is amended by adding a new section 21-968 to read as follows:

§ 21-968 *Annual report on health services provided.* a. *No later than November 1, 2017, and annually thereafter on November 1, the department shall submit to the council and post on its website a report on the following for each school in the city:*

1. *Whether the school provides dental services on site, a list of such services, the number of students who received such services during the preceding school year, what portion of the total student body that number constitutes, whether such school charges students for dental services and the amount of any such charge, and the number of students referred off site to receive a dental service;*

2. *Whether the school provides vision services on site, a list of such services, the number of students who received such services during the preceding school year, what portion of the total student body that number constitutes, whether such school charges students for vision services and the amount of any such charge, and the number of students referred off site to receive a vision service;*

3. *Whether the school provides vaccinations for the human papillomavirus on site, the number of students who received such vaccinations during the preceding school year, what portion of the total student body that number constitutes, whether such school charges students for such vaccinations and the amount of any such charge, and the number of students referred off site to receive such vaccinations;*

4. *Whether the school provides contraception to students and, if so, the types of contraception provided, the minimum number of students who were provided contraception directly during the preceding school year, what portion of the total student body that number constitutes, whether the school requires a prescription before providing contraception, whether such school charges students for contraception and the amount of any such charge, and the number of students referred off site to receive contraception; and*

5. *Whether the school provides substance abuse counseling to students and, if so, the nature of the counseling provided (for example, without limitation, individual counseling, group counseling or family counseling), the number of students who received such services during the preceding school year, what portion of the total student body that number constitutes, the types of substances for which students received substance abuse counseling, whether such school charges students for such counseling and the amount of any such charge, and the number of students referred off site to receive substance abuse counseling.*

b. *The department shall also include in such report:*

1. *The steps the department has taken to increase access to the services listed in subdivision a of this section for all students in the city district;*

2. *Information about any special initiatives the department has proposed or undertaken to increase student use of the services listed in subdivision a of this section, where offered;*

3. *A list of schools that have been designated to benefit from such special initiatives;*

4. *A comparison of outcomes for schools that provide services listed in subdivision a of this section with outcomes for schools that do not provide such services, both by individual school and by community school district; and*

5. *A year-to-year comparison of all data reported pursuant to this section.*

c. *No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law or the New York city health code relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If a category contains between zero and nine*

*students, or allows another category to be narrowed to be between zero and nine students, the number shall be replaced with a symbol.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1621

By Council Members Menchaca and Johnson.

**A Local Law to amend the administrative code of the city of New York, in relation to clarifying that gender reassignment surgery that will result in sterilization is not subject to a waiting period**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 1 of section 17-402 of the administrative code of the city of New York is amended to read as follows:

1. "Sterilization" shall mean any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing. *The term "sterilization" shall not include any procedure or operation for which the rendering of an individual incapable of reproducing is solely an incidental effect of such procedure or operation.*

§ 2. This local law takes effect 90 days after it becomes law; provided, however, that the department of health and mental hygiene shall promulgate rules or undertake such other actions as may be necessary for timely implementation of this local law, prior to its effective date.

Referred to the Committee on Health.

Res. No. 1484

**Resolution calling on the state and federal government to extend protections for undocumented youth by passing the New York State DREAM Act of 2017 at the state level, as well as the Bar Removal of Individuals who Dream and Grow our Economy (BRIDGE) Act of 2017 at the federal level.**

By Council Members Menchaca, The Speaker (Council Member Mark-Viverito), Dromm, Constantinides, Koo and Salamanca.

**Whereas**, The U.S. Department of Homeland Security estimates that there are 11.4 million undocumented immigrants residing in the U.S.; and

**Whereas**, Undocumented youth brought to the U.S. at a young age by their parents are often called "DREAMers;" and

**Whereas**, DREAMers are forced to live in the shadows of society because generally, they do not have a direct path to lawful immigration status and are therefore at risk of deportation; and

**Whereas**, The 1982 Supreme Court's landmark decision in Plyler v. Doe held that states cannot constitutionally deny students a free public education on account of their immigration status, or the immigration status of their parents or guardians; and

**Whereas**, Undocumented students represent one of the most vulnerable groups served by U.S. schools; and

**Whereas**, Each year, more than 65,000 undocumented students graduate from high school in the U.S.; and

**Whereas**, Just 54% of undocumented youth have earned a high school diploma, compared to 82% of their U.S. born-peers; and

**Whereas**, Undocumented students who wish to pursue higher education are typically ineligible for most forms of financial aid because of their immigration status, including student loans, work-study programs, and other grants; and

**Whereas**, According to the 2010 U.S. Census, New York State is home to 4.3 million immigrants, three million of whom live in New York City; and

**Whereas**, The Fiscal Policy Institute estimates that there are about 3,627 undocumented students that graduate from high school each year in New York State; and

**Whereas**, Out of the number of undocumented students who graduate from U.S. high schools every year, only 5-10% pursue a college degree, in large part, due to tremendous financial obstacles; and

**Whereas**, An estimated 146,000 undocumented students who have been educated in New York State public schools are currently ineligible to receive financial aid under federal and state law; and

**Whereas**, Despite these significant challenges, undocumented students who manage to attend and graduate from two and four-year educational institutions achieve high levels of academic and professional success; and

**Whereas**, As a testament to this success, in 2015, the New York State judiciary established a groundbreaking policy regarding professional licensing for undocumented immigrants by admitting New York's first undocumented lawyer to the bar; and

**Whereas**, Since 2002, undocumented students in New York State who graduate from a New York high school or receive the equivalent of a high school diploma qualify for in-state tuition at the State University of New York (SUNY) and the City University of New York (CUNY) schools; and

**Whereas**, According to the Fiscal Policy Institute, there are strong fiscal and economic benefits to the state when the labor force is better educated; and

**Whereas**, The median income of a New York State worker with a bachelor's degree is \$25,000 higher per year than for a worker possessing only a high school diploma; and

**Whereas**, In order to further support immigrant families and DREAMers, there are two pieces of legislation, one at the state and one at the federal level, that should be passed and signed into law without delay; and

**Whereas**, New York State Assembly Member Francisco Moya introduced the New York State DREAM Act during the New York Legislature's 2017-2018 Regular Session; and

**Whereas**, The New York State DREAM Act would increase access for eligible immigrant youth and the children of undocumented immigrants to various forms of financial assistance, including the Tuition Assistance Program, Higher Education Opportunity Program, Collegiate Science and Technology Entry Program, Educational Opportunity Program and other such programs available at community colleges, as well as establishes a fund that would provide financial assistance to eligible immigrants who wish to pursue higher education; and

**Whereas**, The New York State DREAM Act would eliminate barriers for immigrant families to save for higher education expenses by allowing them to open a New York State 529 family tuition account under the New York State College Tuition Savings Program and/or designate a beneficiary on an account, provided they have a taxpayer identification number; and

**Whereas**, At the federal level, the Bar Removal of Individuals who Dream and Grow our Economy (BRIDGE Act) was introduced by Senators Dick Durbin (D-Ill) and Lindsey Graham (R-S.C.) during the 115<sup>th</sup> Congress (2017-2018 Legislative session); and

**Whereas**, The BRIDGE Act would allow youth to apply for temporary deportation relief called "provisional protected presence" and employment authorization valid for three years with the potential for renewal; and

**Whereas**, Youth eligible for such relief would include those granted Deferred Action for Childhood Arrivals (DACA), as well as undocumented youth who meet DACA eligibility criteria, regardless of whether they ever applied for, or were granted, DACA status; and

**Whereas**, Approximately two million undocumented youth could be eligible for the original DACA program, and could therefore be eligible for temporary deportation relief under the BRIDGE Act; and

**Whereas**, DACA beneficiaries show positive economic and educational outcomes, and have made significant contributions to the U.S. economy, highlighting the benefits of supporting undocumented youth; and

**Whereas**, DREAMers who pose no threat to public safety should be free from the fear of deportation because the decision to enter the U.S. unlawfully was not their own; and

**Whereas**, DREAMers should have access to higher education given that the opportunity to attend college, pursue careers and further contribute to their communities is highly beneficial to the economy of New York State, and the country as a whole; and

**Whereas**, An investment in young immigrants' futures is in an investment in New York's future; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the state and federal government to extend protections for undocumented youth by passing the New York State DREAM Act of 2017 at the state level, as well as the Bar Removal of Individuals who Dream and Grow our Economy (BRIDGE) Act of 2017 at the federal level.

Referred to the Committee on Immigration.

Res. No. 1485

**Resolution calling upon Department of Homeland Security Secretary John Kelly to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.**

By Council Members Menchaca, The Speaker (Council Member Mark-Viverito), Dromm, Constantinides and Gentile.

**Whereas**, New York City is home to 3.3 million immigrants, making up approximately 40 percent of the City's total population; and

**Whereas**, For decades the New York Police Department (NYPD) has worked to gain the trust, respect and cooperation of all of the City's residents, including undocumented immigrants; and

**Whereas**, This hard-earned trust was established by implementing policies that clearly demonstrate that the NYPD serves and protects all New Yorkers equally; and

**Whereas**, Pursuant to Executive Orders 35 and 41 of 2003, law enforcement officers may not inquire about a person's immigration status unless investigating illegal activity other than status as an undocumented individual and may not inquire about the immigration status of crime victims, witnesses, or others who contact the police seeking assistance; and

**Whereas**, The NYPD has publicly reinforced their commitment to neighborhood policing and maintaining strong ties with immigrant communities throughout the City; and

**Whereas**, NYPD Commissioner James P. O'Neill has repeatedly stated that everyone who comes into contact with the NYPD should feel comfortable identifying themselves or seeking assistance without hesitation, anxiety or fear, regardless of their immigration status, as NYPD does not initiate police action with the sole objective of determining a person's immigration status; and

**Whereas**, There are multiple reports that ICE agents operating in New York City have represented themselves as "police officers" in the course of conducting immigration enforcement activities, such as home raids; and

**Whereas**, When ICE agents represent themselves as "police," it misleads individuals who believe they are interacting with the NYPD; and

**Whereas**, Decades of experience demonstrate that communities will be less safe if immigrants are driven underground, dissuaded from providing valuable information and cooperation because they fear contact with law enforcement; and

**Whereas**, Assistance and cooperation from immigrant communities is especially important when the victim or witness of a crime is an immigrant or has immigrant family members; and

**Whereas,** To protect public safety, ensure equal enforcement of the law and allow local law enforcement to properly do their jobs, witnesses and victims in immigrant communities must be encouraged to file reports and come forward with information; and

**Whereas,** The NYPD has confirmed that the department does not conduct civil immigration enforcement and does not enforce administrative warrants issued by ICE agents or federal immigration judges solely in connection with civil immigration violations; and

**Whereas,** The importance of such policies has been recognized for years and garnered bipartisan support on account of proven effectiveness in improving public safety; and

**Whereas,** The Major City Chiefs (MCC), a professional association of Chiefs and Sheriffs representing the largest cities in the United States and Canada, have publicly stated as far back as 2006 that a divide between the local police and immigrant communities results in increased crime against immigrants and their families, creates a class of silent victims and obstructs the potential for assistance from immigrants in solving crimes; and

**Whereas,** In 2007, John Feinblatt, the Criminal Justice Coordinator for the City of New York under Republican Mayor Michael Bloomberg, credited these policies as one of the main reasons New York City was the country's safest big city at that time; and

**Whereas,** Statistical research conducted by the Brennan Center for Justice demonstrates that New York City continues to be the safest big city in the country; and

**Whereas,** If the NYPD are perceived to be enforcing immigration laws, trust between law enforcement and the City's immigrant residents and their families will undoubtedly erode; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon Department of Homeland Security Secretary John Kelly to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.

Referred to the Committee on Immigration.

Int. No. 1622

By Council Members Miller and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting of workers' compensation data**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 12-127 of chapter 1 of title 12 of the administrative code of the city of New York is hereby amended to read as follows:

c. (1) Each agency shall keep a record of any workers' compensation claim filed by an employee, the subject of which concerns an injury sustained in the course of duty while such employee was employed at such agency. Such record shall include, but not be limited to, the following data:

(i) the name of the agency where such employee worked;

(ii) such employee's title;

(iii) the date such employee or the city filed such claim with the appropriate office of the state of New York, if any;

(iv) the date the city began to make payment for such claim, or the date such claim was established by the appropriate state office and the date the city began to make payment for such claim pursuant to such establishment, if any;

(v) the date such injury occurred;

(vi) the location at which such injury occurred;

(vii) the nature of such injury, including, but not limited to, the circumstances of such injury, the type or diagnosis of such injury and a description of how such injury occurred;

(viii) the length of time such employee is unable to work due to such injury, if any; [and]

(ix) *whether the employee was given modified assignments or was transferred because of such injury; and*

[(ix)](x) a list of any expenses paid as a result of such claim, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties.

(2) Each agency shall transmit records gathered pursuant to paragraph (1) of subdivision c of this section, as soon as practicable, to the [mayor] law department of the city of New York.

(3) The [mayor of the city of New York] *law department, in coordination with the office of management and budget,* shall ensure that [an annual] *quarterly reports are* [is] prepared utilizing the [records] *data* received from each city agency pursuant to paragraph (2) of subdivision c of this section. Such reports shall be transmitted to *the department of records and information services pursuant to section 1133 of the charter,* the mayor, the comptroller, the public advocate, and the speaker *and every member* of the council of the city of New York, by the first day of *February, May, August and November,* covering the previous [calendar year] quarter. *The report due in May shall include data and analysis regarding the previous quarter and the previous year.* Such reports shall include, but not be limited to:

(i) an analysis, with respect to each agency included in the report, of expenses paid as a result of workers' compensation claims, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties paid by an agency;

(ii) *the listing by agency of the number of workers' compensation claims;*

(iii) *an assessment of each agency's use of modified duty assignments and disability transfers;*

[(ii)](iv) a list of the occurrence of specific claims for each agency and for the city as a whole;

[(ii)](v) a list of the specific sites where injuries occurred for each agency and for the city as a whole; and

[(iv)](vi) *all reports shall include quarterly comparisons of data compiled pursuant to this paragraph, and the report due in May shall include year-to-year comparisons of [information] data compiled pursuant to this paragraph.*

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such city employee.

§ 2. This local law shall take effect 90 days after enactment.

Referred to the Committee on Civil Service and Labor.

Int. No. 1623

By Council Member Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the rates auctioneers may charge to sell real property pursuant to a court judgment**

*Be it enacted by the Council as follows:*

Section 1. Section 20-286 of the administrative code of the city of New York is amended to read as follows:

§ 20-286 Sale of real property; fees. a. It shall be unlawful for any auctioneer to demand or receive for his or her services, in selling, at public auction, any real estate directed to be sold by any judgment or decree of any court of this state, *including*[a greater fee than fifty dollars for each parcel separately sold, except that in all sales of real estate conducted by any auctioneer pursuant to a judgment or decree of any court of this state in] any action brought to foreclose a mortgage or other lien on real estate, *a fee greater than* [the fees of such auctioneers shall be as follows:]*2.5 percent on the amount of any sale.*

[1. in all cases where the judgment of foreclosure is for an amount not exceeding five thousand dollars, the fee shall be fifteen dollars;

2. in all cases where the judgment of foreclosure is for an amount in excess of five thousand dollars, but not exceeding twenty-five thousand dollars, the fee shall be twenty-five dollars;

3. in all cases where the judgment of foreclosure is for an amount in excess of twenty-five thousand dollars, the fee shall be fifty dollars.]

[b. Where such sale is made at any public salesroom, such auctioneer may demand and receive such further amount not exceeding ten dollars for each parcel separately sold as he or she may have actually paid for the privilege or right of making the sale in such salesroom.]

[c]b. Where one or more lots are so sold at public auction with the option to the purchaser of taking one or more additional lots at the same rates or price, nothing herein contained shall be construed to prevent the auctioneer making such sale from demanding and receiving for his or her services the compensation or fee above allowed, for each additional lot taken by such purchaser under such option.

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

Referred to the Committee on Consumer Affairs.

Int. No. 1624

By Council Members Rosenthal, Levine, Constantinides, Dromm and Gentile.

**A Local Law to amend the administrative code of the city of New York and the New York city charter, in relation to mitigating the impact of construction on schools**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 4 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-221.1 to read as follows:

*§ 24-221.1 Noise mitigation plans for construction near schools. Any person required to adopt a noise mitigation plan for a construction site within seventy-five feet of a school or schools pursuant to section 24-220 shall send such plan to such schools prior to commencement of construction at such site or, in the case of emergency work, as soon as practicable, but in no event later than three days after the commencement of construction at such site. In the event that such noise mitigation plan is amended or that an alternative noise mitigation plan is submitted and approved by the commissioner pursuant to section 24-221, such amended noise mitigation plan or alternative noise mitigation plan shall be sent to such school within three days of such amendment or approval.*

§ 2. Chapter 57 of the New York city charter is amended by adding a new section 1405 to read as follows:

*§ 1405 Construction noise near schools. a. The commissioner shall appoint a staff member dedicated to receiving and responding to comments, questions and complaints with respect to the impact of construction noise on schools. The duties of such staff member shall include, but not be limited to, the following:*

*1. if requested by a school, reviewing noise mitigation plans or approved alternative noise mitigation plans sent to schools pursuant to section 24-221.1 of the administrative code with the relevant employees of such school to ensure that such employees are aware of the protections in place to mitigate the impact of construction noise on such school; and*

*2. establishing a system to receive and respond to comments, questions and complaints with respect to the impact of construction noise on schools, including but not limited to, establishing and publicizing the availability of a telephone number to receive such comments, questions and complaints.*

*b. Posting of information. The department shall post on its website the phone number of the individual dedicated to mitigating the impact of construction noise on schools and a statement indicating that any person may contact such individual if such person has a comment, question or complaint regarding the impact of construction noise on schools.*



§ 3. This local law takes effect 120 days after enactment, except that the commissioner of environmental protection may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Res. No. 1486

**Resolution calling on the State Legislature to pass and for the Governor to sign A.5033/S.3579, in relation to reforming the State's bail system.**

By Council Members Rosenthal and Constantinides.

**Whereas**, The United States Department of Justice stated in 2016 that the United States Constitution prohibits “bail or bond practices that cause indigent defendants to remain incarcerated solely because they cannot afford to pay for their release;” and

**Whereas**, The American Bar Association has promulgated national standards for pretrial detention that eliminate the use of commercial bail bonds, create a presumption of release on personal recognizance, encourage the use of “non-financial conditions of release,” and permit “release on financial conditions only when no other conditions will ensure appearance;” and

**Whereas**, The National Association of Pretrial Service Agencies has also called for the abolition of commercial bail bonds, a presumption of release on personal recognizance, and the use of financial conditions “only when no other conditions will reasonably assure the defendant’s appearance;” and

**Whereas**, Both the New York City Criminal Justice Agency and the New York City Bar Association have called for the abolition of commercial bail bonds; and

**Whereas**, Extensive studies of the use of bail have found little to no meaningful distinction in return rates between those released with bail and those released on personal recognizance, and no meaningful distinction in return rates between varying amounts of bail; and

**Whereas**, Jurisdictions such as Washington D.C., etc. have successfully abolished the use of any form of monetary bail; and

**Whereas**, New York City has instituted a program that replaces monetary bail with a supervised release program based on a scientifically validated risk assessment tool, which has diverted thousands of criminal defendants from pretrial detention while simultaneously demonstrating a higher rate of return to court than those released without this form of release, and without any meaningful impact on public safety; and

**Whereas**, However, New York state’s bail statutes continue to permit the use of commercial bail bondsmen and the use of cash bail, and contain no presumption of release on personal recognizance; and

**Whereas**, Furthermore, the judiciary in New York City continues to rely almost exclusively on commercial bail bonds and cash bail; and

**Whereas**, Based on these laws and practices, New York’s current bail system unjustly and unconstitutionally incarcerates criminal defendants, who are entitled to a presumption of innocence, solely because they are too poor to afford monetary bail; and

**Whereas**, To address these fundamental statutory issues, A.5033/S.3579 proposes to abolish the use of monetary bail, and instead utilize a robust system of pretrial services to replace cash bail and commercial bail bonds; and

**Whereas**, Consistently with the recommendations of the American Bar Association and the National Association of Pretrial Service Agencies, A.5033/S.3579 would also create a presumption of release on recognize; and

**Whereas**, For those cases in which no method of release would be sufficient to ensure a defendant’s appearance in court, A.5033/S.3579 would permit judges to remand defendants; and

**Whereas**, A.5033/S.3579 would bring New York State’s bail statutes in line with constitutional standards and national best practices; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the State Legislature to pass and the Governor to sign A.5033/S.3579, in relation to reforming the State's bail system.

Referred to the Committee on Civil Service and Labor.

Int. No. 1625

By Council Members Torres and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring an office or agency designated by the mayor to provide outreach and education to public housing tenants regarding smoking cessation**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-152 to subchapter 5 to read as follows:

*§ 3-152 Outreach and education regarding smoking cessation. a. By September 1, 2017, an office or agency designated by the mayor, in consultation with all other relevant agencies, shall establish and implement an outreach and education program to promote smoking cessation for public housing residents. Such outreach and education program shall at a minimum include: (i) creating educational materials concerning the health effects of smoking and ceasing smoking, which shall be made available to the public in writing and online in English and the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning; and (ii) conducting targeted outreach to public housing residents, including holding events in or near public housing developments. Such program may thereafter be modified from time to time as needed.*

*b. In establishing and implementing such program, such designated office or agency shall seek the cooperation of the New York city housing authority.*

*c. Report. By September 1, 2018, and by September 1 in each year thereafter, such designated office or agency shall submit to the mayor and the speaker of the council, and make publicly available online, a report on implementation and efficacy of the program required by subdivision a of this section.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Public Housing.

Int. No. 1626

By Council Members Treyger, Maisel, Kallos, Lancman, Levine, Palma, Salamanca, Constantinides, Rodriguez, Koo and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to internet purchase exchange locations**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended to add a new section 10-173, to read as follows:

*§ 10-173 Internet purchase exchange locations. Each precinct station house shall designate a publicly accessible internet purchase exchange location within or upon the grounds of such station house, or in a publicly accessible area within that precinct, where goods may be exchanged and transactions may be conducted safely between private individuals. Such locations shall be monitored by human or video*

*surveillance and indicated by signage containing the hours of operation, provided that such hours may be limited at the discretion of the department. The location and hours of operation for each internet purchase exchange location shall be posted on that precinct’s website.*

§ 2. This local law takes 120 days after becoming law.

Referred to the Committee on Public Safety.

Preconsidered Int. No. 1627

By Council Member Ulrich.

**A Local Law in relation to the naming of Joel A. Miele, Sr. Pedestrian Bridge.**

*Be it enacted by the Council as follows:*

Section 1. The following bridge name, in the Borough of Queens, is hereby designated as hereafter indicated. Such name change shall be reflected on the city map if such bridge is located and laid out on such map.

New Name	Present Name
Joel A. Miele, Sr. Pedestrian Bridge	163 <sup>rd</sup> Avenue Pedestrian Bridge

§2. This local law shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Parks and Recreation).

Int. No. 1628

By Council Members Vacca and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to the regulation of quality improvement courses offered to for-hire vehicle drivers, licensees, or owners**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section § 19-503.2 to read as follows:

*§ 19-503.2 Regulation of for-hire vehicle quality improvement courses. a. For the purposes of this section, the term “quality improvement course” means an instructional course that is offered remotely via printed materials, electronic means or classroom attendance; that is provided to current or prospective drivers, licensees or owners of for-hire vehicles; and that covers any of the following topics related specifically to the operation of a for-hire vehicle: customer service, driving instruction or navigation of city streets and highways.*

*b. Notwithstanding any contrary provision of law, no person shall offer a quality improvement course in the city without first obtaining authorization from the commission.*

*c. The commission shall promulgate rules and regulations, including mechanisms of enforcement, as are necessary to set standards of operation for quality improvement courses, including, but not limited to, content of course curricula, method of delivery and evaluation of course content and course fees.*

§ 2. This local law takes effect 180 days after becoming law, provided that the New York City taxi and limousine commission shall take all necessary action for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Transportation.

Preconsidered L.U. No. 640

By Council Member Ferreras-Copeland:

**MHANY Pleasant East, Block 1710, Lots 31 and 36 and Block 1783, Lots 31 and 34; Manhattan, Community District No. 11, Council District No. 8.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 641

By Council Member Ferreras-Copeland:

**Fulton Park, Block 1702, Lot 1 and Block 1708, Lot 1; Brooklyn, Community District No. 3, Council District No. 36.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 642

By Council Member Ferreras-Copeland:

**Clinton Arms, Block 3097, Lot 16; Bronx, Community District No. 6, Council District No. 15.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 643

By Council Member Greenfield:

**Application No. C 150235 ZMK submitted by 251 Front Street Realty Inc. pursuant to Section 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 12d, changing an existing R6B District to an R6A District on property located on Gold Street between Water Street and Front Street, Borough of Brooklyn, Community Board 2, Council District 33.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 644

By Council Member Greenfield:

**Application No. N 150234 ZRK submitted by 251 Front Street Realty Inc. pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community Board 2, Council District 33.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 645

By Council Member Greenfield:

**Application No. 20175428 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2624, Lot 41, Borough of the Bronx, Community Board 1, Council District 17.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 646

By Council Member Greenfield:

**Application No. 20175418 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2426, Lot 62, Block 2371, Lots 1, 6, and 29, Borough of the Bronx, Community Board 3 and 4, Council District 16.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

## L.U. No. 647

By Council Member Greenfield:

**Application No. 20175286 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Pret A Manger USA for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1 Astor Place, Borough of Manhattan, Community Board 2, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 648

By Council Member Greenfield:

**Application No. 20175360 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of El Sayed 1 Corp, d/b/a Horus Kabob House for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 93 Avenue B, Borough of Manhattan, Community Board 3, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 649

By Council Member Greenfield:

**Application No. C 170150 ZMX submitted by Azimuth Development Group LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section nos. 3d and 4b, changing an existing R5/C1-2 District to an R7A/C1-4 District on property on Watson Avenue between Commonwealth Avenue and Rosedale Avenue, Borough of the Bronx, Community District 9, Council District 18.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 650

By Council Member Greenfield:

**Application No. C 170151 ZRX submitted by Azimuth Development Group LLC pursuant to Sections 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of the Bronx, Community District 9, Council District 18.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 651

By Council Member Greenfield:

**Application No. C 170070 ZMK submitted by Bedford Arms, LLC pursuant to Section 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 17a, changing an existing R6A District to an R7D District on property located on Bedford Avenue between Pacific Street and Dean Street, Borough of Brooklyn, Community Board 8, Council District 35.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 652

By Council Member Greenfield:

**Application No. N 170071 ZRK submitted by Bedford Arms, LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community Board 8, Council District 35.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 653

By Council Member Greenfield:

**Application No. N 160244 ZRM submitted by JBAM TRG Spring LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Appendix A of Article X, Chapter 9 (Special Little Italy District), to adjust the boundary of the Mulberry Street Regional Spine area, Borough of Manhattan, Community Board 2, Council District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 654

By Council Member Greenfield:

**Application No. C 150402 ZMR submitted by Pier 21 Development, LLC pursuant to Section 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 21d, changing an existing M2-1 District to an R6/C2-2 District on property located on Edgewater Street at Lynhurst Avenue, Borough of Staten Island, Community Board 1, Council District 49.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 655

By Council Member Greenfield:

**Application No. N 150401 ZRR submitted by Pier 21 Development, LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying provisions of Article XI, Chapter 6 (Special Stapleton Waterfront District), Appendix A, and Appendix F, Borough of Staten Island, Community Board 1, Council District 49.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 656

By Council Member Greenfield:

**Application No. 20175421 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 3158, Lots 41 and 43; and Block 3221, Lot 15, Borough of the Bronx, Community Board 5, Council Districts 14 and 15.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 657

By Council Member Greenfield:

**Application No. 20175429 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2948, Lot 20, Borough of the Bronx, Community Board 6, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 658

By Council Member Greenfield:

**Application No. 20175430 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2623, Lots 54 and 56, Block 3737, Lots 32 and 33, Borough of the Bronx, Community Boards 1 and 9, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 659

By Council Member Greenfield:

**Application No. 20175431 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2456, Lots 23 and 55; Block 2783, Lot 42; Block 2785, Lot 24; Block 2786, Lot 30; Block 2830, Lot 13; Block 2831, Lot 24; and Block 2932, Lot 15; Borough of the Bronx, Community Boards 3 and 4, Council District 16.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.



L.U. No. 660

By Council Member Greenfield:

**Application No. 20175432 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2581, Lots 26 and 28; and Block 2623, Lot 180, Borough of the Bronx, Community Board 1, Council District 8.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 661

By Council Member Greenfield:

**Application No. 20175433 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 3738, Lot 33; and Block 3772, Lot 10, Borough of the Bronx, Community Board 9, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 662

By Council Member Greenfield:

**Application No. 20175434 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2478, Lot 12; Block 3218, Lot 9; Block 3219, Lot 212; Block 3866, Lots 27 and 29; Borough of the Bronx, Community Boards 4, 7, and 9, Council Districts 14, 16 and 18.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 663

By Council Member Greenfield:

**Application No. 20175435 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2888, Lot 28; and Block 3152, Lot 18, Borough of the Bronx, Community Boards 4 and 5, Council Districts 15 and 16.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 664

By Council Member Greenfield:

**Application No. 20175436 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2844, Lot 33, Borough of the Bronx, Community Board 4, Council District 14.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 665

By Council Member Greenfield:

**Application No. 20175437 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 3739, Lot 67; and Block 3772, Lot 12, Borough of the Bronx, Community Board 9, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 666

By Council Member Greenfield:

**Application No. 20175438 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 2582, Lot 34; Block 2786, Lot 2; Block 3742, Lot 70; and Block 3920, Lots 24 and 29; Borough of the Bronx, Community Boards 1, 4, and 9, Council Districts 8, 16, and 18.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 667

By Council Member Greenfield:

**Application No. 20175422 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at 2850, Lot 16, Borough of the Bronx, Community District 5, Council District 14.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 668

By Council Member Greenfield:

**Application No. 20175423 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 764, Lot 36, Block 792, Lot 56, Block 799, Lot 25, Block 809, Lots 2, 3, 4, 5, 6, and 7, Block 816, Lots 36 and 37, Block 817, Lots 1 and 5, Block 821, Lot 12, Block 830, Lots 33 and 35, Block 832, Lot 51, and Block 839, Lot 6, Borough of Brooklyn, Community Board 7, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 669

By Council Member Greenfield:

**Application No. 20175439 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 723, Lot 67, Block 774, Lot 59, Block 775, Lots 65 and 80, Block 783, Lot 21, Block 784, Lots 38, 39, 45, and 47, and Block 814, Lot 20, Borough of Brooklyn, Community Board 7, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 670

By Council Member Greenfield:

**Application No. 20175424 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 816, Lot 42, Borough of Brooklyn, Community Board 7, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 671

By Council Member Greenfield:

**Application No. 20175425 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 792, Lot 24, Block 821, Lots 71 and 72, Borough of Brooklyn, Community Board 7, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 672

By Council Member Greenfield:

**Application No. 20175426 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law for the approval of an urban development action area project and real property tax exemption for properties located at Block 1954, Lot 55, Block 1907, Lot 8, Block 1913, part of Lot 40, and Block 1916, Lot 25, Borough of Manhattan, Community Boards 9 and 10, Council Districts 9.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 673

By Council Member Greenfield:

**Application No. 20175427 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law for the approval of an urban development action area project and real property tax exemption for properties located at Block 1635, Lot 1, 7, and 16, Borough of Manhattan, Community Board 11, Council Districts 8.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

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

**A N O U N C E M E N T S**

**Thursday, May 25, 2017**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:00	Office of Management & Budget	Finance
12:00 – 12:30	Comptroller	Finance
12:30 – 1:00	Independent Budget Office	Finance
1:00	Public	

**Tuesday, May 30, 2017**

[Subcommittee on Zoning & Franchises](#)..... 9:30 a.m.

**[See Land Use Calendar](#)**

Council Chambers – City Hall

Donovan Richards, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... 11:00 a.m.

**[See Land Use Calendar](#)**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Peter Koo, Chairperson

[Subcommittee on Zoning & Franchises](#) jointly with the  
[Committee on Technology](#)..... 11:00 a.m.

**Oversight** – Spectrum Franchise Agreement

Council Chambers – City Hall

Donovan Richards, Chairperson  
James Vacca, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#)..... 1:00 p.m.

**[See Land Use Calendar](#)**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Rafael Salamanca, Chairperson

**★ *Deferred***

~~[Committee on Recovery and Resiliency](#) ..... 1:00 p.m.~~

~~**Oversight** – Preserving Affordability in NYC’s Flood Zone.~~

~~Committee Room – 250 Broadway, 16<sup>th</sup> Floor~~

~~Mark Treyger, Chairperson~~

**Monday, June 5, 2017**

[Committee on Transportation](#) .....10:00 a.m.  
**Oversight** - How Can New York City More Effectively Address Traffic Congestion?  
Council Chambers – City Hall Ydanis Rodriguez, Chairperson

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

[Committee on Mental Health, Developmental Disability,  
Alcoholism, Substance Abuse and Disability Services](#) .....1:00 p.m.  
**Int 1236** - By Council Members Borelli, Johnson, Williams, Espinal, Ulrich, Koo, Treyger, Barron, Rose, Maisel, Cohen, Palma, Gentile, Salamanca, Cabrera, Deutsch, Vacca, Koslowitz, Grodenchik, Van Bramer, Chin, Wills, Torres, Garodnick, Kallos, Vallone, Levine, Greenfield, Cumbo, Richards, Gibson and Matteo - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring autism spectrum disorder reporting.  
**Int 1424** - By Council Members Cohen, Borelli, Crowley, Salamanca, Gentile, Cornegy, Chin and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring autism spectrum disorder reporting from the department of education.  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor Andrew Cohen, Chairperson

**Tuesday, June 6, 2017**

[Committee on Aging](#) .....10:00 a.m.  
**Oversight** - How Can Naturally Occurring Retirement Communities Improve and Expand Services?  
Council Chambers – City Hall Margaret Chin, Chairperson

★ **Addition**  
[Committee on Recovery and Resiliency](#) .....1:00 p.m.  
**Oversight** - Preserving Affordability in NYC’s Flood Zone.  
Committee Room – City Hall Mark Treyger, Chairperson

**Thursday, June 8, 2017**

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

During the Meeting, the Speaker (Council Member Mark-Viverito) recognized the presence of the President of 32BJ union, Hector Figueroa, in the Council Chambers. Also recognized were various union members and workers who were with President Figueroa. Their presence in the Council Chambers was in recognition of the Fair Work Week legislative package that was passed by the Council at this Stated Meeting. The Speaker (Mark-Viverito) noted that this legislation seeks to regulate ongoing issues with employment practices in the fast food and retail industries.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) recessed this Meeting subject to call.

